ONE HUNDRED AND TWENTY-SEVENTH MAINE LEGISLATURE
FIRST REGULAR SESSION
54th Legislative Day
Thursday, June 4, 2015

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

Prayer by Monsignor Michael Henchal, St. Maximilian Kolbe Parish, Scarborough.

Pledge of Allegiance.

The Journal of yesterday was read and approved.

SENATE PAPERS
Non-Concurrent Matter

Bill "An Act To Strengthen the Right of a Victim of Sexual Assault or Domestic Violence To Take Necessary Leave from Employment"

(H.P. 640) (L.D. 921)

Majority (7) **OUGHT TO PASS AS AMENDED** Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-239)** in the House on June 2, 2015.

Came from the Senate with the Minority (6) **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 "B" (H-240)** in **NON-CONCURRENCE**.

The House voted to **RECEDE AND CONCUR**.

Non-Concurrent Matter

Bill "An Act To Authorize the Carrying of Concealed Handguns without a Permit"

(S.P. 245) (L.D. 652)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-119) AS AMENDED BY HOUSE AMENDMENTS "A" (H-242) AND "B" (H-247) AND SENATE AMENDMENT "B" (S-153) thereto in the House on June 1, 2015.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-119) AS AMENDED BY SENATE AMENDMENTS "B" (S-153), "C" (S-174) AND "D" (S-175)** thereto in **NON-CONCURRENCE**.

Representative KUMIEGA of Deer Isle moved that the House **RECEDE**.

Representative COOPER of Yarmouth **REQUESTED** a roll call on the motion to **RECEDE**.

Fewer than one-fifth of the members present expressed a desire for a roll call which was not ordered.

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

Representative KUMIEGA of Deer Isle **PRESENTED House Amendment "A" (H-290)**, which was **READ** by the Clerk.

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, this amendment would require that a person carrying a firearm without a permit, concealed, would have to undergo a safety training course. This bill, in my mind, has always given rise to safety concerns.

I understand it's not about criminals. Criminals will carry with or without a permit. It's not about law enforcement. Law enforcement is trained to deal with people who are armed—that's their job. My concern is the everyday citizen and the everyday citizen next to them who hasn't had safety training. Nationally there are a lot of, and in the State of Maine, what I refer to as "accidental discharges." And, to me, there's no such thing as an "accidental discharge" of a gun. There are unintentional discharges caused by people who are being careless or negligent, or who haven't had safety training or aren't following the safety training that they've had. But there's no such thing as an accident. There's no reason for a gun to go off if it's being properly carried. Thank you, Mr. Speaker. I hope you will accept this amendment.

The SPEAKER: The Chair recognizes the Representative from Saco, Representative Chenette.

Representative **CHENETTE**: Thank you, Mr. Speaker, I rise to agree with the Maine Gun Owners Association, an all-volunteer, grassroots, nonprofit organization dedicated to defending and promoting the gun rights of thousands of reasonable and responsible gun owners across our state.

I'd like to read to you an excerpt from the *Bangor Daily News*. Jeff Weinstein, the Maine Gun Owners Association President, said in a prepared statement that training for those who want to carry a concealed handgun is paramount. "Of major concern is the elimination of the educational requirements pertaining to basic gun safety," Weinstein said. "The gun safety message is especially important where a gun owner has children at home." End quote.

Weinstein said without training requirements, his group would oppose the bill. He says, quote, "I advise the Legislature and/or Governor LePage to consider either not enacting the bill or amending it further to reinstate mandatory gun safety and legal education," Weinstein said. "Failure to do so may see this bill actually enabling some people needlessly getting hurt." End quote. So, Mr. Speaker, let's put some training requirements in it. Vote "yes" on the current motion in order to fix this bill as the Maine Gun Owners Association recommends. Thank you, Mr. Speaker.

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

Representative **O'CONNOR**: Mr. Speaker, I raise for a Point of Order. I'd like to know if somebody could tell me what the difference is between just Recede and Recede and Concur because I've never seen just Recede on the board before. Thank you.

The SPEAKER: The Recede motion is to take a step back in order to attach. The motion to Concur would agree with the other body and move it forward.

The Chair recognizes the Representative from Newfield, Representative Campbell.

Representative **CAMPBELL**: Thank you, Mr. Speaker and Ladies and Gentlemen of the House, was that the *Bangor Daily News* that wanted everybody that had a concealed weapon to mention their name in the papers? I hope we're not going to vote on something because of what the *Bangor Daily News* said. And as far as this amendment, it's nothing but a anti-gun from an anti-Senator down the other end of the hall. So, vote against the amendment, too, please and thank you.

The SPEAKER: The Chair would remind Members not to comment on members of the other end of the hall or their actions. Thank you.

The Chair advised all members that it is inappropriate to refer to the potential action of the other body in order to influence the vote of the House.

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

Representative **DEVIN**: Thank you very much, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, when I was 10 years old my father took me to a hunter's safety course. Thirty years later, I took my 10-year-old son to a hunter's safety course. When I joined the Navy I got plenty of gun training and I used to watch my dad refill his own shotgun shells. I feel very comfortable around guns. The only thing I ask is that when you carry a gun, you know how to operate it properly.

Recently, my wife, Laura, inherited two handguns when her father passed away about a year and a half ago. And I'm sitting in our living room and she's got these handguns in a box. And I've got to tell you another thing about my wife before I continue on: she's a school teacher in Woolwich. She's an art teacher, K-8; she's never had a run-in with the law. There's no one that would ever deny her buying a gun.

So anyways, she inherits these two guns and I'm sitting reading the newspaper in the living room. And this is a true story. She said, "Hey, Mick, look at this." And she's got this antique revolver pointed at my face. I very calmly said, "Laura, let's put the gun down." She goes, "Oh, they told me it probably doesn't work." "They told you it probably doesn't work." I said, "Is it loaded?" "I don't think so." "Is the safety on?" "Is the what on?" For the Laura Devin's of the world, so that she doesn't shoot herself in the abdomen when she sticks a gun under her shirt, let's ensure that people actually know how to operate guns. Thank you very much.

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

Representative **FECTEAU**: Thank you, Mr. Speaker, I just wanted to remind and clarify for the good Representative from Newfield, Representative Campbell, that the reference made by Representative Chenette was regarding the President of the Maine Gun Association. He was quoted in the *Bangor Daily News*. Many of our colleagues here in the chamber have been quoted in the *Bangor Daily News*. And that their quotes are not owned by the *Bangor Daily News*, it's still their quote. So, I would like to just make that clarification. Thank you.

Representative GIDEON of Freeport **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-290)**.

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 Augusta, Representative Pouliot.

Representative **POULIOT**: Thank you, Mr. Speaker, I just want to remind everybody in the chamber that it's a law that you can carry a gun now, openly. Why should covering that with your jacket make you a criminal? Thank you very much.

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

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

The SPEAKER: The Representative may pose her question.

Representative **BEAVERS**: In voting for this, are we voting for the amendment or are we voting for the original bill?

The SPEAKER: The pending question is Adoption of House Amendment "A."

A roll call has been ordered. The pending question before the House is Adoption of House Amendment "A" (H-290). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 151

YEA - Alley, Babbidge, Bates, Battle, Beavers, Beck, Beebe-Center, Blume, Brooks, Bryant, Burstein, Chapman, Chenette, Chipman, Cooper, Daughtry, Davitt, DeChant, Devin, Doore, Farnsworth, Fecteau, Fowle, Gideon, Gilbert, Golden, Goode, Grant, Hamann, Harlow, Herbig, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kumiega, Lajoie, Longstaff, Luchini, Mastraccio, McCreight, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Noon, Pierce T, Rotundo, Rykerson, Sanborn, Saucier, Schneck, Stuckey, Tepler, Tipping-Spitz, Tucker, Verow, Warren, Welsh, Mr. Speaker.

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

ABSENT - Frey, Gattine, Hobbins, Kruger, Russell.

Yes, 63; No, 83; Absent, 5; Excused, 0.

63 having voted in the affirmative and 83 voted in the negative, with 5 being absent, and accordingly **House Amendment "A" (H-290)** was **NOT ADOPTED**.

Subsequently, Representative McCABE of Skowhegan moved that the House **CONCUR**.

The same Representative **REQUESTED** a roll call on the motion to **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 Yarmouth, Representative Cooper.

Representative **COOPER**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I have no doubt which way this vote will go, so I will not belabor the point, but I do wish to add one more thought to our proceedings. It occurs to me as I listened to the debate yesterday and on Monday, I guess it was, that this proposal is not about the Second Amendment. It is not about the right to bear arms. It is not about protection. It is about a disdain for regulation. And that is the genesis of this bill. It is from people who disdain government, who disdain any interference in their "freedom," as they put it, to do as they like even at the risk of people dying.

I fundamentally reject that philosophy. I think it is a dangerous precedent, not only for issues involving the Second Amendment, but for everything that we do in this chamber. And I urge you to rethink, those of you who have supported this measure, to rethink what you are doing. You are putting the lives of Mainers in jeopardy. Thank you.

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

ROLL CALL NO. 152

YEA - Alley, Austin, Battle, Bickford, Black, Bryant, Buckland, Campbell J, Campbell R, Chace, Corey, Crafts, Dillingham, Duchesne, Dunphy L, Dunphy M, Edgecomb, Espling, Evangelos, Farrin, Foley, Fredette, Gerrish, Gilbert, Gillway, Ginzler, Greenwood, Grohman, Guerin, Hamann, Hanington, Hanley, Hawke, Head, Herrick, Hickman, Higgins, Hilliard, Hobart, Kinney J, Kinney M, Lockman, Long, Luchini, Lyford, Maker, Malaby, Marean, Martin J, Martin R, McCabe, McClellan, McElwee, Nutting, O'Connor, Parry, Peterson, Picchiotti, Pickett, Pierce J, Prescott, Reed, Sanderson, Sawicki, Seavey, Shaw, Sherman, Short, Sirocki, Skolfield, Stanley, Stearns, Stetkis,

Sukeforth, Theriault, Timberlake, Timmons, Tipping-Spitz, Tuell, Turner, Vachon, Wadsworth, Wallace, Ward, White, Winsor, Wood.

NAY - Babbidge, Bates, Beavers, Beck, Beebe-Center, Blume, Brooks, Burstein, Chapman, Chenette, Chipman, Cooper, Daughtry, Davitt, DeChant, Devin, Dion, Doore, Farnsworth, Fecteau, Fowle, Gideon, Golden, Goode, Grant, Harlow, Herbig, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kruger, Kumiega, Lajoie, Longstaff, Mastraccio, McCreight, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Noon, Pierce T, Powers, Rotundo, Russell, Rykerson, Sanborn, Saucier, Schneck, Stuckey, Tepler, Tucker, Verow, Warren, Welsh, Mr. Speaker.

ABSENT - Frey, Gattine, Hobbins, Pouliot.

Yes, 87; No, 60; Absent, 4; Excused, 0.

87 having voted in the affirmative and 60 voted in the negative, with 4 being absent, and accordingly the House voted to **CONCUR**.

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

COMMUNICATIONS

The Following Communication: (S.C. 392)

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

June 1, 2015
The 127th Legislature of the State of Maine
State House
Augusta, Maine
Dear Honorable Members of the 127th Legislature:
Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 382, "An Act To Eliminate Certain Fees for Security Freezes and Allow Security Freezes for Minors."
Currently, Maine law provides that victims of identity theft can place a security freeze on their credit report for free. Individuals who aren't victims of identity theft can also place security freezes, but they can be charged up to $10 for doing so by each of the three credit reporting agencies. The maximum charge for removing the freeze is $12 per agency. The vast majority of states allow for charges for placement and removal, with about 30 states allowing for $10 placement fees.
This bill mandates that credit reporting agencies provide both the placement and removal services for free. I do not believe it is appropriate for government to require a private enterprise to provide a service for no charge. For these reasons, I return LD 382 unsigned and vetoed. I strongly urge the Legislature to sustain it.
Sincerely,
S\Paul R. LePage
Governor

Came from the Senate, **READ** and **ORDERED PLACED ON FILE**.

READ and **ORDERED PLACED ON FILE** in concurrence.

The accompanying item An Act To Eliminate Certain Fees for Security Freezes and Allow Security Freezes for Minors

(S.P. 150) (L.D. 382)
(S. "A" S-83 to C. "A" S-38)

In Senate, June 3, 2015, this Bill, having been returned by the Governor, together with objections to the same, pursuant to the provisions of the Constitution of the State of Maine, after reconsideration, the Senate proceeded to vote on the question: 'Shall this Bill become a law notwithstanding the objections of the Governor?'

32 voted in favor and 3 against, and 32 being more than 2/3 of the members present and voting, accordingly it was the vote of the Senate that the Bill become law and the veto was overridden.

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

Representative **BROOKS**: Thank you, Mr. Speaker, Women and Gentlemen of the House, I rise today to speak on the security freeze bill. I'm on the committee that it was presented to and what it basically does is if, for whatever reason, you want to get a freeze on your credit reports, a lot of times it's if you feel that you've been compromised or for whatever reason you want to get a freeze on those credit reports from TransUnion, Experian, and Equifax, right now the process is that you have to send certified mail and a $10 or $12 fee to these three agencies along with the paperwork. And so, it does add up to a significant amount of money. You also have to pay to unfreeze that report.

In other countries, I believe, this again goes with an opt-in, opt-out type thing. In America, we have it so you have to opt out of credit reporting, and I believe other countries might have it that you opt in to credit reporting. But what I learned in the committee is that in other states, it's variable what people have to pay for these freezing and unfreezing. And, as the Chief Executive does note, I apologize, but as it is noted, if you have a proven breach it is free but we felt as a committee, unanimously, that there shouldn't be the added burden of a fee on top of the certified mail and all the other hoops to jump through. And that's why there was a unanimous report, and that's why I encourage to follow the light of overriding the veto.

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

Representative **COOPER**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, in fact the Chief Executive states in his message that the cost for people whose identity has not been stolen is $10 maximum. That is not the experience of people who have actually gone through the process of obtaining credit freezes. A member of our committee did so and was charged $30.

The reason you do a credit freeze is because of breaches like the huge one at Anthem. You don't know whether or not your identity has been stolen until it happens. Sometimes it may be years before you discover because they wait, these hackers, they wait and then when the opportunity is prime, they raid your savings and your checking accounts or whatever. So, the only way to be certain that this is not going to happen is to put a freeze on your accounts and pay a $30 fee, as he did, for himself and his wife; that was $60 altogether. And then, if he wants to buy a car or a house or something else which requires a credit check, he's going to have to unfreeze it which is another $60. So, the facts that the Chief Executive relied upon are incorrect.

Secondly, we chose to make it free not just out of the blue. There are other states that provide this. The range was from $0 to about $30 or something like that. We felt the onus should not be on the innocent consumer. The consumer has done nothing to bring this about and why place the burden upon the consumer? These credit agencies make a fortune providing

credit reports and they certainly can afford to pick up the tab for this. Thank you.

After reconsideration, the House proceeded to vote on the question, 'Shall this Bill become a law notwithstanding the objections of the Governor?' A roll call was taken.

The SPEAKER: The pending question before the House is 'Shall this Bill become a law notwithstanding the objections of the Governor?' All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 153V

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

NAY - Long, Lyford, Reed, Sherman, Skolfield.

ABSENT - Frey, Gattine, Hobbins, Pouliot.

Yes, 142; No, 5; Absent, 4; Excused, 0.

142 having voted in the affirmative and 5 voted in the negative, with 4 being absent, and accordingly the Veto was **NOT SUSTAINED** in concurrence.

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

Representative McCABE of Skowhegan assumed the Chair.

The House was called to order by the Speaker Pro Tem.

The Following Communication: (H.C. 188)

STATE OF MAINE
127TH MAINE LEGISLATURE

May 26, 2015
Honorable Robert B. Hunt
Clerk of the House
2 State House Station
Augusta, Maine 04333
Dear Clerk Hunt:
Pursuant to our authority under Title 30-A, §5047, we are pleased to appoint the following people to the Statewide Homeless Council effective May 28, 2015:
Elizabeth Szatkowski of Portland for Region I
Donna Kelley of Belfast for Region II
Joshua D'Alessio of Bangor for Region III
Please let us know if you have any questions regarding these appointments.
Sincerely,
S/Michael D. Thibodeau
President of the Senate
S/Mark W. Eves
Speaker of the House

READ and **ORDERED PLACED ON FILE**.

The Following Communication: (H.C. 187)

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

June 4, 2015
Honorable Mark W. Eves
Speaker of the House
2 State House Station
Augusta, Maine 04333
Dear Speaker Eves:
Pursuant to Joint Rule 310, the following Joint Standing Committees have voted unanimously to report the following bills out "Ought Not to Pass:"
Energy, Utilities and Technology
L.D. 1355 An Act To Improve Residential Renewable Energy Use
Health and Human Services
L.D. 1316 An Act Regarding the Employment of Certified Nursing Assistants and Direct Care Workers
Sincerely,
S/Robert B. Hunt
Clerk of House

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

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

ORDERS

On motion of Representative VEROW of Brewer, the following Joint Resolution: (H.P. 986)

JOINT RESOLUTION TO PROMOTE AWARENESS OF DYSLEXIA

WHEREAS, dyslexia is a cognitive disorder relating to reading and speech; and

WHEREAS, dyslexia is usually characterized by difficulty in learning to read with fluency and by difficulty in reading comprehension; and

WHEREAS, dyslexia is also associated with trouble memorizing number facts and difficulty in correctly performing math operations; and

WHEREAS, dyslexia is the most common learning disorder; and

WHEREAS, proper diagnosis of dyslexia and intervention can result in academic improvement in schoolchildren and improvements to the lives of adults; and

WHEREAS, a lack of awareness of the nature of dyslexia and the consequences of not addressing dyslexia ultimately results in significant costs to the lives of the citizens of the State and our economy; and

WHEREAS, with greater awareness citizens of the State will be better able to address the problems created by dyslexia; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-seventh Legislature now assembled in the First Regular Session, on behalf of the people we represent, take this opportunity to promote awareness of dyslexia in our State and urge parents to take action if they suspect their children may have dyslexia and urge adults who believe they may have dyslexia to seek assessment.

READ and **ADOPTED**.

Sent for concurrence.

SPECIAL SENTIMENT CALENDAR

In accordance with House Rule 519 and Joint Rule 213, the following items:

Recognizing:

Stephen W. Hanington, of Wytopitlock, who has received the 2014 Outstanding Logging Operator of the Year Award from the Northeastern Loggers Association. Mr. Hanington has been an active member of the logging association for many years and is also the recipient of the 2005 Logging Business of the Year, the 2002 Commitment to Safety Award, the 2001 Outstanding Leadership in Industry Award and the 2000 National H.H. Jefferson Memorial Safety Award. We extend our congratulations to Mr. Hanington on his receiving this honor;

(HLS 571)

Presented by Representative HANINGTON of Lincoln.

Cosponsored by Senator WILLETTE of Aroostook, Representative SHERMAN of Hodgdon.

On **OBJECTION** of Representative HANINGTON of Lincoln, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **HANINGTON**: Thank you, Mr. Speaker Pro Tem and Ladies and Gentlemen of the House, if I was t list all the recognitions that my brother had, it would probably take up two pages. Forty seven years ago, my father, Hollis Jr., and my uncle Willard started Hanington Brothers, Incorporated. In 1979 my dad bought my uncle out, paid him off in three years.

Growing up in a family logging business was hard work, but it was honest. We started working through summer vacations in grade school. I, myself, started working in summer of '76. My father passed away in 1989, leaving my mother a widow at 49; also left her with a $5.2 million debt. We worked together to support mom and my brother purchased the business in January of 1994. And this what can happen with true leadership. With a $5.2 million debt, five and a half years of putting your nose to the grindstone and doing what's right, my brother bought that business with a debt less than a half a million dollars.

Steve reminds me so much of my father, and he treats people the way that he wants to be treated. Steve has received many rewards over the past 20 years. We all can take a lesson from him. I will be presenting this sentiment to Steve in his office in Macwahoc. Thank you, Mr. Speaker Pro Tem.

Subsequently, the Sentiment was **PASSED** and sent for concurrence.

Recognizing:

Christopher Lenardis, of Auburn, a Boy Scout who has attained the high rank and distinction of Eagle Scout. This is the highest award in Boy Scouting and is given for excellence in skills development, leadership, personal growth and community service. Christopher rebuilt walking trails and a bridge in back of Pettingill Park in Auburn. We extend our congratulations to Christopher on this achievement;

(HLS 572)

Presented by Representative BICKFORD of Auburn.

Cosponsored by Representative SAWICKI of Auburn, Representative MELARAGNO of Auburn, Senator BRAKEY of Androscoggin.

On **OBJECTION** of Representative BICKFORD of Auburn, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Recognizing:

Stephen and Muriel Foley, of Kittery, on their 65th Wedding Anniversary, June 4, 2015. Mr. and Mrs. Foley are lifelong residents of Kittery who met in high school. Mr. Foley was employed at Portsmouth Naval Shipyard for more than 40 years, and Mrs. Foley was a stay-at-home mother who later worked in retail and in banking. They raised 2 sons and a daughter. We extend to Mr. and Mrs. Foley our congratulations and best wishes;

(HLS 573)

Presented by Representative FOLEY of Wells.

Cosponsored by Senator HILL of York, Representative BEAVERS of South Berwick, Representative ESPLING of New Gloucester, Representative FREDETTE of Newport, Representative RYKERSON of Kittery.

On **OBJECTION** of Representative FOLEY of Wells, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **FOLEY**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I rise today to honor and pay tribute to two of the most important people in my life, my mother and my father, who are celebrating their 65th wedding anniversary here today with us all. Words cannot express my appreciation and gratitude for the guidance, wisdom, and love they have given to me and my family over the many years. I am who I am today because of them. So, today, I wish them a very happy birthday on the floor of the House, with many more to come, and I say thank you very much. Thank you, Mr. Speaker.

Subsequently, the Sentiment was **PASSED** and sent for concurrence.

REPORTS OF COMMITTEE

Divided Reports

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought Not to Pass** on Bill "An Act To Create a Civil Cause of Action for Intentional Interference with Business Operations"

(S.P. 427) (L.D. 1200)

Signed:

Senator:

GERZOFSKY of Cumberland

Representatives:
FOWLE of Vassalboro
CHENETTE of Saco
DAVITT of Hampden
LAJOIE of Lewiston
NADEAU of Winslow
THERIAULT of China
WARREN of Hallowell

Minority Report of the same Committee reporting **Ought to Pass** on same Bill.
Signed:
Senators:
ROSEN of Hancock
BURNS of Washington

Representatives:
GERRISH of Lebanon
LONG of Sherman
TIMMONS of Cumberland

Came from the Senate with the Minority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-149)**.
READ.
Representative FOWLE of Vassalboro 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: 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. 154

YEA - Alley, Babbidge, Bates, Beavers, Beck, Beebe-Center, Blume, Brooks, Bryant, Burstein, Chapman, Chenette, Chipman, Cooper, Daughtry, Davitt, DeChant, Devin, Dion, Doore, Duchesne, Dunphy M, Evangelos, Farnsworth, Fecteau, Fowle, Gideon, Gilbert, Ginzler, 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, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Noon, Peterson, Pierce T, Powers, Rotundo, Russell, Rykerson, Sanborn, Saucier, Schneck, Shaw, Short, Stanley, Stuckey, Tepler, Theriault, Tipping-Spitz, Tucker, Verow, Warren, Welsh.
NAY - Austin, Battle, Bickford, Black, Buckland, Campbell J, Campbell R, Chace, Corey, Crafts, Dillingham, Edgecomb, Espling, Farrin, Foley, Gerrish, Gillway, Greenwood, Guerin, Hanington, 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, Prescott, Reed, Sanderson, Sawicki, Seavey, Sherman, Sirocki, Skolfield, Stearns, Stetkis, Sukeforth, Timberlake, Timmons, Tuell, Turner, Vachon, Wadsworth, Wallace, Ward, White, Winsor, Wood.
ABSENT - Dunphy L, Fredette, Frey, Gattine, Hobbins, Pouliot, Mr. Speaker.
Yes, 79; No, 65; Absent, 7; Excused, 0.
79 having voted in the affirmative and 65 voted in the negative, with 7 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 **JUDICIARY** reporting **Ought Not to Pass** on Bill "An Act To Connect the Citizens of the State to the State's Natural Resources by Establishing Standards for Relief from Regulatory Burdens"

(S.P. 124) (L.D. 309)

Signed:
Senator:
JOHNSON of Lincoln

Representatives:
HOBBINS of Saco
EVANGELOS of Friendship
McCREIGHT of Harpswell
MONAGHAN of Cape Elizabeth
MOONEN of Portland
WARREN of Hallowell

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-124)** on same Bill.
Signed:
Senators:
BURNS of Washington
VOLK of Cumberland

Representatives:
GINZLER of Bridgton
GUERIN of Glenburn
HERRICK of Paris
SHERMAN of Hodgdon

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-124)**.
READ.
On motion of Representative GIDEON of Freeport, **TABLED** pending **ACCEPTANCE** of either Report and later today assigned.

Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-134)** on Bill "An Act To Exempt Annuity Considerations from Tax"

(S.P. 237) (L.D. 644)

Signed:
Senators:
McCORMICK of Kennebec
DAVIS of Piscataquis

Representatives:
BICKFORD of Auburn
CHACE of Durham
SEAVEY of Kennebunkport
SKOLFIELD of Weld
SUKEFORTH of Appleton

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

Signed:
Senator:
LIBBY of Androscoggin

Representatives:
GOODE of Bangor
MOONEN of Portland
RUSSELL of Portland
STANLEY of Medway
TEPLER of Topsham

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-134)**.

READ.

Representative GOODE of Bangor moved that the House **ACCEPT** the Minority **Ought Not to Pass** Report.

Representative ESPLING of New Gloucester **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 Fairfield, Representative Picchiotti.

Representative **PICCHIOTTI**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, just briefly on this bill, it's a two percent, when you read the bill it appears that it's taking the tax off an annuity. It has nothing to do with the income tax from that annuity, you still have to pay your tax on the gains if it is an unqualified account.

The two percent is a premium tax. So if your premium is $1,000, it's a $20 tax on that premium. Unfortunately, with the way the State of Maine is, most annuities, or a good portion of the annuities are actually being sold in New Hampshire instead of Maine, so we're not getting the money anyway because it's very easy to get a reciprocal license over in New Hampshire for a Maine licensed broker and they sell the annuities out of New Hampshire, which bypasses our tax anyway because there is no tax there. So, it's just simply bringing the money back into the State of Maine to do that. From a fiscal note, I don't think that it's going to make that big of a difference.

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. 155

YEA - Alley, Babbidge, Bates, Beavers, Beck, Beebe-Center, Blume, Brooks, Bryant, Burstein, Chapman, Chenette, Chipman, Cooper, Daughtry, Davitt, DeChant, Devin, Dion, Doore, Duchesne, Dunphy M, Evangelos, Farnsworth, Fecteau, Fowle, 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, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Noon, 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, Black, Buckland, Campbell J, Campbell R, Chace, Corey, Crafts, Dillingham, Edgecomb, Espling, Farrin, Foley, Gerrish, Gillway, Ginzler, Greenwood, Guerin, Hanington, 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, Prescott, Reed, Sanderson, Sawicki, Seavey, Sherman, Sirocki, Skolfield, Stearns, Stetkis, Sukeforth, Theriault, Timberlake, Timmons, Tuell, Turner, Vachon, Wadsworth, Wallace, Ward, White, Winsor, Wood.

ABSENT - Dunphy L, Fredette, Frey, Gattine, Hobbins, Pouliot, Mr. Speaker.

Yes, 77; No, 67; Absent, 7; Excused, 0.

77 having voted in the affirmative and 67 voted in the negative, with 7 being absent, and accordingly the Minority **Ought Not to Pass** Report was **ACCEPTED** in **NON-CONCURRENCE** and sent for concurrence.

Majority Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-275)** on Bill "An Act To Prohibit the Sale of Dogs and Cats in Pet Shops"

(H.P. 229) (L.D. 335)

Signed:
Senators:
DILL of Penobscot
SAVIELLO of Franklin

Representatives:
HICKMAN of Winthrop
CHAPMAN of Brooksville
DUNPHY of Old Town
NOON of Sanford
SAUCIER of Presque Isle

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

Signed:
Senator:
EDGECOMB of Aroostook

Representatives:
BLACK of Wilton
EDGECOMB of Fort Fairfield
KINNEY of Knox
MAREAN of Hollis
McELWEE of Caribou

READ.

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

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

Majority Report of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-272)** on Bill "An Act To Allow Regulated Metal Mining in Maine"

(H.P. 503) (L.D. 750)

Signed:
Senators:
SAVIELLO of Franklin
BRAKEY of Androscoggin

Representatives:
BUCKLAND of Farmington
CAMPBELL of Orrington
DUCHESNE of Hudson

HANLEY of Pittston
MARTIN of Eagle Lake
WHITE of Washburn

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

Signed:

Senator:

BREEN of Cumberland

Representatives:

WELSH of Rockport
CHIPMAN of Portland
HARLOW of Portland
TUCKER of Brunswick

READ.

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

The SPEAKER PRO TEM: The Chair recognizes the Representative from Rockport, Representative Welsh.

Representative **WELSH**: Thank you, Mr. Speaker Pro Tem, Women and Men of the House, I speak in opposition to the pending motion. First, I want to thank the committee of the Environment and Natural Resources. We worked as many as 60 hours of public hearings, reading and discussing 85 pages of intricate rules in detail. Everyone participated and contributed, and I thank all of you.

I began our deliberations with an open mind and a willingness to work to assure protections for our environment and for our taxpayers. I believe we did make progress and improvements to the rules that were submitted to us. However, at the end, I just do not feel that these rules truly assure that our precious ground and surface waters in the state are adequately protected. Over the last four years that I and our committee have been working on mining we have asked for examples of mines in similar climates that are working effectively and are succeeding in protecting ground and surface waters, securing their tailings impoundments and securing adequate financial assurances for our taxpayers. No examples have been provided.

In our day and age, the world is suffering from severe droughts and water shortages. We in Maine are blessed with an abundance of water that is renewable and is clean. This is our heritage, our brand and our most precious resource. It is the lifeblood of our ability to live the way life should be as citizens and as attractions to our largest industry: tourism. We owe it to our children and grandchildren to assure that it remains clean and unspoiled.

You may wonder what happens if this bill and these rules do not pass. I assure you, that the statute that was passed in the 125th Legislature and that is currently in law, specifically states that until the Legislature affirmatively passes new rules, the 1991 rules still apply. These 1991 rules prohibit the pollution of groundwater. The rules in this bill before us allow the pollution of groundwater which then must be treated. I am just not convinced that this treatment of groundwater can truly be failsafe, and I am not willing to take that risk.

This bill is about mining in the whole State of Maine, not just Bald Mountain. We need to be sure that all of our state is adequately protected. It is our legacy. Again, I thank the ENR Committee for their hard work. And I ask that this body vote "no" on LD 750 and that we continue to work to adequately safeguard and protect our most precious resources. Thank you.

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

Representative **TUCKER**: Mr. Speaker Pro Tem and Women and Men of the House, many of you have gone through this metal mining debate before. My education on the issue comes from just completing a five month sentence on the Environment and Natural Resources Committee.

I remind you that the rules to allow metal mining cover the entire state and not just Aroostook County. We're talking about ore deposits in coastal Maine, such as Warren in Knox County, western Maine, such as Alder Pond in Somerset and Lodge Ridge in Oxford County, and other locations not yet discovered. With an estimated $1.7 billion worth of metal at Bald Mountain alone, mining consultants and prospectors are anxious to get into Maine with this new mining law.

The issue is as follows: Whether under proposed regulations, metal mining can be done without significant risk to our watershed and ground waters and without uncertain future costs to the taxpayers. On close examination, the regulations proposed by the Department do not meet that test. Maine's geology and climate make metal mining particularly risky.

First, we have a geology of reactive sulfide ores highly prone to generating acid rock drainage. Second, unlike dry western mining states, Maine's climate has high rainfall. Our surface waters mix into our high water tables flowing through our fractured geology in every direction. Current practice in mining calls for massive tailings ponds, dams, reservoirs with high risks of accidents and long years of drainage. With such risks, there will be unexpected costs that cannot be estimated. The full costs of an environmental catastrophe are uninsurable. Mining has had a history of walking away from disastrous pollution.

Therefore, the Environment Committee should have placed the burden of proof on DEP and the mining interest to affirmatively show that the regulations are adequate. Oddly, the committee seemed to presume the rules were adequate and that it was the job of the public and of various environmental groups to prove the rules were not. The Environment Committee went endlessly back and forth over 85 pages of rules—rewording, questioning, dissecting. But we essentially ended up where we started. Mostly we talked definitions and language.

The promise of new modern technology was discussed generally but never explained by a neutral mining engineering expert. Such alleged new modern techniques were only outlined quickly by an industry lawyer. Only from reading reports in the submissions, did I discover that the industry is in flux right now, trying to come up with alternatives to the tailings pond practice which is currently predominant in the industry. We also learned that adequate financial mechanisms don't exist for major disasters and for cleaning up acid pollution that may be discovered decades later when the groundwater, as it always does, will emerge to the surface.

The Legislative Committee was way in over its head, using by analogy its experience with gravel pits and solid waste dumps. We tinkered with the size of setbacks and buffers, how to define the mining area, the distinction between tailings ponds and wet mined waste units, the difference between letters of credit and bonds, the difference between a monitoring well and a compliance well and a hundred other subsections. Although the state geologists briefed us on very basic geology and we had a University of Maine hydrogeologist give us a basic 20 minute slideshow to explain ground water, there were no neutral experts in metal mining hired to examine how other states balance the risks and benefits of metal mining. And more importantly, no neutral expert help was hired to examine modern industry standards of engineering, water control, and financing.

There was overreliance on interested parties, and their lawyers and lobbyists, for basic information and advice. I have concerns about the ability of our DEP, with all the personnel and budget cutbacks, to effectively control this industrial-scale mining. The $500 thousand permit fee and the $20 to $50 thousand annual fee thereafter is hardly enough. One retired DEP geologist testified, "I have little confidence that DEP staff can effectively oversee projects under conditions of exceptional rainfall that could cause catastrophic failure of containment."

Watching these committee deliberations progress, I was reminded of the "emperor-wearing-no-clothes" fable. DEP, the mining lobby and the committee were weaving an elaborate cloth of regulatory protection, with us in the committee transfixed, drawn into the mesmerizing details of 85 beautiful pages of regulations. Stepping back, however, there is not much covering the naked reality of industrial acid drainage.

The committee's changes to the rules made some improvements. We concede that, but are not significantly tougher. The changes made to the rules as Commissioner Aho put it, made the rules quote, "more clear and easier to understand, providing clarity." There were a number of clarifying changes made by the committee. Hiring a risk assessment expert was made mandatory rather than discretionary. "May" was changed to "shall." The post-closure allowable time for waste treatment was reduced from 30 years to 20 years. Wet mine waste units were prohibited after closure of the mine, but tailings ponds are still allowed until mine closure. The lookback period of 10 years for the permit applicant's criminal record was extended back to get a complete criminal history. Although, the right of the applicant to ask for a waiver in spite of a history of violations was vigorously defended and maintained. Another regulatory change defined more clearly which public lands would be off-limits to metal mining, although the State Land Mining Statute remains on the books. This is only a regulation, not a statute. A full submission of financial security was required if the tailings pond was to be utilized, but this is subject to negotiation.

These clarifications and changes are welcome, but they danced around the issue and did not change the high-risk of the pollution of groundwater with acid drainage and lack of long-term financial assurance. More substantive regulatory changes were not considered. Design requirements might prevent the need for active treatment of drainage at all after the main closes, as advocated by the respected professor of mining engineering, Doctor David Chambers of the University of Montana. The rules might have prohibited tailings ponds all together using dry stacking or other mining methods, only hinted at in the evidence. Perhaps less use of water in the processing of pulverized ores. Open-pit mining might've been prohibited in favor of less risky underground mining. The size of mining operations could've been limited to avoid risk with huge mines. Mining of certain high sulfide ores could've been prohibited. We could've had greater setbacks from public lands and other valuable geographic assets.

Such protective and significant measures might or might not have persuaded me that metal mining is possible in Maine without risking our waters and our pocketbook. But insufficient evidence was presented by DEP and the mining interests should show these or other methods that could significantly reduce risk. This bill places the final rules in the hands of the Department of Environmental Protection to promulgate without legislative oversight after the Attorney General approves them for form. Instead of the Pine Tree State, we could become the Open Mine State. Once mining begins, there is no turning back. The old legislative dodge that we can quote "fix it later" is a brush-off to justify a bad bill. Once we approve these rules, administrative modifications to loosen them can only be thwarted by expressed legislative rejection. We should reject the currently proposed regulations because they are completely inadequate…

The SPEAKER PRO TEM: Would the Member please defer? The Chair recognizes the Representative from Auburn, Representative Bickford.

Representative **BICKFORD**: Mr. Speaker, Point of Order. Will the Representative address the Speaker please?

On **POINT OF ORDER,** Representative BICKFORD of Auburn asked the Chair to remind Representative TUCKER of Brunswick to address the Speaker Pro Tem and not turn to the rest of the House.

The SPEAKER PRO TEM: The Chair would remind all Members to address comments through the Speaker.

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

The SPEAKER PRO TEM: The Member may proceed.

Representative **TUCKER**: Mr. Speaker Pro Tem, we should reject the currently proposed regulations because they are inadequate to protect Maine's waters and our pocketbooks. Please push the red button and vote "no" to these mining rules. Thank you.

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

Representative **DUCHESNE**: Thank you, Mr. Speaker and Men and Women of the House, I'm in a weird place on this bill. Mining is a risky economic activity and it's a threat to other natural resources. I can support a complete ban on mining. I can support strong regulation of mining. What I cannot support is bad regulation of mining. And that's what we have right now.

Mining is a legal economic activity in this state. Until it isn't, it needs to be regulated heavily. I believe in strong regulation whenever the health, safety and welfare of Maine citizens demand it, and whenever our natural resources and the environment are at risk. I believe I have the moral authority to be a strong regulator only as long as I am a fair regulator. Regulations should be clear, concise, and most of all predictable. I'm okay if protections are so strong that a business decides to forego an opportunity. That's a business decision. What I object to, Mr. Speaker, is when a business can't even value its own property or even make a business decision about a legal economic activity. That's where we are right now.

Now, we're currently operating under rules from 1991 that are in conflict with a law passed in 2012. And those rules from 1991 are tangled up with a law passed in 1985. This confused mess basically creates a policy that says it's okay to mine just as long as you don't dig. The 1991 rules require you to get a permit from LURC, and LURC doesn't even exist. The 1991 rules that we're operating under right now require a company to make a major long term investment, but only grants a short-term permit. The 1991 rules were created when there wasn't a mining statute. Regulation took place under laws that governed landfills and shopping malls. That's what we're operating under right now.

It gets worse. The 2012 law requires new rules be adopted to be consistent with the new statute, but that didn't happen. It didn't happen last session, and we're being asked to fail again because as long as we continue to fail, this regulatory mess is a de facto ban on mining. And that's okay with opponents who don't want mining, and they are willing to promote legislative failure in order to get that result. I get it.

But as I said, if anyone wants to ban mining, I will co-sponsor your bill. Meanwhile, I did my personal best to get the strongest rules I could get without being so onerous that they created an unfair, de facto ban. I believe the Majority Report rules are stronger, in fact very strong, perhaps stronger than anywhere else in America. If any member can find rules that are stronger

than these, please bring them to my attention. You don't even have to bring me the rules. Just tell me the state.

Meanwhile, opponents will try to persuade members of this body that the rules are weak, and I've heard some bizarre claims this week. Some of them are on your desk. I read where the LD 750 rules allow mining under lakes, streams, and coastal areas. Actually, the rules don't mention anything at all about it. Not a word. What the opposing lobbyists are complaining about is current law in Title 12. If anyone wants to change current law in Title 12, put in a bill. I'll co-sponsor. But don't blame these rules. We can't overturn current law with rules.

In fact, look at current law in Title 36, Subsection 2853. Quote: "It is the policy of the state," the policy of the state, "to encourage the sound and orderly development of Maine's mineral resources. The object of this policy is to assure that the actions associated with development of these resources will encourage expansion and diversification of the state's economy and create new employment opportunities for the state's people." It goes on to establish the mining excise tax intended to, quote, "establish a practical scheme of taxation on mining companies which will permit these companies to profitably operate mines within the state, encourage the economically efficient extraction of minerals, and permit the state to derive a benefit from the extraction of nonrenewable resource." If you don't like the law, change it. I will co-sponsor your bill. But don't blame these rules.

This is the current statute and I don't recommend this. This is actually in Title 12, Subsection 549. It tells you how to divert a stream or drain a lake on public land in order to get to your ore deposit. That's in law. Fortunately, these rules that the opposing lobbyists are asking you to reject, actually bans mining on public lands. Unless you reject these rules, we took care of it.

The opposing lobbyists claim these rules are weak because you can mine within a quarter mile of state lands and therefore we should stick to the old rules. Under the old rules, you can mine on public land. We actually banned that in these rules. Furthermore, the setback in these rules is actually a mile, and the only way you can reduce that distance if you prove that you won't ruin the recreational values of these lands—the exact opposite of what these lobbyists are claiming. Mr. Speaker, I apologize for rising a second time on this bill because it's probably going to happen again in a few minutes. Thank you, Mr. Speaker.

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

Representative **CHAPMAN**: Thank you, Mr. Speaker Pro Tem, Friends and Colleagues in the House, I represent the only House District in Maine that has had metal mining in the past century. Two mines, an open pit mine in my hometown of Brooksville, and an underground mine in Blue Hill, the largest town of my district, are both failed mines, forever at public expense, although the contamination of the surface and ground waters from these mines may never be eliminated.

The volcanogenic massive sulfide deposits in my district, as in most of Maine's counties, neighboring states and Canada, were formed hundreds of millions of years ago and survive today because they have been isolated from oxygen and water by rock formations. When the deposit is opened by mining operations, a chemical reaction between the metal ore and air and rain forms sulfuric acid which dissolves the heavy metals present in the sulfide ore and carries those toxins downstream in both surface and ground waters.

The mining industry has not yet shown evidence of any sulfide mine in North America that has not violated its permits and allowed illegal toxic contamination. Sometimes mine failures are sudden and dramatic, as in the tailings storage facility failure last August at Mount Polley in British Columbia when the dam broke releasing several billion gallons of highly toxic material into what had been a pristine valley and two lakes. It will be hundreds of years from now before the damage has been remediated. The average cost of a tailings storage facility failure is about $500 million, although the Mount Polley failure may be much greater.

Sometimes, mine failures are slow. A new point source heavy metal discharge into the estuary next to the Callahan mine waste rock piles in Brooksville was discovered two years ago, forty years after the mining operation stopped. It appears that the slow weathering of the sulfide bearing waste rock has created a continuous eroding of the toxic metals into public waters of the state.

The Callahan mine site is on the EPA's National Priorities List, better known as the Superfund site. The original estimated cost of remediating the site, not including remediation of the ground water, for which there is no known method, is $23 million, of which more than $2 million is to be paid by the State of Maine. Our current transportation budget includes another multi-hundred thousand dollar installment on this expense being borne by Maine taxpayers today.

One of the deposits in Maine is the Bald Mountain deposit in Aroostook County that the JD Irving Corporation says it plans to mine. Unknown to the Legislature when it decided on a rewrite of the mining rules several years ago, was that many tens of millions of dollars had already been abandoned by international mining companies after concluding that the Bald Mountain deposit was too high risk to mine. Too high risk means that the acid producing potential outweighs the neutralizing potential so that if the deposit is opened, it is almost certain to start the acid reactive drainage problem that creates very long-term, unstoppable environmental damage, perhaps for thousands of centuries.

The false promise of jobs is what has allowed the concept of mining Bald Mountain to continue. The industry routinely overestimates the number of short-term jobs it will create, and never discusses the loss of existing permanent jobs. The recreational fishing and hunting industry in Maine employs 53,000 Mainers. If only one employee in ten loses his or her job due to the destruction of Maine's environment and image, that is a loss of more than 5,000 permanent jobs, more than 50 times the number of temporary jobs that might be created. For every temporary mining job created in Maine, 50 existing permanent jobs will be lost. Mining threatens the economy as well as the environment.

Also unknown to the Legislature was the fact that the JD Irving sponsored lawyers wrote the legislation which provided for the removal of all environmental statutes pertinent to mining even before the replacement rules were approved by the Legislature. So, now, the mining rules in effect refer to non-existent statutes. And in this regard, I'm reflecting what the good Representative Duchesne had said about the mess that we're in at the present time was because we, in our wisdom, passed legislation to remove the existing mining statutes and to do so on a date certain, even though we had not had a method for putting new rules into effect in a reasonable fashion.

I offered LD 750, before it was gutted completely and filled with the irresponsible rules before you, to address the three major problems Maine faces with metal mining. First, to control the threat of a million-year environmental damage by asserting the requirement that mining rules be developed to achieve the goal of geologic stability during and after the mining operation. Geological stability means that neither a slow weathering of waste rock nor catastrophic failure would occur for centuries. Second, to control the never-ending public expense associated with mine site remediation by imposing a series of way-points in

the permitting process to make go/no-go decisions so that a mining company could not engage in risky behavior. And third, to put in place a moratorium while responsible rules were written to end the uncertainty of the legal limbo we are in presently.

Not a single provision in my bill was accepted by the committee, so that instead of Maine being in the position of leader in the world with responsible mining regulations, we now face a set of rules that allow an irresponsible company to use irresponsible risky techniques to mine high-risk deposits with fewer environmental constraints than building a school building. These rules even allow contamination of ground water. Nothing in the bill before you, were it in place 50 years ago, would have prevented the experience we have endured with the failed mines in my district.

Others have suggested requiring up-front escrow funds from the mining company to cover mining failures. Unfortunately, the magnitude of the potential failures exceeds the ability of the entire worldwide mining industry to self-insure, let alone a single company. Even more important than the threat this legislation poses to our environment, it threatens our democracy. The bill before you contains two sentences, one of which exempts mining rules from Maine's Administrative Procedure Act retrospectively, and one prospectively. The Administrative Procedure Act gives the public a right to have input into the rulemaking process. These rules have come before this Legislature illegally, as they were submitted in violation of the Administrative Procedure Act. If this bill were to become law, we would be saying to the public that their input is neither wanted nor accepted in metal mining rulemaking. So, I ask, is that how we want to represent the public?

Finally, I return to the experience of my district. After 80 years of declining population and economic activity, my district was desperate for jobs and welcomed a foreign mining company with open arms in the 1960's after being promised 200 to 300 jobs for 10 to 20 years. Mining only brought one-tenth that number, but after a few years of operation, left a legacy of on-going pollution and public expense.

It is difficult for me to communicate the level of shame felt by my constituents. No one talks of the mines. No one is proud to have worked in the mines. A beloved selectman in my town, recently deceased, did not talk of his experiences working in the mine in his early 20's, even though he was the only one to escape uninjured from a fatal cave-in. I, myself, married into a large local family more than 20 years ago, and through all the intervening family gatherings, including funerals, weddings, and other celebrations, I did not know until recently that two of my brothers-in-law worked in the mine. There is an eerie silence that hangs in the air. A deafening silence of shame that warns us to avoid the same mistakes. Thank you, Mr. Speaker Pro Tem.

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

Representative **CAMPBELL**: Thank you, Mr. Speaker, Men and Women of the House, as has been stated so eloquently by the good Representative from Hudson, there's been a lot of work done on this bill. The good Representative has a lot longer history than I. I wasn't here in the 125th Legislature when it became law. In terms of the legacy mines, I totally respect and appreciate Representative Chapman's opinions and experiences. It's incredible what we all bring to this Legislature. We all bring something different and we all bring something very personal.

The legacy mines were a part of the hearings. It was very important that we not recreate the bad, the awful, the destructive of the past. Along with all the concerns of the legacy mines and all the concerns of every interest that was before the committee, not for the 60 hours of on-mic testimony, but for the three legislative sessions that this has been before us. At the table were all those with concerns. As has been mentioned, there have been 85 pages of rules. These 85 pages of rules are an extension of the guidance that the Legislature gave to the DEP and the BEP on the rules that returned in the 126th Legislature. In the 126th Legislature there was some concern about those rules. They were defeated. In the 127th Legislature we have had many, many, many hours beyond the 60 hours of working this bill from briefings. Anyone with any interest had an opportunity to come before this committee, extended over and over and over and over.

Not only were those who were paid there—us, on our ends of the horseshoe—others, high paid lobbyists on both sides of the issue. There were two outstanding individuals that were there every, every day: Lou Kingsbury and Hendrik Gideonse. Lou is fairly local, but Hendrik comes from the coastal areas. Another individual came every day from Guildford and recorded everything that went on.

As I mentioned, the Representative from Hudson has a history. He was here when the bill was passed. I also have a history, but my history goes back to a point where there was some concern about the intent of legislation being well exceeded once it went to rulemaking. So, I sponsored a bill in the 117th Legislature, the committees and its leadership wrote the law that anything determined to be major substantive going out to rulemaking had to come back to ensure it didn't exceed the intent of the law. This process not only had the intention to go to the DEP for writing, it had the oversight and public hearings of the BEP, it came back to the Legislature for more public hearings, it was defeated, and it's been back again the 60 hours plus.

So, as the good Representative from Hudson says, this is a vote on the rules. This is not a vote on whether or not we are able to mine in Maine. If we do not want to mine in Maine, pass the law. Don't give it an end run around rulemaking. The good Representative has also mentioned something that's worth repeating. Title 36, Taxation: "It is the policy of the state to encourage the sound and orderly development of Maine's mineral resources. The object of this policy is to assure that the actions associated with development of these resources will: 1. Encourage expansion and diversification of the state's economy and create new employment opportunities for the state's people." 1981 was when this was passed. That's been on the books since 1981. No one has addressed the fact we don't want mining. This is an end run around the elimination and prevention of mining. It's not right. Thank you, Mr. Speaker.

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

Representative **CAMPBELL**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I promise I'm not reading anything so I promise I'll try to be very brief. A few years back some land that we had was a refugee for animal refuge the federal government purchased for us. Inland Fisheries and Wildlife, unknown to me until people started contacting me in my town and the town of Shapleigh, that Nestle, who calls themselves Poland Spring, is a Swiss company. And they had put 26 wells in in my district without me knowing it and are going to start pumping water 24/7.

There's a foreign country that's been pumping water out of this pristine water we talk about out of our state for years and they continue. But I had the pleasure of sitting in a chaise lounge on a Thursday and Friday after I worked my tail off, and contact the right people, and had the 26 wells pulled out and removed from my district.

Now we got, when I was much younger, the politicians got involved in the electricity up there and split Central Maine Power

up. It wound up owned by a New York company and now these good lights over our head now are supplied by a Spanish company. Now Canada won the run and rip our country up…

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

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

The SPEAKER PRO TEM: The Member may proceed.

Representative **CAMPBELL**: Now we have a Canadian company who want to turn around and rip our good country apart and run a pipeline through it with tar sands that they've already experienced a lot of problems with up there disaster. Now we want another Canadian company who's turned around and the biggest landowner in the State of Maine now, a multi-billion dollar company. And you know something? They talk about jobs and that, our poor loggers up north have to compete with the Canadian loggers because those Canadian loggers get free health insurance and free help and the companies get free help from the Canadian government.

So, the Canadian government is going to not create 700 so-called jobs in the State of Maine for Maine people. And if you think I'm fooling, you're sadly mistaken. Sorry, I turned a little to the left. I hope you follow my light and let's keep Maine to Maine people. And let's worry about Maine people, not about Canadian, Swiss, or Spanish companies. Let them drill their own oil and water and mine in their own countries. Thank you very much, Mr. Speaker.

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

Representative **BICKFORD**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, there's been a lot of good testimony on this subject today, and a lot of learning I've done by listening. But like many of my friends that have already spoken, I have nothing to add that will change any one member's mind on this subject. Thank you, Mr. Speaker.

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

Representative **HARLOW**: Thank you, Mr. Speaker Pro Tem. Mr. Speaker Pro Tem and Ladies and Gentlemen of the House, I may not have anything new to add, but I will be very brief and I will also ask for a roll call, since it hasn't been asked for yet.

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 Portland, Representative Harlow, you may proceed.

Representative **HARLOW**: Thank you, Mr. Speaker Pro Tem, first of all, I'd like to agree with the good Representative from Rockport that our committee did work very well together. I would like to add, however, that I've been a little bit disappointed to hear of the pressure on both sides of the aisle from various people as to how we will vote. That's very disappointing because that wasn't what we experienced in our committee and I just wanted to express that frustration.

I only wanted to rise to share with you something that was shared with us in 2012 when the statute came before us. And that was that we did ask then if there was a mine that the lobbyists who were presenting this bill could show us that was a responsible mine. And we were told that there was such a mine and it was in a climate similar to ours, and that was the Flambeau Mine in Wisconsin. So that was in March of 2012. And I am one of the three people still…

The SPEAKER PRO TEM: Would the Member defer for a moment? My apologies in interrupting. There is some feedback and I'm not too sure what folks are hearing for feedback. It's making it hard for some of us to hear you. Do you mind using the microphone next to you, Representative? We can turn that one on. My apologies, I just want to make sure that we can hear you accurately and clearly.

Representative **HARLOW**: Thank you. So, in 2012, we were told that the Flambeau Mine was a responsible mine and it was a similar climate to ours in Wisconsin. So, since I'm one of the three people who is still remaining on the committee who has been there for all three sessions of the mining rules, and I bring that up because the good Representative from Orrington pointed to the experience on our committee and I wanted to point out that there are three of us still remaining of the 13, well since that time in March of 2012, we haven't heard a word about Flambeau Mine. So, I Google "Flambeau Mine" and I realized why we have not heard about it.

In July of 2012, Flambeau Mine was, there was a ruling that there were 11 environmental violations of the Clean Water Act on Flambeau Mine. And the judge, and I want to make sure that I get this correct, the judge said that, "the amount of pollution was minimal and that the company's environmental practices were exemplary." So, my question is, is the best that we can hope for, since this is a model mine that we heard about in 2012, to have minimal pollution? And I want to point out again that the same lobbyists who told us about Flambeau Mine in Wisconsin back in 2012 have not mentioned that mine and they are still with us.

I also wanted to remind people that while the good Representative from Orrington mentioned that anyone could come before us, the only paid mining expert before us was someone named Jim Butler, and he is a "mining lawyer." He permits mines in Utah and he is extremely knowledgeable, there is no debating that, but I want to repeat that he is an expert and he permits mines in Utah. And I also want to mention that he has also been a lobbyist in front of Congress on behalf of the Barrick Gold Corporation, which happens to be the largest gold company in the world.

So those are just a few things that I wanted to say. I also wanted to point to this as risk. If you accept the risk of this, and our water, which is an infinite resource, is polluted, then we are looking at also an infinite amount of contamination. And we have not heard, with the exception of Flambeau Mine, of any mines that have not polluted. And obviously, Flambeau Mine has as well. We have so many jobs that are dependent on our environment in our state, I have no idea how we could risk those jobs when they're finite. They will not be with us forever. Our environment will. Our clean water will.

I also wanted to say that this is a statewide bill. There are people who have been here for the same amount of time that I have, which is five years, who did not realize that this was a statewide bill. They thought we were voting on jobs for Aroostook County. Well, that is not the case. This is a statewide bill.

And lastly, there is a sentence in our statute back from 2012 which does say that the 1991 rules will stay in effect until we affirmatively adopt rules. But I would say, why would we adopt rules that will put our state in jeopardy? The one resource that we can count on, or the natural resources that we can count on. Thank you, Mr. Speaker.

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

Representative **FOLEY**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I come at this from a unique perspective. Prior to my election to the Legislature last

November, I served on the Board of Environmental Protection, and was its Chair during the deliberations of these rules. One of the concerns that I had when I was in charge of that process was that we ran out of time. And what I was concerned about was that we rushed our decisions because we had a time frame.

I'm concerned today that we seem to be doing the same thing. If there is a question, if there is a doubt, then we should hit the pause button and rethink what we're doing. This is an important bill, it's an important potential product or industry for this state, but we need to get it right. If we don't get it right, the disaster can never be fixed. One of the concerns that I have had is an open pit mine in the State of Maine is a potential disaster versus perhaps a tunnel mine might be a better answer.

But I would suggest at this point in time, with the testimony we've heard, with the questions that we have, that somehow we find a way to put the pause button on, perhaps we bring this back next session, and for us to continue the hard work of the committee. And I spent many hours over at that committee, I listened to the work, and I applaud them. They did deliberate work, they were attentive, they listened, they tried hard, and as the hours and weeks came to a close, as on the BEP when I was there, we started to rush things to try to get things done by a time frame. I hope that a bill of this importance to the State of Maine doesn't get the same treatment that we had to do at the BEP. I hope that as this process moves forward we can find somehow to put the pause button on, bring it back, let's keep working on it, and answer the questions that continue to be raised, and when it comes forward, we're all satisfied that it helps the State of Maine. Thank you, Mr. Speaker.

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

Representative **CHIPMAN**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, when we took up this bill, I think all of the members of our committee agreed that the rules before us were not adequate, so we went down this road of trying to fix 85 pages of rules. As you've heard, we had several public hearings, I believe we had eight work sessions on this bill. The problem is, none of us on the committee are scientists, none of us are geologists, and in my opinion, none of us are experts. In other words, we didn't have the qualifications necessary to do the job we were asked to do.

I have two problems with this bill. One: I don't feel it does enough to protect water quality. And two: I'm concerned about financial assurance not being sufficient. In other words, there could be a disaster from a mining operation in a certain area of the state which could leave all of us in the state on the hook for millions of dollars of clean-up costs. That's not something I'm willing to do. At the end of the day, the amended rules are not adequate. And in response to the good Representative's comment about hitting the pause button, the best way to do that is to vote "no." Thank you.

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

Representative **GRANT**: Thank you Mr. Speaker Pro Tem, Men and Women of the House, I rise in opposition to the pending motion, and in opposition to the Majority Report on LD 750. Last session I served on the Environment and Natural Resources committee. To prepare for the review of the mining rules that were to come before our committee and then the full Legislature, I delved into every aspect of the underlying metallic mineral mining statute that was completely overhauled in the waning days of the 125th Legislature.

In the beginning I was open to the idea that mining might be done safely in Maine. I have friends and family in the County and I have watched the population shrink and people be left with homes they couldn't sell. So I wanted very much to believe that there was a "new technology" that would make metallic mineral mining safe, especially for the people of Northern Maine. I believe in one Maine.

However, what I learned made it clear to me that our first concern had to be ensuring that such mining would not pollute our water. Our second concern had to be that the state's taxpayers would not be on the hook if any environmental accidents occurred. Other legislators agreed, so we tried last session to fix these key weak areas in the statute passed in the 125th.

What was telling to me was that the foreign company that hopes to start metallic mineral mining in northern Maine fought our efforts every step of the way. This was what finally convinced me that metallic mineral mining might not be safe in Maine. If, as the company's highly paid representatives asserted, there were new technologies available that made such mining safer, why did they fight so hard to prevent us from ensuring that Maine taxpayers would not be paying for damages if things went wrong? Why did they spend so much money again this session to make sure that the rules would be even weaker than they were before? If their promises of hundreds of good-paying jobs for Maine people were true, why did they fight us putting into the rules that they had to substantiate those claims in the mining application process? The industry has convinced many that there will be upwards of 700 new jobs, but they have done nothing to substantiate those claims.

Those draft mining rules were rightly rejected by the 126th Legislature last year. I show no disrespect to the hard work of the ENR Committee this session when I say that the rules before us are not significantly improved to the rules we rejected last year. Under the rules before us, metallic mineral mining still risks irreversible damage to Maine's environment and other economically important natural resources. These mining rules inadequately protect Maine's water and wildlife, and fail to provide sufficient financial assurances to protect Maine's taxpayers. The law established by the 125th Maine Legislature requires that discharge of pollutants will not violate water quality standards. The 2012 law also requires that no harm to habitats and fisheries will be made to minimize these impacts, under the Natural Resource Protection Act.

The rules before us fail to prevent contamination of our water. These rules allow tailings impoundments, which can fail catastrophically, during the active life of a mine. Eighty percent of tailings dams failures occur during the active life of a mine. The reality is that allowing tailings impoundments during the active life of a mine virtually guarantees the impoundments will be permanent features on Maine's landscape. Only by requiring very strict management and dewatering of tailings during the life of a mine can one prevent permanent, wet tailings impoundments. These rules don't require this sort of management.

In June of 2014, the ENR Committee had the opportunity to hear from an independent expert on issues related to metallic mineral mining, Doctor David Chambers. He has more than 35 years of experience in mineral exploration and development. He is a professional engineer, has a physics degree, and is a registered professional geophysicist, with a PhD in Environmental Planning. After a two-hour presentation to our committee, he followed up with a letter, dated June 3, 2013. In it he writes, and I quote:

"I have taken a position that one of the aspects of responsible mining is no perpetual water treatment. I believe that it is reasonable to give a mining company five years after the completion of reclamation to terminate water treatment. This

policy is being applied in Michigan. No registered professional would make a prediction that water treatment could be terminated 10, 20, or 30 years after closure if they were held professionally responsible for this prediction. I know of no regulatory agency, federal or state, that holds an individual or company professionally, or financially, liable for an inaccurate prediction of water treatment, even when it had ended up costing the public millions of dollars." End quote.

If we are to take the gamble on mining in Maine, and even if we insisted that companies use best industry practices, we must also require that all post-closure water treatment be concluded satisfactorily within five years, not the 20 years as LD 750 would allow. I understand that the State Geologist also told the ENR Committee that the shorter the allowable post-closure care period, the better. I agree. Groundwater must not be contaminated outside the mining areas, and acid ponds must not stand in perpetuity in our state.

To make matters worse, the financial assurances of these rules are still wholly inadequate, and expose Maine's taxpayers to the real risk of paying for groundwater contamination and other serious environmental degradation. The financial assurance in LD 750 still doesn't require that mining companies pay the full cost of a worst-case environmental disaster up front so that Mainers are not left to pay the cleanup costs if a mining company goes under after a catastrophe. The financial assurance language only covers a tailings dam failure, not the whole range of failures that occur at a mine, such as catastrophic groundwater contamination from a waste rock pile or a fire. Even this language on tailings dam failure doesn't require the mining company to put up enough money to actually repair a collapsed tailings dam, which could be the only way to stop ongoing discharges.

It is clear that the 125th Legislature intended to protect Maine's taxpayers. These rules fail that intent. The waters around Bald Mountain, in Aroostook County, boast the some of the best trout fishing in the country. They are a last strong-hold of the eastern brook trout in the U.S. If we are to risk such a precious asset, we must take all precautions to prevent the kinds of disasters we have already seen in Maine from metallic mineral mining. Please remember that it is not just Bald Mountain or Aroostook County that we must consider here. These rules, as have already been stated, would apply across the entire state.

It is our responsibility as legislators to ensure that before any metallic mineral mining occurs in Maine, that our environment and public health are protected. We must also ensure that if, despite the best planning and mining practices that might be employed here, an environmental disaster still occurs, the full cost of cleanup will be borne by the companies who profit from the mining, not Maine taxpayers. This year, I am deeply concerned that these rules give the DEP too much discretion to complete the rules without legislative oversight or public input.

Clean water is now the world's most precious resource. After all that I have learned on this subject I am convinced that metallic mineral mining in Maine risks grave damage to our environment. In the final analysis, the question we must ask ourselves is this: What is our state's brand? Are we to be known as vacationland, with industries such as tourism, sustainable agriculture, sustainable fishing and sustainable wood harvesting? Is it our great natural beauty that sets Maine apart? How does metallic mineral mining fit that brand? I don't think it does. These rules were written by industry for industry. I urge you to reject them. The risks far outweigh the benefits. Thank you, Mr. Speaker Pro Tem.

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

Representative **MARTIN**: Thank you, Mr. Speaker. Mr. Speaker, Members of the House, I've sat here for a couple hours listening to some of the debate and I do have some comments which may take a little time, but I must begin by indicating that more study has to be done by individual legislators on the legislation that the committee has done and the work that has done.

Let me begin by indicating, first of all, that my involvement with mining did not begin last year, the year before, 10 years ago, but it was longer than that. And it began when there was a Mr. Cummings, who some of you may remember the name, who found some ore, potentially in various parts of the state. And one of those happened to be in an area called Bald Mountain, just outside of Portage Lake, Maine. And part of what he suggested was that there's a potential deposit there that could be of substantial value.

I want to run through for you, just a moment, the land ownership that was involved because part of that plays a major role and part of that is because of the things that I have been accused of throughout the years. First of all, the land was owned by Great Northern Paper Company. Subsequently, became Great Northern Nekoosa Paper Company, then sold to Georgia Pacific, then, sold to Bowater. And it is from Bowater that the Irving ownership took place.

My involvement began with Great Northern Paper Company's ownership. And Great Northern Paper Company was not interested in being a mining operation so they proceeded to, in effect, find companies to come in to potentially start mining. And it was with that beginning that I introduced the first mining piece of legislation. And it is a result of that which resulted in the rules that were subsequently adopted in 1991. We thought at the time that they were good rules. We thought we'd made them strong enough. Then came other things that took place over time that was basically the land use regulation disappeared, and then became the need to create a new piece of legislation, which I introduced about three years ago, which became law.

It is that background upon which led the so-called attempt to draft rules. Unfortunately, that did not happen the way that I assumed it would, and the last Legislature failed to do what I was hoping that they were going to do. And so, the onus fell on this Legislature to try to deal with the issue. That's the background of my involvement with the mining issue. I want to make it clear from the very beginning that I am not in conflict and never have been, contrary to three reporters, whom I will not choose to name today.

Let me just now begin to talk to you about Aroostook County. Some of you know that when I first became a member of this Legislature, there were 16 House Members from Aroostook. Today we are eight. One half of what we were when I first arrived in this body. The cause, of course, is lack of jobs—lack of jobs for the people of Aroostook—and now many of my people, when I graduated from high school, most of them or a lot of them, I had a graduating class of 121, better than 100 went to Connecticut. We made some improvements over the years, and then they started going to Portland. And now, they're going to Bangor, but they're still not living in Aroostook County because of lack of jobs.

When I started looking at the possibility of jobs in Aroostook, it became clear to me that have to rely on our natural resources. That's what we have. We're not going to get jobs that do not relate to that. And then when you stop and think of what has happened over time, in terms of jobs what has happened, I want to point out that people have said, "Well, mining's not going to

last all the time." Well, guess what? Neither do the paper mills. In Millinocket, East Millinocket, the downsize of the one in Lincoln, the one in Madawaska, the one in Washington County, and I can go on. But where you're looking here is a possibility of a 30-year job—the operation of 10 years of putting it together, 20 years during that process, and 10 years thereafter. That's the potential. Now, people will say the 700 jobs have not been documented. Well, all you've got to do, if you're interested in those facts, just go to the Watten Report and they'll delay for you the number of where those jobs are, where they will be, and stop complaining that there are not 700 jobs there. Some are short-term, some are long-term, and none of them will be more than 30 years. That are the facts. That's the situation of jobs. So, get off that subject and move on to the issue of whether or not there's an environmental situation here that we can deal with, because that really is the issue.

And that's what this committee tried to do this year. It spent up a lot of time. I'm not saying it's perfect, but I know this: if you compare the 91 rules to the rules that are before us today, you will know that the rules today are far better than what the 91 rules were. Are they perfect? Let me just remind you nothing is perfect in this world and you have to work at what it is every day to make it better. And so, when you take a look at where we are and where we want to go, even if we pass this today, is a mine going to occur tomorrow? Of course not. And I will make one comment to you, what the owner of the company said to me: "If we do not get this legislation to have a mine and we are in Aroostook County, we're not going away. We have our industry and the wood industry is there." So, they're not going to pick up and leave town like so many others have done. Because, you see, this company has been around since the beginning and since World War I. And take a look at what it's done for the people of northern Maine. If it were not for them today, we'd have 500 jobs less than we have today, whether they be located in Nashville, next to Ashland, or if they're located in my district, and the wood cutting operations and the number of jobs provided by them. But I don't want to go there because the issue here, today, is mining.

And so, is it a potential that we can get something out of this? I'm convinced that it is. Because what the next step will be if we pass this, then the company, if they choose to move forward, and frankly, I'm not sure I want to with the attitude that some people have, but if they were, then the mining application will be filed, they will document what they intend to do, it will be subject to public review and public hearing before the PUC, it'll be subject to intervention by both the opponents and proponents, and everyone will have an opportunity to go through this over and over and over again, infinite. And so, that's why I say, why would anyone, would really in the end, want to move forward with the attitude that some people have, and invest their money? And it seems to me that we have a choice here today, as to whether or not we want a future in Aroostook County, or maybe what we want for some people is to continue to take the money from Portland and South Portland and support our schools in Aroostook County. Because, you see, Aroostook County right now can't support its own. And take a look, take a look, of how much money is coming to Aroostook County in the school subsidy program, and some of the districts receiving close to 90 percent. And where do you think that money's coming from? It's coming from you in southern Maine. So, if you want to help us, matter of fact we can even help you lower your taxes, and that's one way that we can better ourselves.

And so today I want you to take a bold move to cast a vote to start the process. If we can move forward and you, and some of you are so perfect that you know every rule and every law that ought to be, get us the amendment so we can put them through. And we can adapt those rules…

The SPEAKER PRO TEM: The Representative will defer. The Chair reminds all members to address comments through the Chair. Thank you, Representative.

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

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

Representative **MARTIN**: And so, I hope that we move forward and making possible to make that happen today, and I urge you to vote for the Majority Report.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Pittston, Representative Hanley.

Representative **HANLEY**: Thank you, Mr. Speaker Pro Tem. Mr. Speaker Pro Tem, Ladies and Gentlemen of the House, I'd like to remind you that the legacy mines that were mentioned earlier could never be allowed under these new rules—never be allowed. And also, every federal air, water, and soil environmental law, must still be adhered to on top of these laws. So, keep that in mind as you vote. Thank you.

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

Representative **STANLEY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House: Opportunity. It's a big word, and that's what's at stake here, an opportunity to bring some of the things that I mentioned yesterday to life. The rural areas in this state need an opportunity and this additional mining will bring opportunity to people in the rural areas, because I don't see any mines going in Portland, Bangor, or Lewiston/Auburn.

But I do see though, is a chance for us to improve the quality of life in the people in the rural areas of this state. And by saying that, what it means is that these people have been down for a long time. And they're going down and down and down. And it's time for us, as a state, as a body, to take a good hard look at what we're doing. This is an opportunity, like previous speaker just said, and it's not going to happen tomorrow or the next day. These are rules that have changed and they needed to be changed, and the only thing we can do going forward is improve them.

And when that board lights up, the red and the green, and both sides are going to have the same thing. Both sides are going to care about the environment. Just like everybody else. But what we want though, is an opportunity. The people in the rural areas need an opportunity to be able to go to a job and not have to travel 30 or 40 miles to a job. This would bring some jobs to some of those rural areas so that these people can live there.

Also, it'd bring good paying jobs, not the kind you see in the tourist industry: the low wages, seasonal wages. These would be fulltime jobs, I would presume. And with that, I think that we could start turning around some of the issues that the rural areas in this state are facing. Because, I'll tell you, when you have a migration of your people, that's not a good thing, and this could bring opportunity and advancement and it'd bring people to areas to live to improve upon what we already have. So, with that, I just say I support the Ought to Pass as Amended Report and when I say that, I say it as an opportunity for the rural parts of this state.

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

Representative **BROOKS**: Thank you, Mr. Speaker Pro Tem, Women and Gentlemen of the House, I am not an expert on this subject, I just speak from growing up in Lewiston/Auburn where our river, you could smell it coming down Goff Hill. We do have the rich history of having shoe shops in Lewiston/Auburn. And,

currently you can't drink the water at Androscoggin River. There are fish coming back and it doesn't smell when you go across the bridge, and it's a different beast altogether from mining, and I can appreciate that. However, I also have ancestors that came from St. Agatha and did land up in Lewiston for jobs and job creation.

However, part of that ancestry includes the Native Americans. And I have this t-shirt, and I don't remember and I won't quote for the sake of time the whole thing, but at the end of it, it says, "the land, never." We will share, we will give you everything, but the land, never. And I think of, you know it's ironic that it's named Bald Mountain, and I think of the Bald Eagle and we do have water and we hear about on our west coast and other areas where there are droughts. And I am one that would favor pausing and really considering what we're doing.

And I don't know if this subject matter as intricately as I would like to, but I know that some things that we once thought were innocuous, like asbestos, lead, other things, turn out to be not so innocuous. And we learn as time goes on. And, I just feel uncomfortable with the Ought to Pass motion and I'm going to be supporting Ought Not to Pass.

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. 156

YEA - Austin, Bickford, Buckland, Campbell R, Chace, Crafts, Dillingham, Duchesne, Edgecomb, Farrin, Fredette, Gillway, Hanley, Head, Lockman, Long, Lyford, Malaby, Martin J, Martin R, McElwee, Nutting, Peterson, Picchiotti, Reed, Sawicki, Sherman, Sirocki, Skolfield, Stanley, Stetkis, Theriault, Timberlake, Wallace, White, Winsor.

NAY - Alley, Babbidge, Bates, Battle, Beavers, Beck, Beebe-Center, Black, Blume, Brooks, Bryant, Burstein, Campbell J, Chapman, Chenette, Chipman, Cooper, Corey, Daughtry, Davitt, DeChant, Devin, Dion, Doore, Dunphy L, Dunphy M, Espling, Evangelos, Farnsworth, Fecteau, Foley, Fowle, Gerrish, Gideon, Gilbert, Ginzler, Golden, Goode, Grant, Greenwood, Grohman, Guerin, Hamann, Hanington, Harlow, Hawke, Herbig, Herrick, Hickman, Higgins, Hilliard, Hobart, Hogan, Hubbell, Hymanson, Jorgensen, Kinney J, Kinney M, Kornfield, Kruger, Kumiega, Lajoie, Longstaff, Luchini, Maker, Marean, Mastraccio, McCabe, McClellan, McCreight, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Noon, O'Connor, Parry, Pickett, Pierce J, Pierce T, Powers, Rotundo, Russell, Rykerson, Sanborn, Sanderson, Saucier, Schneck, Seavey, Shaw, Short, Stearns, Stuckey, Sukeforth, Tepler, Timmons, Tipping-Spitz, Tucker, Tuell, Turner, Vachon, Verow, Wadsworth, Ward, Warren, Welsh, Mr. Speaker.

ABSENT - Frey, Gattine, Hobbins, Pouliot, Prescott, Wood.

Yes, 36; No, 109; Absent, 6; Excused, 0.

36 having voted in the affirmative and 109 voted in the negative, with 6 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **NOT ACCEPTED**.

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

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

SENATE PAPERS

Bill "An Act To Merge the Maine Educational Loan Authority with the Finance Authority of Maine"

(S.P. 544) (L.D. 1443)

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

REFERRED to the Committee on **EDUCATION AND CULTURAL AFFAIRS** in concurrence.

CONSENT CALENDAR
First Day

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

(S.P. 514) (L.D. 1388) Bill "An Act To Clarify the Used Car Information Laws" Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass**

(S.P. 94) (L.D. 256) Bill "An Act To Allow Nonresident College Students To Obtain Resident Hunting, Fishing and Trapping Licenses" Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-170)**

(S.P. 205) (L.D. 589) Bill "An Act To Increase the Beneficial Reuse of Waste Materials and To Promote Community-based Renewable Energy" Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-164)**

(S.P. 312) (L.D. 867) Bill "An Act To Provide Tax Fairness and To Lower Medical Expenses for Patients under the Maine Medical Use of Marijuana Act" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-178)**

(S.P. 329) (L.D. 938) Bill "An Act To Clarify Maine's Fertilizer Quality Control Laws" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-181)**

(S.P. 368) (L.D. 1042) Resolve, To Create the Task Force on School Leadership (EMERGENCY) Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-162)**

(S.P. 380) (L.D. 1078) Bill "An Act To Preserve MaineCare Assisted Living by Providing a Cost-of-living Adjustment to Private Nonmedical Institutions and Adult Family Care Homes" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-168)**

(S.P. 381) (L.D. 1079) Resolve, To Support and Encourage the Expansion of Adult Family Care Services at Residential Care Facilities Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-166)**

(S.P. 429) (L.D. 1202) Resolve, To Ensure the Stocking of Inland Waters in the State Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-171)**

(S.P. 466) (L.D. 1301) Bill "An Act To Improve the Safety of Vulnerable Users in Traffic and To Clarify the Responsibilities of Bicyclists and Pedestrians" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-177)**

(S.P. 516) (L.D. 1390) Bill "An Act To Amend the Boundaries of the Capitol Area" (EMERGENCY) Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-179)**

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

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

ENACTORS
Acts

An Act To Authorize the Carrying of Concealed Handguns without a Permit

(S.P. 245) (L.D. 652)

(S. "B" S-153, S. "C" S-174 and S. "D" S-175 to C. "A" S-119)

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.

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

On motion of Representative ESPLING of New Gloucester, the House adjourned at 1:26 p.m., until 9:00 a.m., Friday, June 5, 2015, in honor and lasting tribute to Arthur A. Provost, of Skowhegan.