ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE
FIRST REGULAR SESSION
60th Legislative Day
Friday, June 12, 2015

Representative McCABE of Skowhegan assumed the Chair.

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

Prayer by Honorable William R. Tuell, East Machias.

National Anthem by Hartford-Sumner Elementary School Band.

Pledge of Allegiance.

Doctor of the day, Merideth Norris, D.O., Kennebunk.

The Journal of yesterday was read and approved.

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

COMMUNICATIONS

The Following Communication: (H.C. 217)

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

June 12, 2015
Honorable Robert B. Hunt
Clerk of the House
2 State House Station
Augusta, Maine 04333
Dear Clerk Hunt:
Pursuant to my authority under House Rule 201.1 (H), I appoint Representative Jeff M. McCabe of Skowhegan to serve as Speaker Pro Tem to convene the House on June 12, 2015.
Sincerely,
S/Mark W. Eves
Speaker of the House

READ and **ORDERED PLACED ON FILE**.

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act To Improve the Maine Administrative Procedure Act"

(H.P. 922) (L.D. 1354)

Majority (7) **OUGHT NOT TO PASS** Report of the Committee on **STATE AND LOCAL GOVERNMENT READ** and **ACCEPTED** in the House on June 5, 2015.

Came from the Senate with the Minority (6) **OUGHT TO PASS AS AMENDED** Report of the Committee on **STATE AND LOCAL GOVERNMENT READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-301)** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

Non-Concurrent Matter

Resolve, To Study Understaffing in State Agencies

(H.P. 763) (L.D. 1103)

Majority (7) **OUGHT TO PASS AS AMENDED** Report of the Committee on **STATE AND LOCAL GOVERNMENT READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-380)** in the House on June 10, 2015.

Came from the Senate with the Minority (6) **OUGHT NOT TO PASS** Report of the Committee on **STATE AND LOCAL GOVERNMENT READ** and **ACCEPTED** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

Non-Concurrent Matter

Bill "An Act To Expand the Local Foods Economy"

(S.P. 459) (L.D. 1284)

Minority (6) **OUGHT TO PASS AS AMENDED** Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-239)** in the House on June 11, 2015.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Majority (7) **OUGHT NOT TO PASS** Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** was **READ** and **ACCEPTED** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

Non-Concurrent Matter

Bill "An Act To Secure the Maine Electrical Grid from Long-term Blackouts"

(S.P. 496) (L.D. 1363)

Report "B" (5) **OUGHT TO PASS AS AMENDED** of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-215)** in the House on June 11, 2015.

Came from the Senate with that Body having **INSISTED** on its former action whereby Report "A" (7) **OUGHT NOT TO PASS** of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** was **READ** and **ACCEPTED** in **NON-CONCURRENCE**.

The House voted to **INSIST** and **ASK** for a **COMMITTEE OF CONFERENCE**. Sent for concurrence.

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

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

ORDERS

On motion of Representative LONGSTAFF of Waterville, the following House Order: (H.O. 27)

ORDERED, that Representative Henry E. M. Beck of Waterville be excused June 8 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Kathleen R. J. Dillingham of Oxford be excused June 8 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Mark N. Dion of Portland be excused June 2 and 5 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Aaron M. Frey of Bangor be excused June 4 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Stacey K. Guerin of Glenburn be excused June 1 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Jonathan L. Kinney of Limington be excused June 5 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative MaryAnne Kinney of Knox be excused June 9 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Lawrence E. Lockman of Amherst be excused June 5 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Teresa S. Pierce of Falmouth be excused May 29 and June 5 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Peter C. Stuckey of Portland be excused June 9 for legislative business.

READ and **PASSED**.

REPORTS OF COMMITTEE
Divided Reports

Majority Report of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought Not to Pass** on Bill "An Act To Focus Energy Laws on Energy Cost"

(S.P. 521) (L.D. 1400)

Signed:
Senator:
HILL of York

Representatives:
DION of Portland
BABBIDGE of Kennebunk
BEAVERS of South Berwick
DeCHANT of Bath
GROHMAN of Biddeford
RYKERSON of Kittery

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-217)** on same Bill.

Signed:
Senators:
WOODSOME of York
MASON of Androscoggin

Representatives:
DUNPHY of Embden
HIGGINS of Dover-Foxcroft
O'CONNOR of Berwick
WADSWORTH of Hiram

Came from the Senate with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-217)**.

READ.

Representative GIDEON of Freeport moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

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

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

Representative **WADSWORTH**: Thank you, Mr. Speaker. Mr. Speaker, Women and Men of the House, I rise today to report that Maine's Renewable Portfolio Standard is broken. Maine's renewable energy credits are worth 1/10th of surrounding New England states and this is due to the fact that we are blessed to have such abundance of biomass. Mr. Speaker, we heard testimony that Maine biomass generators are selling their REC's into the Connecticut market, not the Maine market. The RPS is broken and if you follow my light, you will save the ratepayers of Maine $14 million per year. Thank you, Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Biddeford, Representative Grohman.

Representative **GROHMAN**: Thank you, Mr. Speaker, Women and Men of the House, the good Representative from Hiram, Representative Wadsworth, is correct. There are issues here to be worked on. However, I think it's the general feeling of the committee that this bill and approach needs and deserves further work.

There's also another element in the bill to enable the PUC to enter into long-term energy contracts, which is a very interesting concept, which we would like to develop and work on. I think there's a lot of commitment on behalf of our excellent committee to work on this issue in the second session. I won't be supporting this legislation, but I very strongly support the concepts and look forward to working on them. Thank you.

The SPEAKER PRO TEM: 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. 223

YEA - Alley, Babbidge, Bates, Beavers, Beck, Beebe-Center, Blume, Brooks, Bryant, Burstein, Campbell J, Chapman, Chenette, Chipman, Cooper, Daughtry, Davitt, DeChant, Doore, Duchesne, Dunphy M, Evangelos, Farnsworth, Fecteau, Fowle, Frey, Gattine, Gideon, Gilbert, Golden, Goode, Grant, Grohman, Hamann, Harlow, Herbig, Hickman, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kruger, Kumiega, Lajoie, Longstaff, Luchini, Martin J, Martin R, Mastraccio, McCabe, McCreight, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Peterson, Pierce T, Powers, Rotundo, Russell, Rykerson, Sanborn, Saucier, Schneck, Shaw, Stanley, Stuckey, Tepler, Tipping-Spitz, Tucker, Verow, Warren, Welsh, Mr. Speaker.

NAY - Austin, Battle, Bickford, Campbell R, Chace, Corey, Crafts, Dillingham, Dunphy L, Edgecomb, Espling, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Greenwood, Guerin, Hanley, Hawke, Head, Herrick, Higgins, Hilliard, Hobart, Kinney J, Kinney M, Lockman, Long, Lyford, Maker, Malaby, Marean, McClellan, McElwee, Nutting, O'Connor, Parry, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reed, Sanderson, Seavey, Sherman, Short, Sirocki, Stearns, Stetkis, Sukeforth, Theriault, Timberlake, Timmons, Tuell, Turner, Vachon, Wadsworth, Wallace, Ward, White, Winsor, Wood.

ABSENT - Black, Buckland, Devin, Dion, Hanington, McLean, Noon, Sawicki, Skolfield.

Yes, 77; No, 65; Absent, 9; Excused, 0.

77 having voted in the affirmative and 65 voted in the negative, with 9 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** in **NON-CONCURRENCE** and sent for concurrence.

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-203)** on Bill "An Act To Start a Pilot Program for Medical Substitution Treatment in a Local Community Setting"

(S.P. 193) (L.D. 524)

Signed:
Senator:
HASKELL of Cumberland

Representatives:
GATTINE of Westbrook
BURSTEIN of Lincolnville
HAMANN of South Portland
HYMANSON of York
PETERSON of Rumford
STUCKEY of Portland
VACHON of Scarborough

Minority Report of the same Committee reporting **Ought Not to Pass** on same Bill.
Signed:
Senators:
BRAKEY of Androscoggin
McCORMICK of Kennebec

Representatives:
HEAD of Bethel
MALABY of Hancock
SANDERSON of Chelsea

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

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 PRO TEM: The Chair recognizes the Representative from Chelsea, Representative Sanderson.

Representative **SANDERSON**: Thank you, Mr. Speaker, Women and Gentlemen of the House, I stand today in opposition to the pending motion. This bill initially was to create a pilot program. However, it was watered down into a study by the end of the committee process. It wants to take a look at what our policies are and hopefully to implement pilot programs for Methadone treatment out into certain communities.

We have already been, according to the Department, researching that. And, in fact, when we were talking about there was actually a survey done and phone calls made into some of the FQHC's and none of them are interested in taking the Methadone treatment up. The Department is already committed to working with providers to determine the current barriers. This has been done through our Office of Substance Abuse and they are committed to doing that on an ongoing basis. And they're also committing to identifying barriers and to working with providers to remove them.

One of the big things that we've been working on as well over the last few years is the implementation and the coordination across Cares for Health Homes. This is one of the biggest areas that we're going to be able to help identify people with substance abuse, get them into care with their primary care physicians, and possibly get them the help they need. All of these issues have been studied. They're continued to be studied. We don't need to create just one more study to find the answers. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Bangor, Representative Frey.

Representative **FREY**: Thank you, Mr. Speaker. Mr. Speaker, Women and Men of the House, I rise today in support of the pending motion and ask that you also support LD 524. As folks know, I'm from the City of Bangor and when you leave my street and you turn right, about a half a mile is one Methadone/Suboxone treatment center. If you turn left, about a mile down the road is another.

Bangor has three different Methadone/Suboxone treatment centers, medication-assisted treatment centers. And while that is something that our municipality has been a host to and has done with, I think successfully or as successfully as we can, the question about whether or not centralization of these services is a legitimate question that, whether or not has been studied, has not yet been answered, at least not to the satisfaction of those who live in a municipality that are actually dealing with these issues.

Bangor has been home to these services for at least the last 10-15 years for individuals who are in need of substance abuse treatment. And with respect to these medication-assisted services, Methadone and Suboxone, this treatment is centralized. It's being accessed by people from outside of our municipality—from Millinocket, from other parts in the county, from out in Washington and Hancock County—and this means that individuals who are living outside of Bangor who are dealing with a substance abuse addiction either have to travel, which of course costs money to the system, or they have to relocate, which costs them their access to support services in their communities with ready access. It also creates a further instability in their lives that, quite frankly, when they're already dealing with a substance abuse problem, further instability is really, I would assume, not to be promoted through our substance abuse policy.

Now, in the spring of 2014, Bangor convened a working group that brought together civic, healthcare, and service provider leaders and as part of the work that they were doing there was an assessment about to what extent is this centralization of services really working for the Bangor community individually, but then also how are we really addressing the needs of the community surrounding it? And one of the recommendations that came out is that there may be an appropriateness to having medication access therapy in a more regional way—having it done in a more regional way. Something that we are not doing right now and I suggest we do not have a good conversation about whether or not that's the way to do it.

So, I'm going to quote from one of the recommendations that came out of a report. And this, of course, was provided to DHHS without any sort of response. Quote, "Maine and Bangor region need a rational, integrated system to respond to opiate dependence. One built on best practices and designed to adequately support and guide addicted, dependent populations through detox, treatment, and recovery. This will allow for maintenance of social support structure within the community and removes a potential barrier to obtaining or maintaining jobs." End quote. The only thing I'd add to that, that I think could further be studied and be benefit from that study is that by having the individual accessing services within their community, as opposed to having to travel to access sometimes an hour, two hours, one way, by having more regionalized access, they're going to have access to their service provider, they're going to have access to the treatment, that's going to allow them to have a more stable recovery process.

So, I guess I'd conclude, Mr. Speaker, Ladies and Gentlemen of the House, by offering that if the Department is already doing this, then this Resolve is simply going to be a, "Hey, we agree that this is the way that we should go and while you're in that process, please address these concerns that up to this point

have not yet been satisfactorily answered." I'd suggest that as citizens of this state, addiction to opiates affects both urban and rural communities and if you accept that, then I suggest that it is a logical extension that our state's substance abuse treatment policy should also reflect that reality, and this Resolve, this Resolve here, promotes that conversation and it makes sure that that conversation actually happens. So, Mr. Speaker, Ladies and Gentlemen of the House, I ask for your support for LD 524 and suggest that it is a very good step in the direction of making sure our citizens who are in the throes of a substance abuse addiction have access to treatment closer to their communities. Thank you very much.

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

Representative **MALABY**: Thank you, Mr. Speaker, Ladies and Gentlemen, I just want to say that I sympathize with the plight of the good Representative from Bangor. I do fully appreciate the problem that the City of Bangor having three Methadone clinics poses in terms of the civil structure of that community. It is real. It is very much real.

That being said, I do not support the pending motion and I don't do it because I don't empathize with the plight of Bangor; Rather, I think there is a great deal of difficulty in the state trying to change federal law. Our Methadone clinics are operated by the feds and we are under, effectively, a maintenance of effort, although I'm not sure if that'd be the correct term. Back in 1998 after we had initiated our initial pilot program for Methadone and had commenced transporting people, the then Commissioner attempted to stop transporting people. Stop providing, if you will, transportation back and forth. Indeed, the state was sued and the federal government said, "No, we cannot do that. We cannot change this program." Back then, we had 300 citizens on it, 100 of which were under MaineCare. Since then the floodgates have opened and, indeed, now we have over 4,000.

That being said, there are a number of things we can, and indeed the Department is trying to do. Within this budget, the original budget if you will, the Chief Executive's budget, there was a provision to look at Vivitrol which is a monthly injectable. It's very expensive, as are the other medication-assisted recovery systems such as Suboxone. But it is something that is certainly worth looking at. I would say, too, that we're having some difficulties because our FQHC's are not stepping up to the plate. But again, they are federally funded, they are somewhat beyond our control, and it makes it very difficult in the rural hinterlands where those are the only medically supplied help that we have. So, I oppose the pending motion and empathize with the good Representative from Bangor.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Lewiston, Representative Brooks.

Representative **BROOKS**: Thank you, Mr. Speaker, Women and Men of the House, I rise in support of the pending motion, LD 524. Addiction is a disease. It's an epidemic and it's life-threatening. We have a problem in Maine and across the country. Patients, people need treatment that's accessible and affordable.

The illness doesn't discriminate between rural and urban Mainers. Rural Mainers need our help. I trained in medical school, I was in New York, so I had an experience in both metropolitan hospital, which was in the Bronx, and Woodstock was more of the suburbs but in both areas there was an addressing of patients' needs. However, coming back to Maine, I think we can do better than we're doing now. And I think this Resolve is necessary to move in the direction of continued healthcare and giving patients access to the care they need close to home.

We have an initiative, Keep Me Home, and we need to keep people close to their home, close to their support systems. And I live in Lewiston, so I have access to St. Mary's and I have access to CMMC and we have doctors around. When I trained in Boston there were many, many hospitals around. In Maine we have a problem, in rural Maine, with people being able to access the care that they need and we need to address it today. We need to address it yesterday. Paying attention to this is really critical and it's a critical need and I would just encourage people to vote in favor of LD 524 and I thank you.

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

Representative **HYMANSON**: Thank you, Mr. Speaker Pro Tem, Men and Women of the House, I rise in support of this motion. This bill is a Resolve to form a stakeholder's group to develop a pilot program to deliver Suboxone and Methadone in a rural setting. So you might say, "Oh no. Not another Resolve." But, this one gives urgency to a plan that the Department of Health and Human Services already buys into, identifying and removing the barriers to delivery of Suboxone and other narcotics addiction treatments in our rural areas. This Resolve gives urgency to the urgent problem of statewide narcotics, including heroin addiction. The pilot program would be outside Bangor, three hours from my home in York, but the heroin epidemic affects my district too and figuring out how to deliver Suboxone statewide is something we should all support.

There are two major treatments now for heroin addiction and I would consider this to be small, medium, and large. For a large heroin addiction, Methadone. For a small and medium heroin addiction, Suboxone. There are 112 physicians in Maine who are Suboxone prescribers. Based on a recent poll, only 43 of them were prescribing, 42 had stopped, 27 didn't respond to the recent questionnaire. This stakeholders meeting would ask questions like, why are there too few doctors willing to prescribe Suboxone? What is the right number? Is it financial? Is it a stigma? Is it logistics?

Suboxone treatment has the ability to integrate the narcotics addict into our comprehensive primary care and destigmatize them and have them get treatment into the mainstream near where they live. I ask you for your support to add the urgency that this Resolve would give in finding out how we can deliver Suboxone and other narcotics treatments in our rural areas. Thank you.

The SPEAKER PRO TEM: 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. 224

YEA - Alley, Babbidge, Bates, Battle, Beavers, Beck, Beebe-Center, Blume, Brooks, Bryant, Burstein, Campbell R, Chapman, Chenette, Chipman, Cooper, Daughtry, Davitt, DeChant, Devin, Doore, Duchesne, Dunphy M, Evangelos, Farnsworth, Fecteau, Fowle, Frey, Gattine, Gideon, Gilbert, Golden, Goode, Grant, Grohman, Hamann, Harlow, Herbig, Hickman, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kruger, Kumiega, Lajoie, Lockman, Longstaff, Luchini, Martin J, Martin R, Mastraccio, McCabe, McCreight, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Peterson, Pierce T, Powers, Rotundo, Russell, Rykerson, Sanborn, Saucier, Schneck, Shaw, Short, Stanley, Stuckey, Tepler, Tipping-Spitz, Tucker, Vachon, Verow, Warren, Welsh.

NAY - Austin, Bickford, Campbell J, Chace, Corey, Crafts, Dillingham, Dunphy L, Edgecomb, Espling, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Greenwood, Guerin, Hanley, Hawke, Head, Herrick, Higgins, Hilliard, Hobart, Kinney J,

Kinney M, Long, Lyford, Maker, Malaby, Marean, McClellan, McElwee, Nutting, O'Connor, Parry, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reed, Sanderson, Seavey, Sherman, Sirocki, Stearns, Stetkis, Sukeforth, Theriault, Timberlake, Timmons, Tuell, Turner, Wadsworth, Wallace, Ward, White, Winsor, Wood.

ABSENT - Black, Buckland, Dion, Hanington, McLean, Noon, Sawicki, Skolfield, Mr. Speaker.

Yes, 81; No, 61; Absent, 9; Excused, 0.

81 having voted in the affirmative and 61 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-203)** 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-203)** in **NON-CONCURRENCE** and sent for concurrence.

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

COMMUNICATIONS

The Following Communication: (S.C. 434)

MAINE SENATE
127TH LEGISLATURE
OFFICE OF THE SECRETARY

June 11, 2015
Honorable Robert B. Hunt
Clerk of the House
2 State House Station
Augusta, Maine 04333
Dear Clerk Hunt:
Please be advised the Senate today insisted to its previous action whereby it accepted the Minority Ought to Pass as Amended Report from the Committee on Taxation on Bill "An Act To Increase Investment in Maine" (H.P. 784) (L.D. 1146), in non-concurrence.
Best Regards,
S/Heather J.R. Priest
Secretary of the Senate

READ and **ORDERED PLACED ON FILE**.

CONSENT CALENDAR
First Day

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

(H.P. 290) (L.D. 423) Bill "An Act To Require Child-resistant Packaging for Products Containing Liquid Nicotine" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-405)**

(H.P. 775) (L.D. 1124) Bill "An Act To Manage Risks Associated with the Installation of Natural Gas Pipelines" Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-406)**

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

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

REPORTS OF COMMITTEE
Divided Reports

Majority Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought Not to Pass** on Bill "An Act To Invest in Maine Companies"

(S.P. 401) (L.D. 1132)

Signed:
Senator:
VOLK of Cumberland

Representatives:
HERBIG of Belfast
AUSTIN of Gray
BATES of Westbrook
CAMPBELL of Newfield
FECTEAU of Biddeford
GILBERT of Jay
LOCKMAN of Amherst
MASTRACCIO of Sanford
STETKIS of Canaan
WARD of Dedham

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-210)** on same Bill.

Signed:
Senators:
CUSHING of Penobscot
PATRICK of Oxford

Came from the Senate with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-210)**.

READ.

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

Majority Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-161)** on Bill "An Act To Remove the Municipal Mandate To Enforce the Maine Uniform Building and Energy Code"

(S.P. 418) (L.D. 1191)

Signed:
Senators:
VOLK of Cumberland
CUSHING of Penobscot

Representatives:
AUSTIN of Gray
CAMPBELL of Newfield
LOCKMAN of Amherst
STETKIS of Canaan
WARD of Dedham

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

Signed:
Senator:
PATRICK of Oxford

Representatives:
HERBIG of Belfast
BATES of Westbrook
FECTEAU of Biddeford
GILBERT of Jay
MASTRACCIO of Sanford

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-161)**.

READ.

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

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought Not to Pass** on Resolve, To Establish the Commission To Study the Reduction of Unfunded and Outdated Municipal Mandates

(S.P. 507) (L.D. 1377)

Signed:
Senator:
LIBBY of Androscoggin

Representatives:
MARTIN of Sinclair
BABBIDGE of Kennebunk
BEEBE-CENTER of Rockland
BRYANT of Windham
DOORE of Augusta
EVANGELOS of Friendship

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-212)** on same Resolve.

Signed:
Senators:
WHITTEMORE of Somerset
WILLETTE of Aroostook

Representatives:
GREENWOOD of Wales
PICKETT of Dixfield
TUELL of East Machias
TURNER of Burlington

Came from the Senate with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-212)**.

READ.

Representative MARTIN of Sinclair moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

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

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

Representative **TUELL**: Thank you, Mr. Speaker, I just couldn't resist standing up for another local control debate. So I'm going to stand up for another local control debate. This gets to the heart of the issue that many municipalities have with the state government today. There is a perception, whether it's a right perception or a wrong perception, I'll leave that up to the members of this body.

But what I will say, Mr. Speaker, is that there is a perception on the part of municipalities that there are mandates coming down from above. And that these mandates that are coming down from above, we need to take a real, honest, thorough look at these mandates and see what we can do to possibly reduce some of the more onerous ones.

We passed a mandate yesterday. It was a very good bill. Some are legitimate. Some are very legitimate. But then there are those that aren't so legitimate. And we want to be sure, we need to be sure, that what we're doing, what we're truly doing, is getting rid of unneeded and unwanted mandates. I would suggest that you vote down the pending motion and go red. I would do so for local control and I urge you to vote red. Thank you very much.

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

Representative **MARTIN**: Thank you, Mr. Speaker. Mr. Speaker and Ladies and Gentlemen of the House, it's our understanding that the Department of Administrative Financial Services already has the authority, capability, and ability to conduct this study. This Resolve, obviously, would cost some money, and as we all know the Chief Executive on the second floor does not like Resolves. But again, it is our understanding that DAF has the ability, capability, and authority to move forward on something in this form or fashion. Thank you.

The SPEAKER PRO TEM: 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. 225

YEA - Alley, Babbidge, Bates, Beavers, Beck, Beebe-Center, Blume, Brooks, Bryant, Burstein, Campbell J, Chapman, Chipman, Cooper, Daughtry, Davitt, DeChant, Devin, Doore, Duchesne, Dunphy M, Evangelos, Fecteau, Fowle, Frey, Gattine, Gideon, Gilbert, Golden, Goode, Grant, Grohman, Hamann, Harlow, Herbig, Hickman, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kruger, Kumiega, Lajoie, Longstaff, Luchini, Martin J, Martin R, Mastraccio, McCabe, McCreight, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Peterson, Pierce T, Powers, Rotundo, Russell, Rykerson, Sanborn, Saucier, Schneck, Shaw, Short, Stanley, Stuckey, Sukeforth, Tipping-Spitz, Tucker, Verow, Warren, Welsh.

NAY - Austin, Battle, Bickford, Campbell R, Chace, Corey, Crafts, Dillingham, Dunphy L, Edgecomb, Espling, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Greenwood, Guerin, Hanley, Hawke, Head, Herrick, Higgins, Hilliard, Hobart, Kinney J, Kinney M, Lockman, Long, Lyford, Maker, Malaby, Marean, McClellan, McElwee, Nutting, O'Connor, Parry, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reed, Sanderson, Seavey, Sherman, Sirocki, Skolfield, Stearns, Stetkis, Tepler, Theriault, Timberlake, Timmons, Tuell, Turner, Vachon, Wadsworth, Wallace, Ward, White, Winsor, Wood.

ABSENT - Black, Buckland, Chenette, Dion, Farnsworth, Hanington, Hobbins, McLean, Noon, Sawicki, Mr. Speaker.

Yes, 75; No, 65; Absent, 11; Excused, 0.

75 having voted in the affirmative and 65 voted in the negative, with 11 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** in **NON-CONCURRENCE** and sent for concurrence.

Majority Report of the Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act Regarding Campaign Finance Reform"

(S.P. 419) (L.D. 1192)

Signed:
Senator:
PATRICK of Oxford

Representatives:
LUCHINI of Ellsworth
GOLDEN of Lewiston
LONGSTAFF of Waterville
MONAGHAN of Cape Elizabeth
SAUCIER of Presque Isle
SCHNECK of Bangor

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-154)** on same Bill.

Signed:
Senators:
CYRWAY of Kennebec
COLLINS of York

Representatives:
DILLINGHAM of Oxford
HANINGTON of Lincoln
KINNEY of Limington
TURNER of Burlington

Representative BEAR of the Houlton Band of Maliseet Indians - of the House - supports the Minority **Ought to Pass as Amended by Committee Amendment "A" (S-154)** Report.

Came from the Senate with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-154)**.

READ.

Representative LUCHINI of Ellsworth moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

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

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

Representative **KINNEY**: Good morning, Mr. Speaker, Men and Women of the House, I rise in opposition of the pending motion. The VLA Committee has had a number of bills in regard to campaign finance and reform. And this bill as first written was a bill that I personally could not support, as I felt the bill had constitutional issues in regard to limiting free speech. However, as amended, the bill is asking…

The SPEAKER PRO TEM: The Representative will defer. The Chair will remind all Members that the motion before the body right now is the Majority Ought Not to Pass. As we ramp up for these final days, the Chair will be reminding Members that they need to debate the issue that's at hand and not any other amendments or any other reports.

The Chair reminded Representative KINNEY of Limington to stay as close as possible to the pending question.

The SPEAKER PRO TEM: The Representative may proceed in regards to the Ought Not to Pass Report.

Representative **KINNEY**: And I rose in opposition to the pending motion.

The SPEAKER PRO TEM: The Chair will just remind Members that speaking about another report, in this case, Committee Amendment "A," will not be allowed. Thank you, Representative.

The Chair reminded Representative KINNEY of Limington to stay as close as possible to the pending question.

The SPEAKER PRO TEM: The Representative may proceed.

Representative **KINNEY**: However, this bill is asking the Treasurer, or principle officer of a PAC, to sign a volunteer pledge not to spend money in a Maine Clean Election candidate race. And that is a pledge I do support. Thank you, Mr. Speaker.

The SPEAKER PRO TEM: 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. 226

YEA - Alley, Babbidge, Bates, Beavers, Beck, Beebe-Center, Blume, Brooks, Bryant, Burstein, Chapman, Chenette, Chipman, Cooper, Daughtry, Davitt, DeChant, Devin, Doore, Duchesne, Dunphy M, Evangelos, Fecteau, Fowle, Frey, Gattine, Gideon, Gilbert, Golden, Goode, Grant, Grohman, Hamann, Harlow, Herbig, Hickman, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kruger, Kumiega, Lajoie, Longstaff, Luchini, Martin J, Martin R, Mastraccio, McCabe, McCreight, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Peterson, Pierce T, Powers, Rotundo, Russell, Rykerson, Sanborn, Saucier, Schneck, Shaw, Short, Stanley, Tepler, Tipping-Spitz, Tucker, Verow, Warren, Welsh, Mr. Speaker.

NAY - Austin, Battle, Bickford, Campbell J, Campbell R, Chace, Corey, Crafts, Dillingham, Edgecomb, Espling, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Greenwood, Guerin, Hanley, Hawke, Head, Herrick, Higgins, Hilliard, Hobart, Kinney J, Kinney M, Lockman, Long, Lyford, Maker, Malaby, Marean, McClellan, McElwee, Nutting, O'Connor, Parry, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reed, Sanderson, Seavey, Sherman, Sirocki, Skolfield, Stearns, Stetkis, Sukeforth, Theriault, Timberlake, Timmons, Tuell, Turner, Vachon, Wadsworth, Wallace, Ward, White, Winsor, Wood.

ABSENT - Black, Buckland, Dion, Dunphy L, Farnsworth, Hanington, McLean, Noon, Sawicki, Stuckey.

Yes, 76; No, 65; Absent, 10; Excused, 0.

76 having voted in the affirmative and 65 voted in the negative, with 10 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** 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-389)** on Bill "An Act To Conform Maine Law Regarding Persons Prohibited from Possessing Firearms with Federal Law"

(H.P. 413) (L.D. 600)

Signed:
Senators:
ROSEN of Hancock
BURNS of Washington
GERZOFSKY of Cumberland

Representatives:
FOWLE of Vassalboro
CHENETTE of Saco

DAVITT of Hampden
LAJOIE of Lewiston
NADEAU of Winslow
WARREN of Hallowell

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

Signed:

Representatives:

GERRISH of Lebanon
LONG of Sherman
THERIAULT of China
TIMMONS of Cumberland

READ.

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

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

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

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

Representative **PICKETT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, I rise today to speak in support of LD 600, "An Act To Prohibit a Person Convicted of a Crime of Domestic Violence from Possessing a Firearm for a Period of 5 Years and to Better Align Maine Law Regarding Persons Prohibited from Possessing Firearms with Federal Law."

This bill was going to be looked at yesterday and there was some concern with it over some of the wording, so I asked for it not to be heard. I went down to legal downstairs, the Revisor's Office, went over that concern. That concern was taken care of without having to make a floor amendment, which is why there was none today. As outlined in the bill, this bill would amend Maine law prohibiting the possession of firearms to better align with federal law. This bill adds the following persons to the list of persons who may not possess firearms: "A fugitive from justice; Persons who are unlawful users of or are addicted to any controlled substance which as a result prohibits them from possessing a firearm under 18 United States Code, Section 922(g)(3); Aliens who are illegally or unlawfully in the United States or who were admitted under nonimmigrant visas and who are prohibited from possession of a firearm under that same law, 18 United States Code, Section 922(g)(5); Persons who have been discharged from the United States Armed Forces under dishonorable conditions or persons who have renounced their United States citizenship."

Title 15 MRSA 393, which is Maine law, specifically identifies persons who are prohibited by Maine law at this time to possess firearms. The law states as follows: "A person may not possess or have under that person's control a firearm unless that person has obtained a permit under this section, if that person: Has been convicted of committing or found not criminally responsible by reason of mental disease or defect of committing a crime in this state that is punishable by imprisonment for a term of one year or more; A person that's committed a crime under the laws of the United States that is punishable by imprisonment for a term exceeding one year; Or committed a crime under the laws of any other state that in accordance with the laws of that jurisdiction is punishable by a term of imprisonment exceeding one year; Committed a crime under the laws of any other state that is classified as a misdemeanor but is elementarily, substantially similar to a crime in this state that is punishable by a term of imprisonment for one year or more; Committed a crime under the laws of the United States, this state, or any other state or the Passamaquoddy Tribe or Penobscot Nation with the use of a firearm or any other dangerous weapon against a person; A person who has been adjudicated in this state or under the laws of the United States or any other state to have engaged in conduct as a juvenile that if committed by an adult would have been a disqualifying conviction; A person who is subject to an order of a court of the United States or a state, territory, commonwealth, or tribe that restrains that person from harassing, stalking, or threatening an intimate partner of that person or a child of the intimate partner of that person, or from engaging in other conduct that would place the intimate partner in reasonable fear of bodily injury to the intimate partner or the child, after a hearing in which that person received a notice and had the opportunity to participate."

A person convicted or adjudicated of a Class D crime of domestic violence will be prohibited from possessing a firearm for five years from that date, from the date of that conviction or adjudication. The prohibition will expire at the end of the five year period unless the person is convicted of any subsequent crime—and the key word there is "crime." Not a speeding ticket, not a stop sign violation, not a civil infraction, not a parking ticket, but a crime—a misdemeanor crime or a felony crime. This means that a person who has been convicted of committing or found not criminally responsible by reason of insanity of committing: "A Class D crime in this state, in violation of Title 17-A, and there's four sections there; A crime under the laws of the United States or any other state that in accordance with the laws of that jurisdiction, again, is elementally substantially similar to a crime in Subparagraph (1); Or has been adjudicated in this state or under the laws of the United States or any other state to have engaged in conduct as a juvenile that if committed by an adult would have been a disqualifying conviction."

We're talking here, in plain English, that this legislation gives a second chance to a person who commits a misdemeanor domestic violence related crime to get their right to possess a firearm back. Most importantly, to me, this legislation will provide law enforcement the ability to ensure that persons found in possession of firearms, after being prohibited to do so, will be held accountable and punished accordingly. This change in our law will be a far more meaningful deterrent to prohibited persons, from possessing firearms.

This bill, in no way, shape or form, is talking about good, honest, law-abiding citizens that have the right to bear arms in our country and in our state and to possess a firearm. It's talking about people who have lost that right and are prohibited and making sure they're dealt with in a proper manner. But also, giving that break to that person that goes out there and makes a foolish mistake and yet, turns around and keeps their nose clean for five years and gets a chance to have their right back. I would ask you to follow my light, green on this bill. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Newfield, Representative Campbell.

Representative **CAMPBELL**: Thank you, Mr. Speaker, I want to thank the good Representative that just did all the reading. Saves me the trouble. LD 600, if you read what it is, it's an Act to conform Maine law regarding persons prohibited from possessing firearms with federal law. Well, if we're going to disobey the federal law, why do we need this law?

I've debated gun bills in this chamber for many years and we already have many of these laws on the books. But the bottom line is do we want to follow federal law? We have some in the chamber that want to defy federal law and legalize marijuana, so

they claim it's going to be legalized, but if we follow federal law the way we should, this bill is worth nothing. Thank you.

The SPEAKER PRO TEM: 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. 227

YEA - Alley, Babbidge, Bates, Battle, Beavers, Beck, Beebe-Center, Blume, Brooks, Bryant, Burstein, Campbell R, Chace, Chapman, Chenette, Chipman, Cooper, Corey, Daughtry, Davitt, DeChant, Devin, Dillingham, Doore, Duchesne, Dunphy M, Edgecomb, Evangelos, Farnsworth, Fecteau, Foley, Fowle, Fredette, Frey, Gattine, Gideon, Gilbert, Gillway, Ginzler, Golden, Goode, Grant, Greenwood, Grohman, Hamann, Hanley, Harlow, Head, Herbig, Herrick, Higgins, Hilliard, Hobart, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kruger, Kumiega, Lajoie, Longstaff, Luchini, Lyford, Maker, Malaby, Marean, Martin J, Martin R, Mastraccio, McCabe, McCreight, McElwee, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Nutting, Peterson, Picchiotti, Pickett, Pierce T, Powers, Rotundo, Russell, Rykerson, Sanborn, Saucier, Schneck, Shaw, Sherman, Skolfield, Stearns, Stetkis, Stuckey, Sukeforth, Tepler, Tipping-Spitz, Tucker, Tuell, Vachon, Verow, Ward, Warren, Welsh, White, Mr. Speaker.

NAY - Austin, Bickford, Campbell J, Crafts, Dunphy L, Espling, Farrin, Gerrish, Guerin, Hawke, Kinney J, Kinney M, Lockman, Long, McClellan, O'Connor, Parry, Pierce J, Pouliot, Prescott, Reed, Sanderson, Seavey, Short, Sirocki, Stanley, Timberlake, Timmons, Turner, Wadsworth, Wallace, Winsor, Wood.

ABSENT - Black, Buckland, Dion, Hanington, Hickman, McLean, Noon, Sawicki, Theriault.

Yes, 109; No, 33; Absent, 9; Excused, 0.

109 having voted in the affirmative and 33 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" (H-389)** 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-389)** and sent for concurrence.

Majority Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought Not to Pass** on Bill "An Act To Amend the Definition of 'Health Care Practitioner' in the Maine Health Security Act To Include Pharmacists"

(H.P. 99) (L.D. 141)

Signed:
Senator:
PATRICK of Oxford

Representatives:
HERBIG of Belfast
BATES of Westbrook
CAMPBELL of Newfield
FECTEAU of Biddeford
GILBERT of Jay
MASTRACCIO of Sanford

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-401)** on same Bill.

Signed:
Senators:
VOLK of Cumberland
CUSHING of Penobscot

Representatives:
AUSTIN of Gray
LOCKMAN of Amherst
STETKIS of Canaan
WARD of Dedham

READ.

Representative HERBIG of Belfast moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

On motion of Representative ESPLING of New Gloucester, **TABLED** pending the motion of Representative HERBIG of Belfast to **ACCEPT** the Majority **Ought Not to Pass** Report and later today assigned.

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-395)** on Bill "An Act To Require the Use of Preapproved Subcontractors for Publicly Funded Construction Projects"

(H.P. 176) (L.D. 244)

Signed:
Senator:
LIBBY of Androscoggin

Representatives:
MARTIN of Sinclair
BABBIDGE of Kennebunk
BEEBE-CENTER of Rockland
BRYANT of Windham
DOORE of Augusta
EVANGELOS of Friendship

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

Signed:
Senators:
WHITTEMORE of Somerset
WILLETTE of Aroostook

Representatives:
GREENWOOD of Wales
PICKETT of Dixfield
TUELL of East Machias
TURNER of Burlington

READ.

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

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

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

The SPEAKER PRO TEM: 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. 228

YEA - Alley, Babbidge, Bates, Beavers, Beck, Beebe-Center, Blume, Brooks, Bryant, Burstein, Campbell J, Chapman, Chenette, Chipman, Cooper, Daughtry, Davitt, DeChant, Devin, Doore, Duchesne, Dunphy M, Evangelos, Farnsworth, Fecteau, Fowle, Frey, Gattine, Gideon, Gilbert, Golden, Goode, Grant, Hamann, Harlow, Herbig, Hickman, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kruger, Kumiega, Lajoie, Longstaff, Luchini, Martin J, Martin R, Mastraccio, McCabe, McCreight, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Peterson, Pierce T, Powers, Rotundo, Russell, Rykerson, Sanborn, Saucier, Schneck, Shaw, Short, Stanley, Stuckey, Tepler, Tipping-Spitz, Tucker, Verow, Warren, Welsh.

NAY - Austin, Battle, Bickford, Campbell R, Chace, Corey, Crafts, Dillingham, Dunphy L, Edgecomb, Espling, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Greenwood, Grohman, Guerin, Hanley, Hawke, Head, Herrick, Higgins, Hilliard, Hobart, Kinney J, Kinney M, Lockman, Long, Lyford, Maker, Malaby, Marean, McClellan, McElwee, Nutting, O'Connor, Parry, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reed, Sanderson, Seavey, Sherman, Sirocki, Skolfield, Stearns, Stetkis, Sukeforth, Timberlake, Timmons, Tuell, Turner, Vachon, Wadsworth, Wallace, Ward, White, Winsor, Wood.

ABSENT - Black, Buckland, Dion, Hanington, McLean, Noon, Sawicki, Theriault, Mr. Speaker.

Yes, 77; No, 65; Absent, 9; Excused, 0.

77 having voted in the affirmative and 65 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" (H-395)** 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-395)** and sent for concurrence.

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

UNFINISHED BUSINESS

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

HOUSE DIVIDED REPORT - Majority (7) **Ought Not to Pass** - Minority (6) **Ought to Pass as Amended by Committee Amendment "A" (H-367)** - Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Ensure the Right To Work without Payment of Dues or Fees to a Labor Union as a Condition of Employment"

(H.P. 328) (L.D. 489)

TABLED - June 11, 2015 (Till Later Today) by Representative HERBIG of Belfast.

PENDING - **ACCEPTANCE OF EITHER REPORT**.

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

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

Representative **HERBIG**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, I rise in strong opposition to LD 489 and urge you to support the Majority Ought Not to Pass Report. As we will inevitably debate this bill, proponents of LD 489 say this legislation will grow our economy, create jobs, increase household incomes, and lower unemployment.

Wow. If this bill had the potential to do all of these things, we'd all support it, right? But that is not the case, because the most rigorous economic analysis shows these assertions are simply untrue. In addition to these false arguments, proponents of LD 489 will say this legislation will attract businesses to Maine and that this is a "Maine is open for business" bill. Again, this is absolutely false.

Companies locate in a state for many reasons: Access to markets and materials, transportation infrastructure, and the availability of a skilled workforce. It simply does not pass the straight face test that a business would base its decision about whether or not to come to Maine based on whether or not it was legally permissible to negotiate a union security clause in a union contract. To say that LD 489 will do any of these things for our economy is just as misleading as its title. This bill has nothing to do with the "right to work." It does just the opposite. It undermines worker's rights.

What this bill would afford is an opportunity for low-road employers to offer even lower wages and fewer benefits to their employees. Sacrificing Mainer's wages and benefits to increase corporate profits, supposedly to attract business, is not good for our workforce. Maine workers deserve better than becoming part of this misguided race to the bottom. This bill is part of a divisive agenda that would lower Maine's wages, benefits, and working conditions. This bill is a distraction from the real issues at hand. It does nothing to create jobs or rebuild our economy, it just undermines the rights of all Maine workers, and that is not a point of economic stimulus. It is for these reasons I urge you to vote Ought Not to Pass on LD 489 and I'd like to request a roll call.

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

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

The SPEAKER PRO TEM: The Chair recognizes the Representative from Amherst, Representative Lockman.

Representative **LOCKMAN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, organized labor's opposition to right to work legislation is built on a foundation of falsehoods. And those falsehoods were repeated over and over again when this bill was before the Labor, Commerce, Research, and Economic Development Committee last month.

But I'm happy to report that during the work session, the committee was provided with overwhelming evidence that the "free rider" complaint of union bosses is a falsehood and a fabrication. I'm also happy to report that not a single Democrat on the committee challenged, much less rebutted, that evidence. Given that outcome, I believe it's safe to say that the scales have fallen from their eyes. I believe my colleagues on the committee have finally seen the light and they now have no reason to oppose this commonsense legislation.

Here's the union bosses' "free rider" argument in a nutshell: Labor unions are said to be required by federal law to represent all workers in a bargaining unit if a simple majority of those workers vote for union representation. Therefore, non-members who supposedly benefit from union representation should be forced to pay for the cost of collective bargaining on their behalf. Otherwise, they're getting a free ride at the expense of the dues-paying members.

Mr. Speaker, there's only one problem with this argument: it's built on a false premise. The truth is that federal labor law does not require unions to represent all workers. Labor unions are

perfectly free under federal law to negotiate contracts that only set the terms and conditions of employment of their own voluntary members. This is well-settled law. It dates back more than half a century to US Supreme court decisions that the high court has affirmed and reaffirmed numerous times.

Let's consider a hypothetical bargaining unit of 100 employees. If 51 of those employees vote for union representation in a supervised election, the union can demand to be the exclusive bargaining agent for all 100 employees, even the 49 who don't want and didn't ask for union representation. Federal law grants the union monopoly bargaining rights, but the union also has the option of negotiating for members only.

In that case, the 49 employees who choose not to join and pay the union would not be covered by the collective bargaining agreement. In Maine, they would be employees-at-will who could be fired for any reason or no reason. They would not be protected by the union's grievance procedure and the employer could pay them more or less than union members and offer them a different benefit package, or no benefit package at all. Mr. Speaker, if employees want to individually negotiate the terms and conditions of their employment, they should be free to do so in a free country. This legislation is all about personal freedom and individual liberty. No American citizen should be forced to buy something they don't want and didn't ask for as a condition of employment.

And again, there is nothing in federal law that requires unions to bargain on behalf of workers who choose not to join or pay the union for its services. Monopoly bargaining is entirely optional. Yet, when I made this simple statement of fact during my testimony at the public hearing, Representative Herbig challenged me and said that my statement was not true.

Mr. Speaker, this is precisely the argument that union bosses made after Indiana passed right to work three years ago. The Indiana Supreme Court actually examined the contention of International Union of Operating Engineers Local 150 lawyer Dale Pierson, who said, "The law does not allow members-only representation." The court unanimously concluded that what Pierson asserted was false. In his November 2014 majority opinion upholding Indiana's Right to Work law, Justice Brent Dickson bluntly noted, "The union's federal obligation to represent all employees in a bargaining unit is optional; it occurs only when the union elects to be the exclusive bargaining agent." Close quote.

The unanimous decision of the Indiana Supreme Court was not a novel ruling. The US Supreme Court has ruled repeatedly on this point. At Justice William Brennan wrote in a 1962 case, *Retail Clerks vs. Lion Dry Goods*, that the National Labor Relations Act's coverage, "is not limited to labor organizations which are entitled to recognition as exclusive bargaining agents of employees. 'Members only' contracts have long been recognized." Close Quote. Twenty four years earlier, in *Consolidated Edison vs. the NLRB*, 1938, Chief Justice Charles Evans Hughes reached the same conclusion.

Ladies and Gentlemen of the House, now more than ever it's time for Maine to join the 25 other states where worker's paychecks are protected from coerced payments to labor unions. The underlying principle is personal freedom and individual liberty. Simply put, workers should not be forced to pay for something they don't want and didn't ask for as a condition of employment.

In closing, let me pose a hypothetical for Members of the House. What if a local business here in the Augusta area had an employment policy that required all employees to pay dues to the local chamber of commerce? And to make it easy, the company's going to withhold the dues money from your paycheck and send it right over to the chamber. I think it's safe to say that many employees, particularly Democrats, would object that the chamber doesn't represent their views and that nobody should be forced to financially support a private corporation—that's what a union is—as a condition of employment.

But ask yourself this: What incentive would the chamber have to provide good service to the employees who are forced to subsidize the chamber's activities? The question answers itself. Mr. Speaker, it's time for Maine to set its workers free from the coercion of compulsory unionism. Follow my light and let freedom ring in Maine work places. Thank you, Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Brunswick, Representative Tucker.

Representative **TUCKER**: Thank you, Mr. Speaker Pro Tem and thank you Members of the House, this bill would make service fees to support collective bargaining by an elected and certified labor organization completely voluntary. This would weaken or destroy our statutory collective bargaining laws because the labor organization would be completely unable to fulfill its statutory duty to provide fair representation for each and every member of the bargaining unit.

Imagine trying to administer a collective bargaining agreement without a stable way to meet costs. It would be just as if townspeople voted to set up a town public works department, and then voted that property taxes to pay for it would be voluntary. It is not fair for some employees to benefit from the benefits and protections of an employment contract, without contributing their fair share.

The SPEAKER PRO TEM: The Member will defer. The Chair will remind all Members to direct comments through the Chair.

The Chair reminded all members to address their comments toward the Speaker Pro Tem.

The SPEAKER PRO TEM: The Member may proceed.

Representative **TUCKER**: Thank you. I needed to be reminded. I would remind the House that payment of service fees do not allow a union to collect fees for political activities or internal union politics. On May 2, 2015, the good Representative from Amherst wrote in the *Press Herald*: "Labor unions are perfectly free under federal law to negotiate contracts that set the terms and conditions of employment only for their own voluntary members." This proposition was also repeated in a video televised report and you've witnessed that statement here on the floor today.

I respectfully disagree with the good gentleman from Amherst. When I heard this I was mystified and perplexed, because it was not the reality I knew as a labor lawyer, in the trenches of labor law for 19 years. The suggestion that unions need not represent all members of a bargaining unit is misleading. The good gentleman from Amherst is talking about a narrow arcane situation where there is no collective bargaining situation. Unions must represent all members of a bargaining unit. This is called the "duty of fair representation."

So I asked the good gentleman from Amherst where he got that from, and he sent me a *Heritage Foundation* article citing a 1962 US Supreme Court case: *Retail Clerks v. Lion Dry Goods*, 369 US 17, a 1962 case. I ran down to the Law Library and looked it up, and discovered that the case was not a collective bargaining case at all. It involved a one-time community strike settlement contract negotiated through town officials in which no collective bargaining relationship was claimed or established. Justice Brennan, who wrote the decision—and, incidentally, has visited Maine many times in his life—Justice Brennan would roll over in his grave if he knew his words were being cited out of context to support this proposed legislation.

In the real world of labor relations, the union must represent everyone in a certified bargaining unit. This is a bedrock principle of American labor law jurisprudence. The duty of fair representation is imposed on unions in the private sector, under the National Labor Relations Act. See *Vaca v. Sipes* and *Marquez v. Screen Actor's Guild*, by Justice O'Connor.

In Maine, public employee unions are expressly obligated by statute to represent all employees in a bargaining unit. The Municipal Public Employee Labor Relations Law at 26 MRSA Section 967 reads: "The exclusive bargaining agent shall be required to represent all the public employees within the unit without regard of membership." This exact same language is included in the University Public Employee Labor Relations Law. It's included in our State Employee Labor Relations Law. It is included in our Judicial Employee's Labor Relations Law.

LD 489 does not delete the statutory legal duty imposed on labor organizations but it takes away the ability to fund that responsibility. Under this proposed law, a duly elected labor organization, private or public, would still have the duty to represent everyone in ongoing grievances, arbitrations and negotiations, but without stable resources to do so.

The SPEAKER PRO TEM: The Member will defer. The Chair recognizes the Representative from Auburn, Representative Bickford, and asks why the Member rises.

Representative **BICKFORD**: Point of Order, Mr. Speaker. Can the Representative direct his remarks to the Speaker?

On **POINT OF ORDER,** Representative BICKFORD of Auburn asked the Chair to remind Representative TUCKER of Brunswick to address the Speaker Pro Tem.

The SPEAKER PRO TEM: The Chair will remind all Members to direct their remarks towards the Chair and through the Chair.

The Chair reminded all members to address their comments toward the Speaker Pro Tem.

The SPEAKER PRO TEM: The Member may proceed.

Representative **TUCKER**: I thank the good Representative. A labor organization, like any other association, church or civic group, has to budget for office rent, telephones, heat, copiers and office equipment, staff and other overhead. It costs money to negotiate contracts, service grievances and arbitrations, and service the collective bargaining agreement.

Although no one is obligated to join the union as a full member, service fees can and should be charged on an equal basis to everyone in the unit. And the most efficient and stable way to do this is a service fee check-off on monthly paychecks of a few dollars. Such a dues check-off is a routine feature of American labor relations, almost universally agreed to by employers and unions. As long as the labor organization chosen by a majority of employees has the duty of fair representation for everybody, union members or not, fair service fees equally assessed must be available to perform that duty.

The logical result of this bill would be the destabilization of collective bargaining, weakened labor organizations, and eventual collapse of effective and stable labor relations. As the gentleman from Amherst well knows, if an employee is dissatisfied with their union, they have every right to petition the labor board, call for an election, and decertify the union. And that is his remedy. Unfortunately for him, however, usually the union wins those elections.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Paris, Representative Herrick.

Representative **HERRICK**: Thank you, Mr. Speaker Pro Tem and Ladies and Gentlemen of the House, I rise today in support of LD 489. In 2007, when I retired from the Oxford County Sheriff's Office, I went to work for the Court System, State of Maine, in the full-time position that they offered me. They must've felt I was qualified for what they were hiring me for.

Two days later, I get a letter from the MSEA telling me, very bluntly, very plainly, that if I did not pay the minimum for the union representation, then I would be let go. I felt then, and I feel now, that that is absolutely wrong. I have been working since I was 16 years old. I was in law enforcement 31 years—10 years as Police Chief in the Town of Paris. I worked and negotiated a labor contract for the people who worked for me, but it was their choice if they wanted to join the union and if they wanted to pay dues.

The same thing happened in the Sheriff's Office. I negotiated a corrections contract and a road patrol contract. But again, it was up to those individuals if they wanted to join the union and pay the union fees to be represented. My choice not to join, to have to join the union when I went to work for the State Court, I really felt like I had no choice, I had to pay the minimum or they were going to let me go by law. I really felt that they were taking my money that I was earning, ultimately the taxpayers' money of the State of Maine that was paying my wages for working for the Maine Courts, and that money was going to pay union dues that I chose, or didn't want to be represented. I could represent myself, I felt, if I needed to if there was a dispute in my job.

For that reason, I will support this LD and I will continue to fight for the right to work in the State of Maine because I believe if a person wants to be represented, that's their choice. But they should absolutely not be forced to do that. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Pittsfield, Representative Short.

Representative **SHORT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, brothers and sisters in the gallery, I rise today in support of the pending motion and in honor of my father-in-law who was a union member for 40 years, and in fact passed away many years ago while on the job as an international representative for the carpenters and joiners, and his name was Neal Hapworth. And I also rise today in honor of all of the union members that fought for the rights of working people over the years that are no longer with us, and accomplished many great things for the people in this country while on the job.

Mr. Speaker, I can't help but believe that anyone that supports this anti-organizing legislation simply has no idea what organized labor has accomplished, for all of our benefit, through the collective will of the working men and women over the last hundred years, as they stood together and with one voice told their employers what they believed to be fair in the way of wages, hours of work, and working conditions. Due to the fact that this was done as a collective group their demands were met and when I look at LD 489 I can see that the intent of this bill is to tear apart the ability of Maine workers to join together as a collective group.

The SPEAKER PRO TEM: The Representative will defer. The Chair recognizes the Representative from Amherst, Representative Lockman, and inquires why the Member rises.

Representative **LOCKMAN**: Point of Order. I believe the Member is questioning the intent of the legislation and impugning the motives.

On **POINT OF ORDER,** Representative LOCKMAN of Amherst objected to the comments of Representative SHORT of Pittsfield because he was questioning the motives of other members of the House.

The SPEAKER PRO TEM: The Chair recognizes that this is a contentious issue and the Chair reminds all members, Section 124, Line 3, which is, it is not the person, but the measure that is subject to debate, and it is not allowable to question the motives

of a Member, but the nature or consequences of the measure may be condemned in strong terms.

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

The SPEAKER PRO TEM: The Member may proceed.

Representative **SHORT**: Thank you, Mr. Speaker. This bill isn't just an anti-organizing bill, it's an anti- working men and women's bill. Mr. Speaker, 25 states have already passed the same anti-organizing legislation, so if the passage of this type of legislation is so effective in attracting businesses, what makes anyone think that businesses are going to flock to Maine instead of going to one of those states if this passes?

If LD 489 does pass and businesses don't come running, what will we do next? Perhaps there will be an attempt to turn the clock back a hundred years in an effort to bring business to Maine. Legislation will be introduced to do away with the minimum wage. Maybe that would work. Perhaps we could get rid of the child labor laws, the 8-hour work day, the 40-hour week, weekends, holidays, worker's compensation, job safety. And we might as well consider doing away with environmental protection laws as well. Maybe bringing back the sweat shops to Maine would do the trick. If we do those things, we could place ourselves in direct competition with Mexico and China. Just think of the business would be running over each other to move their operation to Maine then.

While I'm on that subject, it's because of the decline in union membership that we have these terrible trade agreements in place, and that decline started with right to work legislation. I've been around this business a long time. I was a 35-year member of organized labor myself, president of the local lodge, shop steward in the local lodge, vice president of the local lodge, directing business representative for Maine, New Hampshire, and Vermont with the Machinist Union, territorial organizing leader for 14 states with that same union, in charge of all organizing and negotiations of first agreements. I know a little bit about what I'm talking about here. I didn't just Google a page and read it to everybody.

Mr. Speaker, right to work caused many manufacturers to leave the State of Maine. When I was a representative, Scott Paper in Winslow dragged up its operation and moved it to Kentucky as a result of right to work, just one example. That wasn't good enough for business, however. They pushed and got these trade agreements in place and due to corporate greed, now they've moved their jobs and the manufacturing overseas. Now, I can tell you that this never would've happened back in the '60's when organized labor was strong and before these right to work bills came into place—never would've happened.

And I often remember reading a piece about the can manufacturers in Chicago that closed down due to trade. And in that book it talked about Japanese business people visiting Chicago and asking their taxi cab drivers to take them through south Chicago because they had read about all of those plants closing, all those can manufacturing plants closing, and they could not believe that the American worker stood by and allowed that to happen. I hope that I live long enough to see organized labor rise from the ashes of the old and once again become the strength that they once were for the benefit of all the working men and women in this country and the State of Maine. And to my brothers and sisters in the gallery, I say, "Solidarity forever." Thank you, Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Newfield, Representative Campbell.

Representative **CAMPBELL**: Thank you, Mr. Speaker and Ladies and Gentlemen of the House, and I hope that my friends on the other side of the aisle don't call me contentious. I'll try not to be. But unlike the other speakers, I've lived the life. I went to the work for the Courier Corporation as a very young gentleman and did my work so good that I was only there a few years when I got an apprenticeship—6-year apprenticeship as a printing pressman. We printed telephone books for the six New England states, New York—upstate New York—New Jersey, and we printed the Philadelphia telephone book.

I was also a member of the board of directors of the union at one point and I finished my apprenticeship in three years instead of six and became a head pressman with a crew. Then one day, my wife said the company had called when I was out and wanted to talk to me. And when I went down, the owners offered me a job as the plant superintendent of their color plant. I went to my father and I said to my father, "If I take this job, Dad," and my father was, and I'm very proud to say, a union leader. He said, "You can't serve two masters. You'll have to make the decision yourself." And I was always told, when you're in management, you hang, you hang alone. When you're in the union, you'll all hang together.

And what I'm trying to get at, Mr. Speaker, I found myself on both sides at both ends of the table negotiating contracts. And I never forgot where I came from. And at that table, when I sat at one end negotiating, it wasn't any different at the other end because I didn't change at all. The same as I'm an Independent now and I was a Republican, I haven't changed at all either. And for my good friend, Representative Lockman, I want to say that when you pay dues to the union, the company has a decision on that, too. They sign what they call a "contract" with the union and if you go to work there and the company has a binding contract with the union, you know that you accept joining that union and paying dues. It isn't about whether you want to pay it or you don't want to pay it. The company has already made the decision with the union.

So, we're wasting our time. This is a bunch of baloney. Because if the company is a union company, and you want to work for them and they have a contract with the union, you pay dues. Thank you, Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Friendship, Representative Evangelos.

Representative **EVANGELOS**: Thank you, Mr. Speaker and Men and Women of the House, I wanted to respond to the hypothetical offered by the good Representative from Amherst. If the Chamber of Commerce is going to deliver me affordable health care and a health insurance policy, if it's going to deliver me a livable wage for my work and guaranteed a decent business profit, you bet I'm going to pay the dues. You bet.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Jay, Representative Gilbert.

Representative **GILBERT**: Mr. Speaker, Ladies and Gentlemen of the House, as a long-time member of MSEA and not a freeloader, I stand in support of the pending motion and in opposition to this and all other anti-worker bills. We already have a right to work bill in this country. It is a federal law passed in 1947 called the Taft Hartley Act. It did away with the "closed shop," and since 1947, no worker has had to join a union as a condition of employment.

True, if you work for unionized employer, and choose not to join, you do have to pay dues, but only that portion of the dues that goes directly to the cost of collective bargaining and other benefits of union protection to which they are entitled, even though they are not union members. People who choose not to join are not paying for political ads or lobbying that the union may do.

So what do we gain from right to work bills? Supposedly, it will attract businesses but only those businesses that want to pay

low wages and have discretion over job security. And even the claim of more jobs hasn't worked out in many cases. A study of right to work laws in Oklahoma quoted in *Forbes Magazine*, an often quoted and hardly a left-wing publication, showed that Oklahoma had 50 thousand fewer jobs in manufacturing in 10 years after passing their right to work laws. The study concluded that these laws will result in lower wages and fewer benefits for everyone, including non-union workers.

These bills are a bad deal for Maine and a bad deal for Maine workers. It is time for us to stand up again for jobs that pay a good wage and provide good benefits and worker protections. It is time for us to stand and support Maine's workers and their families. It is time for us to reject these bills as we have consistently done in the past. Support the Majority Ought Not to Pass.

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

Representative **FECTEAU**: Mr. Speaker, Ladies and Gentlemen of the House, I rise in strong support of the pending motion. The Labor, Commerce, Research and Economic Development Committee was quite the classroom this session. I learned a lot. But one thing you and I would never learn in a typical classroom was taught in LCRED during these so-called right to work hearings. We learned that you, Mr. Speaker, can cite statistics from *Wall Street Journal* editorials, and even the Right to Work Committee, as if these were independent studies and true analyses of whether or not the proposed legislation before us would do right by the Maine people.

Keeping aside that one of the *Wall Street Journal* editorial writers cited during these work session was described by a CBS News writer as, "mad as a hatter," we did actually receive statistical data worth noting during these public hearings. One was from the Bureau of Labor Statistics as provided by our very own Department of Labor. The data provided to us showed annual average weekly wages for all 50 states and the District of Columbia. The so-called "right to work" states were highlighted in blue. I quickly ran up the average of the averages. So-called "right to work" states averaged a weekly wage of $829.32. Labor union states averaged $1,049.24—$219.92 cents more each week in the pockets of hard working men and women. I guess one might argue, Mr. Speaker, that the workers earning higher weekly wages in these labor union states are more productive and therefore deserve the higher wage.

That might be true. But I refuse to believe that workers in these right to work states are worth less; that the work they do is lesser than the work of their brothers and sisters in other states. Take, for example, Iowa, also a so-called "right to work" state. The average weekly wage there is $791. Minnesota to the north, not a right to work state, has an average weekly wage of $964. And Illinois, another bordering state, has a wage of $1,011. And Missouri, to its south, another non-right to work state, $828. I cannot see how the work done by Iowans week in and week out deserves a lesser weekly wage than the workers in their neighboring states.

This legislation is not about economic development, and it never has been about economic development. This so-called "right to work" legislation is about suppressing wages and benefits to benefit those who are already well off—the executives. The Senior Economic Advisor to the Chief Executive also testified before our committee. He cited BMW as having chosen South Carolina for a new plant based entirely on its so-called "right to work" state status.

Quick use of the internet, "Googling" as Representative Short would say, led to a report from the National Association of Development Organizations titled, "Revving the Economic Engine: South Carolina's Auto Cluster." On page 12 of the report, it highlighted BMW's decision to locate in the state. I quote: " Why South Carolina? Most account point to some common themes, such as availability of qualified workers, a good educational training system, necessary transportation infrastructure including the deepwater port of Charleston. The presence of several international companies doing business in the state and region was certainly a plus, such as Michelin and Bosch. It has been noted that being in the Eastern Time Zone was also helpful in terms of facilitating communications between Germany and the United States."

The report gets better. It cites our Chief Executive's Senior Economic Advisor. I quote: "What Butera particularly remembers from his work," on the BMW project, "was the speed and responsiveness of South Carolina's officials 'at all levels of government,' who were able to do 'amazing things' in a tight timeframe." No mention of right to work, Mr. Speaker. In fact, there was not one mention of right to work in the 24-page report.

Mr. Speaker, I cannot even get into the irony of the suggestion that a German-based company—Germany, a country with some of the most robust labor laws in the world—would desire to locate in a US state based solely on its status as a right to work state. This afternoon, I hope you will follow my light, Mr. Speaker, and vote to keep $219 in the wallets of Maine workers, which translates to thousands of dollars each year. Our workers do not deserve any less. Thank you, Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Amherst, Representative Lockman.

Representative **LOCKMAN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, opponents of right to work have argued this morning that allowing workers to opt out of forced dues is a race to the bottom, and results in lower wages than in states that allow compulsory unionism. There's only one problem with this claim: it's not true. Families in right to work states, on average, have several thousand dollars more a year in disposable income than families in non-right to work states. Adjusted for cost of living, wages are better in states that protect workplace freedom.

So why do entrepreneurs prefer right to work states? Why are manufacturing jobs moving from compulsory unionism states to states that protect worker's paychecks from union coercion? One of the reasons is that successful businesses don't want to be handcuffed by absurd and inefficient union work rules that drive up production costs. Anyone who has ever worked in or around a union shop knows exactly what kind of foolishness I'm talking about. Laborers are not allowed to pick up 2x4's. Carpenters are not allowed to move wheelbarrows. Millwrights are not allowed to change light bulbs. And welders are forbidden to empty the trash can in their workspace while waiting for another box of welding rods.

Mr. Speaker, Hostess Brands was driven into bankruptcy and destroyed in large measure because union bosses wouldn't budge on work rules that required cake and bread products to be delivered to a single retail location using two separate trucks; the Teamsters decreed that Twinkies and Wonder Bread can't ride on the same truck. Drivers weren't allowed to load their own trucks. And the workers who loaded bread weren't allowed to load cake.

A sweets driver, serving a 7-11 store, was forbidden from restocking the shelves with bread products already delivered and waiting in the back. He had to call for a bread driver to swing by to handle that task. Union-mandated restrictions on the company's 5,500 distribution routes nationally made it unprofitable for Hostess to serve tiny retail outlets, yet the

company was barred from using smaller, sleeker—and non-union—distributors.

Five hundred jobs were lost in Maine when the company shut down a little more than two years ago. An iconic American company that survived the Great Depression and World War II couldn't survive under the thumb of the union bosses' monopoly power to dictate insane work rules. In the end, it turns out that Hostess Twinkies are easier to digest than union work rules.

Those Teamster union bosses still draw their fat paychecks and their Cadillac health and pension plans after they threw 500 Maine workers underneath the Twinkie truck in Biddeford. Mr. Speaker, let's set Maine workers free from the shackles of compulsory unionism. Follow my light and let freedom ring in Maine workplaces. Thank you, Mr. Speaker.

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

Representative **STETKIS**: Thank you, Mr. Speaker, Men and Women of the House, although being new to this, I'm finding the resistance to right to work has become one of the greatest wonders of the world. I think what bewilders me the most is the amount of misinformation. We've all heard phrases like "union busting," "right to work undermines the rights of workers," and I especially like this one: "people in right to work states make less than people in forced labor states." And then, of course, this morning we were handed out this green sheet that talks about the "race to the bottom."

As far as pay levels go, of course there are many right to work states, like Georgia, North Carolina, and Texas, that have a median income that's far greater than Maine. So, I guess that argument really isn't true. How about "union busting?" 2014, yes I got this off of Google, but it's a US Bureau of Labor Statistics—it's not a Maine Heritage Policy Center or Economic Policy, or any of these others—US Bureau of Labor Statistics reported that the top three states with the fastest rate of growth in union membership in 2013 were Tennessee, Georgia, and Alabama. What's really interesting about that is all three of them happen to be right to work states. In Tennessee alone, union membership increased by 25 percent, boosting union rolls to the highest level in nearly a decade.

The Tennessee President of the AFL-CIO, Mr. Gary Moore, had been quoted to say: "I honestly think we're not going to see a huge surge in unions in Tennessee and in the south, but I do think that we should see a slow and steady climb in membership." So, yet another myth.

I'd like to quickly look at the "race to the bottom" talking point. The reality is that three of the four fastest growing state economies of 2014 are right to work states. While at the same time Maine remains a forced union state that is slowly crawling its way from already being at the bottom for decades. Yet another myth dispelled.

But I think the most egregious of all is the claim that somehow right to work infringes on the rights of workers. The fact is that right to work legislation is exactly the opposite of what the opponents would like you to believe. It very specifically provides a worker the protection from being fired, not because they lack the skills or somehow they're breaking the rules of the workplace, but fired for the simple fact that they would rather not join a private organization. I would submit that, like any other product or service, when a business or organization has to compete and provide a quality product in order to earn or keep your business, your membership dollars will more likely get you a better product or better service, which is why the union membership in many right to work states are growing.

So, Mr. Speaker, this is what it boils down to: this legislation proposes giving the choice to workers to join or not join a private organization based on the benefit that that organization provides and protects workers from losing their job if they decide that they do not want to purchase or see value in the service being offered. Men and Women of the House, please join with me today and vote down the current motion and support the rights of all workers. Thank you, Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Auburn, Representative Melaragno.

Representative **MELARAGNO**: Thank you, Mr. Speaker. Mr. Speaker and Ladies and Gentlemen of the House, as a female low-wage worker my whole working life, I rise in support of this motion. A union is a collective of people. It is a group of workers who work together so that they can have some influence in how they are treated and compensated in the workplace. These so-called big bad "union bosses" that I've heard about are actually elected by members of the union. These are democratic organizations.

This bill is an effort to weaken unions. It is an effort to split workers. As a wage worker, this scares me. I have seen my pay barely increase over the course of, not 10 years, which is well documented where wages have decreased, but over the course of 20 years—the 20 years I've been in the workforce, working typically jobs that are typically inhabited by women, service jobs. This means that the buying power of my wages has actually decreased. With the decline of the strength and prevalence of unions, the condition in the workplace for people like me has also gotten worse.

In closing, I'll tell you something I've noticed, Mr. Speaker. It is only unions that have ever helped to improve conditions in the workplace for workers; employers haven't, our government hasn't. Only unions have ever helped workers. Thank you.

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

Representative **TEPLER**: Thank you, Mr. Speaker. Mr. Speaker and Men and Women of the House, I rise in strong support of this current motion. I've heard a lot of talk about liberty and how liberty requires that no purchase be made as a condition of employment. This makes no sense to me, whatsoever.

Currently, low-wage workers are frequently required to purchase a uniform as part of or a condition of their employment. Many workers are required to buy steel-toed boots as a condition of their employment. They may be required to buy a parking sticker as a condition of their employment. Are we going to forbid organizations from requiring uniforms or steel-toed boots as a condition of employment because it doesn't suit their liberty?

I also feel strongly that women, like my good colleague, Representative Melaragno, need to be strongly represented in the pro-union faction. Women's wages, in non-union work positions, have continually been lesser than those of union employees. And I strongly believe that it is important for women to be part of the organizing movement. Thank you very much, Mr. Speaker, and I hope that the Members of this House will, in fact, vote this Ought Not to Pass.

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

Representative **GUERIN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, I believe that it is an insult to my gender to say that I need to be represented in any way more than any other gender would need to be represented. I certainly could negotiate a contract myself and would feel very capable of that as a female.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Newfield, Representative Campbell.

Representative **CAMPBELL**: Don't bother now, Mr. Speaker. Let everybody else speak. Forget it.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Lewiston, Representative Brooks.

Representative **BROOKS**: Thank you, Mr. Speaker, Men and Women of the House, I rise today in strong support of the Ought Not to Pass motion. My grandmother, I've spoken of her before here but I'll bring her back to my mind, she was a union secretary for the shoe shops in Lewiston-Auburn. She didn't speak of it much, but she was the union secretary around the time that we had the shoe strikes.

And of course, we think back to the jobs that were brought by manufacturing, but we sometimes forget the conditions that people worked under—the child labor, the dangerous conditions. I think of Worker's Memorial Day that I go to for the last several years and the conditions that people work under. Thinking of my mother, she was a kindergarten teacher and a guidance counselor for a number of years. She helped organize in the teacher's union. She had done many things to help teach our children and help fight for fair work conditions in her workplace.

My father was in the union in the fire department. He ran in when others ran out, and their lives were really on the line. We hear of the different, in my mind they're all definitely heroes. The unions fight for us and they rise the work conditions for all of us and we are in this together and the sooner we recognize that the better off we'll all be. And I just think of the worker suppression that this bill hopes to bring about and I just rise encouraging the whole body to come together and defeat this measure and I thank you for your time.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Brunswick, Representative Daughtry.

Representative **DAUGHTRY**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I rise in favor of the pending motion. We've seen a bill like this, or a measure like this, many, many times before. Some bills seem to come back again and again. You can count on them being before this body every year. They're as reliable as the good Representative from East Machias defending local control, or the good Representative from Newfield railing against legalizing marijuana. This measure is one of those bills that is just as reliable as those statements.

But I wanted to quickly, and I emphasize "quickly," rise and speak in favor of the pending motion. As the granddaughter of a proud—and I shall mention Republican—member of the North Carolina Teacher's Union, I've seen and heard firsthand the positive benefits of the labor movement. If you enjoy your 40-hour workweek, thank a union. If you enjoy not having to slave away at a cotton mill at the age of 12 and potentially lose a few fingers, thank a union. If you enjoy your weekend, thank a union.

This country benefitted greatly from the Labor Movement and we need to do all we can to ensure that workers have all the best protections, instead of passing measures like this that seek to weaken the very backbone of our unions. I just want to quickly leave you with a quote that I always think back to when I see bills like this, and it's from the great Martin Luther King, Jr. and I quote: "The Labor Movement did not diminish the strength of the nation, but enlarged it. By raising the living standards of millions, labor miraculously created a market for industry and lifted the whole nation to undreamed of levels of production. Those who attack labor forget these simple truths, but history remembers them." I urge you to follow my light.

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

Representative **STANLEY**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I probably should be the first person that should not be supporting this amendment because what I have to tell you, I'm going to tell you a little story. And my story starts with my pension plan.

I had to sue, 1,500 of us had to sue, get our own attorney and pay the attorney to be able to sue the federal government to get my pension. My union should've done that for me. Out of the 1,500, we all had to pay 10 percent of our whatever we got out of our pension to the attorneys that we had to hire. The other thing is we had to disband our union. We had $15,000 in the bank and the union came and took the money and we felt, as members of our union before we disbanded it, is that money should've went to food or to heat or whatever to provide for the unemployed workers at the time.

With all that being said, you'd think, "Well, what's so good the union?" Well, I'm going to tell you what's so good for a union. When I was working, I was bringing home $1,500-$2,000 a week. And I had a high school education. By having a high school education, I'm down in the lower bracket anyway on what you can learn. But the thing that I really want to represent here is: By not having a union, I would've been making, because I was on unemployment, I was making $300 a week. I have to go to the Maine Job Bank. At the Maine Job Bank, I have to look at the jobs and those jobs are $7, $7.75, $8, $9 an hour. So, do the math. That's three hundred and some odd dollars a week. That's all you're making, going from $1,500-$2,000 down to $300 or so.

And the other thing, I had benefits. I had health insurance. I had a 401k. And, if I didn't have to work on a day off and it was a holiday, I got paid. And the other thing is I had vacations that paid a good wage for me to be able to go on vacation. And how did that happen? Because I had a union. The union got me all of that. And today, with the little education that I have, I've decided to go to college on the TRA. And I'll tell you what, that's been a good learning experience for me because I found out how the history of the Labor Movement got started in one of the courses that I took.

In 1880, was when the unions first started. This is where your child labor laws all developed. This is where your 40-hour weeks developed. This is where good wages started developing. It was because that's when unions started. To have unions today, is vital, not just for the people in the unions, but also for the people that do not belong to unions, because they increase the health, the wages, and the benefits for the people that are not employed by a union. That's what brings your wages up.

We have many jobs here in this state, because like I said, I used to look at the job bank every week. I get two or three of them every week, a list of jobs coming in. And like I say, $7, $8, not $7, but $8, $9 an hour, and here you are trying to raise a family, trying to do this, trying to do that, on $300 a week in today's society. And that is not even counting the taxes being taken out.

To me, unions play a very vital role in what is going on in this country today. Don't get me wrong, we have, I think the Labor Movement has to have some big changes to it. But the thing I really want to stress here today is, without unions, everybody, not everybody but a lot of your jobs, would be low-paying jobs. And I hate to say this, but try to bring a family up on $300 a week. Try to pay the rent. Because the way I look at it, I live this: $300 a week. Done it for over a year, year and a half. And I'll tell you what, I see how the people in my district are hurting because you're going from a good wage to a low wage. And, you know,

you have to pay taxes. People today have to pay taxes on the property that they own, if you can afford a house. And if you have an apartment, you're not getting an apartment for $200 or $300 a week, a month I mean. It's going to cost you $500, $600, $700, $800 depending on where you live.

But the thing that you really have to realize though is the union does a lot more for your society as a whole than just for its members. Because, like I said, they set the standard for businesses to bring themselves up to and I understand that right to work states are doing a lot of things. But you ought to look at the gross domestic product in the State of Maine; we're eighth from the bottom. And some of these right to work states might be a little bit better than us, but the problem that I see in this state is the way that we, as a state, are handling the situations of the unemployed worker. Because we are not providing jobs, good quality paying jobs for people. Because we're all trying to make a fast buck.

And I say this because I drive down on the interstate every day and I look at the people driving Audi's, Mercedes, and all of that. And don't get me wrong, I'm glad for them. I think they should be making money. But the problem that I see is the people that I represent not doing well as other people. So with that, I'm going to sit down, and thank you.

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

Representative **WARD**: Thank you, Mr. Speaker, folks have been here a long time, so I promise that I'll be brief. An awful lot's been said, doesn't need to be rehashed about this. Probably most of us have made up our mind on this, Mr. Speaker.

But I would like to say this: Ladies and Gentlemen of the House, I rise in opposition to the pending motion. And as you reach to press your button on this vote, I'd like you to remember just 10 little words with right to work: If you like your union you can keep your union. Thank you, Mr. Speaker.

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

Representative **HAMANN**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House, before we vote in favor of the pending motion, I would like to share some relevant advice from three of our country's greatest leaders.

"We must guard against being fooled by false slogans, such as 'right to work.' It provides no 'rights' and no 'works.' Its purpose is to destroy labor unions and the freedom of collective bargaining." -Martin Luther King, Jr.

"Those who would destroy or further limit the rights of organized labor—those who cripple collective bargaining and prevent organization of the unorganized—do a disservice to the cause of democracy."

"The American Labor Movement has consistently demonstrated its devotion to the public interest. It is, and has been, good for all Americans." -President John F. Kennedy.

"There is no America without labor, and to fleece the one is to rob the other."

"If any man tells you he loves America, yet hates labor, he is a liar. If any man tells you he trusts America, yet fears labor, he is a fool."

"All that harms labor is treason to America." -President Abraham Lincoln.

Thank you Mr. Speaker.

The SPEAKER PRO TEM: 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. 229

YEA - Alley, Babbidge, Bates, Battle, Beavers, Beck, Beebe-Center, Blume, Brooks, Bryant, Burstein, Campbell J, Campbell R, Chapman, Chenette, Chipman, Cooper, Daughtry, Davitt, DeChant, Devin, Doore, Duchesne, Dunphy M, Evangelos, Farnsworth, Fecteau, Fowle, Frey, Gattine, Gideon, Gilbert, Golden, Goode, Grant, Grohman, Hamann, Hanley, Harlow, Herbig, Hickman, Higgins, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kruger, Kumiega, Lajoie, Longstaff, Luchini, Martin J, Martin R, Mastraccio, McCabe, McCreight, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Peterson, Picchiotti, Pickett, Pierce J, Pierce T, Pouliot, Powers, Rotundo, Russell, Rykerson, Sanborn, Saucier, Schneck, Shaw, Sherman, Short, Stanley, Stuckey, Sukeforth, Tepler, Tipping-Spitz, Tucker, Verow, Warren, Welsh, Wood, Mr. Speaker.

NAY - Austin, Bickford, Chace, Corey, Crafts, Dillingham, Dunphy L, Edgecomb, Espling, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Greenwood, Guerin, Hawke, Head, Herrick, Hilliard, Hobart, Kinney J, Kinney M, Lockman, Long, Lyford, Maker, Marean, McClellan, McElwee, Nutting, O'Connor, Parry, Prescott, Reed, Sanderson, Seavey, Sirocki, Skolfield, Stearns, Stetkis, Timberlake, Timmons, Tuell, Turner, Vachon, Wadsworth, Wallace, Ward, White, Winsor.

ABSENT - Black, Buckland, Dion, Hanington, Malaby, McLean, Noon, Sawicki, Theriault.

Yes, 90; No, 52; Absent, 9; Excused, 0.

90 having voted in the affirmative and 52 voted in the negative, with 9 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

HOUSE DIVIDED REPORT - Majority (7) **Ought Not to Pass** - Minority (6) **Ought to Pass** - Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Prohibit Public Employers from Acting as Collection Agents for Labor Unions"

(H.P. 270) (L.D. 404)

TABLED - June 5, 2015 (Till Later Today) by Representative GIDEON of Freeport.

PENDING - **ACCEPTANCE OF EITHER REPORT**.

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

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

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

The SPEAKER PRO TEM: The Chair recognizes the Representative from Amherst, Representative Lockman.

Representative **LOCKMAN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, if you like your union, you can keep your union, and if you like paying union dues, you can keep on paying union dues. You'll just have to make arrangements without having a government entity act as an unpaid collection agent in that transaction.

So, if you're a member of the MSEA/SEIU, you are free to make your own arrangements for an electronic funds transfer from your checking account to the union. Somehow, the MSEA/SEIU was able to operate for decades without having state government as a collection agent. And frankly, I believe it is improper and inappropriate for labor and management to have such a cozy relationship.

And I think it's important for Members to understand that labor unions are private corporations. Read any union constitution and you will find that they are private corporations organized to

engage in political activity and lobbying. Given this reality, having any government entity acting as a free collection agent for these private corporations is entirely inappropriate. What other private corporation can you think of that engages in politics and lobbying has a sweetheart deal that allows the state to collect the corporation's debts? This doesn't pass the straight face test, Mr. Speaker.

I don't know about you, Mr. Speaker, but I would be opposed to letting state government withhold member dues for any political organization—Republican, Democrat, Green, Independent. So, Ladies and Gentlemen of the House, please follow my light and put an end to this way too cozy arrangement and this sweetheart deal. Thank you, Mr. Speaker.

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

Representative **HERBIG**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, I rise in strong opposition to LD 404 and urge you to support the Majority Report. Union membership is voluntary in Maine. Union membership is voluntary in both the public and private sector. Union membership cannot be a requirement of employment.

To suggest that current Maine law supports forced unionization or compulsory unionism is simply not true. LD 404 seeks to strike an agreement that those on both sides of the debate agreed to a long time ago. This was not a sweetheart deal. This measure was passed with bipartisan support. Thank you.

The SPEAKER PRO TEM: 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. 230

YEA - Alley, Babbidge, Bates, Battle, Beavers, Beck, Beebe-Center, Blume, Brooks, Bryant, Burstein, Campbell J, Campbell R, Chapman, Chenette, Chipman, Cooper, Daughtry, Davitt, DeChant, Devin, Doore, Duchesne, Dunphy M, Evangelos, Farnsworth, Fecteau, Fowle, Frey, Gattine, Gideon, Gilbert, Golden, Goode, Grant, Grohman, Hamann, Hanley, Harlow, Herbig, Hickman, Higgins, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kruger, Kumiega, Lajoie, Longstaff, Luchini, Maker, Martin J, Martin R, Mastraccio, McCabe, McCreight, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Peterson, Picchiotti, Pickett, Pierce T, Pouliot, Powers, Rotundo, Russell, Rykerson, Sanborn, Saucier, Schneck, Shaw, Short, Stanley, Stearns, Stuckey, Sukeforth, Tepler, Tipping-Spitz, Tucker, Tuell, Verow, Warren, Welsh, Mr. Speaker.

NAY - Austin, Bickford, Chace, Corey, Crafts, Dillingham, Dunphy L, Edgecomb, Espling, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Greenwood, Guerin, Hawke, Head, Hilliard, Hobart, Kinney J, Kinney M, Lockman, Long, Lyford, Marean, McClellan, McElwee, Nutting, O'Connor, Parry, Pierce J, Prescott, Reed, Sanderson, Seavey, Sherman, Sirocki, Skolfield, Stetkis, Timberlake, Timmons, Turner, Vachon, Wadsworth, Wallace, Ward, White, Winsor, Wood.

ABSENT - Black, Buckland, Dion, Hanington, Herrick, Malaby, McLean, Noon, Sawicki, Theriault.

Yes, 90; No, 51; Absent, 10; Excused, 0.

90 having voted in the affirmative and 51 voted in the negative, with 10 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

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

HOUSE DIVIDED REPORT - Majority (7) **Ought Not to Pass** - Minority (6) **Ought to Pass as Amended by Committee Amendment "A" (H-346)** - Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Ensure That Wages and Benefits of Maine State Employees Serve a Public Purpose"

(H.P. 897) (L.D. 1319)

TABLED - June 10, 2015 (Till Later Today) by Representative HERBIG of Belfast.

PENDING - **ACCEPTANCE OF EITHER REPORT**.

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

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

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

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

Representative **WARD**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, I rise in opposition to the pending motion. This proposed legislation focuses on an idea that every person in this body should be able to agree on, and that is our fundamental responsibility that each of us agreed to bear to make sure that every single tax dollar that we take from the people of the State of Maine gets put to work for the people of the State of Maine.

We, in this Legislature, must do our due diligence and look at this issue, protect the public interest, as well as their tax dollars, to which we have been entrusted and act in a manner that they would approve of. This is precisely why I presented this bill to reinforce the notion that we can be trusted to spend their money efficiently on their behalf. In order to look the taxpayer that we represent squarely in the eye, Mr. Speaker, and pass the straight face test, we must look at a little known but significant activity that goes on in almost every state of the country, including Maine. It's called "union release time."

Let me illustrate how union release time works. Imagine the State of Maine contracting a local McDonald's and saying, "We want to donate state workers to your business. The state, with its public tax dollars, will keep paying their salaries, but they'll be McDonald's employees. Put them in a McDonald's uniform, make them sell hamburgers. The state doesn't care. They are yours." Now after the initial shock and disbelief, the McDonald's owner would no doubt respond, "I'm lovin' it." Does that sound farfetched?

Unfortunately, this type of government handout happens every day, but instead of fast food, the beneficiaries are public employee unions. This means that when the unions dispute salaries, file costly grievances, election year for candidates that they know will support them after getting elected, taxpayers are paying for both sides of every fight. Union release time pits government unions against the taxpayers who pay their salaries and it's time to end this offensive practice.

Under release time, government employees are released from their full-time jobs in order to do full-time work for their unions, including lobbying and electioneering, and while they collect their full taxpayer-funded salaries and benefits. Release time is negotiated as part of the collective bargaining contract between public employers and unions. It comes in many shapes and sizes, but are generally distilled down to three different types.

The first is full-time release, which let public employees leave their jobs completely to do solemnly union work. They report to union headquarters and their government supervisors do not know where they are or what they're doing, yet they receive full pay and benefits, including pensions from the taxpayer. The second type is a bank of hours, which gives unions a certain type of hours that can be used for a wide range of union activities. While using these hours, public employees can leave their jobs during a shift and do whatever the union wants, including preparing grievances against the government employer. The third type is activity specific, where the government tells the union they can use public employees to perform a specific or a certain activity. Activity specific release time can come with unlimited hours, such as unlimited hours for contract negotiations with the government or a cap, such 200 hours, for union conferences. The activities performed by employees on release time vary and often bear no resemblance to the duties for which the taxpayer thinks they are paying.

Moreover, in many instances, release time employees engage in activities that are often in direct odds with the interest of public employers and taxpayers. For example, release time is used to campaign for candidates in public office, lobby legislative bodies on bills, in many cases taking positions on legislation that is contrary to the employer's position. Taxpayers are therefore funding the political activities of a private organization that may be advocating for legislation with which many taxpayers vehemently disagree.

Additionally, release time is commonly used to initiate and file grievances against the public employer. This is tantamount to a company paying several full-time employees to petition other employees to file complaints against the company that the company must then resolve.

Release time is also rarely used to negotiate over wages, benefits and other conditions of employment. In these circumstances, a public employee being paid public wage is negotiating for private benefits with another public body and when release time employees use release time to negotiate over wages and benefits, taxpayers are literally funding both sides of the negotiation with no seat at the table themselves. Mr. Speaker, talk about taxation without representation.

Now, it was impossible for me to do an exhaustive study of all public employee collective bargaining agreements in Maine, but in the first Maine State Employee Association Local 1939 bargaining union agreement for the current period, I found, I did indeed find buried deep inside these incredibly costly provisions. So just to be crystal clear, with union release time, every Maine taxpayer compensates people to not work on the taxpayer's behalf, but instead to lobby taxpayers for more money and more perks. It sounds unbelievable, doesn't it? But, in fact, it's true.

In fact, a recent report in the *Wall Street Journal* conservatively estimates that nationwide union release time adds up for 23 million hours annually at a cost to taxpayers of more than a billion dollars. And in just one bargaining unit here in Maine, in Maine State government, we uncovered over 4,500 man hours in just the last year totaling an estimated $100 to $120,000 in costs to the Maine taxpayer.

All over the US cities and states are waking up to this often hidden clause in contracts, which often dates back 30 or 40 years and they're making changes to make sure their citizen's taxes are going to things that benefit the citizens. In fact, Arizona trial court recently found that this practice of union release time was clearly unconstitutional, in that it was in violation of that state's constitutional "gift clause," which strictly forbids public money, held in trust for the state government and its Legislature, from funding private benefits, including union activism.

In fact, Mr. Speaker, 47 of our 50 states also have the same clause and it prevents state's governments from endangering publicly held funds by investing or giving them to nongovernmental private entities. And in state after state, these cases are being argued and found to be unconstitutional. Alas, Maine is one of only three states whose constitution does not contain such a clause. Perhaps if this loophole didn't exist, then perhaps union release time and the hundreds of thousands of taxpayer's dollars paid to private entity unions instead of for the benefit of the taxpayers, would also never have been allowed.

Mr. Speaker, constitutional loophole or not, there is little room for arguing that the taxpayer benefits at all from the release time provision. Ask a taxpayer if they think they are best served when public employees are hired to do a job, actually does the job that they were hired to do, or if they think their tax dollars should pay for union activities. My guess is they'll tell you that pulling employees away from their duties to perform union work is therefore quintessentially a non-public purpose. This is even more pronounced in case of police officers or firefighters who, when they go on release time, stop protecting the public in order to start protecting the union.

Mr. Speaker, whether you're pro-union or open shop or somewhere in between is irrelevant to this question. This bill deals with only one simple question: Do we, as legislators bound by the oath to protect the best interest of the citizen taxpayer and their money entrusted to us, effectively manage, as they would want, this money managed? Do you think that they would approve of this practice, and in short, can they trust us? I think you know the answer. Mr. Speaker, I ask that we show the taxpayers of the State of Maine that they sent the right person to represent their interests in their district, follow my light, and let's end this appropriate practice now. Thank you, Mr. Speaker.

The SPEAKER PRO TEM: 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. 231

YEA - Alley, Babbidge, Bates, Battle, Beavers, Beck, Beebe-Center, Blume, Brooks, Bryant, Burstein, Campbell J, Campbell R, Chapman, Chenette, Chipman, Cooper, Daughtry, Davitt, DeChant, Devin, Doore, Duchesne, Dunphy M, Evangelos, Farnsworth, Fecteau, Fowle, Frey, Gattine, Gideon, Gilbert, Golden, Goode, Grant, Grohman, Hamann, Harlow, Herbig, Hickman, Hobart, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kruger, Kumiega, Lajoie, Longstaff, Luchini, Martin J, Martin R, Mastraccio, McCabe, McCreight, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Peterson, Picchiotti, Pierce T, Pouliot, Powers, Rotundo, Russell, Rykerson, Sanborn, Saucier, Schneck, Shaw, Sherman, Short, Stanley, Stearns, Stuckey, Tepler, Tipping-Spitz, Tucker, Verow, Warren, Welsh, Mr. Speaker.

NAY - Austin, Bickford, Chace, Corey, Crafts, Dillingham, Dunphy L, Edgecomb, Espling, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Greenwood, Guerin, Hanley, Hawke, Head, Higgins, Hilliard, Kinney J, Kinney M, Lockman, Long, Lyford, Maker, Malaby, Marean, McClellan, McElwee, Nutting, O'Connor, Parry, Pickett, Pierce J, Prescott, Reed, Sanderson, Seavey, Sirocki, Skolfield, Stetkis, Sukeforth, Timberlake, Timmons, Tuell, Turner, Vachon, Wadsworth, Wallace, Ward, White, Winsor, Wood.

ABSENT - Black, Buckland, Dion, Hanington, Herrick, McLean, Noon, Sawicki, Theriault.

Yes, 86; No, 56; Absent, 9; Excused, 0.

86 having voted in the affirmative and 56 voted in the negative, with 9 being absent, and accordingly the Majority

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

SENATE PAPERS
Non-Concurrent Matter

Bill "An Act To Restore Revenue Sharing" (EMERGENCY)
(H.P. 677) (L.D. 980)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-321) AND HOUSE AMENDMENT "A" (H-390) in the House on June 11, 2015.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-321)** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

Non-Concurrent Matter

Bill "An Act To Allow Hunters Whose Religion Prohibits Wearing Hunter Orange Clothing To Instead Wear Red"
(S.P. 538) (L.D. 1430)

Majority (10) **OUGHT NOT TO PASS** Report of the Committee on **INLAND FISHERIES AND WILDLIFE READ** and **ACCEPTED** in the House on June 11, 2015.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Minority (3) **OUGHT TO PASS AS AMENDED** Report of the Committee on **INLAND FISHERIES AND WILDLIFE** was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-244)** and **ASKED** for a Committee of Conference in **NON-CONCURRENCE**.

The House voted to **INSIST** and **JOIN** in a **COMMITTEE OF CONFERENCE**.

REPORTS OF COMMITTEE
Ought to Pass Pursuant to Public Law

Report of the **Joint Standing Committee on Energy, Utilities and Technology** on Bill "An Act To Correct an Inconsistency in the So-called Dig Safe Law"
(S.P. 545) (L.D. 1444)

Reporting **Ought to Pass** pursuant to Public Law 2013, chapter 557, section 3.

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

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

The Bill was **READ ONCE**.

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

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

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

ENACTORS
Emergency Measure

An Act To Establish Transportation Network Company Insurance
(H.P. 934) (L.D. 1379)
(C. "A" H-397)

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

Acts

An Act To Ensure That Defendants Receive Proper Notification in Foreclosure Proceedings
(H.P. 83) (L.D. 111)
(C. "A" H-391)

An Act To Prohibit the Use of Eminent Domain in Certain Public-private Partnerships and To Prohibit the Use of Eminent Domain by a Private Business Entity in a Public-private Partnership
(S.P. 415) (L.D. 1168)
(C. "A" S-249)

An Act To Amend the Laws Governing the Issuance of Bonds and To Effectuate the Issuance of Bonds To Support Maine's Natural Resource-based Economy
(S.P. 508) (L.D. 1378)
(C. "A" S-247)

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

REPORTS OF COMMITTEE
Divided Report

Seven Members of the Committee on **HEALTH AND HUMAN SERVICES** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (H-403)** on Bill "An Act To Provide Funding for Head Start Services"
(H.P. 723) (L.D. 1054)

Signed:
Senator:
HASKELL of Cumberland

Representatives:
GATTINE of Westbrook
BURSTEIN of Lincolnville
HAMANN of South Portland
HEAD of Bethel
PETERSON of Rumford
STUCKEY of Portland

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

Signed:
Senator:
McCORMICK of Kennebec

Representatives:
SANDERSON of Chelsea
VACHON of Scarborough

Two Members of the same Committee report in Report "C" **Ought to Pass as Amended by Committee Amendment "B" (H-404)** on same Bill.

Signed:

Senator:

BRAKEY of Androscoggin

Representative:

MALABY of Hancock

READ.

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

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

Representative **MALABY**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I rise in opposition to the pending motion. I support Report "C" Ought to Pass as Amended by Committee Amendment "B," which would draw the funding from the Fund for Healthy Maine. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Jay, Representative Gilbert.

Representative **GILBERT**: Mr. Speaker, may I pose a question through the Chair?

The SPEAKER PRO TEM: The Representative may pose his question.

Representative **GILBERT**: Mr. Speaker, Men and Women of the House, I just came in here and, Mr. Speaker, this is LD 1054, right? I'm sorry I have to ask that.

The SPEAKER PRO TEM: The Chair would answer in the affirmative. This is LD 1054.

The Chair recognizes the Representative from Jay, Representative Gilbert.

Representative **GILBERT**: Thank you. I stand in support of LD 1054, "An Act To Provide Funding for Head Start Services." In Franklin County, our young children live in some of the most extreme economic and social conditions found in Maine. I speak for those families whose median income falls below $37,863 in Franklin County. I speak on behalf of children in my district, especially those under five years of age who are dependent on MaineCare—70.6 percent in Franklin County, well above the state average rate of 56 percent of our children. I am also mindful of the significant investment that is already made in remedial and special ed, which ranges from 17 percent to 22 percent of a typical RSU in our region.

I support LD 1054, which will provide an increase of $2 million a year, allowing Head Start providers to serve hundreds more children and families. Today, only 29 percent of eligible children are enrolled in Head Start and there are 1,000 children on waiting lists. Head Start provides comprehensive services for children and their parents—services that provide proven long-term benefits to children and families. Let's pass LD 1054 and address those waiting lists.

Head Start has existed since 1965. Its track record demonstrates an increase in college attendance and markedly greater high school graduation rates. Indeed, a decisive reduction in the possibility of involvement in juvenile crime and the oversight of these youth by the Department of Correction is measurably proved. Head Start participants also show a reduced likelihood of catastrophic illness over these past 30 years of tracking, justifies the state's investment in and of itself. It is a hedge against even more exorbitant expenditures that would necessarily be incurred.

Maine leads New England in the number of households that suffer from food insufficiency with a rate of 15 percent. It is upsetting to realize that how many of our young children qualify for aid, and it makes the argument even more compelling for these Head Start and childcare programs to be supported, as an investment if nothing else. Nutrition matters. These children merit the funding with the numbers so evident.

To be sure, the actions of the government must go beyond a simple welfare mentality because this path to self-sufficiency should only be a first step, but helping people when they are down is not condoning a dependent lifestyle. The efforts of Head Start parents merit our support. Ninety-two percent of these parents have at least a high school degree. Half have attained a college-level education and higher. Head Start and early childhood programs speed struggling families to a place of self-sufficiency and an achievement of their full potential. Thank you, Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from South Berwick, Representative Beavers.

Representative **BEAVERS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, I agree with the words of Representative Gilbert. And my only additional statement is, I don't like to see one department in our government stealing money from another and, essentially, that's what this is. Head Start is education; Funds for Healthy Maine is health issue. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Caribou, Representative McElwee.

Representative **McELWEE**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I rise in support of this LD 1054. Just a second. Thank you. Head Start is a community-based program that promotes the school-readiness of children from families living in poverty, by enhancing their cognitive, social, and emotional development. Enrolled children and families participate in a wide variety of services and supports, including education, health, mental health, nutrition, and social services.

But, as we have been told already by Representative Gilbert, we have only 29 percentage of Maine children eligible for Head Start participating in Head Start programs. I would like to see this percentage doubled or even tripled in the coming years. What I'd like to do more than anything is share with you an experience that I had, just about three or four months ago, and I visited Caribou Head Start Center in my hometown.

I was so impressed with the short time with everything while I was there. The parents arrived with the children, the busses drove in and delivered another group of kids, and the atmosphere was electric. Happy smiles were everywhere. Inside, I was encountered with well-trained, caring teachers who worked with the children from ages six weeks to six years old. I went to the infant room, the toddler's room, and the preschool rooms. Children were involved in purposeful play, learning from each other, and enjoying each other's company.

I was told that this particular school site, in Caribou, held a quality rating of Level 4, the highest possible in Maine, and I was certainly very impressed at that. The children were learning appropriate social and behavioral interactions with each other, the things that they would need when they attended elementary school. It was a very productive day for me, and I have to tell you I even had an opportunity to read them a story. This was a learning experience.

Being a secondary educator, I didn't have the quite the participation that these young people gave me. They wanted to turn the pages and they wanted to be involved. It was a learning experience for all of us, one that I would recommend to each of you. In fact, I am returning for another visit this summer.

Often, I've heard Head Start being referred to as a babysitting facility. This is so far from the truth. It is a beginning for our

children. It's an investment for us. Maine needs more of this high-quality earning learning experiences for Maine children. This is why I am so pleased and proud to support LD 1054. I ask my colleagues from both sides of the aisle to support the Head Start program for Maine's youngest and most at-risk children. I have no doubt that our investment will be returned to us many fold through their future successes and accomplishments. Thank you so much.

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

Representative **O'CONNOR**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I am going to be Attila the Hun. Taxpayers have been on the hook for over $150 billion for Head Start since 1965. In 2010 the Federal Department of Health and Human Services found that there is no lasting impact on children after first grade and no difference between those children who attended Head Start and those who did not. That study is titled: "Health Start Impact Study."

This should certainly call into the questions the merits of increasing funding for the program, especially in light of other pressing needs such as the shuttering of doors of some of our nursing homes and the failures to care for those waiting for Section 21 and 29 waivers. Head Start is a metaphor for government waste and inefficiency, a noble idea that does not work. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Portland, Representative Stuckey.

Representative **STUCKEY**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, the bill's sponsor, my good friend and the good Representative from Caribou, Representative McElwee, has really done her homework. This bill provides funding to address the significant unmet statewide need for Head Start services, that providing comprehensive developmental services to children and invaluable supports to young parents.

At the public hearing we learned about the valuable opportunities that Head Start and Early Head Start programs offer the very lowest income Maine families. There are center-based programs and home-based programs. Mr. Speaker, the Head Start and Early Head Start programs help parents connect their children to Health Homes and access to dental, physical, and mental health services. The children are also exposed to the developmentally appropriate physical, social, emotional stimulations that they need to grow and thrive.

Parents—mostly single moms, but dads are always welcome, too—get important parenting guidance and support, including opportunities to volunteer alongside well-trained child development professionals at their children's programs. And most center-based programs offer extended day child care to allow parents to go to school or work.

Mr. Speaker, I think this bill enjoys solid bipartisan support in this body and strong support from the law enforcement community. Investing in high quality early care and education programs for kids in their first five years is one of the best crime reduction programs we have. As I told you last week, Mr. Speaker—actually it might have been the other Mr. Speaker—but that the State of Maine spends $380 million a year caring for less than 5,000 inmates in our prisons and jails. That's $76,000 a year each. That's Head Start for eight families, or Early Head Start for five.

And, Mr. Speaker, the report that the good Representative O'Connor referred to that disses the Head Start program is one of a myriad of reports, all of which, all of the others of which will attest that Head Start has a positive impact on children and families. It increases educational achievement. It has a very positive impact on children's health. Head Start parents receive health literacy, decreasing annual Medicaid costs. Head Start graduates are 12 percent less likely to be booked or charged with a crime. The list goes on and on. There was a report published two years ago that was signed off on by over 270 independent researchers that supported the positive findings of the Head Start program.

The Head Start program, Mr. Speaker, statewide, currently serves less than 30 percent of the almost 4,500 eligible Maine children. The funding in this bill would allow every Head Start grantee in the state to open one new classroom or add 12 new Early Head Start slots to their program. Mr. Speaker, I know you know that during the first five years of life, brain synapses are developing like crazy. Children are learning tons about the world, and about how they are going to walk through it.

Head Start and Early Head Start are evidence-based programs that help parents raise kids who feel nurtured and loved, who are healthy and happy, and who are curious and excited about exploring their world. This is a great bill, Mr. Speaker and I'm sure you'll join me in urging our colleagues to put a whole lot of green up there on the board. Thank you, Mr. Speaker.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-403)** 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-403)** and sent for concurrence.

Reference was made to Bill "An Act To Allow Hunters Whose Religion Prohibits Wearing Hunter Orange Clothing To Instead Wear Red"

(S.P. 538) (L.D. 1430)

In reference to the action of the House on June 12, 2015 whereby it Insisted and Joined in a Committee of Conference, the Chair appointed the following members on the part of the House as Conferees:

Representative MARTIN of Sinclair
Representative TUCKER of Brunswick
Representative WOOD of Greene

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

SENATE DIVIDED REPORT - Majority (7) **Ought to Pass as Amended by Committee Amendment "A" (S-161)** - Minority (6) **Ought Not to Pass** - Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Remove the Municipal Mandate To Enforce the Maine Uniform Building and Energy Code"

(S.P. 418) (L.D. 1191)

Which was **TABLED** by Representative HERBIG of Belfast pending **ACCEPTANCE** of either Report.

Subsequently, Representative HERBIG of Belfast moved that the House **ACCEPT** the Minority **Ought Not to Pass** Report.

The same Representative **REQUESTED** a roll call on the motion to **ACCEPT** the Minority **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 PRO TEM: The Chair recognizes the Representative from Newfield, Representative Campbell.

Representative **CAMPBELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, this morning I was told this was a Republican bill. Well, it is. It's the Senate President's. And I support it wholeheartedly. So, today, I am an Independent Republican.

I was also told today, MMA came to me twice and asked me to support this bill. And I was lied to this morning. I was told that they changed their mind. So I contacted them and met with them this afternoon and they are very, very much in favor of this bill. So, I don't have to pay attention to what I listened to this morning. I don't want to say what it was.

But this is a good bill and I hope you all understand MMA supports this bill and I was told by MMA that my towns that I represent also support it. So, I hope you 'll hit the green light on this one and support it with the majority. Thank you very much.

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

Representative **RYKERSON**: Thank you, Mr. Speaker, I rise to speak in support of this motion. I mean Mr. Pro Tem, sorry. As a licensed Maine architect, I can tell you that building codes were initiated for the safety of the public. Fireproof construction, adequate egress out of the building and alarm systems have saved thousands of lives. Most states have been expanding their building codes and increasing public safety.

When a building only meets code it is the most dangerous building that can be legally constructed. This bill would remove 435,000 Maine citizens from living in areas where structures are required to meet code. Buildings that don't meet code in Maine are already resulting in deaths every year. I guarantee that if more noncompliant buildings are constructed, there will be more injuries and more deaths.

And as to a voluntary code, the *Merriam-Webster Dictionary* defines a code as: "A set of rules and standards adhered to by a society." To me, "adhered" doesn't mean maybe or sometimes. Should we have a speed limit that is allowed, but not required? That would put us all in danger, as would the passage of this bill. Are there problems with building codes? Absolutely. There are times in my practice that I rate a section of the code about as valuable as a mosquito bite, but there are ways to alter the code and there are often alternate pathways to compliance.

Women and Men of the House, we were sent here to represent the public, not to increase the risk to their lives. This is an extreme and dangerous idea that would affect the lives of over 400,000 Mainers. Thank you.

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

Representative **HIGGINS**: Good afternoon, Mr. Speaker Pro Tem, I'll be very brief. I understand you have a social commitment, so want to make sure we don't get you in trouble, Ladies and Gentlemen of the House, and I will be very brief. I also checked with the Maine Municipal Association about 20 minutes ago to make sure that their 60-member legislative council, representing all areas of the State of Maine, had voted in support of this and they, in fact, have.

What we have here is, and certainly, none of us who want to see this changed, proposing endangering people's lives. We're not trying to be alarmists. But, what we are saying is that we have a flawed system. And the flawed system is that, first of all, a couple of years ago if you were a community under 2,500, you didn't have to comply. Last Legislature changed that to 4,000. Now, the proposal is to move it to 10,000. Here's what I see as the primary issue: If you don't have the whole state covered, then what you have is some communities are covered and some aren't. Many times, people will decide to build homes or do other projects in the surrounding communities. I live in Dover-Foxcroft. We're affected by this and there isn't another town in 35 miles in any direction that has to comply with the building and energy codes.

So people are building around us, not in our community. And that gives a competitive advantage to some, and obviously a disadvantage to others. It's about the inspection process that is costly, repetitive, and creates delays. A construction project on a housing project in Dover-Foxcroft right now, the contractor had budgeted $14 thousand for inspections. It's financed by a bank. Banks require inspections. Finance Authority of Maine requires inspections, FHA, whoever's financing requires inspections. So, what we have is, many times, two and three inspectors coming to check on the same thing. I think that is a really a serious issue.

And, you know, as a former selectman, I don't believe I would ever consciously make a decision to put my public in danger. But I certainly would respect the opportunity for a community to decide how they wish to proceed in terms of this particular issue. So, I urge you to reject this motion and thank you, Mr. Speaker, Ladies and Gentlemen.

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

Representative **TUELL**: Thank you, Mr. Speaker, before I begin may I pose a question through the Chair?

The SPEAKER PRO TEM: The Representative may pose his question.

Representative **TUELL**: The question is simply the motion is Ought Not to Pass, correct?

The SPEAKER PRO TEM: For clarification purposes, the motion before the House is the Ought Not to Pass Report.

The Representative may proceed.

Representative **TUELL**: Thank you, Mr. Speaker, I rise in opposition to the pending motion. In plain English, I'll be voting red. Why will I be voting red? This, like other members of this body have heard, and I am with the utmost respect for the Member from Brunswick, I consider it a badge of honor to stand up here and support a local control. And this is a definitive local control issue. Local planning boards, local people, your friends and neighbors, should be deciding what your building codes are, not your state government.

If I had my way, this whole MUBEC would go "poof," but this a compromise and this is a step, this is a fair compromise, and municipal officials across the state, which have identified mandates, have come before our State and Local Committee and complained about some of these onerous mandates are in support of this. So, I, like the Representative from Newfield, am standing up in support of the bill and urge you to vote down the pending motion. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Fairfield, Representative Picchiotti.

Representative **PICCHIOTTI**: Thank you, Mr. Speaker and Ladies and Gentlemen of the House, I rise in opposition to this motion. As the Vice Chairman of the Town Council in Fairfield, and we have our own Code Enforcement Officer, I do not believe that this is a necessary thing to try to impose upon current towns and cities, and it again goes back to local control and what is going on within the town. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Newfield, Representative Campbell.

Representative **CAMPBELL**: Thank you, Mr. Speaker, I'll be real brief. I've been informed by my colleagues on the other side of the aisle that I mean red, not green. So, I'll be voting red. Thank you, Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Sanford, Representative Mastraccio.

Representative **MASTRACCIO**: Thank you, Mr. Speaker. Mr. Speaker, Women and Men of the House, the Maine Uniform Building and Energy Code, or MUBEC, is a statewide code that applies to residential, commercial, and public buildings. The code was adopted in 2008 and became effective in 2010.

The purpose of a statewide code is to provide uniformity. In every session since MUBEC was adopted, attempts have been made to eliminate, erode, or reduce the original intent of the legislation. As of September 28, 2011, a change in law required municipalities of 4,000 or more in population, formerly 2,000, to enforce the Maine Uniform Building and Energy Code if they had a building code in place by August of 2008.

Currently, municipalities of up to 4,000 residents may not adopt or enforce a building code other than the Maine Uniform Building Code, the Maine Uniform Energy Code, or the Maine Uniform Building and Energy Code. Municipalities with less than 4,000 residents are not required to enforce MUBEC, MUEC, or MUBC unless they wish to do so and have the following options: They may choose to adopt and enforce the MUBEC; they may choose to adopt and enforce the building code without the energy code in it; they may choose to adopt and enforce the energy code only; or they may choose to have no code.

The code consists of four international codes that cover building, energy, and existing structures, along with standards adopted by the MUBEC Board. MUBEC has an Advisory Board and a Technical Advisory Group that includes members of the construction industry, regulators, real estate representatives and others impacted by the code, and they all fully support it. LD 1191 further erodes the effectiveness of the code. Right now, towns that do not have a qualified code enforcement officer to enforce MUBEC can hire third-party inspectors. Under the amended bill, towns with populations of 4,000-10,000 can vote to opt out of the enforcement of the MUBEC codes. The codes would remain in place. However, if the town votes to opt out they would not be required to enforce them.

The amendment would mean enforcement would be required in only 18 Maine cities, representing just 30 percent of the state's population. Under current law, enforcement is required in 82 cities and towns, representing about 65 percent of the population. So this is a major step back. I urge you to support the Ought Not to Pass Report.

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

Representative **RYKERSON**: Thank you, Mr. Speaker, I apologize for rising a second time. I just wanted to emphasize some clarifications. First, this bill is not about having uniform building codes so that some areas of the state have the same building code as other areas of the state. This bill removes 435,000 Mainers from areas where the building code exists. They will be in an unsafe situation if they're allowed to build buildings that are not according to the code. Secondly, local planning boards do not write building codes. Local planning boards have to do with zoning, not about how a building is built. So, it's not an issue of local control. I urge you definitely to vote in favor of Ought Not to Pass. Thank you.

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

Representative **HERBIG**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, LD 1191 is a major step backwards for Maine's economy, businesses, energy costs and homeowners. Current law requires the enforcement of MUBEC in 82 cities and towns, which represents about 62 percent of the population.

This bill would roll back the enforcement of the code to only 18 Maine cities. That represents just 30 percent of the state's population. This is why the Associated General Contractors of Maine, Maine Contractors and Builders Alliance, Real Estate Developers Association, Maine Building Officials, any insurance companies, architects, everyone rejects this bill because it's something that, since I've been in the Legislature, we've had stakeholder groups get together to try and improve the code. This would completely undermine it and roll it back almost entirely.

Developers and contractors very much appreciate and have come to rely on uniformity of codes. It provides consistent expectations. While my colleagues continue to debate ways to decrease energy costs and diversify our energy portfolio, this bill will eliminate a code that reduces consumption at the source.

This code is also about safety. Codes are always changing and it is important for Maine to adapt when new technology becomes available. As I mentioned earlier, supporting LD 1191 will leave 70 percent of Mainers without a code. When we read about tragic fires, roof collapses, and other horrible stories, we'll have to face the fact that this bill will only increase the odds of those incidents happening in your town. Thank you.

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

Representative **WARD**: Thank you, Mr. Speaker, I wasn't planning to speak on this, but I've heard some things I think would be useful to clarify. My understanding is we have an opt-out provision in this. So, folks are saying that if we vote this bill in then it's one or the other. It leaves towns with the option.

MMA favors this bill. The good Representative from Belfast just spoke about Associate General Contractors of Maine favoring this bill. I just got off the phone with AGC. They're fine with this compromise. I was a board member at AGC and my company's been a member of the organization for 60 years. I trust that their representative at AGC was telling the truth.

In the end, if you're between 4,000 people and 10,000 people in your town and you like your MUBEC, you can keep your MUBEC. Mr. Speaker, we should let the towns decide. Local control.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Wells, Representative Foley.

Representative **FOLEY**: Thank you, Mr. Speaker, I wasn't planning on speaking either, but I thought that I would stand. As a licensed insurance agent in the State of Maine, we use ISO as our rating organization and the ratings are based on fire protection classes.

And the movement across the country now is to go to fire protection and building codes. They started in Florida, they've gone across to the Midwest and to California, and they are heading east. Those towns that will have building codes similar to the one we have here will have much better ratings for their insurance products, much the same as if they have very good fire departments. So, I just use that as a guide for folks to understand that building codes are important and they're becoming more important, especially for the financial aspects of insurance. Thank you very much, Mr. Speaker.

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

ROLL CALL NO. 232

YEA - Alley, Babbidge, Bates, Beavers, Beck, Beebe-Center, Blume, Brooks, Bryant, Burstein, Chapman, Chenette, Chipman, Cooper, Daughtry, Davitt, DeChant, Devin, Doore, Duchesne, Dunphy M, Evangelos, Farnsworth, Fecteau, Foley, Fowle, Frey,

Gattine, Gerrish, Gideon, Gilbert, Golden, Goode, Grant, Grohman, Hamann, Herbig, Hickman, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kruger, Kumiega, Lajoie, Longstaff, Luchini, Maker, Martin J, Martin R, Mastraccio, McCabe, McCreight, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Peterson, Pierce T, Powers, Rotundo, Russell, Rykerson, Sanborn, Saucier, Schneck, Shaw, Stanley, Stuckey, Sukeforth, Tepler, Tipping-Spitz, Tucker, Warren, Welsh.

NAY - Austin, Battle, Bickford, Campbell J, Chace, Corey, Crafts, Dillingham, Dunphy L, Edgecomb, Espling, Farrin, Gillway, Ginzler, Greenwood, Guerin, Hanley, Harlow, Hawke, Head, Higgins, Hilliard, Hobart, Kinney J, Kinney M, Lockman, Long, Lyford, Malaby, Marean, McClellan, McElwee, Nutting, O'Connor, Parry, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reed, Sanderson, Seavey, Sherman, Short, Sirocki, Stearns, Stetkis, Timberlake, Timmons, Tuell, Turner, Vachon, Verow, Wadsworth, Wallace, Ward, Winsor, Wood.

ABSENT - Black, Buckland, Campbell R, Dion, Fredette, Hanington, Herrick, Noon, Sawicki, Skolfield, Theriault, White, Mr. Speaker.

Yes, 79; No, 59; Absent, 13; Excused, 0.

79 having voted in the affirmative and 59 voted in the negative, with 13 being absent, and accordingly the Minority **Ought Not to Pass** Report was **ACCEPTED** in **NON-CONCURRENCE** and sent for concurrence.

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

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

SENATE PAPERS
Non-Concurrent Matter

Bill "An Act To Align the Federal Affordable Care Act's Health Care Coverage Opportunities and Hospital Charity Care"

(H.P. 237) (L.D. 343)

Majority (7) **OUGHT NOT TO PASS** Report of the Committee on **HEALTH AND HUMAN SERVICES READ** and **ACCEPTED** in the House on June 5, 2015.

Came from the Senate with the Minority (6) **OUGHT TO PASS AS AMENDED** Report of the Committee on **HEALTH AND HUMAN SERVICES READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-260)** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

CONSENT CALENDAR
First Day

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

(H.P. 970) (L.D. 1424) Resolve, Authorizing Certain Land Transactions by the Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-407)**

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

On motion of Representative HICKMAN of Winthrop, was **REMOVED** from the Second Day Consent Calendar.

The Unanimous Committee Report was **READ**.

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

UNFINISHED BUSINESS

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

HOUSE DIVIDED REPORT - Majority (7) **Ought to Pass as Amended by Committee Amendment "A" (H-381)** - Minority (6) **Ought Not to Pass** - Committee on **JUDICIARY** on Bill "An Act To Prohibit Discrimination by Employers and Protect the Privacy of an Applicant for Employment, an Employee or an Employee's Dependents Regarding Reproductive Health Decisions"

(H.P. 698) (L.D. 1003)

TABLED - June 11, 2015 (Till Later Today) by Representative GIDEON of Freeport.

PENDING - **ACCEPTANCE OF EITHER REPORT**.

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

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

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

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

Representative **GUERIN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, I join the Deptartment of Labor in opposing this bill. LD 1003 places an employer, such as Catholic Charities of Maine, who as a matter of conscience, might choose not to cover certain reproductive procedures, in an impossible position. These matters of conscience have been protected by a string of cases starting with the US Supreme Court's June 2014 decision in *Burwell vs. Hobby Lobby*. This bill would be in clear conflict with those decisions.

The bill is also weak in the fact that it is overly broad, failing to define what perceived rights it would be protecting. As it is before you today, selective breeding or cloning could be possible problematic areas. I urge you to join me in voting against the pending motion.

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

Representative **McCREIGHT**: Thank you, Mr. Speaker. Mr. Speaker, Women and Men of the House, I rise to ask you to support LD 1003. Just to clarify, this is not under labor statutes; this is under the Maine Human Rights Act. The Maine Human Rights Act states that, "it is unlawful to discriminate in employment, housing, education, public accommodations, and extension of credit." And, "the Act declares it to be the state's policy to prevent discrimination against a person with a physical or mental disability, race or color, sex, sexual orientation, age, religion, and ancestry and national origin."

This bill simply adds clarity to the Maine Human Rights Act, and specifies that either male or female employees' and applicants' personal reproductive health care decisions are private and cannot be used in hiring decisions or as a reason to terminate someone's employment. The Human Rights

Commission already provides a mechanism for investigation of complaints and enforcing the rights under the Act, so no court interpretation is required and there is no fiscal note.

I submit that the time is right for this bill because as we have all likely noticed, technology is moving fast and it is challenging for us as individuals and as lawmakers to keep up. My colleagues on Judiciary heard this repeated over and over in testimony on a wide variety of bills. I also would submit that the entire field of reproductive health care is no exception to the technology advances.

Recent developments in reproductive health care were unimaginable just a few years ago. In 2015 we have much safer and more effective contraceptive methods. We have scientific advances that allow parents formerly unable to conceive to realize their dreams of bringing children into the world. More and more single individuals and couples choose to adopt children, use surrogacy, in vitro fertilization, or other advanced methods when they decide to have children.

But, back to technology. We've also heard repeatedly that social media and access to personal information is increasing at lightning speed, giving others much greater access to information that previously would have been inaccessible without explicit permission. For example, individuals or their family members may have posted information on social media sites providing access to information about reproductive health care choices, by inference if not by fact. They may regret doing so, but it is now out there to be searched and seen.

This bill is simply intended to clarify the existing discrimination prohibitions by specifically stating that employers may not ask for or use information about such decisions as a consideration for hiring or for continued employment. This does not establish a new protected class of individuals. Rather, it seeks to ensure protection against employment discrimination if such information becomes known. I urge you to support LD 1003 to provide this clarification and protection for Maine citizens. Thank you, Mr. Speaker.

The SPEAKER PRO TEM: 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. 233

YEA - Alley, Babbidge, Bates, Beavers, Beck, Beebe-Center, Blume, Brooks, Bryant, Burstein, Chapman, Chenette, Chipman, Cooper, Daughtry, Davitt, DeChant, Devin, Doore, Duchesne, Dunphy M, Evangelos, Farnsworth, Fecteau, Fowle, Frey, Gattine, Gideon, Gilbert, Golden, Goode, Grant, Grohman, Hamann, Harlow, Herbig, Hickman, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kruger, Kumiega, Lajoie, Longstaff, Luchini, Martin R, Mastraccio, McCabe, McCreight, McLean, Melaragno, Monaghan, Moonen, Morrison, Peterson, Pierce T, Powers, Rotundo, Russell, Rykerson, Sanborn, Saucier, Schneck, Shaw, Short, Stearns, Stuckey, Sukeforth, Tepler, Tipping-Spitz, Tucker, Warren, Welsh, Mr. Speaker.

NAY - Austin, Battle, Bickford, Campbell J, Chace, Corey, Crafts, Dillingham, Dunphy L, Edgecomb, Espling, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Greenwood, Guerin, Hanley, Hawke, Higgins, Hilliard, Kinney J, Kinney M, Lockman, Long, Lyford, Maker, Malaby, Marean, McClellan, McElwee, Nutting, O'Connor, Parry, Picchiotti, Pickett, Pierce J, Prescott, Reed, Sanderson, Seavey, Sherman, Sirocki, Stanley, Stetkis, Timberlake, Timmons, Tuell, Turner, Vachon, Verow, Wadsworth, Wallace, Ward, Winsor, Wood.

ABSENT - Black, Buckland, Campbell R, Dion, Hanington, Head, Herrick, Hobart, Martin J, Nadeau, Noon, Pouliot, Sawicki, Skolfield, Theriault, White.

Yes, 77; No, 58; Absent, 16; Excused, 0.

77 having voted in the affirmative and 58 voted in the negative, with 16 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-381)** 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-381)** and sent for concurrence.

HOUSE DIVIDED REPORT - Majority (9) **Ought to Pass as Amended by Committee Amendment "A" (H-396)** - Minority (4) **Ought Not to Pass** - Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Create and Sustain Jobs through Development of Cooperatives"

(H.P. 886) (L.D. 1300)

TABLED - June 11, 2015 (Till Later Today) by Representative ESPLING of New Gloucester.

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

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

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

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

Representative **CHAPMAN**: Thank you, Mr. Speaker, Friends and Colleagues in the House, this bill provides for increased awareness on the part of the State Treasurer, state agencies, and quasi-state agencies of corporate structures involving employee ownership, including employee stock ownership plans, employee owned businesses or cooperatives, and what are called conversion cooperatives. The bill also allows a capital gains tax deferral, limited to 10 years of only that portion reinvested in an employee stock ownership plan or employee-based cooperative.

One year ago yesterday, Maine's US Senator Susan Collins signed on as a co-sponsor to bipartisan federal legislation aimed at the same topic. The federal bill title is quote, "'The Promotion and Expansion of Private Employee Ownership Act of 2013,' US Senate bill 742." And I would like to remind my colleagues that the bill before you has bipartisan sponsors.

Now let me explain how this bill will help create and retain jobs in Maine by telling a story of a conversion cooperative in my region. A husband and wife couple who had, over decades, successfully built several businesses and hired and trained local workers were growing older and wanted to retire. They faced a problem: How could they sell their businesses without causing the loss of jobs for many of their workers? They had built up businesses of a grocery store, a pharmacy, and a hardware store. Because of the business owners' commitment to their community, they sold their businesses to their employees.

The Island Employee Cooperative, as it's known now, in Deer Isle is now the largest employee-owned cooperative in the state. Many other sole proprietors around the state are getting older every year, as are we all. And conversion to employee-owned corporate structures provides an option for keeping the legacy of decades of building successful local businesses alive.

Coincidentally, as the community has rallied around the new employee owners on Deer Isle, another business owner in Bucksport shut down a paper mill. That owner did not have a commitment to the community. For months afterward, a banner displayed on the Route 1 bridge leading out of town thanked the mill workers. It did not thank the mill owners. On Deer Isle, the former business owners are welcomed heroes in their hometown. The new employee owners have quickly realized that they need to come up to speed on business management skills, which they are now receiving through the nearest community college.

So, the experience on Deer Isle has been a win for the former business owners, a win for the new employee owners, and a win for the community. The purpose of the bill before you is to help bring this win-win-win solution to other communities and businesses around the state. It is a small but important step in reinvigorating our local economies. Thank you, Mr. Speaker.

The SPEAKER PRO TEM: 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. 234

YEA - Alley, Babbidge, Bates, Beavers, Beck, Beebe-Center, Blume, Brooks, Bryant, Burstein, Chapman, Chenette, Chipman, Cooper, Daughtry, Davitt, DeChant, Devin, Doore, Duchesne, Dunphy M, Evangelos, Farnsworth, Fecteau, Foley, Fowle, Frey, Gattine, Gideon, Gilbert, Gillway, Ginzler, Golden, Goode, Grant, Grohman, Guerin, Hamann, Harlow, Herbig, Hickman, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kruger, Kumiega, Lajoie, Longstaff, Luchini, Malaby, Marean, Martin R, Mastraccio, McCabe, McCreight, McElwee, McLean, Melaragno, Monaghan, Moonen, Morrison, Peterson, Pierce T, Powers, Prescott, Rotundo, Russell, Rykerson, Sanborn, Saucier, Schneck, Shaw, Sherman, Short, Stanley, Stuckey, Sukeforth, Tepler, Tipping-Spitz, Tucker, Verow, Ward, Warren, Welsh.

NAY - Austin, Battle, Bickford, Campbell J, Chace, Corey, Crafts, Dillingham, Dunphy L, Edgecomb, Espling, Farrin, Fredette, Gerrish, Greenwood, Hanley, Hawke, Higgins, Hilliard, Kinney J, Kinney M, Lockman, Long, Lyford, Maker, McClellan, Nutting, O'Connor, Parry, Picchiotti, Pickett, Pierce J, Reed, Sanderson, Seavey, Sirocki, Stearns, Stetkis, Timberlake, Timmons, Tuell, Turner, Vachon, Wadsworth, Wallace, Winsor, Wood.

ABSENT - Black, Buckland, Campbell R, Dion, Hanington, Head, Herrick, Hobart, Kornfield, Martin J, Nadeau, Noon, Pouliot, Sawicki, Skolfield, Theriault, White, Mr. Speaker.

Yes, 86; No, 47; Absent, 18; Excused, 0.

86 having voted in the affirmative and 47 voted in the negative, with 18 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-396)** 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-396)** and sent for concurrence.

SENATE DIVIDED REPORT - Majority (8) **Ought Not to Pass** - Minority (5) **Ought to Pass as Amended by Committee Amendment "A" (S-225)** - Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Expand Access to Workforce Development at Brunswick Landing"

(S.P. 532) (L.D. 1423)

- In Senate, Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-225)**.

TABLED - June 11, 2015 (Till Later Today) by Representative McCABE of Skowhegan.

PENDING - **ACCEPTANCE OF EITHER REPORT**.

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

The SPEAKER PRO TEM: The Chair recognizes the Representative from Brunswick, Representative Tucker.

Representative **TUCKER**: As you may know, we've done a great many things at Brunswick Landing over the years. It has been a real challenge to redevelop the former Naval Air Station and to restart the economic engine that we lost with the closure. It is in my district, but Brunswick Landing provides jobs to people living across a whole swath of Maine.

I am pleased to report that we have made progress. Jobs have been created and we've attracted businesses and economic opportunities, brought them back to the region. We have seen many successes, but our work is not done. A key component to the success at Brunswick Landing has been partnership between many of the businesses on the site and the community college. The ability for companies to work in conjunction with Southern Maine Community College to provide hands-on training to the students is invaluable. As a result, we are seeing students graduate and immediately be hired into good-paying jobs at the companies they trained with at Brunswick Landing. On the other side, companies are getting the skilled workforce they need to compete and thrive by participating in this private-public partnership.

This initiative provides ongoing funds to Southern Maine Community College to support base redevelopment through economic growth and the operation of the new Midcoast Campus at Brunswick Landing. The funding supports public-private partnerships for academic programming in composites manufacturing, nursing, business and arts, the sciences, and ensures student success through advising, library and tutoring services, and support services for workforce development.

This bill provides ongoing general fund appropriations of $1.3 million per year beginning next year, in the fiscal year 2015-16. This money goes directly to the Southern Maine Community College to fund operations at its new Midcoast Campus at Brunswick Landing. We appreciate the Legislature's support for the redevelopment efforts at Brunswick Landing over the years. As a result, we have over 70 businesses, eight of which are totally new to Maine on the campus, and with over $150 million in private sector investment and nearly 600 quality jobs created for Maine people. We should all be very proud of these economic achievements. Supporting LD 1423 will help create many more. Please vote for the Minority Ought to Pass Report and vote green.

Representative ESPLING of New Gloucester **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 PRO TEM: The Chair recognizes the Representative from Biddeford, Representative Fecteau.

Representative **FECTEAU**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, with all due respect to my

colleague from Brunswick, Representative Chapman, sorry, Representative Tucker, and those in support of this bill, we had the opportunity as a committee, the Labor, Commerce, Research, and Economic Development Committee to tour the campus at Brunswick Landing at the beginning of session. And, I certainly thought the tour was worth our while, and I certainly thought that the Legislature should put its full force behind supporting what's going on on that campus.

However, I don't believe that this bill is the correct mechanism for moving forward with supporting the campus. The original bill was directed at providing funding to a fund that exists within the Executive Branch. It, however, was not able to be used because that fund was intended for work development programs and this funding seeks to pay for instructional staff, we were told oil payments, just the funding you would need to run a campus.

These are things that should be in the community college campus budget, or the Maine Community College System budget, not proposed as a separate bill, and certainly not proposed in front of the LCRED Committee. I think this would've been far more appropriate in front of Education. So, for those reasons, I will not be supporting the pending motion and I hope that you'll follow my light and we'll try to tackle funding for this campus another day. But I don't think this is the correct means to getting there. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Cape Elizabeth, Representative Monaghan.

Representative **MONAGHAN**: Thank you, Mr. Speaker, Men and Women of the House, as a former member of the 126th Workforce and Economic Future Committee, we had the opportunity to take tours of Brunswick Landing twice, actually. And while I can't really speak to the good Representative from Biddeford's remarks, I can say, as a member of this committee, we have seen firsthand just what private partnerships can do for these types of programs, particularly on the college, University of Maine level and also the community college level.

If you ever happen to go up to the University of Maine at Orono's advanced manufacturing center, there is a lot of public-private partnerships going on there that are developing small businesses and creating jobs. And the same thing can be happening down at the Brunswick Landing with the MidCoast Community College Center. They provide the workforce training and skills that are needed for high-demand jobs in the state and many of them are right on this campus at the Brunswick Landing. So, I do hope that you will consider all of the comments that have been made today and accept the Minority Ought to Pass as Amended. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Calais, Representative Maker.

Representative **MAKER**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I stand in opposition of this motion. We can't carve out for certain schools. We can't talk about other bills, is that right, sir?

Anyway, we had opportunities to spend money elsewhere. We made a commitment to the community college. That's where the money should go. There should not be a separate donation to a separate school. Thank you, Mr. Speaker.

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

Representative **FECTEAU**: Thank you, Mr. Speaker, sorry for rising a second time. I just forgot to mention that I think it's important for what Representative Maker just said. You know, there are other community college campuses and faculty and staff across the state. And I don't think this sends the right message, when we're willing to fund this particular campus in this particular way and not also consider the needs and wants and desires that those campuses have as well. I just think this is disingenuous to the campuses across the state that probably would also like to see an additional $1.3 million in their budget added for the next four years. Thank you, Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Brunswick, Representative Daughtry.

Representative **DAUGHTRY**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I rise in support of the pending motion. I'll just be brief. This campus is a satellite campus of SMCC. It was never set up as part of the greater whole. It has been running on a shoestring budget. I've toured the facility regularly. They're doing incredible work and we need to do everything we can to try to support this high-tech satellite campus of SMCC.

The students who go there are graduating straight into jobs. I spoke to a couple of folks who have been working for several years in the restaurant industry that didn't know what to do with their lives. They actually met some of the teachers when they were there having dinner, applied, went through the job. They're now working composites and the two gentlemen graduated with jobs starting at $60 thousand a year. So we always talk about jobs here, so it'd be nice if we could do something for jobs in my area. I urge you to follow my light.

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

Representative **STETKIS**: Thank you, Mr. Speaker. I know it's getting late and apparently probably some of my colleagues are becoming a little delirious. In this House, for whatever reason, $1.3 million appears to be nothing. I know back home in my district $1.3 million is a great deal of money. To add an additional $1.3 million to this situation, frankly, disgusts me. We currently have severely disabled Mainers on waiting lists. We're not properly funding our nursing homes and schools and we're tossing around $1.3 million in this House like it's nothing. I cannot support this motion.

The SPEAKER PRO TEM: 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. 235

YEA - Austin, Babbidge, Bates, Beavers, Beck, Beebe-Center, Bickford, Blume, Brooks, Bryant, Chipman, Cooper, Crafts, Daughtry, Davitt, DeChant, Devin, Doore, Duchesne, Dunphy M, Evangelos, Farnsworth, Fowle, Gattine, Gideon, Golden, Goode, Grant, Grohman, Hamann, Harlow, Hawke, Herbig, Hickman, Hobbins, Hogan, Kruger, Kumiega, Lajoie, Long, Longstaff, Luchini, Martin R, McCabe, McCreight, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Parry, Peterson, Powers, Russell, Rykerson, Saucier, Schneck, Shaw, Short, Stuckey, Tepler, Timberlake, Timmons, Tipping-Spitz, Tucker, Verow, Ward, Warren, Welsh, Mr. Speaker.

NAY - Alley, Battle, Burstein, Campbell J, Campbell R, Chace, Chapman, Chenette, Corey, Dillingham, Dunphy L, Edgecomb, Espling, Farrin, Fecteau, Foley, Fredette, Frey, Gerrish, Gilbert, Gillway, Ginzler, Greenwood, Guerin, Hanley, Higgins, Hilliard, Hubbell, Hymanson, Jorgensen, Kinney J, Kinney M, Lockman, Lyford, Maker, Marean, Mastraccio, McClellan, McElwee, Nutting, O'Connor, Picchiotti, Pickett, Pierce J, Pierce T, Prescott, Reed, Rotundo, Sanborn, Sanderson, Seavey, Sirocki, Stanley, Stearns, Stetkis, Sukeforth, Tuell, Turner, Vachon, Wadsworth, Wallace, Winsor, Wood.

ABSENT - Black, Buckland, Dion, Hanington, Head, Herrick, Hobart, Kornfield, Malaby, Martin J, Noon, Pouliot, Sawicki, Sherman, Skolfield, Theriault, White.

Yes, 71; No, 63; Absent, 17; Excused, 0.

71 having voted in the affirmative and 63 voted in the negative, with 17 being absent, and accordingly the Minority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-225)** 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-225)** in concurrence.

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

CONSENT CALENDAR
First Day

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

(S.P. 542) (L.D. 1440) Bill "An Act To Amend the Laws Regarding the Department of Corrections" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-251)**

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

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

ENACTORS
Emergency Measure

Resolve, To Create a Working Group To Develop Solutions To Meet the Needs for Municipal Volunteer Personnel

(H.P. 339) (L.D. 500)
(C. "A" H-376)

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

Representative GIDEON of Freeport **REQUESTED** a roll call on **FINAL PASSAGE**.

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

On further motion of the same Representative, **TABLED** pending **FINAL PASSAGE** and later today assigned. (Roll Call Ordered)

Emergency Measure

Resolve, To Establish a Commission To Study Transportation Funding Reform

(H.P. 482) (L.D. 706)
(C. "A" H-223)

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

On motion of Representative GIDEON of Freeport, **TABLED** pending **FINAL PASSAGE** and later today assigned.

Emergency Measure

Resolve, Establishing a Task Force To Ensure Integrity in the Use of Service Animals

(H.P. 591) (L.D. 872)
(C. "A" H-370)

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

On motion of Representative GIDEON of Freeport, **TABLED** pending **FINAL PASSAGE** and later today assigned.

Acts

An Act To Expand Access To Lifesaving Opioid Overdose Medication

(H.P. 98) (L.D. 140)
(H. "A" H-278 to C. "A" H-248)

An Act To Provide for Special Restrictions on Dissemination and Use of Criminal History Record Information for Class E Crimes Committed by an Adult under 21 Years of Age

(S.P. 79) (L.D. 210)
(C. "A" S-240)

An Act To Require Lienholders To Remove Liens Once Satisfied

(H.P. 231) (L.D. 337)
(S. "A" S-242 to C. "A" H-136)

An Act To Clarify the Use of "M.D." To Represent Achievement of a Graduate Degree by an Individual Not Licensed To Practice Medicine in Maine

(H.P. 568) (L.D. 834)
(C. "A" H-350)

An Act To Require Mortgage Servicers To Act in Good Faith in Dealings with Homeowners

(H.P. 639) (L.D. 920)
(C. "A" H-383)

An Act To Make Changes to Laws Governing Condominiums Regarding the Display of Signs

(H.P. 658) (L.D. 955)
(C. "A" H-382)

An Act To Clarify Wine Auction Licenses

(S.P. 345) (L.D. 983)
(S. "A" S-238 to C. "A" S-226)

An Act To Provide Incentives To Foster Economic Growth and Build Infrastructure in the State by Encouraging Visual Media Production

(H.P. 699) (L.D. 1004)
(C. "A" H-326)

An Act To Prevent Abusive Debt Collection Practices

(H.P. 753) (L.D. 1092)
(C. "A" H-378)

An Act To Ensure Safe Drinking Water for Maine Families

(H.P. 796) (L.D. 1162)
(C. "A" H-333)

An Act Regarding the Administration of Vaccines by Pharmacists

(H.P. 836) (L.D. 1218)
(C. "A" H-379)

An Act To Amend Environmental Permitting Standards

(S.P. 449) (L.D. 1244)
(S. "A" S-227 to C. "A" S-156)

An Act To Improve Educational Assessments of Maine Students

(H.P. 872) (L.D. 1276)
(C. "A" H-280; S. "A" S-219)

An Act To Affirm the Obligation To Support One's Children

(S.P. 471) (L.D. 1306)
(C. "A" S-245)

An Act To Expand the Landowner Relations Program at the Department of Inland Fisheries and Wildlife

(H.P. 899) (L.D. 1321)
(C. "A" H-348)

An Act To Provide Enhanced Enforcement of the Laws Governing Alcoholic Beverages

(H.P. 906) (L.D. 1331)
(C. "A" H-373)

An Act To Increase Access to Postsecondary Education for Maine National Guard Members

(H.P. 912) (L.D. 1343)
(C. "A" H-364)

An Act To Increase the Number of Science, Technology, Engineering and Mathematics Professionals in Maine

(S.P. 493) (L.D. 1360)
(C. "A" S-243)

An Act To Require the Documentation of the Use of Seclusion and Restraint at Mental Health Institutions in the State

(H.P. 929) (L.D. 1368)
(C. "A" H-372)

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

Resolves

Resolve, Authorizing the Commissioner of Administrative and Financial Services To Sell or Lease the Interests of the State in Certain Real Property Located in Bangor, Orono and Thomaston

(S.P. 262) (L.D. 732)
(S. "A" S-214 to C. "A" S-186)

Resolve, To Adjust Reimbursement Rates for Dental Services and Improve Access to Dental Care under the MaineCare Program

(S.P. 304) (L.D. 860)
(C. "A" S-235)

Resolve, To Establish a Moratorium on the Assessment of Large Volume Consumers by Gas Utilities and To Evaluate Cost-effective Natural Gas Conservation and Efficiency Improvements for Large Volume Consumers

(H.P. 649) (L.D. 946)
(C. "A" H-369)

Resolve, To Increase the Reimbursement Rate for Direct-care Workers Serving Adults with Long-term Care Needs

(H.P. 920) (L.D. 1350)
(C. "A" H-371)

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

An Act To Amend the Tax Laws

(S.P. 526) (L.D. 1411)
(C. "A" S-241)

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

On motion of Representative GIDEON of Freeport, was **SET ASIDE**.

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

Resolve, To Impose a One-year Delay on the Use of Standardized Tests To Evaluate Teachers

(H.P. 517) (L.D. 764)
(H. "A" H-354 to C. "A" H-264)

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

On motion of Representative GIDEON of Freeport, was **SET ASIDE**.

The same Representative **REQUESTED** a roll call on **FINAL PASSAGE**.

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

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

ROLL CALL NO. 236

YEA - Alley, Austin, Babbidge, Bates, Battle, Beavers, Beck, Beebe-Center, Bickford, Blume, Brooks, Bryant, Burstein, Campbell J, Campbell R, Chace, Chapman, Chenette, Chipman, Cooper, Corey, Crafts, Daughtry, Davitt, DeChant, Devin, Dillingham, Doore, Duchesne, Dunphy L, Dunphy M, Edgecomb, Espling, Evangelos, Farnsworth, Farrin, Fecteau, Foley, Fowle, Frey, Gattine, Gerrish, Gideon, Gilbert, Gillway, Ginzler, Golden, Goode, Grant, Greenwood, Grohman, Guerin, Hamann, Hanley, Harlow, Hawke, Herbig, Hickman, Higgins, Hilliard, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kinney J, Kinney M, Kruger, Kumiega, Lajoie, Long, Longstaff, Luchini, Lyford, Maker, Malaby, Marean, Martin R, Mastraccio, McCabe, McClellan, McCreight, McElwee, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Nutting, O'Connor, Parry, Peterson, Picchiotti, Pickett, Pierce T, Pouliot, Powers, Reed, Rotundo, Russell, Rykerson, Sanborn, Sanderson, Saucier, Schneck, Seavey, Shaw, Short, Sirocki, Stanley, Stearns, Stetkis, Stuckey, Sukeforth, Tepler, Timberlake, Timmons, Tipping-Spitz, Tucker, Turner, Vachon, Verow, Wadsworth, Ward, Warren, Welsh, Winsor, Wood.

NAY - Lockman, Pierce J, Wallace.

ABSENT - Black, Buckland, Dion, Fredette, Hanington, Head, Herrick, Hobart, Kornfield, Martin J, Noon, Prescott, Sawicki, Sherman, Skolfield, Theriault, Tuell, White, Mr. Speaker.

Yes, 129; No, 3; Absent, 19; Excused, 0.

129 having voted in the affirmative and 3 voted in the negative, with 19 being absent, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker Pro Tem and sent to the Senate.

Resolve, To Study the Design and Implementation of Options for a Universal Health Care Plan in the State That Is in Compliance with the Federal Patient Protection and Affordable Care Act

(S.P. 152) (L.D. 384)
(C. "A" S-89)

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

On motion of Representative ESPLING of New Gloucester, was **SET ASIDE**.

The same Representative **REQUESTED** a roll call on **FINAL PASSAGE**.

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

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

ROLL CALL NO. 237

YEA - Alley, Babbidge, Bates, Beavers, Beck, Beebe-Center, Blume, Brooks, Bryant, Burstein, Chapman, Chenette, Chipman, Cooper, Daughtry, Davitt, DeChant, Devin, Doore, Duchesne, Dunphy M, Evangelos, Farnsworth, Fecteau, Fowle, Frey, Gattine, Gideon, Gilbert, Golden, Goode, Grant, Grohman, Hamann, Harlow, Herbig, Hickman, Hobbins, Hogan, Hubbell,

Hymanson, Jorgensen, Kruger, Kumiega, Lajoie, Longstaff, Luchini, Martin R, Mastraccio, McCabe, McCreight, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Peterson, Picchiotti, Pierce T, Powers, Prescott, Rotundo, Russell, Rykerson, Sanborn, Schneck, Shaw, Short, Stanley, Stuckey, Sukeforth, Tepler, Tipping-Spitz, Tucker, Verow, Warren, Welsh, Mr. Speaker.

NAY - Austin, Battle, Bickford, Campbell J, Chace, Corey, Crafts, Dillingham, Dunphy L, Edgecomb, Espling, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Greenwood, Guerin, Hanley, Hawke, Higgins, Hilliard, Kinney J, Kinney M, Lockman, Long, Lyford, Maker, Malaby, Marean, McClellan, McElwee, Nutting, O'Connor, Parry, Pickett, Pierce J, Pouliot, Reed, Sanderson, Seavey, Sirocki, Stearns, Stetkis, Timberlake, Timmons, Turner, Vachon, Wadsworth, Wallace, Ward, Winsor, Wood.

ABSENT - Black, Buckland, Campbell R, Dion, Hanington, Head, Herrick, Hobart, Kornfield, Martin J, Noon, Saucier, Sawicki, Sherman, Skolfield, Theriault, Tuell, White.

Yes, 79; No, 54; Absent, 18; Excused, 0.

79 having voted in the affirmative and 54 voted in the negative, with 18 being absent, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker Pro Tem and sent to the Senate.

Resolve, To Create Sustainable Growth in Maine's Distributed Energy Sector That Uses Market Forces To Fairly Compensate Energy Producers

(H.P. 863) (L.D. 1263)
(C. "A" H-368)

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

On motion of Representative GIDEON of Freeport, was **SET ASIDE**.

The same Representative **REQUESTED** a roll call on **FINAL PASSAGE**.

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

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

ROLL CALL NO. 238

YEA - Alley, Babbidge, Bates, Battle, Beavers, Beck, Beebe-Center, Bickford, Blume, Brooks, Bryant, Burstein, Campbell J, Chace, Chapman, Chenette, Chipman, Cooper, Corey, Daughtry, Davitt, DeChant, Devin, Dillingham, Doore, Duchesne, Dunphy L, Dunphy M, Evangelos, Farnsworth, Fecteau, Fowle, Frey, Gattine, Gideon, Gilbert, Gillway, Ginzler, Golden, Goode, Grant, Grohman, Guerin, Hamann, Harlow, Hawke, Herbig, Hickman, Higgins, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kinney M, Kruger, Kumiega, Lajoie, Longstaff, Luchini, Maker, Malaby, Marean, Martin R, Mastraccio, McCabe, McCreight, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Nutting, O'Connor, Peterson, Picchiotti, Pierce T, Pouliot, Powers, Rotundo, Russell, Rykerson, Sanborn, Schneck, Seavey, Shaw, Short, Stanley, Stearns, Stuckey, Sukeforth, Tepler, Tipping-Spitz, Tucker, Verow, Ward, Warren, Welsh, Winsor, Mr. Speaker.

NAY - Austin, Crafts, Edgecomb, Espling, Farrin, Foley, Fredette, Gerrish, Greenwood, Hanley, Hilliard, Kinney J, Lockman, Long, Lyford, McClellan, McElwee, Parry, Pickett, Pierce J, Prescott, Reed, Sanderson, Sirocki, Stetkis, Timberlake, Timmons, Turner, Vachon, Wadsworth, Wallace, Wood.

ABSENT - Black, Buckland, Campbell R, Dion, Hanington, Head, Herrick, Hobart, Kornfield, Martin J, Noon, Saucier, Sawicki, Sherman, Skolfield, Theriault, Tuell, White.

Yes, 101; No, 32; Absent, 18; Excused, 0.

101 having voted in the affirmative and 32 voted in the negative, with 18 being absent, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker Pro Tem and sent to the Senate.

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

CONSENT CALENDAR
First Day

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

(H.P. 582) (L.D. 851) Resolve, Regarding Legislative Review of Portions of Chapter 2: Standards for Qualifications of Assigned Counsel, a Late-filed Major Substantive Rule of the Maine Commission on Indigent Legal Services (EMERGENCY) Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-412)**

(H.P. 895) (L.D. 1317) Bill "An Act To Provide Expedited Court Review of Child Visitation Provisions for Military Personnel on Duty out of State" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-411)**

(H.P. 911) (L.D. 1342) Bill "An Act To Prohibit Unauthorized Custody Transfers of Children" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-410)**

(H.P. 978) (L.D. 1434) Bill "An Act To Amend the Laws Governing Law Enforcement's Access to, and Access to Information about, Certain Persons in Hospitals and Mental Health Facilities" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-409)**

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

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

The SPEAKER PRO TEM: The Chair recognizes the Representative from Waterboro, Representative Prescott, who wishes to address the House on the record.

Representative **PRESCOTT**: Thank you, Mr. Speaker, on Roll Call No. 236, I would've voted "yea."

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

On motion of Representative CHAPMAN of Brooksville, the House adjourned at 4:12 p.m., until 9:00 a.m., Monday, June 15, 2015.