

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

Legislative Record
House of Representatives
One Hundred and Twenty-Seventh Legislature
State of Maine

Daily Edition

First Regular Session

beginning December 3, 2014

beginning at page H-1

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

Signed:

Senator:

HASKELL of Cumberland

Representatives:

GATTINE of Westbrook

BURSTEIN of Lincolnville

HAMANN of South Portland

HYMANSON of York

STUCKEY of Portland

One Member of the same Committee reports in Report "C" **Ought to Pass as Amended by Committee Amendment "B" (H-461)** on same Bill.

Signed:

Representative:

PETERSON of Rumford

READ.

Representative GATTINE of Westbrook moved that the House **ACCEPT** Report "B" **Ought Not to Pass**.

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

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

On motion of Representative McCABE of Skowhegan, **TABLED** pending the motion of Representative GATTINE of Westbrook to **ACCEPT** Report "B" **Ought Not to Pass** and later today assigned. (Roll Call Ordered)

CONSENT CALENDAR

First Day

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

(H.P. 24) (L.D. 25) Bill "An Act To Protect the Privacy of Citizens from Domestic Unmanned Aerial Vehicle Uses" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-469)**

(H.P. 853) (L.D. 1253) Bill "An Act To Improve the Evaluation of Public Schools" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-467)**

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.

(H.P. 783) (L.D. 1145) Bill "An Act To Improve Maine's Involuntary Commitment Processes" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-464)**

On motion of Representative MALABY of Hancock, was **REMOVED** from the First Day Consent Calendar.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-464)** 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**.

Representative MALABY of Hancock **PRESENTED House Amendment "A" (H-471)**, which was **READ** by the Clerk and **ADOPTED**.

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-464)** and **House Amendment "A" (H-471)** and sent for concurrence.

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

ENACTORS

Acts

An Act To Strengthen the Economic Stability of Qualified Maine Citizens by Expanding Coverage of Reproductive Health Care and Family Services

(H.P. 213) (L.D. 319)

(C. "A" H-243)

An Act To Improve Childhood Vaccination Rates in Maine

(H.P. 310) (L.D. 471)

(C. "A" H-426)

An Act To Extend the Funding Period for Landfill Closure Costs

(H.P. 404) (L.D. 580)

(C. "A" H-115)

An Act To Allow a Patient To Designate a Caregiver in the Patient's Medical Record

(H.P. 447) (L.D. 666)

(C. "A" H-432)

An Act To Protect Children and the Public from Vapor from Electronic Smoking Devices

(H.P. 769) (L.D. 1108)

(C. "A" H-428)

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

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

UNFINISHED BUSINESS

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

HOUSE DIVIDED REPORT - Majority (12) Ought to Pass pursuant to Resolve 2013 chapter 111, section 3 - Minority (1) Ought Not to Pass pursuant to Resolve 2013 chapter 111, section 3 - Committee on VETERANS AND LEGAL AFFAIRS on Bill "An Act To Authorize a Casino To Benefit Federally Recognized Indian Tribes in the State"

(H.P. 990) (L.D. 1446)

TABLED - June 16, 2015 (Till Later Today) by Representative ESPLING of New Gloucester.

PENDING - Motion of Representative GIDEON of Freeport to ACCEPT the Majority OUGHT TO PASS PURSUANT TO RESOLVE Report.

Subsequently, Representative TIMBERLAKE of Turner **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass Pursuant to Resolve Report**.

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

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

ROLL CALL NO. 293

YEA - Alley, Austin, Bates, Battle, Beavers, Beck, Beebe-Center, Bickford, Brooks, Bryant, Burstein, Campbell R, Chace, Chapman, Chenette, Chipman, Cooper, Corey, Daughtry, DeChant, Dillingham, Dion, Doore, Duchesne, Dunphy L, Dunphy M, Edgecomb, Evangelos, Farrin, Fecteau, Foley, Fowle, Fredette, Gattine, Gerrish, Gideon, Gilbert, Gillway, Ginzler, Golden, Goode, Grant, Greenwood, Hamann, Harington, Harlow, Head, Herbig, Hickman, Hobart, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kumiega, Lajoie, Long, Longstaff, Luchini, Maker, Malaby, Marean, Martin J, Martin R, Mastraccio, McCabe, McCreight, McElwee, McLean, Melaragno, Monaghan, Moonen, Nadeau, Nutting, O'Connor, Parry, Peterson, Picchiotti, Pierce J, Pouliot, Powers, Prescott, Rotundo, Russell, Rykerson, Sanderson, Saucier, Shaw, Sherman, Short, Sirocki, Skolfield, Stanley, Stearns, Stetkis, Stuckey, Sukeforth, Tepler, Theriault, Timmons, Tipping-Spitz, Tucker, Tuell, Turner, Vachon, Verow, Wallace, Ward, Warren, Welsh, White, Wood, Mr. Speaker.

NAY - Babbidge, Black, Buckland, Crafts, Espling, Frey, Grohman, Guerin, Hawke, Herrick, Higgins, Hilliard, Kinney M, Kruger, Lockman, Lyford, McClellan, Morrison, Pickett, Pierce T, Reed, Schneck, Seavey, Timberlake, Wadsworth, Winsor.

ABSENT - Blume, Campbell J, Davitt, Devin, Farnsworth, Hanley, Kinney J, Kornfield, Noon, Sanborn, Sawicki.

Yes, 114; No, 26; Absent, 11; Excused, 0.

114 having voted in the affirmative and 26 voted in the negative, with 11 being absent, and accordingly the Majority **Ought to Pass Pursuant to Resolve Report was ACCEPTED.**

The Bill was **READ ONCE.**

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

Representative LUCHINI of Ellsworth **PRESENTED House Amendment "A" (H-459)**, which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Ellsworth, Representative Luchini.

Representative **LUCHINI**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, what this amendment does is, under current law, the casino that exists now in Oxford gives a percentage of its revenues to the Tribes. However, there's also a provision in there that says if a tribe is to receive a benefit from any other gaming facility that that money would be revert back to the casino. So the casino would effectively keep the money. So what this does is strike that provision. Thank you.

Subsequently, **House Amendment "A" (H-459)** was **ADOPTED.**

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by House Amendment "A" (H-459)** and sent for concurrence.

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act To Remove the Municipal Mandate To Enforce the Maine Uniform Building and Energy Code"

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

Minority (6) **OUGHT NOT TO PASS** Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT READ** and **ACCEPTED** in the House on June 12, 2015.

Came from the Senate with the Majority (7) **OUGHT TO PASS AS AMENDED** Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-161) AS AMENDED BY SENATE AMENDMENT "A" (S-297)** thereto in **NON-CONCURRENCE.**

Speaker EVES of North Berwick moved that the House **INSIST.**

Representative HIGGINS of Dover-Foxcroft moved that the House **RECEDE AND CONCUR.**

The SPEAKER: Representative Higgins has moved that the House Recede and Concur. The motion Recede and Concur is a higher precedent than Insist. The current motion is to Recede and concur.

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

Representative **HIGGINS**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, last week we voted on this bill and I want to make three points on the request to Recede and Concur. There was a lot of uncertainty as to what the Maine Municipal Association's position was on this bill. A number of people spoke to it and looking for clarification. I have before me the letter from the Executive Director, Geoff Herman, and, in fact, the 70-member board of the Maine Municipal Association asked for this bill to be introduced. They fully support the motion before you here today.

The second point that I want to make is the original bill would have allowed communities from 4,000 to 10,000 in population to opt out of the municipal building and energy code. This amendment that comes from the other body changes that and it requests that communities between 4,000 and 6,000 be given that opportunity; not 4,000 to 10,000. That reflects a conversation that I've had with a number of people here that really thought the initial bill was a substantial overreach.

The third is, there are a number of communities that are affected in the four to six thousand category, and I thought it'd be interesting just to note what some of those communities are. So, I have a dozen different communities here as examples: Millinocket, Pittsfield, Waldoboro, Rumford, Warren, Madison, Madawaska, Monmouth, Vassalboro, Bar Harbor, Fort Kent, and Dover-Foxcroft are all communities that would be impacted and have the ability to opt out if this particular motion is approved by this body. I ask for your support. Thank you, Mr. Speaker, Ladies and Gentlemen of the House.

Representative GIDEON of Freeport **REQUESTED** a roll call on the motion to **RECEDE AND CONCUR.**

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

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

Representative **KUMIEGA**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, as a building contractor and a carpenter, I'd spend a lot of time fixing things that were not done properly in the first place. The building code is a way to avoid that. Houses that are built to code last longer, maintenance is cheaper. They're cheaper to live in because they use less energy. They're healthier to live in. There's less mold problems, less leakage.

You can pay me now or pay me later. Houses have to be built the right way to last. We know a lot more about building houses than we did a hundred years ago or 50 years ago, or even 10 years ago. And the building code reflects that. This is a way, houses that are built to code are a better investment and for most people, their house is their biggest investment. It's their