ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE
FIRST REGULAR SESSION
66th Legislative Day
Monday, June 22, 2015

The Speaker resumed the Chair.

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

Prayer by Honorable Gay M. Grant, Gardiner.

National Anthem by Honorable Gay M. Grant, Gardiner.

Pledge of Allegiance.

The Journal of Friday, June 19, 2015 was read and approved.

SENATE PAPERS
Non-Concurrent Matter

Bill "An Act To Improve Regulatory Consistency within the Jurisdiction of the Maine Land Use Planning Commission"
(H.P. 562) (L.D. 828)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-374) AS AMENDED BY HOUSE AMENDMENT "A" (H-393) thereto in the House on June 11, 2015.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-374) AS AMENDED BY SENATE AMENDMENT "A" (S-307)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Bill "An Act To Promote the Safe Use and Sale of Firearms"
(H.P. 282) (L.D. 415)

Majority (9) **OUGHT TO PASS AS AMENDED** Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-474)** in the House on June 19, 2015.

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

The House voted to **INSIST**.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Lakewood Theater, in Madison, on its 115th season. The theater's first stage play was "The Private Secretary," which opened on June 15, 1901. The theater has been a repertory theater and part of the Straw Hat Circuit, with many well-known actors and performers performing there. Sarah and Jeff Quinn have been managing and directing at the theater for 30 years. In 1990, the Quinns, along with Bruce Hertz and Marti Stevens, formed Curtain Up Enterprises, which runs the theater as a community theater. The theater is open from May through the end of September but running the theater involves the year-round effort of 100 volunteers and about 2 dozen employees. We extend to Sarah and Jeff Quinn and all the employees and volunteers at Lakewood Theater our congratulations on the theater's 115th season and our best wishes for continuing success;

(HLS 624)

Presented by Representative McCABE of Skowhegan.
Cosponsored by Senator WHITTEMORE of Somerset, Representative FARRIN of Norridgewock.

On **OBJECTION** of Representative McCABE of Skowhegan, was **REMOVED** from the Special Sentiment Calendar.

READ.

On motion of the same Representative, this Expression of Legislative Sentiment and all accompanying papers were **INDEFINITELY POSTPONED**.

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

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

UNFINISHED BUSINESS

The following matter, in the consideration of which the House was engaged at the time of adjournment Friday, June 19, 2015, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

An Act To Preserve the Integrity of Maine's Shellfish Industry by Increasing the Penalty for Interfering with Permitted Harvest
(S.P. 93) (L.D. 255)
(C. "A" S-84)

- In Senate, **VETO NOT SUSTAINED**.

TABLED - June 19, 2015 (Till Later Today) by Representative KUMIEGA of Deer Isle.

PENDING - **RECONSIDERATION** (Returned by the Governor without his approval).

Subsequently, 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. 303V

YEA - Alley, Babbidge, Bates, Battle, Beavers, Beebe-Center, Bickford, Blume, Brooks, Bryant, Burstein, Campbell J, Chace, Chapman, Chenette, Chipman, Cooper, Daughtry, DeChant, Devin, Dillingham, Dion, Duchesne, Dunphy M, Edgecomb, Espling, Evangelos, Farnsworth, Fecteau, Foley, Fowle, Frey, Gattine, Gerrish, Gideon, Gilbert, Gillway, Ginzler, Golden, Goode, Grant, Greenwood, Grohman, Guerin, Hamann, Hanington, Harlow, Herbig, Herrick, Hickman, Higgins, Hobart, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kinney M, Kornfield, Kumiega, Lajoie, Longstaff, Luchini, Maker, Marean, Martin J, Martin R, Mastraccio, McCabe, McCreight, McElwee, McLean, Moonen, Morrison, Nadeau, Nutting, O'Connor, Parry, Peterson, Picchiotti, Pickett, Pierce J, Pierce T, Pouliot, Powers, Prescott, Rotundo, Russell, Rykerson, Saucier, Schneck, Seavey, Shaw, Sherman, Short, Skolfield, Stanley, Stearns, Stuckey, Sukeforth, Tepler, Theriault, Tipping-Spitz, Tucker, Tuell, Turner, Vachon, Verow, Wadsworth, Ward, Warren, Welsh, White, Winsor, Wood, Mr. Speaker.

NAY - Austin, Black, Buckland, Corey, Crafts, Dunphy L, Farrin, Hanley, Hawke, Head, Hilliard, Kinney J, Lockman, Long, Lyford, McClellan, Reed, Sanderson, Sirocki, Stetkis, Timberlake, Timmons, Wallace.

ABSENT - Beck, Campbell R, Davitt, Doore, Fredette, Kruger, Malaby, Melaragno, Monaghan, Noon, Sanborn, Sawicki.

Yes, 116; No, 23; Absent, 12; Excused, 0.

116 having voted in the affirmative and 23 voted in the negative, with 12 being absent, and accordingly the Veto was **NOT SUSTAINED** in concurrence.

COMMUNICATIONS

The Following Communication: (H.C. 247)

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

June 19, 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 247, "An Act To Create Corridor Districts for the Purpose of Funding Transportation and Transit Services."
This bill would grow government. In fact, it would create a whole new type of government, transit corridor districts. Maine is already over-burdened with too many duplicative layers of government – municipal, county, state, regional planning organizations, metropolitan planning organizations, councils of governments and on and on. And to what end? To borrow money for pie in the sky special interest projects.
This entire legislative session has had a cacophony of complaining from municipal officials hung over Augusta with the refrain that municipal government must receive revenue sharing, general assistance and a host of other programs. Without these subsidies, they cried, property taxes must go up. How is this bill expected to help Mainers when municipalities currently refuse to consolidate services with their neighbor communities in order to provide the best possible value for their taxpayers' dollar? We can't afford all the government we have now, so we don't need to add to it.
For these reasons, I return LD 247, unsigned and vetoed. I strongly urge the Legislature to sustain it.
Sincerely,
S/Paul R. LePage
Governor

READ and **ORDERED PLACED ON FILE**.

The accompanying item An Act To Create Corridor Districts for the Purpose of Funding Transportation and Transit Services

(H.P. 179) (L.D. 247)
(C. "A" H-254)

The SPEAKER: The Chair recognizes the Representative from Gorham, Representative McLean.

Representative **McLEAN**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, as transportation funding is drying up across the state and across the country, we are constantly relying on out of the box thinking, creative ideas, new ideas, to come up with funding for infrastructure projects. This particular bill does just that. It's a result of the bipartisan and innovative work on the Transportation Committee. What this bill does is it allows cities and towns to band together to form corridor districts in order to fund transportation projects. This is the type of innovative and new thinking that we need in order to make improvements to our infrastructure and grow our economy and I would hope that you join me in overriding this veto. Thank you very much.

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. 304V

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

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

ABSENT - Beck, Davitt, Doore, Fredette, Malaby, Melaragno, Noon, Sanborn.

Yes, 80; No, 63; Absent, 8; Excused, 0.

80 having voted in the affirmative and 63 voted in the negative, with 8 being absent, and accordingly the Veto was **SUSTAINED**.

The Following Communication: (H.C. 248)

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

June 19, 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 359, "An Act To Assist Persons with Breast Cancer."
As promised, I am vetoing all bills sponsored by Democrats, who vote for the job-killing, pro-welfare agenda set by the Maine People's Alliance, but have stifled the voice of the Maine people by preventing them from voting on the elimination of the income tax.
These legislators were elected to serve the people of Maine, but they choose to operate behind closed doors to advance their own partisan agendas. Rather than work with me to at least give the Maine people a chance to vote on lowering or eliminating the income tax, they closed the door. They defend the status quo and they cut the people out of the process.
I will not sit by and watch a handful of Democrats disenfranchise the people they were elected to represent. I want to ensure that

each piece of legislation gets the widest possible representation in Augusta.

Therefore, in order for legislation sponsored by Democrats to become law, they will have to follow the procedure for reconsideration of a veto, which requires two-thirds support of the Legislature and a roll call. Instead of allowing them to pass bills out of the public eye and with no accountability, I believe the Maine people deserve to see how their elected officials voted on each piece of legislation.

For this reason, I return LD 359 unsigned and vetoed.

Sincerely,

S/Paul R. LePage

Governor

READ and **ORDERED PLACED ON FILE**. Sent for concurrence.

The accompanying item An Act To Assist Persons with Breast Cancer

(H.P. 246) (L.D. 359)
(S. "B" S-144)

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

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

The SPEAKER: The Representative may pose his question.

Representative **EVANGELOS**: Mr. Speaker, in reading the summary of this bill, I understand it's to assist women that are suffering from breast cancer, and I just want anyone to answer why, what the rationale is that a bill like this would be vetoed because it was sponsored by a Democrat?

The SPEAKER: The Representative from Friendship, Representative Evangelos, has posed a question through the Chair to anyone who may care to respond.

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. 305V

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, DeChant, Devin, Dillingham, Dion, Duchesne, Dunphy L, Dunphy M, Edgecomb, Espling, Evangelos, Farnsworth, Farrin, Fecteau, Foley, Fowle, Frey, Gattine, Gerrish, Gideon, Gilbert, Gillway, Ginzler, Golden, Goode, Grant, Greenwood, Grohman, Guerin, Hamann, Hanington, Hanley, Harlow, Hawke, Head, Herbig, Herrick, Hickman, Higgins, Hilliard, Hobart, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kinney J, Kinney M, Kornfield, Kruger, Kumiega, Lajoie, Lockman, Long, Longstaff, Luchini, Lyford, Maker, Marean, Martin J, Martin R, Mastraccio, McCabe, McClellan, McCreight, McElwee, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Nutting, O'Connor, Parry, Peterson, Picchiotti, Pickett, Pierce J, Pierce T, Pouliot, Powers, Prescott, Reed, Rotundo, Russell, Rykerson, Sanderson, Saucier, Sawicki, Schneck, Seavey, Shaw, Sherman, Short, Sirocki, Skolfield, 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 - NONE.

ABSENT - Davitt, Doore, Fredette, Malaby, Noon, Sanborn.

Yes, 145; No, 0; Absent, 6; Excused, 0.

145 having voted in the affirmative and 0 voted in the negative, with 6 being absent, and accordingly the Veto was **NOT SUSTAINED**. Sent for concurrence.

The Following Communication: (H.C. 249)

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

June 19, 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 401, "An Act To Create Transparency in the Mortgage Foreclosure Process."

As promised, I am vetoing all bills sponsored by Democrats, who vote for the job-killing, pro-welfare agenda set by the Maine People's Alliance, but have stifled the voice of the Maine people by preventing them from voting on the elimination of the income tax.

These legislators were elected to serve the people of Maine, but they choose to operate behind closed doors to advance their own partisan agendas. Rather than work with me to at least give the Maine people a chance to vote on lowering or eliminating the income tax, they closed the door. They defend the status quo and they cut the people out of the process.

I will not sit by and watch a handful of Democrats disenfranchise the people they were elected to represent. I want to ensure that each piece of legislation gets the widest possible representation in Augusta.

Therefore, in order for legislation sponsored by Democrats to become law, they will have to follow the procedure for reconsideration of a veto, which requires two-thirds support of the Legislature and a roll call. Instead of allowing them to pass bills out of the public eye and with no accountability, I believe the Maine people deserve to see how their elected officials voted on each piece of legislation.

For this reason, I return LD 401 unsigned and vetoed.

Sincerely,

S/Paul R. LePage

Governor

READ and **ORDERED PLACED ON FILE**. Sent for concurrence.

The accompanying item An Act To Create Transparency in the Mortgage Foreclosure Process

(H.P. 267) (L.D. 401)
(C. "A" H-257)

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

Representative **BEAVERS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, I support LD 401. The three important facts to remember is the amendment requires the ID of the owner of the mortgage note to be included at the beginning of the lawsuit, when both parties most need that information. The bill passed unanimously in committee and had support of the banks and the credit union organization. The bill has no fiscal note. 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. 306V

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, DeChant, Devin, Dillingham, Dion, Doore, Duchesne, Dunphy L, Dunphy M, Edgecomb, Espling, Evangelos, Farnsworth, Farrin, Fecteau, Foley, Fowle, Frey, Gattine, Gerrish, Gideon, Gilbert, Gillway, Ginzler, Golden, Goode, Grant, Greenwood, Grohman, Guerin, Hamann, Hanington, Hanley, Harlow, Hawke, Head, Herbig, Herrick, Hickman, Higgins, Hilliard, Hobart, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kinney J, Kinney M, Kornfield, Kruger, Kumiega, Lajoie, Lockman, Long, Longstaff, Luchini, Lyford, Maker, Marean, Martin J, Martin R, Mastraccio, McCabe, McClellan, McCreight, McElwee, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Nutting, O'Connor, Parry, Peterson, Picchiotti, Pickett, Pierce J, Pierce T, Pouliot, Powers, Prescott, Reed, Rotundo, Russell, Rykerson, Sanderson, Saucier, Sawicki, Schneck, Seavey, Shaw, Sherman, Short, Sirocki, Skolfield, 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 - NONE.

ABSENT - Davitt, Fredette, Malaby, Noon, Sanborn.

Yes, 146; No, 0; Absent, 5; Excused, 0.

146 having voted in the affirmative and 0 voted in the negative, with 5 being absent, and accordingly the Veto was **NOT SUSTAINED**. Sent for concurrence.

The Following Communication: (H.C. 250)

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

June 19, 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 574, "An Act To Amend the Laws Governing the Membership of the Maine Commission on Domestic and Sexual Abuse."
I am concerned that this bill would take flexibility away from the Maine Commission on Domestic and Sexual Abuse. Currently a representative from a Maine tribe is a member of the Commission. This bill would remove a seat that is currently filled by an at large member and would add a seat that must be filled by an executive director of a tribal coalition. Currently, an executive director of a tribal coalition is a member of the Commission and I believe that the tribes' input is valuable to the work of the Commission. However, I think that having seats that are filled by at large members allows flexibility that is crucial when attempting to eradicate a problem as complex as domestic violence.
By keeping seats on the Commission filled by a good deal of "at large" members, we would ensure that flexibility.
For this reason, I return LD 574 unsigned and vetoed. I strongly urge the Legislature to sustain it.
Sincerely,
S/Paul R. LePage
Governor

READ and **ORDERED PLACED ON FILE**.

The accompanying item An Act To Amend the Laws Governing the Membership of the Maine Commission on Domestic and Sexual Abuse

(H.P. 398) (L.D. 574)

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. 307V

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

NAY - Austin, Battle, Black, Buckland, Campbell R, Chace, Corey, Crafts, Dillingham, Dunphy L, Edgecomb, Espling, Farrin, Foley, Gerrish, Gillway, Ginzler, Greenwood, Guerin, Hanington, Hanley, Hawke, Head, Herrick, Hilliard, Hobart, Kinney J, Kinney M, Lockman, Long, Lyford, McClellan, McElwee, Nutting, O'Connor, Parry, Picchiotti, Pickett, Pierce J, Prescott, Reed, Sanderson, Sawicki, Seavey, Sirocki, Skolfield, Stetkis, Sukeforth, Theriault, Timberlake, Timmons, Vachon, Wadsworth, Wallace, Ward, White, Winsor, Wood.

ABSENT - Davitt, Fredette, Malaby, Noon, Sanborn.

Yes, 88; No, 58; Absent, 5; Excused, 0.

88 having voted in the affirmative and 58 voted in the negative, with 5 being absent, and accordingly the Veto was **SUSTAINED**.

The Following Communication: (H.C. 251)

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

June 19, 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 757, "An Act To Limit the Amount That May Be Retained on Construction Contracts."
This bill limits the amount of money that may be retained under a construction contract, pending the completion of contractor or subcontractor performance, to 5 percent of the contract price, and provides that it applies only to private contracts and not to contracts entered into by governmental entities.

In construction contracts, the buyer of the service can only determine the quality and timeliness of the job as the project concludes. The retainer provides a measure of security that the work will be completed in a reasonable time to the specifications of the agreed-upon terms. Higher retainer provides a higher measure of security.

This bill, by exempting government entities from the decrease in the retainer from 10 percent to 5 percent, recognizes that there is a need to have financial leverage to ensure that projects meet the contracted terms. However, it sets a double standard, mandating that tax payers take on that increased risk while exempting governments.

Everyone should be protected equally under the law from the risk that a construction job will not meet the terms of the contract. This bill, instead, picks the winners—governments, by giving them a higher level of protection—and the losers—private citizens and businesses, for whom the bill lowers protection.

This is yet another example of government entities using the law to grant themselves special privileges that they are unwilling to grant the Maine people, the same people who pay the taxes to support those very governments.

For these reasons, I return LD 757 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage

Governor

READ and **ORDERED PLACED ON FILE**.

The accompanying item An Act To Limit the Amount That May Be Retained on Construction Contracts

(H.P. 510) (L.D. 757)

(C. "A" H-238)

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

Representative **TEPLER**: Thank you, Mr. Speaker. Mr. Speaker and Colleagues of the House, this is a good bill for small businesses in Maine. It is a bipartisan bill that passed under the hammer in both bodies. It limits the amount of money that owners can retain in commercial construction contracts until final completion is determined. This keeps much more capital moving and allows businesses to take on more work. In his veto message, the Chief Executive neglected to mention that state contracts are already limited to this five percent amount. Please vote to override to support small businesses in Maine. 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. 308V

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

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

ABSENT - Davitt, Malaby, Noon, Sanborn.

Yes, 79; No, 68; Absent, 4; Excused, 0.

79 having voted in the affirmative and 68 voted in the negative, with 4 being absent, and accordingly the Veto was **SUSTAINED**.

The Following Communication: (H.C. 252)

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

June 19, 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 895, "Resolve, Directing the Real Estate Commission To Convene a Stakeholder Group on Real Estate Licensure Requirements."

This resolve directs the Real Estate Commission to convene a stakeholder group to review Maine's real estate sales agent licensure requirements to determine if additional classroom hours should be required for licensure, and also whether the Commission should be responsible for tracking continuing education classes taken by sales agents.

The sales agent license is a two-year entry level license that requires 55 hours of classroom time and a passing exam score. The classroom education is supplemented by on-the-job training before the agent moves on to higher licensure. In 2013, the Real Estate Commission looked at whether to increase the required classroom time, and concluded that doing so constituted an unnecessary barrier to employment. Instead, it decided that it would increase education requirements for brokers, who are responsible for training the entry-level sales agents.

Real estate sales agents do not have continuing education requirements, and so it makes absolutely no sense to review any process for tracking those professionals' continuing education hours for them. Additionally, the Office of Professional and Occupational Regulation does not track any licensees' continuing education hours. As professionals, licensees are expected to track their own hours, which may then be audited.

For these reasons, I return LD 895 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage

Governor

READ and **ORDERED PLACED ON FILE**. Sent for concurrence.

The accompanying item Resolve, Directing the Real Estate Commission To Convene a Stakeholder Group on Real Estate Licensure Requirements

(H.P. 614) (L.D. 895)
(C. "A" H-256)

After reconsideration, the House proceeded to vote on the question, 'Shall this Resolve 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 Resolve become a law notwithstanding the objections of the Governor?' All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 309V

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

NAY - Black, Buckland, Crafts, Dillingham, Dunphy L, Farrin, Greenwood, Hanley, Head, Lockman, Long, McClellan, Sanderson, Sherman, Sirocki, Skolfield, Timberlake, Timmons, Turner, Winsor.

ABSENT - Davitt, Malaby, Noon, Sanborn.

Yes, 127; No, 20; Absent, 4; Excused, 0.

127 having voted in the affirmative and 20 voted in the negative, with 4 being absent, and accordingly the Veto was **NOT SUSTAINED**. Sent for concurrence.

The Following Communication: (H.C. 253)

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

June 19, 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 1028, "An Act To Amend the Laws Concerning the Registration of Professional Engineers."
As promised, I am vetoing all bills sponsored by Democrats, who vote for the job-killing, pro-welfare agenda set by the Maine People's Alliance, but have stifled the voice of the Maine people by preventing them from voting on the elimination of the income tax.
These legislators were elected to serve the people of Maine, but they choose to operate behind closed doors to advance their own partisan agendas. Rather than work with me to at least give the Maine people a chance to vote on lowering or eliminating the income tax, they closed the door. They defend the status quo and they cut the people out of the process.
I will not sit by and watch a handful of Democrats disenfranchise the people they were elected to represent. I want to ensure that each piece of legislation gets the widest possible representation in Augusta.
Therefore, in order for legislation sponsored by Democrats to become law, they will have to follow the procedure for reconsideration of a veto, which requires two-thirds support of the Legislature and a roll call. Instead of allowing them to pass bills out of the public eye and with no accountability, I believe the Maine people deserve to see how their elected officials voted on each piece of legislation.
For this reason, I return LD 1028 unsigned and vetoed.
Sincerely,
S/Paul R. LePage
Governor

READ and **ORDERED PLACED ON FILE**. Sent for concurrence.

The accompanying item An Act To Amend the Laws Concerning the Registration of Professional Engineers (EMERGENCY)

(H.P. 711) (L.D. 1028)
(C. "A" H-303)

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. 310V

YEA - Alley, Austin, Babbidge, Bates, Battle, Beavers, Beck, Beebe-Center, Bickford, Black, Blume, Brooks, Bryant, Burstein, Campbell J, Chace, Chapman, Chenette, Chipman, Cooper, Corey, Daughtry, DeChant, Devin, Dillingham, Dion, Doore, Duchesne, Dunphy M, Edgecomb, Espling, Evangelos, Farnsworth, Fecteau, Foley, Fowle, Fredette, Frey, Gattine, Gerrish, Gideon, Gilbert, Gillway, Ginzler, Golden, Goode, Grant, Greenwood, Grohman, Guerin, Hamann, Harlow, Hawke, Herbig, Herrick, Hickman, Higgins, Hilliard, Hobart, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kinney J, Kinney M, Kornfield, Kruger, Kumiega, Lajoie, Lockman, Longstaff, Luchini, Maker, Marean, Martin J, Martin R, Mastraccio, McCabe, McCreight, McElwee, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Nutting, Parry, Peterson, Picchiotti, Pickett, Pierce T, Pouliot, Powers, Prescott, Rotundo, Russell, Rykerson, Saucier, Sawicki, Schneck, Seavey, Shaw, Short, Stanley, Stearns, Stuckey, Sukeforth, Tepler, Theriault, Timmons, Tipping-Spitz, Tucker, Turner, Vachon, Verow, Wadsworth, Wallace, Ward, Warren, Welsh, White, Winsor, Wood, Mr. Speaker.

NAY - Buckland, Campbell R, Crafts, Dunphy L, Farrin, Hanington, Hanley, Head, Long, Lyford, McClellan, O'Connor, Pierce J, Reed, Sanderson, Sherman, Sirocki, Skolfield, Stetkis, Timberlake, Tuell.

ABSENT - Davitt, Malaby, Noon, Sanborn.

Yes, 126; No, 21; Absent, 4; Excused, 0.

126 having voted in the affirmative and 21 voted in the negative, with 4 being absent, and accordingly the Veto was **NOT SUSTAINED**. Sent for concurrence.

The Following Communication: (H.C. 254)

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

June 19, 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 1029 "An Act To Improve Maine's Juvenile Justice System."
This bill would affect the internal operations of the Judicial Branch. I believe that the decision of whether or not to shackle juveniles in court should rest squarely with the trial court judge. This bill seeks to limit that discretion.
For this reason, I return LD 1029 unsigned and vetoed. I strongly urge the Legislature to sustain it.
Sincerely,
S/Paul R. LePage
Governor

READ and **ORDERED PLACED ON FILE**.

The accompanying item An Act To Improve Maine's Juvenile Justice System

(H.P. 712) (L.D. 1029)
(C. "A" H-235)

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. 311V

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

NAY - Austin, Black, Buckland, Campbell R, Chace, Crafts, Dillingham, Dunphy L, Edgecomb, Espling, Farrin, Fredette, Gerrish, Gillway, Greenwood, Guerin, Hanington, Hanley, Head, Herrick, Hilliard, Hobart, Kinney J, Kinney M, Lockman, Long, Lyford, McClellan, McElwee, Nutting, O'Connor, Parry, Picchiotti, Pickett, Pierce J, Reed, Sanderson, Sawicki, Seavey, Sherman, Sirocki, Skolfield, Stearns, Stetkis, Sukeforth, Theriault, Timberlake, Timmons, Tuell, Turner, Wadsworth, Wallace, White, Winsor, Wood.

ABSENT - Davitt, Malaby, Noon, Sanborn.

Yes, 92; No, 55; Absent, 4; Excused, 0.

92 having voted in the affirmative and 55 voted in the negative, with 4 being absent, and accordingly the Veto was **SUSTAINED**.

The Following Communication: (H.C. 255)

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

June 19, 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 1057, "Resolve, To Review and Report Recommendations on the Safety of Motorized Farm Rides Provided for a Fee to the Public."
This bill directs both the Fire Marshal and the Chief of the Maine State Police to convene a group of stakeholders to review how best to ensure the safety of those who go on hayrides. It also requires them to write a report on the findings of the group that must be submitted to two legislative committees by February 1, 2016.
As I write this letter, the illegal drug epidemic is as bad as it has ever been and is getting worse. Also, the Department of Public Safety, the agency targeted by this resolve and the state department tasked with stopping illegal drugs from coming into our state, is understaffed.
I have tried to explain to members of the Legislature that resolves that mandate DPS to complete reports often actually harm the public safety of the State of Maine. If this bill becomes law, resources that could be used to address the most pressing public safety concerns facing our state will instead be used to address a public safety concern that is plainly not as serious as the issue of illegal drugs destroying the lives of thousands of Maine citizens.
For these reasons, I return LD 1057 unsigned and vetoed. I strongly urge the Legislature to sustain it.
Sincerely,
S/Paul R. LePage
Governor

READ and **ORDERED PLACED ON FILE**. Sent for concurrence.

The accompanying item Resolve, To Review and Report Recommendations on the Safety of Motorized Farm Rides Provided for a Fee to the Public

(H.P. 726) (L.D. 1057)
(C. "A" H-234)

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. 312V

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, DeChant, Devin, Dillingham, Dion, Doore, Duchesne, Dunphy L, Dunphy M, Edgecomb, Espling, Evangelos, Farnsworth, Farrin, Fecteau, Foley, Fowle, Fredette, Frey, Gattine, Gerrish, Gideon, Gilbert, Gillway, Ginzler, Golden, Goode, Grant, Greenwood, Grohman, Guerin, Hamann, Hanington, Harlow, Hawke, Head, Herbig, Herrick, Hickman, Higgins, Hilliard, Hobart, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kinney J, Kinney M, Kornfield, Kruger, Kumiega, Lajoie, Lockman, Long, Longstaff, Luchini,

Lyford, Maker, Marean, Martin J, Martin R, Mastraccio, McCabe, McClellan, McCreight, McElwee, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Nutting, O'Connor, Parry, Peterson, Picchiotti, Pickett, Pierce J, Pierce T, Pouliot, Powers, Prescott, Reed, Rotundo, Russell, Rykerson, Sanderson, Saucier, Sawicki, Schneck, Seavey, Shaw, Sherman, Short, Sirocki, Skolfield, 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 - NONE.

ABSENT - Davitt, Hanley, Malaby, Noon, Sanborn.

Yes, 146; No, 0; Absent, 5; Excused, 0.

146 having voted in the affirmative and 0 voted in the negative, with 5 being absent, and accordingly the Veto was **NOT SUSTAINED**. Sent for concurrence.

The Following Communication: (H.C. 256)

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

June 19, 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 1125, "An Act To Expand Public Access to Epinephrine Autoinjectors."
This bill allows for businesses and organizations to have epinephrine autoinjectors, which may be administered by nonmedical personnel, to persons believed to be suffering anaphylaxis, a potentially life-threatening allergic reaction. The lack of limitation in this bill is staggering. For example, a restaurant could get an autoinjector, and an employee could stick it into a passerby outside the restaurant who might be suffering a severe allergic reaction. An organization with no physical space, like a "youth sports league," could get an autoinjector, which presumably would be kept by a coach working with the league. There is nothing in the bill to prevent that individual from using the autoinjector on someone outside of a league sporting event. I am concerned about nonmedical personnel injecting people with epinephrine. There are contraindications to administration of epinephrine based on medical history, such as cardiac disease, but that medical history will be completely unknown to the person sticking the needle in.
I appreciate that this bill attempts to allow, but not require, regulatory oversight of this program by the Department of Health and Human Services. After all, the Department does not regulate the use of pharmaceuticals, with the exception of vaccines. The Department does not have the expertise to oversee this program, and so I cannot, in good faith, direct the Department to do so. If the Legislature is comfortable with the lack of limitation in this bill, and the fact that this administration will not oversee this initiative, then so be it.
For these reasons, I return LD 1125 unsigned and vetoed. I strongly urge the Legislature to sustain it.
Sincerely,
S/Paul R. LePage
Governor

READ and **ORDERED PLACED ON FILE**. Sent for concurrence.

The accompanying item An Act To Expand Public Access to Epinephrine Autoinjectors

(H.P. 776) (L.D. 1125)
(C. "A" H-250)

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. 313V

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, DeChant, Devin, Dillingham, Dion, Doore, Duchesne, Dunphy L, Dunphy M, Edgecomb, Espling, Evangelos, Farnsworth, Farrin, Fecteau, Foley, Fowle, Fredette, Frey, Gattine, Gerrish, Gideon, Gilbert, Gillway, Ginzler, Golden, Goode, Grant, Greenwood, Grohman, Guerin, Hamann, Hanington, Hanley, Harlow, Hawke, Head, Herbig, Herrick, Hickman, Higgins, Hilliard, Hobart, Hobbins, Hogan, Hubbell, Jorgensen, Kinney J, Kinney M, Kornfield, Kruger, Kumiega, Lajoie, Lockman, Long, Longstaff, Luchini, Lyford, Maker, Marean, Martin J, Martin R, Mastraccio, McCabe, McClellan, McCreight, McElwee, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Nutting, O'Connor, Parry, Peterson, Picchiotti, Pickett, Pierce J, Pierce T, Pouliot, Powers, Prescott, Reed, Rotundo, Russell, Rykerson, Sanderson, Saucier, Sawicki, Schneck, Shaw, Sherman, Short, Sirocki, Skolfield, Stanley, Stearns, Stuckey, Sukeforth, Tepler, Timberlake, Timmons, Tipping-Spitz, Tucker, Tuell, Turner, Vachon, Verow, Wadsworth, Wallace, Ward, Warren, Welsh, White, Winsor, Wood, Mr. Speaker.

NAY - Hymanson, Seavey, Stetkis, Theriault.

ABSENT - Davitt, Malaby, Noon, Sanborn.

Yes, 143; No, 4; Absent, 4; Excused, 0.

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

The Following Communication: (H.C. 257)

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

June 19, 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 1147, "An Act To Clarify the Mortgage Foreclosure Sale Process."
Among other things, this bill changes the deadline by which the report of sale must be filed from 90 days to 180 days. This deadline extension does nothing more than prolong the agony of the foreclosure sale process on the mortgagor. Extending this time period is unnecessary and unwarranted.
For this reason, I return LD 1147 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,
S/Paul R. LePage
Governor

READ and **ORDERED PLACED ON FILE**.

The accompanying item An Act To Clarify the Mortgage Foreclosure Sale Process

(H.P. 785) (L.D. 1147)
(C. "A" H-258)

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

Representative **COOPER**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, this bill was passed unanimously in the Judiciary Committee. It was enacted under the hammer in both houses here. All stakeholders agreed to the provisions of this bill. It was considerably pared down from the original proposal so that there would be consensus on all the provisions.

The Chief Executive, apparently, has misunderstood the foreclosure process. It is a complicated law involving many steps with different time limits and I just want to briefly explain what this is. Under current law, not only there is in the statute a limit for when a public sale has to be held on a foreclosure—that's 45 days from a certain event, but there's no time limit on when the report of that sale has to be filed with the court. And that's important to the homeowner because if the public sale does not yield enough funds to cover the amount owing, there will be an opportunity for a deficiency judgement which can be quite large because people have not only a mortgage, but a promissory note on their homes. So this bill sets a period of 180 days from the time of the sale in which to file the report and that's the only change that's made and other then a penalty should that not occur. So the reasons stated in the veto letter, I suggest, are not germane. 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. 314V

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

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

ABSENT - Davitt, Malaby, Noon, Sanborn, Mr. Speaker.

Yes, 84; No, 62; Absent, 5; Excused, 0.

84 having voted in the affirmative and 62 voted in the negative, with 5 being absent, and accordingly the Veto was **SUSTAINED**.

The Following Communication: (H.C. 258)

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

June 19, 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 1179, "An Act To Prohibit Certain Payments with Respect to an Adoption."
This bill prohibits within the context of a child any payment that is not authorized. The bill makes such conduct a Class D crime. I believe this goes too far. There may be legitimate expenses not in law that may be appropriate. It would also risk exposing adoption service employees to criminal liability for harmless mistakes.
For this reason, I return LD 1179 unsigned and vetoed. I strongly urge the Legislature to sustain it.
Sincerely,
S/Paul R. LePage
Governor

READ and **ORDERED PLACED ON FILE**. Sent for concurrence.

The accompanying item An Act To Prohibit Certain Payments with Respect to an Adoption

(H.P. 812) (L.D. 1179)
(C. "A" H-241)

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

Representative **MAKER**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, you might remember this bill as, "You can't sell a human." It did not fit into the Constitution in any category, and we had a baby sold in Maine. So, through the committee, we decided to go through the adoption process, which the allowable expenses for adoption is listed in Maine statute and only those can be used. You can't make money on an adoption, nor can you make money on selling a human. Thank you, Mr. Speaker.

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. 315V

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, DeChant, Devin, Dillingham, Dion, Doore, Duchesne, Dunphy L, Dunphy M, Edgecomb, Espling, Evangelos, Farnsworth, Farrin, Fecteau, Foley, Fowle, Fredette, Frey, Gattine, Gerrish, Gideon, Gilbert, Gillway, Ginzler, Golden, Goode, Grant, Greenwood, Grohman, Guerin, Hamann, Hanington, Hanley, Harlow, Hawke, Head, Herbig, Herrick, Hickman, Higgins, Hilliard, Hobart, Hobbins,

Hogan, Hubbell, Hymanson, Jorgensen, Kinney J, Kinney M, Kornfield, Kruger, Kumiega, Lajoie, Long, Longstaff, Luchini, Lyford, Maker, Marean, Martin J, Martin R, Mastraccio, McCabe, McClellan, McCreight, McElwee, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Nutting, O'Connor, Parry, Peterson, Picchiotti, Pickett, Pierce J, Pierce T, Pouliot, Powers, Prescott, Reed, Rotundo, Russell, Rykerson, Sanderson, Saucier, Sawicki, Schneck, Seavey, Shaw, Sherman, Short, Sirocki, Skolfield, 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 - Lockman.

ABSENT - Davitt, Malaby, Noon, Sanborn.

Yes, 146; No, 1; Absent, 4; Excused, 0.

146 having voted in the affirmative and 1 voted in the negative, with 4 being absent, and accordingly the Veto was **NOT SUSTAINED**. Sent for concurrence.

The Following Communication: (H.C. 259)

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

June 19, 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 1256, "An Act To Improve the Safety and Survival of 9-1-1 Callers and First Responders."
Passage of this bill would require that all the public safety answering points in the state provide training in new standardized protocols to their operators. The bill also calls for regular quality assurance checks. This training would be provided at an overtime rate and the costs would have to be absorbed by the agencies.
For this reason, I return LD 1256 unsigned and vetoed. I strongly urge the Legislature to sustain it.
Sincerely,
S/Paul R. LePage
Governor

READ and **ORDERED PLACED ON FILE**. Sent for concurrence.

The accompanying item An Act To Improve the Safety and Survival of 9-1-1 Callers and First Responders

(H.P. 856) (L.D. 1256)
(C. "A" H-268)

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

Representative **BEAVERS**: Mr. Speaker, thank you. Mr. Speaker, Ladies and Gentlemen of the House, I hope you will all vote to keep this bill alive. Here are the four important facts related to LD 1256. The PSAP's have been required by statute and bureau rule to attend continuing education each year in order to maintain their professional certification, therefore no new funds. The PSAP's have been required to have quality assurance by statute and rule since the year 2000 implementation of medical protocol certification, thus no new expenditures. The bill received unanimous, bipartisan support in committee. LD 1256 does not cause added new expenses and it does so without raising the 911 surcharge, since it is using the five cents per month the medical protocol no longer needs. Please override the veto with your green light. Thank you very much.

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. 316V

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

NAY - Buckland, Crafts, Dillingham, Gerrish, Greenwood, Hilliard, Kinney J, Long, McClellan, Reed, Sanderson, Seavey, Sirocki, Stetkis, Theriault, Timberlake, Turner.

ABSENT - Davitt, Malaby, Noon, Sanborn.

Yes, 130; No, 17; Absent, 4; Excused, 0.

130 having voted in the affirmative and 17 voted in the negative, with 4 being absent, and accordingly the Veto was **NOT SUSTAINED**. Sent for concurrence.

The Following Communication: (H.C. 260)

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

June 19, 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 1310, "An Act To Amend the Community-based Renewable Energy Program."
The Community-based Renewable Energy Program is a good example of poorly designed energy policy. In 2009, the Legislature enacted the program that requires that the Public Utilities Commission (PUC) approve contracts of 10-cents per kilowatt for 20 years for qualifying renewable projects. The wholesale rate for electricity in Maine is roughly 5 to 6 cents per-kilowatt, so the subsidy is roughly a premium of 50 percent. As the PUC testified if the program was expanded to 100MW from the current level of 50MW and fulfilled solely with wind projects it would annually cost ratepayers between $15 and $18 million, or more than $300 million over the lifetime of the contracts.

Instead of coming to the obvious conclusion that this pilot program was arbitrary, inflexible, costly, and an abysmal failure, the Legislature has determined that the State should actually try to get more above-market contracts. The bill expands the program by only counting the "net-capacity" within the 50 MegaWatt cap rather than the "installed capacity" under current law. This would allow more projects to make money off of ratepayers. The bill also makes the PUC scramble to get more projects approved for above market contracts prior to the expiration of the program at the end of the year.

It is unbelievable to me that this is the only substantive energy bill that has emerged from the Legislature when our energy challenges are a significant economic barrier and cost to struggling Maine families.

For these reasons, I return LD 1310 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage

Governor

READ and **ORDERED PLACED ON FILE**. Sent for concurrence.

The accompanying item An Act To Amend the Community-based Renewable Energy Program

(H.P. 888) (L.D. 1310)

(C. "A" H-269)

The SPEAKER: The Chair recognizes the Representative from Bath, Representative DeChant.

Representative **DeCHANT**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I appreciate the opportunity to rise and talk once again about community renewable energy. This bill has received strong bipartisan support in the Energy, Utilities, and Technology Committee and it basically boils down to two things: One is accountability and two is viability.

Accountability with certification. This bill will clear out the 43 megawatts that have been occupied for the last five years doing nothing and will allow a competitive and expedited process to be able to actually put community renewable projects to the market place. Viability—it's accountability also with the Public Utilities Commission—that right now, for the last five years, the program has been neglected and right now we're going to tell them that the PUC must move in an expedited manner to clear that out, certify programs, projects that can actually realize the intention of the bill that it was generated years ago.

And the most important part, Mr. Speaker, is that it provides an end cap. This is going to allow three years to make it to the finish line to be able to bring community renewable energy to the marketplace. Otherwise, if we don't do anything, a big nothing is going to happen. Thank you.

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

Representative **O'CONNOR**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, this bill was worked and worked and worked and as you see in the veto letter, this will cost ratepayers $15 to $18 million annually. These are 20-year contracts. At the end of that time, it'll be $300 million on the backs of the ratepayer. These people, a lot of people in the State of Maine, 45,000 disconnections and $13 million in debt. I will not subsidize a handful of special interest projects on the backs of the poorest of poor and the ratepayers of this State of Maine. I urge you to sustain this veto.

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

Representative **HIGGINS**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, good Representative from North Berwick is right. This bill was worked many times, had several bests. It's what I refer to as the "Lazarus Bill," it kept coming back for consideration. We spent a good part of four weeks, multiple work sessions, looking at trying to fix what had been a well-intended bill that had not operated very well.

It does a couple of really major things. It directs the Public Utilities Commission to go back and look at those projects that were certified to do renewable energy. Forty-three of the fifty megawatts, not one spade of dirt's been turned in three and a half years. The Public Utilities Commission needs to be directed to go back, take a look at those projects, and decertify them and the language in this bill allows that to occur. Without this bill, that will not occur. It's pretty obvious. I think all of us on the Energy and Utilities Commission, that would be an action that we will not see. It does provide for about five megawatts for the small guys that got pushed out of this project to go back and have an opportunity. This bill sunsets at the end of the year.

The other thing I think that's important to note is the Committee Report was 11:2. Think about that—11:2. And when we voted here in the House on this bill and this same debate took place, very identical debate. The vote was, I believe, 125:19. I think those are important numbers to remember. Thank you, Mr. Speaker, Ladies and Gentlemen of the House.

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

Representative **GROHMAN**: Thank you, Mr. Speaker, I'd like to echo the comments of the good Representative from Dover-Foxcroft. I urge people to check out the Committee Amendment. There's two things going on in this bill. It's easy to over simplify, but we're putting a sunset on the existing program and we're looking for those projects that most benefit the ratepayer. It's easy to extrapolate from today's prices and say that this would have a negative impact on energy prices going forward. But you could make the opposite argument in the winter time when our prices are higher and many of these projects will actually come in lower than the market rate, including a small hydro project. Thank you, Mr. Speaker.

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. 317V

YEA - Alley, Babbidge, Bates, Battle, Beavers, Beck, Beebe-Center, Bickford, Black, Blume, Brooks, Bryant, Burstein, Campbell J, Campbell R, Chace, Chapman, Chenette, Chipman, Cooper, Corey, Daughtry, DeChant, Devin, Dion, Doore, Duchesne, Dunphy L, Dunphy M, Edgecomb, Evangelos, Farnsworth, Fecteau, Fowle, Fredette, Frey, Gattine, Gideon, Gilbert, Gillway, Ginzler, Golden, Goode, Grant, Grohman, Hamann, Harlow, Herbig, Hickman, Higgins, Hilliard, Hobart, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kruger, Kumiega, Lajoie, Longstaff, Luchini, Maker, Martin J, Martin R, Mastraccio, McCabe, McCreight, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Nutting, Parry, Peterson, Picchiotti, Pierce J, Pierce T, Pouliot, Powers, Prescott, Rotundo, Russell, Rykerson, Saucier, Schneck, Shaw, Short, Stanley, Stearns, Stuckey, Sukeforth, Tepler, Tipping-Spitz, Tucker, Tuell, Vachon, Verow, Ward, Warren, Welsh, White, Wood, Mr. Speaker.

NAY - Austin, Buckland, Crafts, Dillingham, Espling, Farrin, Foley, Gerrish, Greenwood, Guerin, Hanington, Hanley, Hawke, Head, Herrick, Kinney J, Kinney M, Lockman, Long, Lyford, Marean, McClellan, McElwee, O'Connor, Pickett, Reed,

Sanderson, Sawicki, Seavey, Sherman, Sirocki, Skolfield, Stetkis, Theriault, Timberlake, Timmons, Turner, Wadsworth, Wallace, Winsor.

ABSENT - Davitt, Malaby, Noon, Sanborn.

Yes, 107; No, 40; Absent, 4; Excused, 0.

107 having voted in the affirmative and 40 voted in the negative, with 4 being absent, and accordingly the Veto was **NOT SUSTAINED**. Sent for concurrence.

The Following Communication: (H.C. 261)

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

June 19, 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 1335, "An Act To Amend the Election Laws."
This bill makes substantial changes to the election laws. A couple of the most objectionable parts of this bill, however, are based on the assumption that most people are dishonest. For example, this bill adds a restriction that a registrar may not serve during an election when an immediate family member of the registrar is a candidate for federal office. It also makes it a violation of law to communicate in the voting place via text messages or emails. Since most people with character have the ability to do an honest job, regardless of whether their family member(s) are candidates for public office, and since we live in an internet age where legitimate polling data can be communicated electronically, I disagree with this bill's premise.
In addition, the bill unnecessarily extends numerous deadlines. More time is given for candidates withdrawing from political races; more time is allowed for when municipal clerks must file a voting place report; and the filing deadline for a declaration of write-in candidacy is almost doubled. There is simply no need for these time extensions.
For these reasons, I return LD 1335 unsigned and vetoed. I strongly urge the Legislature to sustain it.
Sincerely,
S/Paul R. LePage
Governor

READ and **ORDERED PLACED ON FILE**. Sent for concurrence.

The accompanying item An Act To Amend the Election Laws
(H.P. 907) (L.D. 1335)
(C. "A" H-251)

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. 318V

YEA - Alley, Babbidge, Bates, Battle, Beavers, Beck, Beebe-Center, Bickford, Blume, Brooks, Bryant, Burstein, Campbell J, Chace, Chapman, Chenette, Chipman, Cooper, Corey, Daughtry, DeChant, Devin, Dillingham, Dion, Doore, Duchesne, Dunphy M, Edgecomb, Espling, Evangelos, Farnsworth, Fecteau, Foley, Fowle, Fredette, Frey, Gattine, Gerrish, Gideon, Gilbert, Gillway, Ginzler, Golden, Goode, Grant, Grohman, Hamann, Hanington, Harlow, Herbig, Herrick, Hickman, Hobart, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kinney J, Kinney M, Kornfield, Kruger, Kumiega, Lajoie, Lockman, Longstaff, Luchini, Maker, Marean, Martin J, Martin R, Mastraccio, McCabe, McCreight, McElwee, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Nutting, Parry, Peterson, Pickett, Pierce J, Pierce T, Pouliot, Powers, Prescott, Rotundo, Russell, Rykerson, Saucier, Sawicki, Schneck, Shaw, Short, Stanley, Stearns, Stuckey, Sukeforth, Tepler, Theriault, Timmons, Tipping-Spitz, Tucker, Tuell, Turner, Vachon, Verow, Wadsworth, Ward, Warren, Welsh, White, Winsor, Wood, Mr. Speaker.

NAY - Austin, Black, Buckland, Crafts, Dunphy L, Farrin, Greenwood, Guerin, Hanley, Hawke, Head, Higgins, Hilliard, Long, Lyford, McClellan, O'Connor, Picchiotti, Reed, Sanderson, Seavey, Sherman, Sirocki, Skolfield, Stetkis, Timberlake, Wallace.

ABSENT - Campbell R, Davitt, Malaby, Noon, Sanborn.

Yes, 119; No, 27; Absent, 5; Excused, 0.

119 having voted in the affirmative and 27 voted in the negative, with 5 being absent, and accordingly the Veto was **NOT SUSTAINED**. Sent for concurrence.

The Following Communication: (H.C. 262)

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

June 19, 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 1442, "An Act To Establish a Bag Limit for Brook Trout on Portions of Webster Stream in Piscataquis County."
As promised, I am vetoing all bills sponsored by Democrats, who vote for the job-killing, pro-welfare agenda set by the Maine People's Alliance, but have stifled the voice of the Maine people by preventing them from voting on the elimination of the income tax.
These legislators were elected to serve the people of Maine, but they choose to operate behind closed doors to advance their own partisan agendas. Rather than work with me to at least give the Maine people a chance to vote on lowering or eliminating the income tax, they closed the door. They defend the status quo and they cut the people out of the process.
I will not sit by and watch a handful of Democrats disenfranchise the people they were elected to represent. I want to ensure that each piece of legislation gets the widest possible representation in Augusta.
Therefore, in order for legislation sponsored by Democrats to become law, they will have to follow the procedure for reconsideration of a veto, which requires two-thirds support of the Legislature and a roll call. Instead of allowing them to pass bills out of the public eye and with no accountability, I believe the Maine people deserve to see how their elected officials voted on each piece of legislation.
For this reason, I return LD 1442 unsigned and vetoed.
Sincerely,
S/Paul R. LePage
Governor

READ and **ORDERED PLACED ON FILE**. Sent for concurrence.

The accompanying item An Act To Establish a Bag Limit for Brook Trout on Portions of Webster Stream in Piscataquis County (EMERGENCY)

(H.P. 985) (L.D. 1442)

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. 319V

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

NAY - Austin, Buckland, Dillingham, Head, Lyford, McClellan, Sanderson, Sirocki, Stetkis, Theriault, Wadsworth, Wood.

ABSENT - Davitt, Malaby, Noon, Sanborn.

Yes, 135; No, 12; Absent, 4; Excused, 0.

135 having voted in the affirmative and 12 voted in the negative, with 4 being absent, and accordingly the Veto was **NOT SUSTAINED**. Sent for concurrence.

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

REPORTS OF COMMITTEE
Divided Reports

Majority Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-294)** on Bill "An Act To Increase Allowed Investments under the Maine New Markets Capital Investment Program"

(S.P. 112) (L.D. 297)

Signed:
Senator:
PATRICK of Oxford

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-295)** on same Bill.

Signed:
Senators:
VOLK of Cumberland
CUSHING of Penobscot

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

Came from the Senate with the Reports **READ** and the Bill and accompanying papers **REFERRED** to the Committee on **TAXATION**.

READ.

On motion of Representative HERBIG of Belfast, **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-202)** on Bill "An Act To Amend the Property Tax Fairness Credit"

(S.P. 24) (L.D. 76)

Signed:
Senator:
LIBBY of Androscoggin

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

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

Signed:
Senators:
McCORMICK of Kennebec
DAVIS of Piscataquis

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

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

READ.

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

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

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

The SPEAKER: 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. 320

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

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

ABSENT - Davitt, Malaby, Noon, Sanborn.

Yes, 80; No, 67; Absent, 4; Excused, 0.

80 having voted in the affirmative and 67 voted in the negative, with 4 being absent, and accordingly Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-202)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-202)** in **NON-CONCURRENCE** and sent for concurrence.

Majority Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Eliminate Retirement Benefits and Paid Health Insurance for Legislators Elected after 2016"

(H.P. 15) (L.D. 16)

Signed:

Senators:

HAMPER of Oxford
KATZ of Kennebec
VALENTINO of York

Representatives:

ROTUNDO of Lewiston
FREY of Bangor
GATTINE of Westbrook
GRANT of Gardiner
JORGENSEN of Portland
MARTIN of Eagle Lake
NUTTING of Oakland
WINSOR of Norway

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-482)** on same Bill.

Signed:

Representatives:

SIROCKI of Scarborough
TIMBERLAKE of Turner

READ.

Representative ROTUNDO of Lewiston 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: 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. 321

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

NAY - Austin, Battle, Buckland, Chace, Corey, Dillingham, Dunphy L, Edgecomb, Espling, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Greenwood, Hanington, Hanley, Hawke, Head, Herrick, Hilliard, Hobart, Hymanson, Kinney J, Kinney M, Lockman, Long, Lyford, Maker, Marean, McClellan, McElwee, O'Connor, Parry, Pickett, Pierce J, Pouliot, Prescott, Reed, Sanderson, Seavey, Sirocki, Skolfield, Stetkis, Sukeforth, Theriault, Timberlake, Timmons, Tuell, Vachon, Wadsworth, Wood.

ABSENT - Davitt, Malaby, Noon, Sanborn.

Yes, 94; No, 53; Absent, 4; Excused, 0.

94 having voted in the affirmative and 53 voted in the negative, with 4 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Eliminate the Bonding Authority of the Maine Governmental Facilities Authority"

(H.P. 45) (L.D. 51)

Signed:

Senators:

HAMPER of Oxford
KATZ of Kennebec

VALENTINO of York

Representatives:
ROTUNDO of Lewiston
FREY of Bangor
GATTINE of Westbrook
GRANT of Gardiner
JORGENSEN of Portland
MARTIN of Eagle Lake
NUTTING of Oakland
WINSOR of Norway

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-483)** on same Bill.

Signed:
Representatives:
SIROCKI of Scarborough
TIMBERLAKE of Turner

READ.

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

Majority Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-486)** on Bill "An Act To Provide Funds to the Town of Millinocket Due to the Loss in Valuation of the Katahdin Paper Company"

(H.P. 817) (L.D. 1184)

Signed:
Senators:
KATZ of Kennebec
VALENTINO of York

Representatives:
ROTUNDO of Lewiston
FREY of Bangor
GATTINE of Westbrook
GRANT of Gardiner
JORGENSEN of Portland
MARTIN of Eagle Lake

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

Signed:
Senator:
HAMPER of Oxford

Representatives:
NUTTING of Oakland
SIROCKI of Scarborough
TIMBERLAKE of Turner
WINSOR of Norway

READ.

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

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

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

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

Representative **STANLEY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, just a quick explanation of what this does. Back here, a whole four or five years ago, when Brooksfield sold the paper mill to Cate Street, there was a deal there that the landfill—because they bought the landfill—that Town of Millinocket would get $50,000 to help get the landfill up and running so that the mill can use it. And what happened was there was an agreement of $50,000 and somebody thought the agreement said $50,000 per year for a long period of time, and that wasn't what the deal was.

So, what happened was, it came to the sudden and severe payment and what happened is East Millinocket and Millinocket, which would have two different paper mills, they were declared as the same amount of money went to each community and it was five hundred and ninety some-odd thousand, I believe the figure was. And what it really was, the Town of Millinocket should've received $216,000 more under the sudden and severe piece of legislation, but they never received it so that's what this is for; to pay the Town of Millinocket what they actually deserve, was $216,000 more than what it was originally set at because the value of both towns—and anybody sitting in this room knows your health and my health are all valued different no matter what community you're in.

And what happened here was they decided that, the state decided, that we'll value both of them and give them both five hundred and ninety some-odd thousand dollars. So what this really does is bring it up to where we should've been on the law. And I hope you'll follow my light on this. Thank you.

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

Representative **MARTIN**: Thank you, Mr. Speaker. Mr. Speaker, Members of the House, we reviewed this in Appropriations Committee and basically what we looked at is what was the commitment on the part of the state. And what we found, basically, that it was a commitment. One check was sent and the other one was withheld. And that's the reason why the majority voted for the bill.

The SPEAKER: The Chair recognizes the Representative from Norway, Representative Winsor.

Representative **WINSOR**: Thank you, Mr. Speaker, Men and Women of the House, I really don't have a disagreement with the good Representative from Millinocket. I do think the claim was really divided in two pieces. There was $504,000 and change that was paid by the state. The remaining two hundred and some odd thousand dollars was in dispute and the parties that were negotiating, finally the two parties agreed to disagree and a lawsuit was filed. That lawsuit was filed late. And subsequently was dismissed by the court. The minority feels that the situation should've been heard if there was a problem and it was a problem with the attorneys for the town not filing the suit in a timely way. And we think that this motion ought to be rejected. Thank you.

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

ROLL CALL NO. 322

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

Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kruger, Kumiega, Lajoie, Longstaff, Luchini, Marean, Martin J, Martin R, Mastraccio, McCabe, McCreight, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Peterson, Pierce T, Powers, Rotundo, Russell, Rykerson, Saucier, Schneck, Shaw, Sherman, Short, Stanley, Stuckey, Tepler, Tipping-Spitz, Tucker, Verow, Ward, Warren, Welsh, Mr. Speaker.

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

ABSENT - Davitt, Malaby, Noon, Sanborn.

Yes, 83; No, 64; Absent, 4; Excused, 0.

83 having voted in the affirmative and 64 voted in the negative, with 4 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-486)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-486)** and sent for concurrence.

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought Not to Pass** on Bill "An Act To Legalize, Tax and Regulate Marijuana"

(H.P. 935) (L.D. 1380)

Signed:

Senators:

ROSEN of Hancock
BURNS of Washington
GERZOFSKY of Cumberland

Representatives:

FOWLE of Vassalboro
GERRISH of Lebanon
LONG of Sherman
NADEAU of Winslow
THERIAULT of China
TIMMONS of Cumberland
WARREN of Hallowell

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-488)** on same Bill.

Signed:

Representatives:

CHENETTE of Saco
DAVITT of Hampden
LAJOIE of Lewiston

READ.

Representative FOWLE of Vassalboro moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

Representative RUSSELL of Portland **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: The Chair recognizes the Representative from Saco, Representative Chenette.

Representative **CHENETTE**: Thank you, Mr. Speaker, I rise as a committee member to speak on this motion. Personally, I'm against this. As a Millennial, somewhat progressive, you'd think I would be jumping with joy at the sight of legalizing pot, but just because we can do something, should we? And that's the question we should be asking ourselves. Is smoking a new plant really a priority for our society?

I've seen too many of my college friends go down very dark paths because of pot. But, I was coming from that place going into the committee discussions with an open mind, trying to evolve on the issue. After seeing what's going to be on the ballot, I wanted to make sure our constituents had a better choice; a rational approach versus a skeleton policy.

This is not about endorsing legalizing marijuana, as I'm personally against it. But I want to give my constituents a choice at a more rational policy and if we move this forward, Mr. Speaker, and we vote red on the current motion, one of the organizations that are putting forward one of the referendums will stop their collection gathering and will go with this proposal that we worked on significantly in committee and it looks completely different from what it came before us. We amended this so significantly than in fact that the strongest supporters didn't even really like it and that's a good thing for some of us, like me, who are kind of in the middle on this.

This has a stronger regulatory environment that we are creating and I want to break down some of the things that are included in this amended version versus the original. And this is over 60-plus pages of a stronger regulatory environment versus what is already going to be on the ballot. So, let's go through it. Rapid fire, Mr. Speaker. First, it's the correct department of oversight. We clarify underage going to juvenile court if they break the policy. We ensure that police could still search vehicles upon suspicion if they smell pot.

Now here are the two major pieces that really took me to a place where I could support this. (1) It provides provisional licenses for medical marijuana dispensaries that are currently operating in the state. So these are Maine people operating Maine businesses that have already gone through a lot of the red tape and regulation. These are well-regulated industries already here. Let's give them a first look, a first option for operating a business before we have big marijuana businesses from all over the country descend upon our state.

The second big piece that was really critical is a municipal opt-in piece. Not an opt-out, an opt-in. Municipalities would have the option to vote to accept a business, either from a town council or city council vote or through their local referendum. So, we'd be operating at the assumption that businesses cannot go into your community. Communities would have to say, "We want you to come here." So places like Portland could say, "Yes," and communities like Saco might say, "No." That's a big piece. It protects local control, Mr. Speaker.

So, this was a journey for me to get to this place, but I think I would like to support giving people another choice. A better choice at the referendum. I don't want the one that's currently being sent to the ballot box to pass and it scares me to see the lack of regulation, the lack of oversight that's in that policy. This is a strengthened policy, Mr. Speaker, and I would be remiss if I didn't do that—do my job as a legislator—to try to provide that

option for our constituents. And I have no problem articulating that I'm personally against it, but supporting this to go out to the people when I go back home. I think you can differentiate the two. So I will be voting red and I hope others will too, to send a better option to the people back home in your district that would like to legalize marijuana.

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

Representative **CAMPBELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, the Representative that just spoke said he wanted to give his constituents a choice. Well, they don't have a choice; the federal government says it's illegal. And I'm appalled at what I see, that this here two-page, is sent out by one Rep. from one side of the aisle and one from the other, both former law enforcement officers: "The Best Way Forward to Legalize Marijuana in Maine." And it goes on to say how to tax it and make money for the State of Maine.

Well, why don't they put a bill in to tell the people in the State of Maine not to pay their federal taxes anymore? And we'll keep all that money, because they'd wind up in jail. And to turn around and try to tell the people of the good State of Maine the best way to legalize marijuana when these two former officers…

The SPEAKER: Will the Representative defer? I just want to remind Members to not flirt with, question the motives of any Members or the character of any Members in the body.

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

The SPEAKER: The Representative may proceed.

Representative **CAMPBELL**: They have their name on this paper. I didn't mention names. But they're former law enforcement officers. And for them to tell the people of the State of Maine that they can legalize marijuana, or the former speaker want to giving his constituents a choice—what they're doing is telling the people of Maine how to break the federal law. And I think it's disgusting. Thank you.

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

Representative **DION**: Thank you, Mr. Speaker, I'm not sure where to begin. I think that Representative Chenette has done outstanding job laying out the ground work as to why we should consider this question in terms of the Minority Report. In turn to recent commentary, I will admit I'm a law enforcement officer. I will admit I signed that paper. And I will tell you the truth. The war on marijuana is over. We're in the last stages and we can decide how it ends and whether we want to continue an unnecessary war on our citizens; an unnecessary effort on law enforcement to criminalize people who, for no other reason would not be so. I make no apology for that.

I've long stood on the idea that this question would be resolved by the federal government, Mr. Speaker. But they've refused to act other than under memo and policy shifting without supporting legislation. But there is movement in our counterparts in Washington to do something about this and the Executive Branch has decided to carve out space for states to be what they were intended to be under the Constitution is laboratories for democracy. So here today we can make a decision and we can experiment with the idea that we can craft a rational, reasonable, well-intentioned drug control policy for this state and identify what poses a risk to our public and what does not.

In 1999, Mr. Speaker, I had the opportunity to work on the initial legislation involving medicinal marijuana. We successfully passed what we would consider in this chamber to be a Resolve; that we had garnered the emotional support of our constituents and the voters and they decided that compassionate care made sense and that individuals afflicted with disease could access an alternative form of medicine represented by cannabis. But here's where our naïve innocence failed us: we did not anticipate the breadth and detail of regulatory mechanisms, policies and procedures that would be necessary to provide adequate oversight to that emerging healthcare industry. We did not see that coming and as a result, each and every legislature that has sat in this chamber since then has been confronted with enumerable bills that play catch-up and try to provide the type of oversight we would expect in this activity.

Now if it were just that, if it were just the mechanics of passing legislation, having meetings to develop rules and process, that would be one thing. We could afford to wait. But I want to remind the Members of this chamber: is that when we have to catch up, citizens are placed at risk. Their conduct is called into question and the government exacts a high price for error. So this is an opportunity with the Minority Report to lay out a framework with sufficient detail so that the people of Maine can make an informed decision, that they can cast a vote that means something more than sentiment, but helps decide a true path for us to move forward. Thank you, Mr. Speaker.

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

Representative **RUSSELL**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, I rise in opposition to the pending motion. I rise in opposition for two major reasons. The first, I agree with the good Representative from Portland that the war on marijuana has failed, and not only has it failed, it is coming to an end. It is not coming to an end because politicians are bringing it to an end; it is coming to an end because people are bringing it to an end.

Maine has long had the knowledge that marijuana is the number one cash crop in our state. It's been well documented. It beats out the spud—sorry Aroostook County. It beats out the lobster—sorry for the coast. And it beats out the blueberry—sorry to Washington County. What we need to do is to make sure that we're not just legalizing; that we're regulating. This product was actually legal for many, many years before it was made illegal. And it was made illegal because it was coming over the border from Mexico. People had some very big concerns about the people that were coming over from Mexico, and this was one way to put them in jail.

Flash forward eight decades and Maine—the whitest state in the country or close to it—twice, you are twice as likely if you are African-American in this state to be arrested for marijuana possession. If you live in York County and you happen to be the wrong skin color, you are four times as likely. Prohibition has not made communities safer. It has not made families stronger. On the contrary, it has made communities unsafe and it has torn families apart.

You will see, maybe folks have been saying, that we have to protect our children. But well over 80 percent of high school seniors have said consistently since the 1970's that they have easy access to marijuana. Many will tell you they have easier access to marijuana than they do to alcohol. It is time to regulate it, to make sure that licensed business owners are the ones to be selling it—licensed business owners who will card people, unlike drug dealers.

I have heard repeatedly, "This is not your momma's; this is not your grandma's pot." That may be true. The THC levels have certainly increased. That is not an argument, contrary to what some have said, to continue the war on marijuana. Where it remains unregulated, where it remains up to drug dealers to determine how much THC level is in the marijuana. It is actually an argument to regulate it. Within the bill, the Minority Report,

there's actually testing requirements to make sure that we actually understand what is in the marijuana. There are requirements for dosing. All of the things that you would want in a regulated policy. So my first argument is that prohibition and the policy of it has failed, which is precisely why I hope folks will overturn the Ought Not to Pass motion.

The second reason I hope folks will overturn the Ought Not to Pass motion is that I have been saying for years that this is coming. I know, people don't love it. You can call me Cassandra, whatever it is, but it's no longer coming; it's here. The petitions have hit the streets for two referenda, not just one. Two referenda are coming. So what happens if both get on the ballot and what happens if both pass? They're vastly different. This, by overturning the pending motion, we clean up the process. By overturning the pending motion, we make sure that we have a clean bill to go to the people. What this body does doesn't really change whether or not Maine legalizes taxes and regulates marijuana. What this body does today determines how fleshed out the public policy is going to be.

I have spent years drafting and re-drafting and editing and learning and really fleshing out the policy so that we have a very robust one to consider. I also had a hand in writing one of the referendum questions, and by default, you have to have the bill attached to the citizen's petition. That gets really heavy if you have a very long bill.

So as such, much of it gets directed to rulemaking, meaning that we are going to be back here in 2017 asking the question not of whether to legalize, whether to regulate, and whether to tax; we are going to be back here asking ourselves how to do it. I'm termed out. So good luck. I'm hopeful that we're going to do the right thing today and that we're going to overturn this motion and that we're going to put out a policy to the people that we can be proud of. But if we don't do that, rest assured, there are already people today, yesterday, all for the last couple of weeks collecting signatures. I can track exactly how many signatures we have at any given point and I will be out there collecting them myself.

So there are two questions at hand. Do you want to regulate and tax marijuana like we do alcohol? That question, either way, gets left up to the people. The second point is how we do it. Do we want a responsible, rational, public policy that has been vetted, or do we want to be back here in two years' time questioning what that policy should look like because we're going to have to flesh out the details. I would hope that folks would do the right thing and send a rational policy out to the people and overturn the pending motion. Thank you, Mr. Speaker.

The SPEAKER: The Chair would remind all members that the motion before the House is Ought Not to Pass Report. The remarks should be contained to that motion.

The Chair reminded all members to confine their debate to the question before the House.

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

Representative **LAJOIE**: Thank you, Mr. Speaker, Ladies and Gentlemen, I'm on the Minority Report. Two years ago, when this, well a bill similar to this, came to our committee, I voted against it. I struggled at that time as well. I am not a proponent of marijuana for recreational use. However, I'm also a realist and realize that it is not far ahead and I can see that with the direction that two of these bills, two of the referendums are taken, to go to the people for a vote and I believe that's where it belongs.

I also believe in being prepared for the circumstances should it pass, and looking and reviewing the situation in Colorado, where they were not as prepared as they should have been, I think it behooves us as a state and as a legislative body to be prepared and not be reactionary, if you will, and having to stumble through different processes to regulate and/or identify the types of taxes and as to where they're going to go. So, I agree with the good Representative Chenette, as well as Dion and Representative Russell with regards as to the process that we are about to undertake should it pass. Thank you.

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

Representative **BICKFORD**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, I'm in support of the pending motion, Ought Not to Pass, and I'm going to tell you why. The reason is, if you look back through history, back in World War I, World War II, the Korean War, when soldiers were in a bad state or if they were injured, the first thing they would get would be a cigarette; a nice non-filter cigarette because it calmed them down.

Cigarettes were a good thing. They were displayed everywhere—every pub, every speakeasy. They were celebrated. They were advertised throughout the '70's. But not one of us up here has the insight to put a bill in to ban tobacco, to make Maine the first tobacco-free state. Why not? Oh, because there's too much money coming into the state. The reason that people are against the Majority Ought Not to Pass Report on marijuana, my belief, is the same thing: there's money at stake.

With tobacco, we didn't know what it did to people. We didn't know that there were people losing limbs every year. We didn't know about the millions of people with heart disease from tobacco. We didn't know about how it got into your bloodstream and it affected your arteries. Well, we do now. And we can't get rid of it. That's the same thing that's going to happen with marijuana. We're going to—once we tax it, once we see the money—we're not going to be able to get rid of it, Mr. Speaker. Thank you.

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

Representative **GERRISH**: Thank you, Mr. Speaker, Men and Women of the House, I stand today before you in strong opposition of this bill. As a member of the Criminal Justice and Public Safety Committee we heard a tremendous amount of testimony both sides, in favor and opposition. I could talk easily all day about the reasons why I oppose this bill and support the motion on the floor, as an elementary school teacher and mother, and clearly the message it sends to our young people considering marijuana use, but I decided to simply look to Colorado.

Let's talk about Colorado who legalized recreational marijuana in 2012. I take the facts I present to you now from Lieutenant Brian Scott's testimony from the Maine State Police. Lieutenant Scott traveled there for a conference to learn how the legalization and commercialization of marijuana has impacted Colorado. Here are some telling facts: Colorado has seen a 100 percent increase in traffic fatalities involving a driver who tested positive for marijuana. 2013 after legalizing recreational marijuana, children aged 12 to 17 who used marijuana within the last month was 11.6 percent. The national average for that age group is 7.15 percent. Colorado is ranked third in the country for marijuana use or 56 percent higher than the national average. Drug related suspension from schools has increased by 34 percent. Among adults over age 26, the use of marijuana has increased by 27 percent since legalization; this is 85 percent higher than the national average. Emergency room visits have increased by 57 percent and hospitalizations related to marijuana have increased 82 percent. Due to the attractive candy like packaging on these products, marijuana ingestion by children under the age of 12 has increased 50 percent. Calls to the

Rocky Mountain Poison and Drug Center related to marijuana exposure of children zero to age five increased over 70 percent. The number of THC-infused edible exposure calls increased by an astounding 400 percent. Marijuana public consumption complaints have increased 79 percent.

Marijuana dispensaries are popping up everywhere in Colorado. There are 505 medical marijuana centers and 322 marijuana stores, equaling a total of 827. This in comparison to 405 Starbucks and 227 McDonalds, yet the first McDonald's opened in the 1960's. That is 322 marijuana stores in three and a half years versus 227 McDonald's in almost 50 years.

There have also been senseless tragic deaths due to marijuana use there. In 2014, a 19-year-old jumped to his death after eating a marijuana infused cookie. Also in 2014 a man killed his wife after eating a marijuana edible. I ask my colleagues here in the House today if you can simply ignore these staggering statistics of the impact of legalizing recreational marijuana? Can you look away and pretend that Maine will not have these same issues? Is this what we really want for Maine? Is this what we want for our children? How you will feel five to 10 years from now when you see news stories about many of our youth are now addicted to marijuana, rehab programs similar to Methadone and Suboxone being promoted to help those searching for a cure? My conscience will be clear; I raised the alarm here today before you. I hope you'll all take a moment, truly consider the impact of the vote before us and the message it sends to our youth and the negative effect it will have on our state. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Vassalboro, Representative Fowle.

Representative **FOWLE**: Thank you, Mr. Speaker, I'll be really quick. I just want to make reference to one quick comment that came from the Representative from Portland, Representative Dion. He spoke briefly about criminalizing people. I just wanted to make it clear to Members in the chamber that the current law and what is being proposed for possession of marijuana in this bill is not, and I say again not, a criminal offense. It is a civil offense. We are not currently making anyone a criminal for this amount of possession and it's one of my pet peeves for the last few years is when people speaking on this, you know on the news and what have you, say, "We're making criminals out of people," on possession, when it currently is not a criminal offense. It is a civil offense. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Windham, Representative Corey.

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

The SPEAKER: The Representative may pose his question.

Representative **COREY**: I noticed in the communication that we received on our desk with regard to this going on the ballot in November 2016, the font or type face is different with regard to the state on the flyer. I design for a living and notice these things. Was there a different date initially proposed for this going on the ballot? Thank you, Mr. Speaker.

The SPEAKER: The Representative from Windham, Representative Corey, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Vassalboro, Representative Fowle.

Representative **FOWLE**: Thank you very much. We actually had two bills that were in front of them. One of them did do 2015 to go on the initiative. The other one did 2016. We merged both bills. This bill would be 2016.

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

Representative **TUELL**: Thank you, Mr. Speaker, I rise in support of the pending motion and I rise with several observations. The first being that it's ironic we cannot question or cast dispersions, if you will, on the motives and intentions of the Chief Executive. We cannot, likewise, do that with the other body, and we shouldn't. Certainly, civility is important.

By that token, here today, I've heard that we are, essentially, casting dispersions and reading into what the voters may or may not do. I have no idea what the voters will do. I do know, listening to an old country song many years ago, goes something like this: "What is to be will be. What ain't to be just might happen." In other words, we don't know what voters will or won't do. They change their minds. That's why there's a great turnover in the Legislature. That's why there's a great turnover, that's why there's a change in Chief Executives from time to time. We don't know what voters will do.

The other point I'd like to respond to is that if the voters do this, if the voters do legalize marijuana, we're essentially heading them off at the pass. I would submit that the lesser of two evils is still evil. Thank you, Mr. Speaker.

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

ROLL CALL NO. 323

YEA - Alley, Austin, Babbidge, Bickford, Black, Bryant, Buckland, Campbell J, Chace, Cooper, Corey, Crafts, Daughtry, Dillingham, Doore, Duchesne, Dunphy M, Edgecomb, Espling, Farnsworth, Farrin, Foley, Fowle, Fredette, Frey, Gerrish, Gideon, Gillway, Ginzler, Golden, Goode, Grant, Guerin, Hanington, Hanley, Head, Herbig, Herrick, Higgins, Hilliard, Hobart, Hobbins, Hogan, Hymanson, Kinney J, Kinney M, Kornfield, Lockman, Long, Longstaff, Luchini, Lyford, Maker, Marean, Martin J, Martin R, Mastraccio, McClellan, McCreight, McElwee, McLean, Morrison, Nadeau, Nutting, Parry, Peterson, Picchiotti, Pickett, Pierce J, Pierce T, Pouliot, Prescott, Reed, Rotundo, Sanderson, Sawicki, Schneck, Seavey, Shaw, Sherman, Short, Skolfield, Stearns, Stetkis, Tepler, Timberlake, Timmons, Tuell, Turner, Vachon, Verow, Wallace, Ward, Warren, Welsh, Winsor, Wood, Mr. Speaker.

NAY - Bates, Battle, Beavers, Beck, Beebe-Center, Blume, Brooks, Burstein, Chapman, Chenette, Chipman, DeChant, Devin, Dion, Dunphy L, Evangelos, Fecteau, Gattine, Gilbert, Greenwood, Grohman, Hamann, Harlow, Hawke, Hickman, Hubbell, Jorgensen, Kruger, Kumiega, Lajoie, McCabe, Melaragno, Monaghan, Moonen, O'Connor, Powers, Russell, Rykerson, Saucier, Sirocki, Stanley, Stuckey, Sukeforth, Tipping-Spitz, Tucker.

ABSENT - Campbell R, Davitt, Malaby, Noon, Sanborn, Theriault, Wadsworth, White.

Yes, 98; No, 45; Absent, 8; Excused, 0.

98 having voted in the affirmative and 45 voted in the negative, with 8 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

ENACTORS
Emergency Measure

An Act To Stabilize and Streamline the Department of Environmental Protection's Ground Water Oil Clean-up Fund and Maine Coastal and Inland Surface Oil Clean-up Fund

(S.P. 468) (L.D. 1303)
(C. "A" S-301)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 138 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Mandate

An Act To Protect Children in School Facilities by Requiring Boiler Inspections

(S.P. 114) (L.D. 299)
(S. "A" S-303 to C. "A" S-191)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 119 voted in favor of the same and 19 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Acts

An Act To Prevent the Shackling of Pregnant Prisoners and Pregnant Juveniles

(S.P. 353) (L.D. 1013)
(C. "A" S-302)

An Act To Amend the Polygraph Examiners Act

(S.P. 365) (L.D. 1039)
(C. "A" S-300)

An Act To Establish the Municipal Gigabit Broadband Network Access Fund

(H.P. 818) (L.D. 1185)
(S. "A" S-257 to C. "A" H-288)

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

An Act To Strengthen Penalties for Abuse of General Assistance

(S.P. 252) (L.D. 722)
(C. "A" S-204)

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

On motion of Representative McCABE of Skowhegan, was **SET ASIDE**.

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

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

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative Gattine.

Representative **GATTINE**: Thank you, Mr. Speaker. Mr. Speaker, before we vote on this matter, I just wanted to acknowledge the good bipartisan work that the Health and Human Services Committee did on LD 722. The bill before us that we're about to vote on will ensure a greater amount of integrity in the General Assistance program by making sure that people who receive benefits improperly have to either pay that amount back to the municipality in the state, or at least have a reasonable mutual agreed upon repayment plan before they can go back on General Assistance. This, again, maintains the integrity of the program, but also protects the vulnerable people who are relying on it to meet their emergency needs. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Chelsea, Representative Sanderson.

Representative **SANDERSON**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I concur with the good Representative from Westbrook. I hope you will support this bill.

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

ROLL CALL NO. 324

YEA - Alley, Austin, Babbidge, Bates, Battle, Beavers, Beck, Beebe-Center, Bickford, Black, Blume, Brooks, Bryant, Buckland, Burstein, Campbell J, Campbell R, Chace, Chenette, Chipman, Cooper, Corey, Crafts, Daughtry, DeChant, Devin, Dillingham, Dion, Doore, Duchesne, Dunphy L, Dunphy M, Edgecomb, Espling, Evangelos, Farnsworth, Farrin, Fecteau, Foley, Fowle, Fredette, Frey, Gattine, Gerrish, Gideon, Gilbert, Gillway, Ginzler, Golden, Goode, Grant, Greenwood, Grohman, Guerin, Hamann, Hanington, Hanley, Harlow, Hawke, Head, Herbig, Herrick, Hickman, Higgins, Hilliard, Hobart, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kinney J, Kinney M, Kornfield, Kruger, Kumiega, Lajoie, Lockman, Long, Longstaff, Luchini, Lyford, Maker, Marean, Martin J, Martin R, Mastraccio, McCabe, McClellan, McCreight, McElwee, McLean, Monaghan, Moonen, Morrison, Nadeau, Nutting, O'Connor, Parry, Peterson, Picchiotti, Pickett, Pierce J, Pierce T, Pouliot, Powers, Prescott, Reed, Rotundo, Russell, Rykerson, Sanderson, Saucier, Sawicki, Schneck, Seavey, Shaw, Sherman, Short, Sirocki, Skolfield, 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 - Chapman, Melaragno.

ABSENT - Davitt, Malaby, Noon, Sanborn.

Yes, 145; No, 2; Absent, 4; Excused, 0.

145 having voted in the affirmative and 2 voted in the negative, with 4 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

Acts

An Act To Enhance the Address Confidentiality Program Regarding Property Records

(H.P. 509) (L.D. 756)
(C. "A" H-472)

An Act To Amend the Maine Spruce Budworm Management Laws

(S.P. 315) (L.D. 870)
(H. "A" H-466 to C. "A" S-252)

An Act To Implement the Recommendations of the Right To Know Advisory Committee Concerning Receipt of a Request for Public Records

(H.P. 746) (L.D. 1085)
(C. "A" H-473)

An Act To Require the Department of Health and Human Services To Distribute Information Regarding Down Syndrome to Providers of Prenatal and Postnatal Care and to Genetic Counselors

(S.P. 403) (L.D. 1134)
(H. "B" H-480)

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

COMMUNICATIONS

The Following Communication: (H.C. 263)

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

June 22, 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 Committee has voted unanimously to report the following bills out "Ought Not to Pass:"
Appropriations and Financial Affairs

L.D. 148 An Act To Adjust Appropriations and Allocations from the General Fund and Other Funds for the Expenditures of the Department of Marine Resources, the Department of Agriculture, Conservation and Forestry, the Department of Environmental Protection and the Baxter State Park Authority for the Fiscal Year ending June 30, 2015 (EMERGENCY)

L.D. 232 An Act To Adjust Appropriations and Allocations from the General Fund and Other Funds for the Expenditures of the Department of the Attorney General and the Judicial Department for the Fiscal Year Ending June 30, 2015 (EMERGENCY)

L.D. 233 An Act To Adjust Appropriations and Allocations from the General Fund and Other Funds for the Expenditures of the Department of Defense, Veterans and Emergency Management and the Department of Public Safety for the Fiscal Year Ending June 30, 2015 (EMERGENCY)

L.D. 576 An Act To Adjust Appropriations and Allocations from the General Fund and Other Funds for the Expenditures of State Government Related to Position Changes for the Fiscal Years Ending June 30, 2015, June 30, 2016 and June 30, 2017 (EMERGENCY)

Sincerely,
S/Robert B. Hunt
Clerk of House

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

The Following Communication: (S.C. 464)

MAINE SENATE
127TH LEGISLATURE
OFFICE OF THE SECRETARY

June 19, 2015
Honorable Robert B. Hunt
Clerk of the House
2 State House Station
Augusta, Maine 04333
Dear Clerk Hunt:
Please be advised the Senate today insisted to its previous action whereby it accepted Report "B" Ought to Pass as Amended from the Committee on Labor, Commerce, Research and Economic Development on Bill "An Act To Increase the Minimum Wage to $8.00 per Hour" (H.P. 75) (L.D. 92), in non-concurrence.
Please be advised the Senate today insisted to its previous action whereby it accepted the Minority Ought Not to Pass Report from the Committee on Health and Human Services on Bill "An Act To Feed Rural Citizens of the State" (H.P. 721) (L.D. 1052), in non-concurrence.
Please be advised the Senate today insisted to its previous action whereby it accepted the Minority Ought to Pass as Amended Report from the Committee on Health and Human Services on Bill "An Act To Reward Work Performed by Welfare Recipients" (H.P. 951) (L.D. 1402), in non-concurrence.
Please be advised the Senate today insisted to its previous action whereby it accepted the Minority Ought to Pass as Amended Report from the Committee on Judiciary on Bill "An Act To Protect Rights and Privileges Granted under the United States Constitution and the Constitution of Maine" (H.P. 224) (L.D. 330), in non-concurrence.
Please be advised the Senate today insisted to its previous action whereby it accepted the Minority Ought to Pass as Amended Report from the Committee on Judiciary on Bill "An Act To Ban the United Nations Agenda 21 in Maine" (H.P. 119) (L.D. 161), in non-concurrence.
Best Regards,
S/Heather J.R. Priest
Secretary of the Senate

READ and **ORDERED PLACED ON FILE**.

SENATE PAPERS
Non-Concurrent Matter

Bill "An Act To Attract Entrepreneurs to the State"
(S.P. 481) (L.D. 1332)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-228) in the House on June 19, 2015.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-228) AS AMENDED BY SENATE AMENDMENT "A" (S-250)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Bill "An Act To Enhance Energy Cost Reduction and Facilitate Heating Alternatives in furtherance of the Omnibus Energy Act" (EMERGENCY)
(H.P. 839) (L.D. 1221)

Majority (7) **OUGHT TO PASS AS AMENDED** Report of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-386) AS AMENDED BY HOUSE AMENDMENT "C" (H-485)** thereto in the House on June 19, 2015.

Came from the Senate with the Minority (6) **OUGHT TO PASS AS AMENDED** Report of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-387)** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

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

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment Friday, June 19, 2015, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

HOUSE REPORT - **Ought to Pass as Amended by Committee Amendment "A" (H-297)** - Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act Regarding Timber Harvesting on Land Managed by the Bureau of Parks and Lands"

(H.P. 254) (L.D. 388)

TABLED - June 5, 2015 (Till Later Today) by Representative HICKMAN of Winthrop.

PENDING - **ACCEPTANCE OF COMMITTEE REPORT**.

Subsequently, on motion of Representative HICKMAN of Winthrop, the Bill and all accompanying papers were **INDEFINITELY POSTPONED**. Sent for concurrence.

SENATE DIVIDED REPORT - Majority (7) **Ought to Pass as Amended by Committee Amendment "A" (S-262)** - Minority (6) **Ought Not to Pass** - Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Promote Equity in Business Opportunity for Tobacco Specialty Stores"

(S.P. 295) (L.D. 821)

- In Senate, Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-262)**.

TABLED - June 17, 2015 (Till Later Today) by Representative GATTINE of Westbrook.

PENDING - **ACCEPTANCE OF EITHER REPORT**.

Subsequently, Representative GATTINE of Westbrook 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: The Chair recognizes the Representative from Chelsea, Representative Sanderson.

Representative **SANDERSON**: Thank you, Mr. Speaker, Men and Women of the House, currently Maine has one tobacco specialty store that serves beverages and food. The rest of them are not. In one particular tobacco specialty store in Bridgton, if you even brought so much as a bottle of water in there with you, you would be in violation of the law.

Tobacco specialty stores are just that. You're allowed to try the product, you're allowed to sit and smoke the product and visit. Smoking is already allowed. This bill would just allow them to serve beverages on the premises while they're sitting, while they're talking, while they're enjoying their specialty product that they're already allowed to have. Now some people may think that this is an expansion of smoking. It's not. They can already do so. And this bill also comes with other protections.

Nobody under 21 years of age is allowed to enter. Right now, if you're over 18 you can buy tobacco, but this lounge itself limits it to 21 years of age. This allows the businesses to grow their business, while at the same time making sure, as a tobacco specialty shop, that 60 percent of the business they do is in tobacco. So they don't be become a bar. They don't become another alcoholic lounge. They remain the tobacco specialty shop. I urge you to vote down the pending motion. Let these few institutions that we do have in our state serve a cup of coffee, maybe a cocktail in the afternoon, and allow them to grow their business. Thank you.

The SPEAKER: The Chair recognizes the Representative from Lincolnville, Representative Burstein.

Representative **BURSTEIN**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I'm standing today to vote green on this issue, "An Act To Promote Equality in Business for Tobacco Specialty Stores." Ladies and Gentlemen of the House, this bill is a fox in sheep's clothing. What this bill does is an end run around our existing laws. This bill undermines LD 859 from the 123rd Legislature, which was "An Act To Restrict the Smoking Exemption for Tobacco Specialty Stores," which became public law in 2007. This law closed the loophole prospectively, stating that no tobacco specialty store could dually hold licenses for on premise food and beverage consumption unless they did so before January '07. This grandfathered existing specialty stores that already held on premise licenses. Essentially, this bill is creating new bars where smoking is allowed.

In testimony from the AG's Office, LD 821 undermines the clarity and fairness of Maine's smoke free laws. It will erode the commitment to provide a safe and smoke free work environment for all Mainers. Another problem with 821 is enforcement. There is currently no bars or restaurants that allow smoking. Allowing smoking in some, but not all makes it both confusing and hard to enforce.

We've had strong public support and history in our policies that we do not want smoking in restaurants. This bill takes our state backwards, both raising serious challenges and sending confusing messages, as well as opening a door to allowing smoking in restaurants. In 1993 our smoke free workplace law was amended to allow smoking in tobacco specialty shops at the request of the owner. The rationale was that some consumers may want to sample an expensive cigar before buying the entire box. The exception became a law, but the intention was never to justify a creation of cigar lounge. The restriction in size and percent of sales required of tobacco products were additional measures to assure that there would be no end run around the workplace smoking law. This bill is the end run. So, please vote green on this bill. Thank you, Mr. Speaker.

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

Representative **HYMANSON**: Thank you, Mr. Speaker. Thank you, Men and Women of the House, I wanted to bring your attention to a sentence in this bill and I will be voting green for the Ought Not to Pass. I don't know if you know the children's book, <u>If You Give a Mouse a Cookie</u>. You know, it starts off, "If you give a mouse a cookie," and then the mouse wants something more and something more and something more. Well, this is that something more and something more.

So, if you want to go back to the time of bars, smoke-filled bars, with food and with drinks, then this is the way to do it. But, I think that's counter to the direction that we've been going from a public health point of view. So, I just want to bring your attention to the line in the bill that says, "A cigarette lounge may not prepare food on premises for sale." So, it can bring in food that's not prepared and people who have food can bring it in. So, this is food in a lounge, smoking cigars, and drinking. Thank you.

The SPEAKER: The Chair recognizes the Representative from Scarborough, Representative Vachon.

Representative **VACHON**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, life's simple pleasures: enjoying some time among friends having simple conversation. People that like cigars would just like to socialize with a beverage with a friend. It is not an expansion of smoking. It's just allowing them to compete with local businesses in New Hampshire that do the same thing. So I urge you to vote in support of this. Thank you.

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

Representative **HOBBINS**: Thank you, Mr. Speaker and Women and Men of the House, many of you probably would think that this isn't a bill that I would get up and speak on. And quite frankly, six months ago or so, I probably wouldn't have thought that same thing either. Having said that, I had an opportunity at the urging of several of my constituents to, even though to go to a specialty shop, a cigar lounge, that's located in Saco.

Unfortunately, during this process, which was highly publicized in my area, a very, very fine person, good citizen, had some very negative things said about him because of his attempt to secure a location for his business. And, ironically, so I did my due diligence and part of the problem was that he was turned in to the Attorney General's Office and to the Department of Health and Human Services. One of the reasons was, is because he has a child who, ironically, a picture of this child was basically it was sent to the Department of Human Services and to the Attorney General's Office saying that this particular young child, which is his child by the way, was in the smoking establishment, which ironically wasn't the case at all. It was in a Mexican restaurant. It had nothing to do with his business. The other irony is, is that there's nothing wrong under present law, because of having a family member, whether they're of age or not, be involved. But that wasn't the case in this situation.

Now, I have to tell you, having visited the, and not partaking, but having visited this establishment, I found it to be extremely clean. Those individuals who were there weren't just those who maybe smoked cigarettes. There were those who went across all social economic demographics in my hometown, from a doctor to a lawyer to a banker to a mill worker to a law enforcement officer. I can name you numerous individuals who I saw in the two times I visited this parlor. Now, I know there's a lot of talk about that this is opening the door and I know that the stakeholders are in the hallway in numbers. Ironically, the irony of the whole matter is, is that this particular situation was brought about because the individuals who run these establishments couldn't even sell and consume a bottle of water on their locations.

So, this was an attempt by my constituent and someone who's a business person who has now a location prominently in the City of Saco who's a good-coppered citizen in the City of Saco and he is one of the individuals behind this piece of legislation. Now, interestingly enough, that there's been talk that cigarette sales would be allowed and permitted in the cigar lounge. That's not the case. Neither cigarette sales nor smoking of cigarettes will be permitted in the cigar lounge.

Vaping. Now, we've been talking about vaping and we have done an incredible job, I think, this session of addressing that particular issue. My good colleague and the Majority Leader sponsored that bill, Representative McCabe, that it's gone through the process of passing. Well, this bill, if passed, would also not allow vaping, e-cigarettes, in the form that this bill will take and be allowed to go forward with. No one under 21 will be allowed in a cigar lounge. That's not the case now, ironically, with tobacco specialty stores. No less than 60 percent of cigar lounge revenue. It must come from sales of tobacco, or tobacco-related products. Tobacco-related products does not mean cigarettes, does not mean vapes. It does not mean those individual tobacco-related activities.

Also, there is a built-in safeguard for new establishments becoming primarily drinking establishments that would allow smoking. That is in the bill. It also ensures that all cigars smoked in the cigar lounge are purchased in Maine. And again, something we don't talk about, but as you know most of the successful health related programs are funded, ironically, from the tobacco settlement tax and the Fund for a Healthy Maine, and revenue derived from non-cigarettes in the State of Maine amount to around $10 million in revenue.

Obviously, this isn't the appropriate thing for many people to be proud of. They'll feel kind of dirty sponsoring something like this, or voting for it. But I don't. Quite frankly, I think that this has its place within and it's not a foot in the door. If I hadn't purposely gone to this place, I might have a different opinion. So I hope you at least will consider the arguments. I have and I feel comfortable with my vote even though, you know, I was hypnotized for smoking 39 years ago, have not had a cigarette. The last time I even touched a cigar was my son's graduation along with a bunch of other parents—men and women I might add, which I didn't inhale. You've heard that line before, I'm sure. But again, I just hope that we take a realistic look at this and not just jump on the bandwagon that this is an evil thing and a foot in the door. It's not. Thank you.

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

Representative **CHENETTE**: Thank you, Mr. Speaker, like my colleague from Saco, I also rise on behalf of a constituent. I want to start off by saying I care about tobacco prevention. Back in middle school I used to be a part of a thing call SWAT—Students Working Against Tobacco. My mother smoked and it was quite a journey, to say the least, to get her to stop smoking. Repeated efforts to emphasize the fact I wanted her to see my grandchildren grow up really got her motivated. And I actually just taped a video for the Touched by Tobacco Campaign. I care about this issue.

But I do see a difference between that argument and the bill that's before us and what allies are talking about. And the allies that are in the hallway, I've mentioned this a few times, we need to focus on prevention. Before people make the conscientious choice to go into an establishment like a tobacco specialty store, let's get them from even stepping foot into that establishment. You have a bill you want to tackle that issue? I'd be the first one to sign up to cosponsor. That's not what's before us.

This is a pro-business, commonsense oriented bill for those that are making the choice, the conscientious choice themselves, to go into the establishment. No one's forcing them to do that, number one. It's not encouraging smoking. In fact, it prevents a lot of that smoking activities from actually taking place within the establishment. It's not a gateway to something else. And we're going to come back next session if there's any issues; we can address them. But there's not going to be. This expands a service within an existing establishment so you can offer beverages like water, Mr. Speaker. That's not a stretch. So I would urge people to vote "no" on the current motion.

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative Gattine.

Representative **GATTINE**: Thank you, Mr. Speaker. Mr. Speaker, one of my least favorite expressions is "slippery slope," and I promised I would never, ever use it in a floor speech, so I won't break that promise today, but I am concerned about this bill. Just want to make a couple points really clear. Some of them have been made already.

We keep thinking about, we keep talking about this as a place where people smoke. Really, what we're creating here is a place where alcohol is served. This isn't about water. One of the requirements to be one of these cigar lounges is that they have a liquor license, and as we also heard, they're also allowed to serve food so long as it is not prepared on premises; that's what the current statute reads.

So again, we are creating a place where people are allowed to drink. Drinking is promoted. A liquor license is required. People are allowed to eat. And people are allowed to smoke. We took care of this problem in Maine years ago when we banned smoking in bars and restaurants. What we're doing here is creating places that are going to compete with all the other bars and restaurants in Maine where smoking is not currently allowed.

The other thing I want to point out that I don't think has been pointed out yet is that there's nothing in this bill, no funding for enforcement. DHHS does not plan on putting any additional inspectors to monitor these activities. The requirement that 60 percent of the revenue come from the sale of tobacco products is similar to the law in New Hampshire. And recently in New Hampshire the state went out and did random audits and they found that every single place that they audited was in violation of that 60 percent requirement. So I think there's a lot of concerns here. I agree with the words from my committee members from York and from Lincolnville. I hope people will support the Ought Not to Pass Report. Let's not open up this door. I think in Maine we fought long and hard to keep public places safe from smoke, whether it's from tobacco or cigarettes or pipes. And I think we need to continue that here today. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Chelsea, Representative Sanderson.

Representative **SANDERSON**: Thank you, Mr. Speaker, Men and Women of the House, I apologize for rising twice. I've been listening to the points being made on this bill, as everybody as chimed in a little bit. But I think what we need to do is I think we need to clarify the intent for why an individual is frequenting the establishment.

When people go to a bar, they don't go to a bar with an intent to have a place to smoke. They go, they want to have fun, they want to dance, they want to have an alcoholic beverage or not, or spend time with friends. When people go to a restaurant, they don't go with the intent to smoke. They go with the intent to have a nice dinner out with their family, maybe enjoy a few cocktails with over some hors d'oeuvres, spend some time with friends. Now, when people go to a cigar lounge, however, they do go with the intent to have a premium cigar. They go with the intent to smoke.

So, saying this would erode into somebody trying to just circumnavigate the laws and all of a sudden have a smoking bar, I think is a bit disingenuous. This is to allow folks who already frequent a cigar lounge with the intent to smoke a premium cigar to have a refreshment with it. Thank you.

The SPEAKER: The Chair recognizes the Representative from Dresden, Representative Pierce.

Representative **PIERCE**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I'm a cigar smoker. When I travel, I go to Alexandria for the Atlantic States Marine Fishing Commission meetings. There's a cigar lounge there. I know nobody in Alexandria. I go there because (A.) there's no families there; I can go enjoy a cigar and a bourbon. These are entrepreneurs that have this.

In Maine, you're going to a cigar bar to have a cigar. There's no preconceived notion that you're doing anything else. You sit in a nice puffy chair and have a bourbon as a weary traveler in the State of Maine. We talk about helping our entrepreneurs in this state. Please support LD 821.

The SPEAKER: The Chair recognizes the Representative from Farmington, Representative Buckland.

Representative **BUCKLAND**: Thank you, Mr. Speaker and Friends and Colleagues in the House, I just want to rise and say that I do agree with my good colleague across the aisle, Representative Gattine, when he says we took care of the smoking in restaurants problem a long time ago. But we took care of that problem for the people who wanted to go to restaurants and not smoke. This merely takes care of the issue of people who want to go and smoke a fine cigar and have a beverage. Thank you.

The SPEAKER: 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. 325

YEA - Alley, Babbidge, Bates, Beavers, Beck, Beebe-Center, Blume, Brooks, Bryant, Burstein, Chace, Chapman, Chipman, Cooper, Crafts, Daughtry, Devin, Dion, Doore, Duchesne, Dunphy M, Edgecomb, Farnsworth, Fecteau, Fowle, Frey, Gattine, Gideon, Gilbert, Gillway, Golden, Goode, Guerin, Hamann, Hanington, Harlow, Herbig, Hilliard, Hogan, Hubbell, Hymanson, Jorgensen, Kinney M, Kornfield, Kruger, Kumiega, Lajoie, Longstaff, Luchini, Martin J, Martin R, Mastraccio, McCabe, McCreight, McElwee, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Pouliot, Powers, Rotundo, Russell, Rykerson, Saucier, Schneck, Shaw, Stanley, Stuckey, Sukeforth, Tepler, Tipping-Spitz, Tucker, Tuell, Wallace, Ward, Warren, Welsh, Mr. Speaker.

NAY - Austin, Battle, Bickford, Black, Buckland, Campbell J, Chenette, Corey, Dillingham, Dunphy L, Espling, Evangelos, Farrin, Foley, Fredette, Gerrish, Ginzler, Grant, Greenwood, Grohman, Hanley, Hawke, Head, Herrick, Hickman, Higgins, Hobart, Hobbins, Kinney J, Lockman, Long, Lyford, Maker, Marean, McClellan, Nutting, O'Connor, Parry, Peterson, Picchiotti, Pickett, Pierce J, Prescott, Reed, Sanderson, Sawicki, Seavey, Sherman, Short, Sirocki, Skolfield, Stearns, Stetkis, Theriault, Timberlake, Timmons, Turner, Vachon, Verow, Wadsworth, White, Winsor, Wood.

ABSENT - Campbell R, Davitt, DeChant, Malaby, Noon, Pierce T, Sanborn.

Yes, 81; No, 63; Absent, 7; Excused, 0.

81 having voted in the affirmative and 63 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.

Resolve, Reauthorizing the Balance of the 2009 Bond Issue for an Offshore Wind Energy Demonstration Project (EMERGENCY)

(S.P. 546) (L.D. 1445)
(C. "A" S-291)

TABLED - June 19, 2015 (Till Later Today) by Representative GIDEON of Freeport.

PENDING - **FINAL PASSAGE**. (Roll Call Ordered)

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken.

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

ROLL CALL NO. 326

YEA - Austin, Babbidge, Bates, Battle, Beavers, Beck, Beebe-Center, Bickford, Black, Blume, Brooks, Bryant, Burstein, Campbell J, Chace, Chapman, Chenette, Chipman, Cooper, Corey, Daughtry, DeChant, Devin, Dion, Doore, Duchesne, Dunphy M, Edgecomb, Espling, Farnsworth, Fecteau, Foley, Fowle, Frey, Gattine, Gerrish, Gideon, Gilbert, Gillway, Ginzler, Golden, Goode, Grant, Grohman, Guerin, Hamann, Hanley, Harlow, Head, Herbig, Herrick, Higgins, Hobart, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kinney J, Kinney M, Kornfield, Kruger, Kumiega, Lajoie, Longstaff, Luchini, Marean, Martin J, Martin R, Mastraccio, McCabe, McCreight, McElwee, McLean, Monaghan, Moonen, Morrison, Nadeau, Nutting, Parry, Peterson, Picchiotti, Pickett, Pierce J, Pouliot, Powers, Prescott, Reed, Rotundo, Russell, Rykerson, Sanderson, Saucier, Sawicki, Schneck, Seavey, Shaw, Short, Sirocki, Skolfield, Stanley, Stearns, Stuckey, Sukeforth, Tepler, Theriault, Timberlake, Timmons, Tipping-Spitz, Tucker, Turner, Vachon, Verow, Wadsworth, Wallace, Ward, Welsh, White, Winsor, Wood, Mr. Speaker.

NAY - Alley, Buckland, Crafts, Dillingham, Dunphy L, Evangelos, Farrin, Greenwood, Hanington, Hawke, Hickman, Hilliard, Lockman, Long, Lyford, Maker, McClellan, Melaragno, O'Connor, Sherman, Stetkis, Tuell.

ABSENT - Campbell R, Davitt, Fredette, Malaby, Noon, Pierce T, Sanborn, Warren.

Yes, 121; No, 22; Absent, 8; Excused, 0.

121 having voted in the affirmative and 22 voted in the negative, with 8 being absent, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

CONSENT CALENDAR
First Day

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

(S.P. 191) (L.D. 522) Bill "An Act To Clarify a Recently Enacted Law Designed To Expand the Number of Qualified Educators" Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-310)**

(H.P. 166) (L.D. 234) Bill "An Act To Adjust Appropriations and Allocations from the General Fund and Other Funds for the Expenditures of State Government for the Fiscal Year Ending June 30, 2015" (EMERGENCY) Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-489)**

(H.P. 556) (L.D. 822) Bill "An Act To Allow a Former Spouse of a Member of the Maine Public Employees Retirement System To Begin Collecting Benefits When the Former Spouse Reaches the Member's Retirement Age" Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-490)**

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

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

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

COMMUNICATIONS

The Following Communication: (S.C. 465)

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

June 19, 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 256, "An Act to Allow Nonresident College Students to obtain Hunting, Fishing and Trapping Licenses at the Resident Fee and with Resident Privileges."
Some legislation commits the minor, and forgivable, sin of ineptly addressing the right problem. Other legislation commits the major sin of trying to address the wrong problem. Somehow, this bill manages to commit both sins: ineptly addressing the wrong problem. LD 254 seeks to provide nonresident college students with hunting and fishing licenses at the cost of a resident's license; saving nonresident college students roughly $100. In their zeal to encourage more hunting, supporters of this bill fail to recognize the stark reality that Maine is drawing nigh to a demographic death spiral – we are already experiencing negative population growth. The major sin here is striving for the wrong goal; providing benefits to nonresident students enjoyed by residents of this great State. Rather, we should be encouraging nonresidents to become residents of our State through all means at our disposal.
Not only does this bill miss the point in its objective, but it also suffers in its execution. In order for a nonresident to establish their eligibility for the benefits of being a resident, the Department of Inland Fisheries and Wildlife must verify that the student in question is between 18 and 24 years old and is enrolled full-time at a qualifying educational institution and has been enrolled there for at least one semester prior to applying for a license. The Department need not be conscripted to act as a college registrar in order for nonresident students to save $100. This simply is not administrable.
For these transgressions, I return LD 256 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 Allow Nonresident College Students To Obtain Hunting, Fishing and Trapping Licenses at the Resident Fee and with Resident Privileges

(S.P. 94) (L.D. 256)
(C. "A" S-170)

In Senate, June 22, 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?'

33 voted in favor and 0 against, and 33 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.

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. 327V

YEA - Alley, Babbidge, Bates, Battle, Beavers, Beck, Beebe-Center, Bickford, Black, Blume, Brooks, Bryant, Buckland, Burstein, Campbell J, Chace, Chapman, Chenette, Chipman, Cooper, Corey, Crafts, Daughtry, DeChant, Devin, Dion, Doore, Duchesne, Dunphy M, Edgecomb, Espling, Evangelos, Farnsworth, Fecteau, Foley, Fowle, Fredette, Frey, Gattine, Gideon, Gilbert, Gillway, Golden, Goode, Grant, Grohman, Hamann, Harlow, Hawke, Herbig, Herrick, Hickman, Higgins, Hilliard, Hobart, Hobbins, Hogan, Hubbell, Jorgensen, Kinney J, Kinney M, Kornfield, Kruger, Kumiega, Lajoie, Longstaff, Luchini, Lyford, Marean, Martin J, Martin R, Mastraccio, McCreight, McElwee, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Peterson, Picchiotti, Pierce J, Pouliot, Powers, Prescott, Rotundo, Russell, Rykerson, Saucier, Sawicki, Schneck, Seavey, Shaw, Sherman, Short, Skolfield, Stanley, Stearns, Stuckey, Sukeforth, Tepler, Theriault, Timberlake, Timmons, Tipping-Spitz, Tucker, Vachon, Verow, Wadsworth, Ward, Welsh, White, Wood, Mr. Speaker.

NAY - Austin, Dillingham, Dunphy L, Farrin, Ginzler, Greenwood, Guerin, Hanington, Hanley, Head, Hymanson, Lockman, Long, Maker, McClellan, Nutting, O'Connor, Parry, Pickett, Reed, Sanderson, Sirocki, Stetkis, Tuell, Turner, Wallace, Winsor.

ABSENT - Campbell R, Davitt, Gerrish, Malaby, McCabe, Noon, Pierce T, Sanborn, Warren.

Yes, 115; No, 27; Absent, 9; Excused, 0.

115 having voted in the affirmative and 27 voted in the negative, with 9 being absent, and accordingly the Veto was **NOT SUSTAINED** in concurrence.

The Following Communication: (S.C. 466)

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

June 19, 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 647, "An Act To Require the Department of Health and Human Services To Update Its Rules Governing Services for Children with Cognitive Impairments and Functional Limitations."
This bill requires the Department of Health and Human Services to create a permanent working group made of staff, vendors, and advocates to review and recommend evidence-based services for children served under Section 28 of the MaineCare Benefits Manual.
This bill is unnecessary because the Department already evaluates appropriate evidence-based treatment for children with developmental disabilities. Currently, the federal Substance Abuse and Mental Health Services Administration and the Centers for Medicare and Medicaid Services approve one evidence-based treatment, ABA therapy, for children with Autism Spectrum Disorder. As the federal government changes its treatment recommendations, so, too, does the State.
This bill is yet another unfunded mandate that will result in a report. It accomplishes nothing. For these reasons, I return LD 647 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 Require the Department of Health and Human Services To Update Its Rules Governing Services for Children with Cognitive Impairments and Functional Limitations

(S.P. 240) (L.D. 647)
(C. "A" S-193)

In Senate, June 22, 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?'

33 voted in favor and 0 against, and 33 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 Chelsea, Representative Sanderson.

Representative **SANDERSON**: Thank you, Mr. Speaker, Men and Women of the House, this bill started out in a different form. However, it was rolled back to a Resolve where it creates an ongoing work group to evaluate services for children and look at more evidence-based treatment models for youth with autism on the spectrum. There is already a process for stakeholders to bring new evidence-based models for care forward. It's called the legislative process.

If we create an ongoing bill, an ongoing work group year after year at the rate of what the federal government authorizes these problems and produces these evidence-based problems—which the Department is very responsive and once the federal government embraces them as evidence-based, they adopt it as well—are we going to have a lot of people out there every year spinning their wheels looking for something new and different that's just not coming forward? Busy work? I don't think so.

By January 15th of each odd numbered year beginning in 2007, the work group shall submit a report to the Joint Standing Committee of the Legislature having jurisdiction over health and human service matters that outlines the working group's findings, current level of evidence-based treatments and any actions that have been taken by the Department based on the working group's recommendations. This ongoing work group will consist of department staff, family members of children, providers of service to children with cognitive impairments and functional limitations. All these are great. All these advocates do wonderful jobs. But can't these advocates, can't these stakeholders form their own group? And as these new treatments, as these new programs develop, bring them forward to the Legislature.

We are not adequately funding many of our programs. Our department staff is being delivered letter after letter after letter of, "Report back to us," "Report back to us." Reports and information that we get back and what do we do with it? More

often than not, we get a short review and then these reports get filed away. We rarely ever take action or really look at what's in some of these reports. If we did, we might be doing some things differently.

I would urge you to sustain this veto, allow the stakeholder groups to do what they've already been doing as they see problems. And these folks do good work. They're on top of this stuff. They do very good work. Bring these new programs forward through the legislative process. Let's not overburden the Department of Health and Human Services. With as much work as they have to do with a brand new stakeholder group, a brand new work group, an ongoing one. This is not just for a summer for a report back. This is an ongoing program. Thank you.

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative Gattine.

Representative **GATTINE**: Mr. Speaker, I'm kind of sheepish because a few minutes ago my friend from Chelsea stood up and said she agreed with me and now I'm not going to be able to return the favor to her. This was a 12:1 report out of committee. As someone who sat on the committee and listened to the testimony, what I learned was that this is an area where the Department of Health and Human Services really isn't keeping up.

With respect to looking at our rules, looking at our policies, making sure that children with autism have the most up-to-date treatment modules available to them—evidence-based modules—we are falling behind. We heard this from treatment professionals. We heard this from parents. What this bill simply does is it requires the Department to convene stakeholders and look at their rules on a regular periodic basis. This is a fast-paced area where new information is being developed all of the time and in order to meet the needs of these very high-needs children, the Department needs to keep up. And that's what this Resolve pushes the Department to do. As I said, it had a very, very strong 12:1 report out of committee, went under the hammer here and in the other body, and I hope that people will join me today in overriding this veto. Thank you, Mr. Speaker.

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. 328V

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

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

ABSENT - Campbell R, Davitt, Malaby, Noon, Sanborn.

Yes, 86; No, 60; Absent, 5; Excused, 0.

86 having voted in the affirmative and 60 voted in the negative, with 5 being absent, and accordingly the Veto was **SUSTAINED** in **NON-CONCURRENCE**.

The Following Communication: (S.C. 467)

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

June 19, 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 1079, "Resolve, To Support and Encourage the Development of an Adult Family Care Demonstration Project in Washington County."
This resolve directs the Department of Health and Human Services to review residential care facility reimbursement, and create a new level of reimbursement for individuals aging in place at those facilities. The resolve also requires the Department to develop a plan for a demonstration project in Washington County to establish facilities with suite-type settings, and to report back to the Legislature regarding its findings.
The Department is already undertaking work to identify the need and appropriate reimbursement for residential care services across Maine. Indeed, the resolve notes that the Department's review "may include other reviews that the department is currently undertaking" in this exact area. In other words, this resolve is duplicative of work being performed. This resolve will turn into another report gathering dust on the shelf.
It is unclear why the Department, rather than the private sector, is responsible for developing a plan for a suite-style residential care facility in a particular county. There is nothing prohibiting the creation of a suite-style facility today. The Department cannot force any company to participate in such a pilot project, anyway. The private sector is much more nimble and creative than state government, and far be it from me to try to usurp the private sector's role.
For these reasons, I return LD 1079 unsigned and vetoed. I strongly encourage 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 Resolve, To Support and Encourage the Development of an Adult Family Care Demonstration Project in Washington County

(S.P. 381) (L.D. 1079)
(C. "A" S-166)

In Senate, June 22, 2015, this Resolve, 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 Resolve become a law notwithstanding the objections of the Governor?'

33 voted in favor and 0 against, and 33 being more than 2/3 of the members present and voting, accordingly it was the vote of the Senate that the Resolve become law and the veto was overridden.

After reconsideration, the House proceeded to vote on the question, 'Shall this Resolve 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 Resolve become a law notwithstanding the objections of the Governor?' All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 329V

YEA - Alley, Austin, Babbidge, Bates, Battle, Beavers, Beck, Beebe-Center, Bickford, Black, Blume, Brooks, Bryant, Buckland, Burstein, Campbell J, Chace, Chapman, Chenette, Chipman, Cooper, Corey, Crafts, Daughtry, DeChant, Devin, Dillingham, Dion, Doore, Duchesne, Dunphy M, Edgecomb, Espling, Evangelos, Farnsworth, Farrin, Fecteau, Foley, Fowle, Fredette, Frey, Gattine, Gerrish, Gideon, Gilbert, Gillway, Ginzler, Golden, Goode, Grant, Greenwood, Grohman, Guerin, Hamann, Hanington, Hanley, Harlow, Hawke, Head, Herbig, Herrick, Hickman, Higgins, Hilliard, Hobart, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kinney J, Kinney M, Kornfield, Kruger, Kumiega, Lajoie, Lockman, Long, Longstaff, Luchini, Lyford, Maker, Marean, Martin J, Martin R, Mastraccio, McCabe, McClellan, McCreight, McElwee, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Nutting, O'Connor, Parry, Peterson, Picchiotti, Pickett, Pierce J, Pierce T, Pouliot, Powers, Prescott, Reed, Rotundo, Russell, Rykerson, Sanderson, Saucier, Schneck, Seavey, Shaw, Sherman, Short, Sirocki, Skolfield, 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 - Dunphy L, Sawicki.

ABSENT - Campbell R, Davitt, Malaby, Noon, Sanborn.

Yes, 144; No, 2; Absent, 5; Excused, 0.

144 having voted in the affirmative and 2 voted in the negative, with 5 being absent, and accordingly the Veto was **NOT SUSTAINED** in concurrence.

The Following Communication: (S.C. 469)

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

June 19, 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 1129, "Resolve, To Change the Requirements for Nursing Services in Home Health Care."
As promised, I am vetoing all bills sponsored by Democrats, who vote for the job-killing, pro-welfare agenda set by the Maine People's Alliance, but have stifled the voice of the Maine people by preventing them from voting on the elimination of the income tax.
These legislators were elected to serve the people of Maine, but they choose to operate behind closed doors to advance their own partisan agendas. Rather than work with me to at least give the Maine people a chance to vote on lowering or eliminating the income tax, they closed the door. They defend the status quo and they cut the people out of the process.
I will not sit by and watch a handful of Democrats disenfranchise the people they were elected to represent. I want to ensure that each piece of legislation gets the widest possible representation in Augusta.
Therefore, in order for legislation sponsored by Democrats to become law, they will have to follow the procedure for reconsideration of a veto, which requires two-thirds support of the Legislature and a roll call. Instead of allowing them to pass bills out of the public eye and with no accountability, I believe the Maine people deserve to see how their elected officials voted on each piece of legislation.
For this reason, I return LD 1129 unsigned and vetoed.
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 Resolve, To Change the Requirements for Nursing Services in Home Health Care

(S.P. 398) (L.D. 1129)
(C. "A" S-158)

In Senate, June 22, 2015, this Resolve, 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 Resolve become a law notwithstanding the objections of the Governor?'

33 voted in favor and 0 against, and 33 being more than 2/3 of the members present and voting, accordingly it was the vote of the Senate that the Resolve become law and the veto was overridden.

After reconsideration, the House proceeded to vote on the question, 'Shall this Resolve 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 Resolve become a law notwithstanding the objections of the Governor?' All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 330V

YEA - Alley, Austin, Babbidge, Bates, Battle, Beavers, Beck, Beebe-Center, Bickford, Black, Blume, Brooks, Bryant, Buckland, Burstein, Campbell J, Chace, Chapman, Chenette, Chipman, Cooper, Corey, Crafts, Daughtry, DeChant, Devin, Dillingham, Dion, Doore, Duchesne, Dunphy L, Dunphy M, Edgecomb, Espling, Evangelos, Farnsworth, Farrin, Fecteau, Foley, Fowle, Fredette, Frey, Gattine, Gerrish, Gideon, Gilbert, Gillway, Ginzler, Golden, Goode, Grant, Greenwood, Grohman, Guerin, Hamann, Hanington, Hanley, Harlow, Hawke, Head, Herbig, Herrick, Hickman, Higgins, Hilliard, Hobart, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kinney J, Kinney M, Kornfield, Kruger, Kumiega, Lajoie, Lockman, Long, Longstaff, Luchini, Lyford, Maker, Marean, Martin J, Martin R, Mastraccio, McCabe, McClellan, McCreight, McElwee, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Nutting, O'Connor, Parry, Peterson, Picchiotti, Pickett, Pierce J, Pierce T, Pouliot, Powers, Prescott, Reed, Rotundo, Russell, Rykerson, Sanderson, Saucier, Sawicki, Schneck, Seavey, Shaw, Sherman, Short, Sirocki, Skolfield, 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 - NONE.

ABSENT - Campbell R, Davitt, Malaby, Noon, Sanborn.

Yes, 146; No, 0; Absent, 5; Excused, 0.

146 having voted in the affirmative and 0 voted in the negative, with 5 being absent, and accordingly the Veto was **NOT SUSTAINED** in concurrence.

UNFINISHED BUSINESS

The following matter, in the consideration of which the House was engaged at the time of adjournment Friday, June 19, 2015, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Require That Signatures on a Direct Initiative of Legislation Come from Each Congressional District

(S.P. 272) (L.D. 742)

(H. "A" H-417 to C. "A" S-129)

TABLED - June 19, 2015 (Till Later Today) by Representative GIDEON of Freeport.

PENDING - **FINAL PASSAGE**.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Goode.

Representative **GOODE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, I rise in opposition to the pending motion and just wanted to make sure that people were clear on what we're voting on today. I wanted to be very clear, I want to make sure that people know exactly what they're voting on.

If this Constitutional Resolution were passed and in effect today, in order to put a question on the ballot, somebody would have to collect at least 29,000 signatures in the Second Congressional District and 32,000 signatures in the First Congressional District. That's what this Constitutional Resolution does. I hope that is very clear to everyone. There have been lots of different statements around what would happen if it were passed and my understanding is that that is a fact. If it were in law today, somebody who wants to have members of the public vote on something that we've drifted from people on, would have to collect 29,000 in the Second Congressional District and 32,000 in the First Congressional District.

The initiative and referendum process has been around for over a hundred years and it's been used for lots of different issues, many of which I am opposed to. So, we've had initiatives and referendums on TABOR, on Poleski, on the excise tax, on marriage equality. In my first term, there was an effort to gather signatures to let people buy insurance across state lines and the people supporting that did not collect enough signatures. And I stand before you having voted for and against many initiative and referendum votes and I'm totally in support of making it so the system is as it is today. And I expect it will be referendums that I like and don't like and don't ever have any feelings of changing this process because there's a question on the ballot that I'm going to vote against.

I would also just rise to let you all know that I live in the Second Congressional District. I do represent Bangor. I was born in Calais. I've lived in Houlton area, lived in Orono. And I would just like to ask you to think through when you collect signatures for your race. And just as an example, the Representative from Houlton, Representative Sherman, represents multiple towns in his district. And he doesn't have to collect signatures in any specific town and it's up to the Representative from Houlton where he campaigns and who he talks to. And my guess is, if Representative from Houlton, Representative Sherman, only spent time in Houlton, the people in Cary Plantation, the people in Amity, the people in Hodgdon, would start to wonder why he's not going and talking to them. And I don't believe that a signature requirement would impact where people who campaign spend their time and I don't believe that any initiative and referendums passed based on where they collect their signatures. They passed based on where the proponents spend their time.

Lastly, I would just like to clarify, because some folks outside the building who seem very interested in passing this, seem to state that I have a conflict of interest. When I'm not in the Legislature, I work on a per diem social work job at United Cerebral Palsy. I work as a coach at Bangor High School. I have now and have never had any type conflict of interest with this bill and think that folks who care very strongly about changing this policy should know that the fact is that I believe that people should have the right to put a question to the voters and that voters get to vote on that. And there is nothing behind my opposition to this that has to do with anything other than my belief that that's a good system that's been in place for a long time and I encourage you to vote against the pending motion. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Greene, Representative Wood.

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

The SPEAKER: The Representative may pose his question.

Representative **WOOD**: Shouldn't a legislator recuse themselves from voting on this bill if they get paid to gather signatures for referendums?

The SPEAKER: The Chair would answer that the ethics rules are very clear. If you are going to benefit directly, or a family member benefit directly, from any pending legislation that you would recuse yourself. We vote on lots of classes of things. Examples that have been given time and time again have been retirements that benefit teachers and other things. If it is a class of members and not an individual that will benefit directly, or a family member, then it is allowed. There's also the clause of perception as well. So, is that enough information for the Representative from Greene, Representative Wood?

The Chair recognizes the Representative from Kennebunk, Representative Babbidge.

Representative **BABBIDGE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, my adult working life has been spent in two communities: Greenville and Kennebunk. My two service centers have been Bangor and Portland. That, and a lifetime of experiences around this great state have taught me that although Maine residents are diverse in our religion, our ethnicity, and our politics. We are alike in our respect for honesty, hard work, and independent thought. And we all love our state of Maine, have common interests, and want our children to have a happy and prosperous future. I'm proud to be of and from Maine. We, in this chamber, have come to know each other and respect each other as Mainers wanting what is best for our state.

As Mainers, we share equal rights of citizenship. The precious value of equal treatment under the law has been, due to the hard work of our forebearers, institutionalized in both our national and state constitutions. All Mainers are equal, a determination, a value, that has become a legal and ethical foundation that is, by law, as a legal principle, and as a moral principle.

Failure to adopt this motion, Ought Not to Pass, would change this foundation by Constitutional Amendment. The amendment addresses the legal hurdle, but not the ethical one. I believe the impact of defeating this motion would be to violate the principle of equal treatment before the law. On a statewide issue, a petition signature voluntarily given by any Mainer should be respected as equal to that of any other Mainer. If the proposal before us were not a Constitutional Amendment, but was passed as mere statute, it would be challenged and, I believe, struck down as inconsistent with the Constitution, both in Article IV regarding initiative process and Article I regarding equal protection of the laws.

Do we really want to rewrite our most sacred legal document to specify that a voter's signature gathered in our state may not be sufficient because of where in Maine the signatore lives? Imposing a specific residence requirement within a certain part of Maine, to me, is both unwise and unfair. I believe that signatures gathered in Greenville and Bangor are equal to those gathered in Kennebunk and Portland. And notwithstanding the town, the county, or the congressional district you happen to live in, I believe that one person, one signature, or one vote is equal to and as valid as that of any other citizen of Maine. We're all Mainers with equal citizenship rights. The motion on the floor protects that status. I ask you support this motion of Ought Not to Pass. Thank you, Mr. Speaker.

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

Representative **DION**: Mr. Speaker, Ladies and Gentlemen of the House, I'll try to be brief, as my colleague from York county covered some of the issues that I would rise to speak. There are actually two questions inside this motion. One has to do with the signatures gathered and the other whether it qualifies as a Constitutional Resolution.

I oppose this motion on constitutional grounds that the question posed is not of the significance sufficient to challenge the basic framework of our Constitution. And as an aside, I would make this observation: the problem statement in this motion supposes two congressional district. That's the passion of the day. But if other facts hold true, the day will soon arrive when we have one constitutional district and what make we of this statute, this new Constitutional Resolve.

So I ask your support. Things remain as they are. Do not tamper with the Constitution. Passions of the day should be resolved by statute and nothing more. Thank you.

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

Representative **FREDETTE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, and I respect very much my good friend from Portland in regards to his comments in regards to this and he probably is correct that probably in the next decade or two we probably will only have one congressional district in this state. But at that point in time, we also will have an opportunity to see the bigger picture in terms of balance here.

This is sort of an equity question and the equity question here really is, is should we be able to do direct initiatives or other changes to laws or vetoes, people's vetoes, based upon people collecting signatures in a couple of cities. And, you know, I'll tell you, I mean, I grew up in northern Maine; small town up in northern Maine. And you don't see many people up there gathering signatures. And you don't even see many people gathering signatures in Newport, Maine today, where, you know, we have roughly 3,000 voters.

And so, I think there starts to become a question of equity and a question of fairness here. I don't think that this is a huge lift in terms of a change to the Constitution that we simply allow for some equity here because as it was designed, it just isn't working probably the way that it should be working. And so, I will tell you when we did the redistricting on the congressional districts, I believe it was two years ago, roughly. It's quite amazing when you actually look at, you know, the size of our two districts in our state. You know, the Second Congressional District is the largest geographic district east of the Mississippi. That's a big deal. I mean, you know, we're not talking about the biggest one in northern New England or New England or on the east coast. We're talking on, basically, the east side of the United States.

And so, really what you're arguing here is, is that we should basically be allowed to ignore that geographic land mass with those people that live in it compared to that First Congressional District, which is, quite frankly, very small and very compact and pretty consistent with what we would see with congressional districts in states where there's more metropolitan areas. And so, you know, I again, I concur with the good Representative from Portland in regards to the day when we probably will have one congressional district and that's not because Maine isn't changing. It's because other state's populations are growing. And again, that's no cause to us.

But, you know, I'll tell you, when you live in rural Maine, in that Second Congressional District, you know, it's a different story and it's a different case. And so, this would be one of those instances when I would plead with many of my Democratic colleagues in the First Congressional District that, quite frankly, maybe you've never travelled to northern Maine or whatnot to say, "Hey you know what? This is an issue of fairness and let's let them also be part of the state in regards to this issue." So, thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Guilford, Representative Stearns.

Representative **STEARNS**: Thank you, Mr. Speaker, normally I, too, would agree that we tend to move pretty quickly and if something's worked well for a hundred years, I'd be the first one to say that we should do what has worked well for the state for a hundred years. However, there's another way to look at this and I tend to concur with Representative Fredette.

A hundred years ago, this state looked dramatically different. If you look back, 1915, the great north woods was the economic driver of the State of Maine and I would contend that at that time, both economically and politically, there was a little bit less of the "two Maine" argument that we hear now. Things have changed. If we used, "things have worked well for a hundred years," some of the topics we discussed this morning certainly wouldn't be moving forward.

I kind of sit back and try to look, why would folks in the first district not want folks in the second district to be able to have 10 percent of the voters in the last Gubernatorial election be required to sign a petition? And the only thing I can imagine would be that someone would want to push something through that was so egregious to that group that they couldn't even get over that small hurdle. Ten percent. I've heard over and over again from folks, "It's really easy to get those signatures. We get lots of signatures in the Bangor area. It's not a problem." So I would say if it's not a problem, why don't we make that change?

And my last point would be, in regard to the Constitutional piece, I, too, would tend to agree that this really doesn't rise to the level of being a Constitutional change, except for the fact that that's where the matter lays. And if the matter is in the Constitution, the only way to fix it is to go in and change the Constitution. So, you know, I think in order to recognize the value of the population of the largest congressional district, as Representative Fredette said, east of the Mississippi, it's not a big

ask to have those people be able to weigh in on this early, early stage of whether or not legislation or suggested legislation can make it onto the referendum. So, I would urge you folks to consider the good citizens of District Two as you cast your vote. Thank you.

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

Representative **SHORT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, I rise in support of LD 742. I'd just like to clarify a few things. Originally, as a result of conversations I had with hundreds of constituents in my district who thought this process to be unfair in regards to the bear referendum, I sponsored LD 1228. And LD 1228 was a statute change versus a Resolve.

The language in 1228 was formulated with the assistance of the Secretary of State's Office and that office also informed me that it had to be a Constitutional Amendment or Resolution versus the statute. So, the decision was made to strip the language out of LD 742 and replace it with the language in the bill that I sponsored, LD 1228. Again, that language was formulated with the assistance of the Secretary of State's Office and the ruling on how to get that done came from the Secretary of State's Office. So, in regards to whether it's a Constitution or whether it's okay in regards to using it as a Constitutional Amendment or not, I think that we have some support to back up the fact that it is.

Now, I don't know what it means to say in the number of towns I've lived in in Maine, or anybody else has lived in in Maine, but you know, I lived in Fairfield, I lived in Clinton, I lived in Benton, I lived in Hampden, I lived in Pittsfield, and for my future aspirations, perhaps in 2020, I lived in Maineville, Ohio and Lebanon, Ohio; just in case I may decide to run for President in 2020, maybe that has some relevance, I don't know. But this bill, to me, and the reason that I submitted 1228 is all about fairness for the people in rural Maine and allowing them to have a voice in this process. And, I think this will be an opportunity to have them do that.

I can't understand a lot of the opposition. Those in opposition to this bill certainly support people's right to a democratic process and voicing their opinion one way or the other on matters such as the bear referendum, and if this bill, LD 742, goes through this process the way I'd like to see it go, the people will once again have an opportunity to exercise their democratic choice on whether this should become a Constitutional Amendment or not on the upcoming November ballot. So, I ask Members of this chamber to please consider their support for this bill. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Kennebunk, Representative Babbidge.

Representative **BABBIDGE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, I want to clarify when I wrote down my comments regarding this issue, I anticipated the Ought Not to Pass Report to come before us. However, it comes to us for final passage, so I will be voting red in order to ensure that all Mainers are treated equally here.

I would just like to comment quickly, when folks do address the issue of gathering signatures, this becomes more of an urban/rural issue than it does northern and southern Maine. I mean, it's very likely they're going to be going to Portland rather than Cornish and it's more likely that they're going to go to Bangor rather than Ashland in order to pick up these signatures. So, I hope that you will treat all Mainers equally here. If 50,000 folks in the Second District want something before us and only 20,000 in the First want something before us, they're all Mainers. They should be treated equally. We should entertain that on the ballot. Thank you.

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

Representative **GILBERT**: Mr. Speaker, Men and Women of the House, I rise in opposition to LD 742. The Resolution proposes to amend the Constitution of Maine to require that signatures on the petition to directly initiate legislation be of voters from every county in the state. The amendment of the original bill proposes to amend the Constitution of Maine to require that the number of signatures on a petition to directly initiate legislation be of voters from each of the state's two congressional districts in an amount not less than 10 percent of the total votes for Chief Executive cast in that congressional district in the previous Gubernatorial election.

Currently, a minimum number of 10 percent of voters in the last Gubernatorial elections needs to sign a petition to place the referendum on a ballot. The signers must be registered Maine voters. That is a steep requirement, but it has been done. An example is the bear referendum. This process, like the election of a Chief Executive or US Senator is a statewide campaign and has been so since 1820.

LD 742 supports a change in the Constitution by making the signature gathering reach 10 percent in the First District and 10 percent threshold in the Second District. It would no longer be a statewide campaign. It would pit the north against the south. If the congressional districts had been changed, as was tried a few years ago, it would've pitted the east against the west. Changes to the Constitution, Maine's or the US, are very serious measures. In fact, the US Constitution has only seen 27 amendments and 10 of those came when it was ratified in 1789. I'm not sure how many times Maine's has been amended.

If a group of people want to change Maine's Constitution, let them gather signatures to see if the voters want to amend that Constitution. If they gather enough signatures it will be placed on the ballot for all registered voters to weigh in at the ballot box. We are living in the State of Maine, not the State of Maine-north and not the State of Maine-south. I am a lifelong resident of the Second CD. I'm also proud to live in Maine. That's why I'll vote "no" on LD 742 again.

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

Representative **SHORT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, I'd just like to remind everybody that this bill came out of the Veteran's and Legal Affairs Committee 10-3 Ought to Pass. Thank you.

The SPEAKER: The Chair recognizes the Representative from Orono, Representative Tipping-Spitz.

Representative **TIPPING-SPITZ**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, I just want to say one quick thing. I think our society is stronger when we debate the issues of the day openly, in public, and decide those issues at our town halls and at our polling places. I don't think we should shy away from any issue and I think we should make it easier to have access to the ballot, not harder. That's why I'm going to be opposing the upcoming vote. Thank you.

This being a Constitutional Amendment, and a two-thirds vote of the House being necessary, a total was taken. 92 voted in favor of the same and 54 against, and accordingly the Resolution **FAILED FINAL PASSAGE** and was sent to the Senate.

ENACTORS

Acts

An Act To Improve Regulatory Consistency within the Jurisdiction of the Maine Land Use Planning Commission

(H.P. 562) (L.D. 828)

(S. "A" S-307 to C. "A" H-374)

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

COMMUNICATIONS

The Following Communication: (S.C. 470)

MAINE SENATE
127TH LEGISLATURE
OFFICE OF THE SECRETARY

June 18, 2015
Honorable Robert B. Hunt
Clerk of the House
2 State House Station
Augusta, Maine 04333
Dear Clerk Hunt:
Please be advised the Senate today insisted to its previous action whereby it accepted Report "C" Ought to Pass as Amended Report from the Committee on Health and Human Services on Bill "An Act To Provide Funding for Head Start Services" (H.P. 723) (L.D. 1054), in non-concurrence.
Best Regards,
S/Heather J.R. Priest
Secretary of the Senate

READ and **ORDERED PLACED ON FILE**.

The Following Communication: (S.C. 471)

MAINE SENATE
127TH LEGISLATURE
OFFICE OF THE SECRETARY

June 22, 2015
Honorable Robert B. Hunt
Clerk of the House
2 State House Station
Augusta, Maine 04333
Dear Clerk Hunt:
Senate Paper 395, Legislative Document 1123, "An Act To Amend the Campaign Reports and Finances Laws and the Maine Clean Election Act," having been returned by the Governor, together with objections to the same, pursuant to Article IV, Part Third, Section 2 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?"
17 voted in favor and 16 against, and accordingly it was the vote of the Senate that the Bill not become a law and the veto was sustained.
Best Regards,
S/Heather J.R. Priest
Secretary of the Senate

READ and **ORDERED PLACED ON FILE**.

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

UNFINISHED BUSINESS

The following matter, in the consideration of which the House was engaged at the time of adjournment Friday, June 19, 2015, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

SENATE DIVIDED REPORT - Majority (11) **Ought Not to Pass** - Minority (2) **Ought to Pass as Amended by Committee Amendment "A" (S-253)** - Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Lower Energy Costs and Increase Access to Solar Energy for Agricultural Businesses"

(S.P. 376) (L.D. 1073)

- In Senate, Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-253)**.

TABLED - June 18, 2015 (Till Later Today) by Representative DION of Portland.

PENDING - **ACCEPTANCE OF EITHER REPORT**.

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

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

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

The SPEAKER: The Chair recognizes the Representative from Embden, Representative Dunphy.

Representative **DUNPHY**: Thank you, Mr. Speaker. Mr. Speaker, this bill left our committee with a 10-2 Ought Not to Pass. It got, somehow, I'm guessing confused in the other body. I heard a lot of conversation this morning about the process and about why would we not support committees and I guess that's my question now is why would we not support the committee process?

I also know that this has around a million dollars attached to it in terms of expenses. A lot of the information that we dealt with on our committee, we swept some of this stuff into other bills and I'm kind of disappointed to see that at 10:2 Ought Not to Pass is even being considered here. But, that being said, I would suggest that we vote against it. Thank you.

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

Representative **WADSWORTH**: Thank you, Mr. Speaker, Men and Women of the House, this is the fourth time that I have risen to address the chamber about the impact of an energy bill on my constituents electric rates. Recently, we passed LD 1263 to create sustainable growth in Maine's distributed energy sector. This is legislation that could lead to significant expansion of solar in Maine, not LD 1073.

LD 1073 resurrects the old ways of propping up solar through the use of rebates. Mr. Speaker, the Efficiency Maine Trust has determined that rebates for solar are not cost-effective. With the price of solar panels plummeting, why do my poorest ratepayers have to subsidize it? Any electric fee is regressive and disproportionately affects my low-income constituents. Please follow my light, Mr. Speaker, and I ask the Clerk read the Committee Report.

The same Representative **REQUESTED** that the Clerk **READ** the Committee Report.

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

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

Representative **DION**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, my good colleague from Embden is correct insofar as there was a Majority Report that took opposing posture on this bill. It had been my hope as a member of that committee that this solar issue, as it applies to the net energy billing that Representative Wadsworth is referring to would be addressed in the future as a result of another initiative that did pass this chamber.

However, in the time since that committee, I have become convinced that this bill is more important to rural Maine than it is to wait for an answer on another Resolve that will be worked in the future. I think we can give an answer to rural Maine so they can take up this initiative and if there are any modifications to net energy, then we can address that in another session.

I'd also like to add one other footnote: I, too, am committed to protecting the ratepayers who underwrite these subsidies. However, they total less than one percent of the billing that occurs across the state. This is an opportunity for farmers to access electricity at a reduced rate. This is an opportunity for a bipartisan decision that would bolster the ability of our farms to continue to survive in an economic time that is incredibly challenging to them. So, I balance that against my need to protect ratepayer interests. I think this bill strikes an appropriate balance and if not, we can address it in the future. Thank you, Mr. Speaker.

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

Representative **O'CONNOR**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, surprise, surprise, I rise in opposition to the pending motion. This legislation, again, is recommended by special interest and is intended to increase sales, not through the free market place that has failed them, but through more government incentives, including removing financing barriers, adding new financial tools, lowering installation costs by imposing new rules, regulations and rate designs, changing codes, permits and inspection for solar products to impress upon lawmakers that this will create good jobs, foster economic growth, get us off oil, and save the world.

This year, CMP will see a revenue loss of $1.2 million from net energy billing customers from solar, which is up from about $425,000 since 2012. CMP does not absorb these losses. They are passed on to everyone at increased rates; the poorest of poor. The legislation socializes the cost to all consumers in Maine and over 45,000 residential and commercial accounts have been disconnected due to nonpayment amounting in $13 million in unpaid bills. There are attempts every year to increase the percentages of renewables, whether or not they are cost-effective. Consumer-owned utilities testified that they are not well-served by a yearly attempt to favor, to increase one type of generation over others, and increasing costs to all utility customers; again, the poorest of poor.

The Public Advocate and the Director of Energy testified in opposition to this bill because of the significant burdens it will present, again, to all ratepayers. Consider this, every time one of these proposals comes forward and the proponents tell you it will only cost a small amount of money; save five dollars annually per average family, that equates to about $75,000 for a large business. Some of these large businesses, at peak hours, are forced to close down shop and send their employees home because they can't afford the increased rates for electric at that time. Those are people going home that can't work because the rates are already too high and this legislation pushes those rates even higher and has a negative rate of return. Thank you.

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

Representative **RYKERSON**: Thank you, Mr. Speaker, Men and Women of the House, I don't regard rural Maine as a special interest. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative **CAMPBELL**: Is there a fiscal note on this and what is it? And what's it going to cost the average ratepayer across the state? Thank you.

The SPEAKER: The Representative from Newfield, Representative Campbell, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Berwick, Representative O'Connor.

Representative **O'CONNOR**: Thank you, Mr. Speaker, there is no fiscal note on this because it doesn't go to the Appropriations Table. It is paid for by electric rate customers. Every one of us and every one of the poor in this state will see a rise in their electric bill.

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

Representative **DION**: Thank you, Mr. Speaker, there is a fiscal impact statement that has been provided in connection with this bill. The monies affected are those that are associated with Efficiency Maine Trust. To answer the gentlemen from York County, the cost to the average ratepayer will be .005 cents per kilowatt hour. .005 cents per kilowatt hour. The anticipate cost of the rebate that's associated with this will be $375,000 in 2015-16, $500,000 in 2016-17, and concludes in 2017 because it's sunsetted. So that is the cost of our support to rural Maine.

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

Representative **CAMPBELL**: Thank you, Mr. Speaker and Ladies and Gentlemen of the House, five cents might not sound like much, but when I get my electric bill, it's right around average of $235. I have electric heat and it's going nowhere down, only up. And I don't feel like paying for somebody else's electricity. Thank you.

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

Representative **DION**: Just to correct the record for Representative Campbell, it is not five cents per kilowatt hour. It's five thousandths of a cent. Take the penny and slice it, alright, into 5,000 pieces and we will give only five of those in support of rural Maine.

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

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

The SPEAKER: The Representative may pose his question.

Representative **STETKIS**: I'd like to know, will this legislation make the average person's electric bill higher or lower?

The SPEAKER: The Representative from Canaan, Representative Stetkis, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Berwick, Representative O'Connor.

Representative **O'CONNOR**: Higher.

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

ROLL CALL NO. 331

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

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

ABSENT - Goode, Malaby, Noon, Sanborn, Theriault.

Yes, 87; No, 59; Absent, 5; Excused, 0.

87 having voted in the affirmative and 59 voted in the negative, with 5 being absent, and accordingly the Minority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-253)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-253)** in concurrence.

Representative McCABE of Skowhegan assumed the Chair.

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

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

UNFINISHED BUSINESS

The following matter, in the consideration of which the House was engaged at the time of adjournment Friday, June 19, 2015, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

SENATE DIVIDED REPORT - Majority (7) **Ought Not to Pass** - Minority (6) **Ought to Pass as Amended by Committee Amendment "A" (S-142)** - Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Promote Minimum Wage Consistency"

(S.P. 494) (L.D. 1361)

- In Senate, Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-142)**.

TABLED - June 19, 2015 (Till Later Today) by Representative HERBIG of Belfast.

PENDING - **ACCEPTANCE OF EITHER REPORT**.

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

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

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

The SPEAKER PRO TEM: 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. 332

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

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

ABSENT - Espling, Goode, Malaby, Noon, Sanborn, Theriault, Timmons, Mr. Speaker.

Yes, 83; No, 60; Absent, 8; Excused, 0.

83 having voted in the affirmative and 60 voted in the negative, with 8 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** in **NON-CONCURRENCE** and sent for concurrence.

The Speaker resumed the Chair.

The House was called to order by the Speaker.

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

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment Friday, June 19, 2015, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

SENATE DIVIDED REPORT - Majority (9) **Ought to Pass as Amended by Committee Amendment "A" (S-298)** - Minority (4) **Ought to Pass as Amended by Committee Amendment "B" (S-299)** - Committee on **HEALTH AND HUMAN SERVICES** on Resolve, To Require the Department of Health and Human Services To Request a Waiver To Prohibit the Use of Food Supplement Benefits for the Purchase of Taxable Food Items (EMERGENCY)

(S.P. 195) (L.D. 526)

- In Senate, Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-298)**.

TABLED - June 19, 2015 (Till Later Today) by Representative GATTINE of Westbrook.

PENDING - **ACCEPTANCE OF EITHER REPORT**.

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

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

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

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

Representative **HAMANN**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise in support of the pending motion. As the bill's sponsor says, "the intent of LD 526 is to prevent the use of food stamp benefits to buy junk food. It's that simple. We ought to be making sure that what we are providing is healthy. Junk food contributes to obesity and all kinds of health problems including heart disease and diabetes; we know that. What kind of irrational public policy is this? Paying people to get sick. I wish we could change these rules right here at the state level. However, SNAP is a federal program, run according to federal rules and all we can do is petition Washington for a waiver to allow us to change the way we do things here in Maine. Accordingly, the bill directs the Department to seek a federal waiver to allow us to put these common sense rules in place." End quote.

So let's do it. Let's support the pending motion and prevent the use of food stamp benefits to buy non-nutritious foods. I know it's an uphill battle to try and get Washington to do anything, but it's absolutely worth a shot. As the Director of the Office for Family Independence explains, "FNS has not seen fit to grant such approvals to date. However, we do not believe that past actions by FNS are necessarily indicative of future policy decisions. We believe that a strong case can be made… that now is the time to deal honestly and responsibly with this important issue." End quote.

And for me, personally—as a legislator, and as someone who works in Maine's emergency food system every day helping low-income Mainers gain access to nutritious fruits and vegetables—I couldn't agree more. I support any efforts to put produce on the table for food insecure families rather than processed foods or junk food. That is the name of the game in the effort to end hunger. Requesting this waiver to restrict candy and soda is a small step in the right direction toward that end, but it's just the beginning of an important conversation that we must have with the federal government surrounding public health.

However, the waiver alone does not go far enough. It's not enough to simply cut off access to certain food items and throw up the 'mission accomplished' banner in the fight against obesity and diabetes in our food insecure population. Low-income individuals are more likely to be obese, not because they're making poor dietary choices. A calorie dense, nutrient poor diet that fuels this obesity and diabetes epidemic is a symptom of limited food options and limited access to fruits and vegetables. Increasing access to these types of foods—foods like tomatoes, broccoli, lettuce, kale, apples, blueberries, peppers, and potatoes—increasing access to these healthy foods is the other piece of the puzzle that will support families shopping with food stamps by empowering them with healthier food options.

So LD 526 is a step in the right direction. The amended version is even better. It acknowledges the barriers to accessing a nutritious diet and assists low-income individuals so they can make the healthy choice when a nutritious option would otherwise be out of reach to them and their family. As amended, LD 526 is a real solution that we can all be excited about.

Mr. Speaker, Men and Women of the House, hunger is not a partisan issue. There is no such thing as a Democratic tomato, or a Republican tomahto. For the hundreds of thousands of food insecure Mainers, there is only hunger. Twenty-five percent of Maine children will go to bed hungry tonight, and tomorrow night at dinnertime their parents will put the best food available to them on the dinner table. And this bill ensures that option is as healthy as possible.

So with Part A of the bill: Let's put the federal government on notice that we don't want to put junk food on the tables of our food insecure families no matter what the junk food lobby in Washington DC has to say. And with Part B: Let's increase access to fresh fruits and vegetables, and move forward with a tangible solution to reduce rates of obesity and diabetes. The pending motion represents a true win for our state's public health. And by the way, this win-win solution does not cost the State of Maine any money as the fiscal note reflects. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Chelsea, Representative Sanderson.

Representative **SANDERSON**: Thank you, Mr. Speaker, Men and Women of the House, this bill comes to us with Amendment "A," Ought to Pass. I urge you to vote down the pending motion, having the Minority Report come to us. The Minority Report is exactly like the Majority Report, with the exception of an amendment, which is another bill that we have on the calendar today, talking about food education.

Maine already gets $4 million a year for SNAP education. $4 million. We have already okayed the use of SNAP benefits at farm markets so the availability of fresh vegetables, fresh produce is available to these individuals who utilize SNAP benefits. Creating another pilot project with other funding schemes is really not necessary and it's confusing. If we can't just vote something forward because it's the right thing to do, making it illegal, or actually asking the Department to get a waiver from purchasing sugar items, sodas, taxable food items, candy, chips, things that we know aren't necessarily nutritious, things that we know taxpayer money should not be used for because the word "nutrition" in the Supplemental Nutrition Program is so important. I urge you to vote against this and go with the Majority Ought to Pass Report.

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

ROLL CALL NO. 333

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

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

Lockman, Long, Lyford, Maker, Marean, McClellan, McElwee, Melaragno, Nutting, O'Connor, Parry, Peterson, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reed, Sanderson, Sawicki, Seavey, Sherman, Sirocki, Skolfield, Stearns, Stetkis, Sukeforth, Timberlake, Tuell, Turner, Vachon, Wadsworth, Wallace, Ward, White, Winsor, Wood.

ABSENT - Campbell R, Gilbert, Goode, Malaby, Noon, Sanborn, Theriault, Timmons.

Yes, 73; No, 70; Absent, 8; Excused, 0.

73 having voted in the affirmative and 70 voted in the negative, with 8 being absent, and accordingly the Minority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Resolve was **READ ONCE**. **Committee Amendment "B" (S-299)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules, the Resolve was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "B" (S-299)** in **NON-CONCURRENCE** and sent for concurrence.

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

SENATE DIVIDED REPORT - Majority (7) **Ought to Pass as Amended by Committee Amendment "A" (S-271)** - Minority (6) **Ought to Pass as Amended by Committee Amendment "B" (S-272)** - Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Align Municipal General Assistance Programs with the Immigration Status Policies of the Department of Health and Human Services"

(S.P. 137) (L.D. 369)

- In Senate, Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-271) AS AMENDED BY SENATE AMENDMENT "A" (S-292)** thereto.

TABLED - June 19, 2015 (Till Later Today) by Representative GATTINE of Westbrook.

PENDING - **ACCEPTANCE OF EITHER REPORT**.

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

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

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

The SPEAKER: The Chair recognizes the Representative from Chelsea, Representative Sanderson.

Representative **SANDERSON**: Thank you, Mr. Speaker, Men and Women of the House, it is distressing, distressing to me and many others across this state—not just in this chamber, but across this state—to think that we are expanding benefits to noncitizens; undocumented noncitizens in this state, especially when we have individuals who are on the waitlist, severely disabled adults, seniors who are on a waitlist, and children with autism aging out of the school system who are not receiving services.

The Department of Health and Human Services came before us this year with a substantial budget ask: $45 million to clear the waitlist of all individuals—adults with severe and persistent cognitive disabilities, traumatic brain injury folks. We could not get there. We only funded a third of that; a third of Maine citizens who are waiting in line, and many who have been waiting in line a very long time for services in their community.

Recently, we had a family leave the State of Maine. The Levasseur family left the State of Maine because their son Michael could not get into appropriate services. We're not funding these appropriately. We are leaving Maine people behind; our most vulnerable of citizens, and yet here we are expanding General Assistance benefits to people who aren't even from the state. They're not even citizens of this state. I strongly urge you to vote Ought Not to Pass on this bill and push the Minority Report. Thank you.

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative Gattine.

Representative **GATTINE**: Thank you, Mr. Speaker, Women and Men of the House, again this is an issue that we debated last week when we debated the budget and we heard some wonderful speeches around the issue of why it's important to support new Mainers, people coming to Maine, escaping terrible situations to build new lives, and I stand today to support those people and the families who have left those horrific circumstances to seek refuge in our country.

Historically, General Assistance has provided transitional support for people fleeing violence and persecution while they're waiting 180 days for a work permit from the federal government. It provides a roof over their heads, helps put food on their table, and pays for needed medicine to treat illness. The bill before you offers a reasonable, workable solution to a debate that has raged in this building, outside of this building, and even in the courts. It adds language to the GA statute that would limit and make it clear that General Assistance will only be available to those who are here who are lawfully present.

Now this is a very significant change because the GA program has never before had restrictions based on immigration status. This is a limitation that has never been in our statute before. This limitation is designed to make sure that asylees, other people seeking legal status, get support they need while they wait for the bureaucracy in Washington to process the paperwork they need to be able to work. Asylees want to work, have a lot to offer our state, but they just need a little bit of help so they can hang on until they get their work permits. They're in limbo because of the backlog in Washington. They want to work but they can't.

Some have said we can't afford to help people seeking asylum here and I would posit just the opposite. I don't think we can afford to turn our backs on these families. Providing assistance for asylum seekers is a relatively small investment today that will pay dividends into our future. The cost to our state is less than a tenth of one percent of the overall state budget. It's a relatively small investment in people and in our economy. Immigrants provide a much-needed workforce in our aging state. I believe that Maine needs these young, educated, resilient people. The asylum seekers I've met make the most of their opportunity to live the American dream and are beyond grateful for the second chance they have been given and are eager to give back in every way they can.

I want to point out the cost to provide services, as proposed in this bill, is already in the budget that we passed last week. There is no additional cost to passing this bill. I'd also point out that in the budget we passed last week, we changed the General Assistance reimbursement formula so that it will provide lower reimbursement for the service center communities. Portland, in particular, will already be receiving much less in reimbursement

from the state for its GA program than it did before the formula change.

So why do we need to do this? This bill provides a solution to a problem that must be addressed. If we do not act to find a solution to this problem, over a thousand people, including children, will surely be left homeless in some of our largest cities. People seeking asylum here need sanctuary and harbor and I think this is truly a win-win for our state.

And again, Mr. Speaker, with respect to the issue that was raised by my friend, the Representative from Chelsea, we have made strides in clearing the waitlist. We've provided millions of dollars of additional funding last year. We've provided additional dollars and millions of dollars in funding in this year's budget. There are choices that we made in the budget, not just with respect to this issue, but to other issues that, you know, put money in certain things that we also felt were important. So, I don't think it's right or fair to totally focus on this particular issue when we're talking about the need to fund the waitlists. The waitlists deserve our attention. We've given them attention. I think we will continue to give them our attention. And we also need to look at things within those programs to make them more efficient and more effective also.

So I would ask everyone in this committee to support the amendment on the floor. There's amendment that came back from the other body that maybe we'll get a chance to talk about in a minute. Thank you, Mr. Speaker.

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

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

The SPEAKER: The Representative may pose his question.

Representative **LOCKMAN**: With respect to the so-called "asylum seekers" that Representative Gattine was just referring to, can anybody tell me over the last couple of years what percentage of those asylum requests are denied by the federal government?

The SPEAKER: The Representative from Amherst, Representative Lockman, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Westbrook, Representative Gattine.

Representative **GATTINE**: Mr. Speaker, I don't think we have that number, specifically for asylees in Maine. But the asylees in Maine do come from countries that are known for being ravaged by war, poverty, political oppression. And the asylees that come here from places like the Congo, Rwanda, Burundi, I believe have a much higher rate of acceptance of their asylee applications than the overall national average; would also include people claiming asylum from places like Canada and Mexico. My understanding is that the immigration law project down in Portland, when they get involved in a case has a very high percentage of accepted applications, I think somewhere in the mid 90's.

The SPEAKER: The Chair recognizes the Representative from Scarborough, Representative Sirocki.

Representative **SIROCKI**: In answer to the question: the documentation I have and a report that I have indicated that close to 70 percent of the asylum seekers are found with fraudulent claims and denied. Thank you.

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

Representative **HYMANSON**: Thank you, Mr. Speaker, Men and Women of the House, I would ask you to consider that we're not exchanging the waitlist for some of our most vulnerable Mainers with support for our emerging Mainers. This is really an apples to oranges comparison. Consider this financial support to our emerging Mainers to be a tax break to a new business; the new business of new entrepreneurs and young workers bringing their skills, energies, and families to Maine.

I also want to mention that the statistics we heard about asylum seekers who became successful in their efforts said number one, it's very difficult to raise your hand to the Department of Homeland Security and say that you want to be an asylum seeker. There's a high bar and if you're found to be fraudulent or if it's a frivolous attempt to get into the country, there are many problems associated with that for you. So as soon as you stick your hand up to be an asylum seeker, you have to be pretty serious about it.

The other is that it takes a lot to prove that you've been harassed to the point of harm in your country and the lawyers who work with you try to find articles in the newspapers and it's a very difficult thing to find. And I'm aware that through the United States the proportion of asylum seekers not successful is a low number, but in Maine, as the Representative from Westbrook mentioned, it's a very high number because of the countries, again, that these people have come from and the wars that they're involved in. So I would ask you to consider those and support this motion. Thank you.

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

Representative **CAMPBELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, I read in the paper this morning where Portland taxpayers don't think they can afford to take care of these people. We have a President that flooded this country with immigrants from Mexico last year. We had a law that said they can't take a job for six months. So I say, why should the taxpayers of Maine take care of them? Let the federal government take care of them or the Catholic Church that brings them in and wants everybody else to pay for it. Thank you.

The SPEAKER: The Chair recognizes the Representative from Raymond, Representative McClellan.

Representative **McCLELLAN**: Thank you, Mr. Speaker, I have a frog in my throat today. Apologize. In my real life, I advocate for people seeking independent living and I've obviously done a really poor job this year. From abortion to end of life to housing to many issues, we seem to just disregard people with disabilities.

When I came here five years ago, I learned there was a waiting list. I had no idea. There was a waiting list. Who else would tolerate having a waiting list to get their needs met? So, to me, it's changing the subject. This is about Mainers and not about immigrants. Why wouldn't we deal with the Maine people first and then the non-Mainers? And I say, Mr. Speaker, very sadly I say, this action, the budget, these are all activities that are being built on the backs of disabled people in Maine. So, I tell you today, as you vote you are making a choice. Whether you want to admit that and try to make it sound nicer or not, you are making a choice today who you're supporting: Maine people or other people that are coming afterwards. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Chelsea, Representative Sanderson.

Representative **SANDERSON**: Thank you, Mr. Speaker, Men and Women of the House, my good colleague from Westbrook mentioned the budget. The budget that we passed assumes no money spent on GA for noncitizens and I reject the idea that we're turning our backs on new Mainers. What we're turning our backs on are lifetime Mainers; families who have been here.

Again, we're $30 million short to fund our waitlist. PNMI's: yes, we increased them by four percent, but we also taxed them again by one percent. That's awash for the PNMI's. It's no extra.

And what are we doing? We're putting the private pay folks, charging them one percent more. Now that's a pretty hefty bill. Traumatic brain injuries: we're underfunding them by one million, $1 million. We have folks in New Hampshire; we've been able to bring some of them home, but unfortunately the nursing home who has our traumatic brain injured folks in New Hampshire is closing its doors and they're looking at putting some of these folks, looking for placements in Philadelphia and another state. Now that's more than just a day trip for these families to go visit their loved ones who has a traumatic brain injury because we can't bring them home. And we are not funding the changes that we need to have to bring them home.

Catholic Charities brings a lot of these folks in and they do a wonderful job. They do an absolutely wonderful job. Many of these folks who do come in, they do come in with federal funding. But they come in with federal funding to their primary location that they come into. Maine is not often the primary location. That federal funding with these individuals is only good as long as they stay in the primary location they've come into. Should someone come into Atlanta, Georgia, per se, and decide that there are many people from their country of Burundi up here in Portland and they would like to come up and be with them. Once they make that choice to move, those federal benefits do not follow them. They should stay in their primary location. Do your paperwork. Get your work done. Get the proper documentation. Get your work permits. And then, please, come to Maine. You are welcome here. But we need to set priorities and we're not setting priorities right now to the individuals who I've mentioned before on the waitlist that we had.

The Commissioner recently put out a press release, which I would like to share with you. It says, "The City of Portland alone has been spending at least $3.1 million of state dollars per year on General Assistance welfare benefits for nonqualified aliens; mainly asylum seekers. More than half of all asylum applications are denied." More than half in this state are denied. Nationally, we are, as the good Representative from Scarborough said, 78 percent denied. "Furthermore, asylum applications are increasingly being made on a 'defensive' basis, meaning they are only submitted after deportation hearings have been initiated. In 2014, 68 percent, more than two-thirds of all asylum seekers filed their applications as illegal immigrants—individuals mainly with expired visas—" expired visas, "up from 39 percent in 2010. Welfare industry lobbyists argue that since they applied for asylum as a defense to deportation, they are legally present when in fact they are illegally present in the country and their deportation process has simply been put on hold." She ends it with saying, "Just the other day, I had to deny the request of a family to obtain home care services for their adult child with serious intellectual and developmental disabilities simply because the money isn't there," added Mayhew. "To see the state senate shortchange people like us" and what we are about to do, "just days later vote to give millions in welfare to non-citizens, is truly heartbreaking and shows a shocking lack of compassion."

And that is a lack of compassion for our lifetime Mainers. Our families. Our families like the LeVasseur's who are now living in Virginia. They left last Tuesday morning; everything they own in a U-haul. They initially sold one home to downsize to be able to afford services for their son, and also because Cindy LeVasseur—the mom—was going to have to quit her job. And they just sold the second home that they downsized to because even though their son, Michael, was put into a program, he is a higher functioning autistic child and to sit in one program where they put stickers on wooden frames is not going to keep him at a level of independence that he needs. We need to fund these appropriately. Fund them appropriately. And we are not doing that. Shame on us.

The SPEAKER: The Chair recognizes the Representative from Skowhegan, Representative McCabe.

Representative **McCABE**: Thank you, Mr. Speaker, there was a question earlier in regards to the number or the percentage of asylum seekers that are granted asylum or approved. And I heard a figure thrown out, I believe the number was around 70 percent, and it seemed to be reversed as far as some of the figures that I had heard recently as far as the number of people who are successful in the process.

And I wasn't sure where that number came from. So just for clarification purposes, I know that the folks in the state who help folks in seeking asylum, and I was thinking the Immigration Legal Advocacy Project, who a lot of us in the building refer to as ILAP. I know that they come and meet with Appropriations. They come and talk with the Health and Human Services Committee. And for the folks who receive their assistance, the actual number of asylees who actually succeed and are successful is 97 percent. So I just wasn't sure where that 70 percent figure had come from. I just, you know, I wanted to stand up a quote the source and it seemed like that 70 percent might be reversed and if that was a credible source, I'd like to hear where that came from. So, thank you, Mr. Speaker.

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

Representative **COOPER**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I didn't intend to speak, but I heard so many things said on the floor today that were simply not true that I feel an obligation to set the record straight. As Representative McCabe has pointed out, the actual rate of asylum seekers who have representation being granted asylum status is almost 100 percent and that's because they're represented by counsel.

This is an incredibly complicated, difficult process to go through. The asylum seeker has to provide documentation, witnesses, and so forth to corroborate their claim that they personally will suffer if they have to go back to their home country, either because of their tribal connection, their religion, their political views, their gender, their sexual orientation. It's as if the people who fail to establish this, it's not because it didn't happen, it's because they weren't able to prove it because they did not have counsel there to marshal the facts and documentation necessary to prove the case. It's as if you were accused of a felony and had to go before the judge without counsel. That's the situation.

So, this notion of them being fraudulent is truly unfair and inaccurate and it does great disservice to these brave men and women who have traveled thousands of miles from their family and home and everything they know to try to start a new life here. And this notion that there's a new category of people known as "non-qualified aliens"; that appears nowhere in the law. These are people who have every right to be where they are and they are waiting for the adjudication of their claims of asylum and as noted, when they are properly represented and able to put their facts together in a way that satisfies the State Department and the INS, they win their cases.

The other thing I wanted to correct was this notion that refugees, that there's no place in Maine that's qualified to receive refugees. Well, Portland is a designated city for refugees because of the kind of social services and support systems we have here. And refugees are the same as asylum seekers except that they have had their case adjudicated abroad, in a country, in an embassy abroad where they may be living or have escaped to, such as Kenya for example, in the embassy in

Nairobi. But the issues, the facts that have to be proved are exactly the same and when they come here they are entitled to federal benefits. If they move from Portland to Lewiston, as many have because of the greater stock of large housing there, they do lose those benefits; that's true. But to say that Maine has no qualified cities is absolutely untrue.

Finally, I want to say that with respect to the people on waitlists. These people certainly deserve our support and help. But remember, they are receiving basic MaineCare benefits. What the waiting list is about is the additional services, which are extremely expensive and that is why there is a waitlist. We simply haven't been able, thus far, to cover everybody who needs these expensive services. And just to note, the cost of General Assistance per person is a tiny fraction of the cost of providing these high-level behavioral and medical services for those people on the waiting list. Thank you.

The SPEAKER: The Chair recognizes the Representative from Scarborough, Representative Sirocki.

Representative **SIROCKI**: Thank you, Mr. Speaker, there have been some questions about the 70 percent figure on fraud as related to the asylum cases and I have a document here and I'll just read from this little report. It says, "House Judiciary Committee ask GAO to investigate cost of asylum fraud to taxpayers. Never released Department of Homeland Security report from 2009 obtained by the House Judiciary Committee shows that at least 70 percent of asylum cases contain proven or possible fraud." And the report in the letter goes on. I'm happy to supply this link to Members here in the chamber.

And I want to also point out that there are several other programs that are available to the asylees and the asylum seekers. Maine is one of only seven states to provide state-funded SNAP that's 100 percent state dollars. And there are only 22 states that provide state-funded TANF, which we also supply. Just for the members who don't know the acronyms, SNAP is a Supplemental Nutritional Assistance Program, which is food stamps, basically. And TANF is another cash assistance program. And also SSI is another program that we offer and as I recall from my documentation from Appropriations, they also may receive some HUD funding. And it isn't an important distinction: the refugees receive federal funding; the asylees and the asylum seekers do not. And I hope that helps you with your decision.

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

Representative **STUCKEY**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, as someone who has tried to learn my responsibilities as a legislator, I've learned a lot about people in this state who need help, people who have every right to expect that their needs are understood and addressed in a fair way by the state, people who are members of the Consent Decree, people who live with the challenges of disabilities—physical and intellectual—people who need help. The asylee issue and General Assistance, I'm from Portland, everybody knows that. I'm proud to be from Portland and I'm proud of the way that my town has chosen to address the needs of this particular population, and we've done it in a responsible way. It's not a crutch. It's a path to rebuilding lives and there are expectations that are put on people who walk down that path. And most of the folks who are here seeking asylum in this country, the first two words out of their mouths are, "Thank you," and the second thing they want to know is where can they go to be part of the community. How can they help the community become a stronger place?

And to try to pit the populations that I've heard pitted against each other in this chamber this afternoon, it's so troubling to me, it's just, it's just unconscionable. I don't know what to make of it. You'll remember, Mr. Speaker, earlier last week I tried to lay before this body some other choices that we could make in terms of the budget and just to refresh Members' memory a little bit, if we were to equalize taxes for the top two percent of the ratepayers in the State of Maine to the same percentage as the bottom 98 percent's average, we would raise in the biennium $365 million. Now, I'm sure I can count on my thumbs the people in this chamber who really have the appetite for doing that. And I've got one of them.

But we're not talking about $365 million. We're talking about a tenth of that. And for us to stand here and sit here and listen to each other seriously talk about, "we can't do it," is, I find, just, it leaves me speechless, Mr. Speaker. Speechless. But I'm not done because it's more than that. It's a thinly-veiled excuse for not standing up to our responsibilities to each other as human beings. I'm trying really hard to behave myself. It's just not right. It's just plain not the right thing to do.

The SPEAKER: Will the Representative defer? The Chair recognizes the Representative from New Gloucester, Representative Espling, and inquires as to why she rises.

Representative **ESPLING**: I just would ask the Member to address his comments to the Chair.

On **POINT OF ORDER,** Representative ESPLING of New Gloucester asked the Chair to remind Representative STUCKEY of Portland to address the Speaker and not turn to the rest of the House.

The SPEAKER: The Chair would remind this Member and all Members to direct debate through the Chair.

The Chair reminded Representative STUCKEY of Portland to address his comments toward the Speaker.

The SPEAKER: The Representative may proceed.

Representative **STUCKEY**: You got it, Mr. Speaker. Going right to you, here. It's not right. Not right. It's simple. We need to do the right thing. We need to have our cities be able to welcome and embrace the diversity that we're presented with, the opportunities to bring cultural diversity and economic—I mean the people who come to this country as asylees, they're incredibly talented, energetic people and I've sat here for the last four years listening to, "We need a workforce. We need a workforce." Well, you got a workforce. It's right here.

I'm sorry, Mr. Speaker, for not speaking more directly to you. I'll try to do it one more time. We have choices. They're easy choices. It's a false choice to say there's a waitlist and there's asylees. Those are not the only two choices. They're simple to make. They may be difficult, political somersaults we have to do, maneuvers that we have to do, to get from here to there, but they can be done and there's smart people in this chamber right here, right now who know how to do it. All we need is the will to do it. So I'm asking you, Members of the House, to do the right thing. Thank you, Mr. Speaker.

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

Representative **BATTLE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, I debated on speaking on this. When I ran for office, I went around door to door and I talked to people and I tried to explain it the best. I came here with no agenda. I have no ax to grind. I wanted to come up here to represent the people of my area. I was chosen to come up here to speak on their behalf and to speak on behalf of a wider group.

And from my constituents that I'm talking to and people that I have listened to in my area where I live in South Portland, the majority want me to vote in favor of this. And I am going to vote in favor of this. I listened to people make comments about me and my past career and chosen law enforcement and, you know,

I have to do what I have to do because that's the job that I have chosen to do to be here as a Representative to represent the people of South Portland and that's what they have told me to do. And I want everybody to understand that's why I'm voting for this. Thank you.

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

Representative **HAMANN**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, as I've been sitting and listening, I remember years ago visiting a South African shanty town and a missionary who had dedicated his life to serving the poor and as we talked about his life's work, I asked him, you know, "Why do you do this? What inspires you every day?"

And he told me about the period in his life where he worked with Mother Teresa and she told him, "It's not the poor who need the church. It's the church that needs the poor." And as I sit and listen to us debate, I realize it's not the immigrants who need Maine, it's Maine that needs the immigrants. And not only do we need them because of the gifts and talents they come with, we also need them around us as a perpetual reminder of our roots as a nation of immigrants. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Scarborough, Representative Vachon.

Representative **VACHON**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, I support immigration. We need a sound federal program that provides refugees and asylum seekers a humane way to work and wait for legal citizenship. Today's asylum seekers come to Maine educated, resilient, determined. They've persevered the worst of conditions in their homeland, arriving here in a safe land with no federal program to effectively put them on a working path to prosperity. Shame on the federal government.

These non-citizens come to Maine—a welcoming state—one of only five in the US who provide SNAP, TANF, and SSI to non-citizens. Now we are asking taxpayers to provide GA benefits to non-citizens over our own most vulnerable citizens who await badly needed benefits. As I grapple with this issue some thoughts come to mind. I've heard it said: our ancestors were immigrants. That's true. These non-citizens are young, can contribute to our highly trained workforce; and are a culture who values having lots of children.

To this, I'll remind you: our ancestors didn't get off the boat and jump into the welfare line. They went to work. Our culture was one of a culture that procreated. Our culture has changed and I blame it on our generous welfare programs. Our newly arrived non-citizens do not need GA. They need a program to legally expedite their right to work so that they can contribute to our economy and pay taxes here in Maine so that we can better provide for our most vulnerable citizens who are unable to work. I encourage you to consider my thoughts. Thank you.

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

Representative **CAMPBELL**: Thank you, Mr. Speaker. Mr. Speaker and Ladies and Gentlemen of the House, Mr. Speaker, you know I served eight years on Health and Human Services. And my whole agenda and it still stands is the elderly of this state. I might be the oldest Member of this chamber and the one down the hall, but there's so many having the largest population of senior citizens per capita in the country, they're not as fortunate as I am. And I will continue to fight for them. And I heard in the chamber about pitting one against the other. I'm not pitting anybody against anything. I'm saying I hope you join me and continue—I know you do, Mr. Speaker—taking care of our senior citizens. They're mostly widows when dad goes to the happy hunting ground and they're left behind. And they can't get a job in six months. If they need help, they have no alternative but us. And as I said earlier, let the government take care of the immigrants and stop telling them they can't work for six months. Let them contribute immediately. Now let's concentrate on taking care of our elderly. Thank you, Mr. Speaker.

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

ROLL CALL NO. 334

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

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

ABSENT - Goode, Higgins, Malaby, Noon, Sanborn, Theriault, Timmons.

Yes, 81; No, 63; Absent, 7; Excused, 0.

81 having voted in the affirmative and 63 voted in the negative, with 7 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-271)** was **READ** by the Clerk.

Senate Amendment "A" (S-292) to **Committee Amendment "A" (S-271)** was **READ** by the Clerk and **ADOPTED**.

Committee Amendment "A" (S-271) as Amended by Senate Amendment "A" (S-292) thereto was **ADOPTED**.

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-271) as Amended by Senate Amendment "A" (S-292)** thereto in concurrence.

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act To Provide Funds to the Town of Millinocket Due to the Loss in Valuation of the Katahdin Paper Company"

(H.P. 817) (L.D. 1184)

Majority (8) **OUGHT TO PASS AS AMENDED** Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-486)** in the House on June 22, 2015.

Came from the Senate with the Minority (5) **OUGHT NOT TO PASS** Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS READ** and **ACCEPTED** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

Non-Concurrent Matter

Bill "An Act To Amend the Property Tax Fairness Credit"

(S.P. 24) (L.D. 76)

Majority (7) **OUGHT TO PASS AS AMENDED** Report of the Committee on **TAXATION READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-202)** in the House on June 22, 2015.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Minority (6) **OUGHT NOT TO PASS** Report of the Committee on **TAXATION** was **READ** and **ACCEPTED** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

Non-Concurrent Matter

Bill "An Act To Promote Equity in Business Opportunity for Tobacco Specialty Stores"

(S.P. 295) (L.D. 821)

Minority (6) **OUGHT NOT TO PASS** Report of the Committee on **HEALTH AND HUMAN SERVICES READ** and **ACCEPTED** in the House on June 22, 2015.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Majority (7) **OUGHT TO PASS AS AMENDED** Report of the Committee on **HEALTH AND HUMAN SERVICES** was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-262)** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

Non-Concurrent Matter

Bill "An Act To Authorize a Casino To Benefit Federally Recognized Indian Tribes in the State"

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

Majority (12) **OUGHT TO PASS pursuant to Resolve 2013 chapter 111, section 3** Report of the Committee on **VETERANS AND LEGAL AFFAIRS READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-459)** in the House on June 18, 2015.

Came from the Senate with the Minority (1) **OUGHT NOT TO PASS pursuant to Resolve 2013, Chapter 111, section 3** Report of the Committee on **VETERANS AND LEGAL AFFAIRS READ** and **ACCEPTED** in **NON-CONCURRENCE**.

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

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

Representative **CHAPMAN**: Mr. Speaker, I am not sure what the procedure would be and I'm wondering when it would be appropriate, if now or not, to ask for a Committee of Conference.

The SPEAKER: The motion before the House, Shall the House Insist, is the higher precedent to the Insist and Ask for a Committee of Conference.

Representative CHAPMAN of Brooksville **REQUESTED** a roll call on the motion to **INSIST**.

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 Brooksville, Representative Chapman.

Representative **CHAPMAN**: Thank you, Mr. Speaker, it seems to me we are trying to move this issue forward. We did that the other day. At this time in the session, things can go quickly and sometimes it's helpful to have an opportunity to try to find a workable solution and I think we ought to try to find a workable solution here. So, I'm suggesting that we vote down the pending motion in order to take up another motion that would call for a Committee of Conference. Thank you, Mr. Speaker.

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

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

The SPEAKER: The Representative may pose his question.

Representative **KUMIEGA**: So a motion to Insist and Ask for a Committee of Conference would take precedence over the current motion? So if a Member were to make that motion, that would be voted on before the motion?

The SPEAKER: The Chair would clarify the Insist motion is a higher precedent than the Insist and Ask for a Committee of Conference. A roll call is in order. The Insist would need to fail to entertain another motion.

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

The Chair recognizes the Representative from South Portland, Representative Hamann, and inquires to why the Representative rises.

Representative **HAMANN**: Thank you, Mr. Speaker, could you please clarify what we're voting on? There seems to be some confusion.

The SPEAKER: The Chair would clarify the Insist and Ask for the Committee of Conference are companion motions. You would need to Insist if you would like a Committee of Conference. So we need to Insist. So the Insist motion needs to pass and then a Member needs to ask for a Committee of Conference. If the motion fails, then you cannot ask for a Committee of Conference. If you would like a Committee of Conference, you would like to vote green.

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

ROLL CALL NO. 335

YEA - Alley, Austin, Babbidge, Bates, Battle, Beavers, Beck, Beebe-Center, Bickford, Blume, Brooks, Bryant, Burstein, Campbell J, Campbell R, Chace, Chapman, Chenette, Chipman, Cooper, Corey, Daughtry, Davitt, DeChant, Dillingham, Dion, Doore, Duchesne, Dunphy L, Dunphy M, Edgecomb, Espling, Evangelos, Farnsworth, Farrin, Fecteau, Foley, Fowle, Fredette, Gattine, Gerrish, Gideon, Gilbert, Gillway, Ginzler, Golden, Grant, Grohman, Guerin, Hamann, Hanington, Harlow, Head, Herbig, Herrick, Hickman, Higgins, Hobbins, Hogan, Hubbell, Hymanson, Kinney J, Kumiega, Lajoie, Longstaff, Luchini, Maker, Marean, Martin J, Martin R, Mastraccio, McCabe, McClellan, McCreight, McElwee, McLean, Monaghan, Moonen, Morrison, Nadeau, Nutting, O'Connor, Parry, Peterson, Picchiotti, Pierce J, Pierce T, Powers, Prescott, Reed, Rotundo, Russell, Rykerson, Sanderson, Saucier, Sawicki, Shaw, Sherman, Short, Sirocki, Skolfield, Stanley, Stetkis, Stuckey, Sukeforth, Tepler, Tipping-Spitz, Tucker, Tuell, Turner, Vachon, Verow, Ward, Warren, Welsh, White, Wood, Mr. Speaker.

NAY - Black, Buckland, Crafts, Devin, Frey, Greenwood, Hanley, Hawke, Hilliard, Hobart, Kinney M, Kornfield, Kruger, Lockman, Long, Lyford, Melaragno, Pickett, Pouliot, Schneck, Seavey, Stearns, Timberlake, Wadsworth, Wallace, Winsor.

ABSENT - Goode, Jorgensen, Malaby, Noon, Sanborn, Theriault, Timmons.

Yes, 118; No, 26; Absent, 7; Excused, 0.

118 having voted in the affirmative and 26 voted in the negative, with 7 being absent, and accordingly the House voted to **INSIST**.

On motion of Representative CHAPMAN of Brooksville, the House voted **ASK** for a **COMMITTEE OF CONFERENCE**. Sent for concurrence.

Non-Concurrent Matter

Bill "An Act Regarding Timber Harvesting on Land Managed by the Bureau of Parks and Lands"

(H.P. 254) (L.D. 388)

Unanimous **OUGHT TO PASS AS AMENDED** Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY READ** and the Bill and accompanying papers **INDEFINITELY POSTPONED** in the House on June 22, 2015.

Came from the Senate with the Unanimous **OUGHT TO PASS AS AMENDED** Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-297)** in **NON-CONCURRENCE**.

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

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

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

SENATE DIVIDED REPORT - Majority (7) **Ought to Pass as Amended by Committee Amendment "A" (S-294)** - Minority (6) **Ought to Pass as Amended by Committee Amendment "B" (S-295)** - Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Increase Allowed Investments under the Maine New Markets Capital Investment Program"

(S.P. 112) (L.D. 297)

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

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-294)** was **READ** by the Clerk and **ADOPTED**.

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

Representative HERBIG of Belfast **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED as Amended by Committee Amendment "A" (S-294)**.

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 Sanford, Representative Mastraccio.

Representative **MASTRACCIO**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, the intent of the New Markets program was to provide tax incentives to private investors so that $250 million of private capital would be invested in Maine businesses. The statute is very clear: "The Maine New Markets Capital Investment Program is established to encourage new investment in economically distressed areas of the state." The state was willing to give a 39 percent refundable tax credit to investors. A reasonable person would infer that private investors would be risking $152.5 million of their own capital in new investments in Maine businesses.

By now, we all know that has not been the case and that we have big problems with this program. I want to quote from one of Whit Richardson's *Portland Press* articles: "A *Press Herald* examination showed that nearly half of what has so far been invested in low-income communities—about $91 million on paper—never made it to the designated companies for new upgrades or expansions. Instead, the money was used to pay off old loans or stayed on the books for less than 24 hours through the use of a financial tool known as a one-day loan." And that was in the *Portland Press Herald* on May 28, 2015.

Based on that $91 million that was never invested, Maine taxpayers will be paying out more than $35 million. That's the real kicker here: even though out-of-state financiers misused this program, abused one-day loans, and in many cases made no real new investments, Maine taxpayers will be paying out millions of dollars to them for phony investments for years to come—millions of dollars that might have been used to reduce the Section 21 waitlist we have heard so much about. Clearly, something is wrong and something needs to be done.

So the bill before you seeks to address this situation. It does a few commonsense things. It cracks down on the types of phony financial maneuvers that were used to extract tax credits—and taxpayer dollars—without making any real investments. It puts stronger taxpayer and consumer protections in place in this program, such as eliminating one-day loans and puts stronger consumer protection definitions in the law. It requests that the Government Oversight Committee decide if a review of this program is necessary. We need to press pause and really look at what has happened. Finally, the bill ensures that we seek taxpayer's money back in the cases of sham transactions—defined by the IRS as a transaction where the economic activities that give rise to the tax benefit do not occur. Given what has happened under this program, this amendment is exactly the kind of remedy we should be pursuing. I hope you will support this measure. Thank you, Mr. Speaker.

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

Representative **FECTEAU**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I want to be crystal clear this evening with my remarks concerning LD 297. I initially and most adamantly supported, even despite the initial *Portland Press Herald* article, a cap increase to the New Markets Capital Investment, or NMCI. I still believe that the state has much to gain from NMCI. So, what is the Majority Report before us this evening? The Majority Report aims to press "pause" on NMCI.

NMCI is a program that has been largely successful on many accounts in attracting business to Maine. It is a program that has been largely used by entities with good intentions such as CEI, a facilitator of these investments. However, over the course of this legislative session, it became clear that a number of inefficiencies existed in NMCI. As these inefficiencies surfaced, my conviction to support a $250 million increase in the program's cap eroded. $16 million of taxpayer money lost during the Great Northern Paper Mill transaction. $3.9 million of taxpayer money lost during the Nova Seafood Ltd. transaction. $9.6 million of taxpayer money lost during the JSI Store Fixtures Inc. transaction. $3.9

million of taxpayer money lost during the Farnsworth Art Museum transaction. A grand total of $33.4 million of taxpayer money misused by shrewd investors who unlike CEI did not have the best interests of Maine taxpayers at heart. $33.4 million, Mr. Speaker.

Let me be clear. This report is not about ending the program. This report is not about dismissing or dragging NMCI or any of the good players through the mud. Instead, this report intends to completely remove one-day loans, pause any additional funding of NMCI, direct the Government Oversight Committee to investigate the program for further inefficiencies, add "sham transactions" to the program's definitions, and it also ends upfront payments of lobbyists involved in these deals.

The report takes a responsible and reasonable approach to NMCI, Mr. Speaker. The only study we have concerning NMCI is one from 2014 compiled by professor Charles Colgan, a former state economist and professor at USM. Yet, despite his report on NMCI, the *Portland Press Herald* reports, "Colgan hadn't heard of a one-day loan before the Great Northern deal was explained to him." Colgan also told the *Portland Press Herald*, investment deals are, quote, "engineered to take advantage of tax law." As a result, this report alone cannot be relied upon as sole validation for increasing the NMCI cap. We need an independent and thorough review to ensure all loopholes are closed.

Just last week, I saw a proposed amendment to LD 297. One of the proposed changes would have created an accountability mechanism for sham transactions, closing a loophole. Entities that bundled the loans like CEI would bear accountability should the investments be misused. This was the first time I learned of this possibility. The point, Mr. Speaker, it seems the more we have pushed back on this program, the more changes come forward to strengthen it.

We must take this measured approach, this responsible approach, Mr. Speaker, in order to make sure any future increase at NMCI cap be exclusively available to the good-doers—the investors who have the best interest of our constituents at heart. We must take a stand—by voting green on this motion—a stand against $33.4 million in sham transactions. The bottom line, Mr. Speaker: fraud is fraud.

The SPEAKER: The Chair recognizes the Representative from New Gloucester, Representative Espling.

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

The SPEAKER: The Representative may pose her question.

Representative **ESPLING**: I'm just wondering if someone could answer if both committee reports end the practice of one-day borrowing.

The SPEAKER: The Representative from New Gloucester, Representative Espling, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Newfield, Representative Campbell.

Representative **CAMPBELL**: Thank you, Mr. Speaker, I'm totally confused about this bill now. I mean, I was told what to support, or asked for what to support and I did. And now you just went to put it under the hammer and the Chair seems all confused what she was saying or what she was doing.

The SPEAKER: Will the Representative defer? The pending motion is Passage to be Engrossed. If the Member has debate on the motion, he may proceed.

The Chair reminded Representative CAMPBELL of Newfield to confine his debate to the question before the House.

Representative **CAMPBELL**: Alright. I was against the whole thing. I was against the Brunswick thing the other day, but that got slid through, too. The people in the State of Maine are…

The SPEAKER: Will the Representative defer? The Chair recognizes the Representative from Freeport, Representative Gideon.

Representative **GIDEON**: Mr. Speaker, I feel that the Member is making inappropriate references to the Chair. Thank you.

On **POINT OF ORDER,** Representative GIDEON of Freeport asked the Chair if the remarks of Representative CAMPBELL of Newfield were germane to the pending question.

The SPEAKER: The Chair would remind all Members to keep their comments to the pending motion, which is Passage to be Engrossed, to the bill that is before us, to the motion. The Representative may proceed if it is to the motion.

The Chair reminded Representative CAMPBELL of Newfield to stay as close as possible to the pending question.

Representative **CAMPBELL**: Well the motion is the money we gave out, and I wasn't part of it, but this Legislature was, the taxpayers of the State of Maine are owed $13.5 million. And when are we going to stop giving their money away?

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

Representative **HERBIG**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, a question was asked by the good Representative from New Gloucester and both reports actually do eliminate one-day loans. However, it is in my strong opinion that the report that is front of us is a much stronger report. And, Mr. Speaker, I request to speak to the right now. Thank you.

Men and Women of the House, as legislators, we are the stewards of taxpayer dollars. The IRS has a term it uses to protect honest taxpayers from those seeking to avoid or evade tax obligations through the use of a complex financial maneuver. A sham transaction is a transaction where economic activities that give rise to the tax benefit do not occur. Unfortunately, under the New Markets Capital Investment program, Maine taxpayers are currently on the hook for tens of millions of dollars that they'll be paying out for the complex, phony financial maneuvers for investments, supposedly, that never took place.

The amendment before you today does not attempt to end this program entirely, nor does it seek to undermine successes the program has exhibited. For any program to succeed, it has to operate with integrity. We've talked a lot about that today. Unfortunately, bad actors have compromised the integrity of this program. They have "poisoned the well" if you will. This is not just unfair to taxpayers, it is unfair to good actors in this program, good Maine businesses like CEI, for example. To restore integrity this program, our first priority is to make sure that we do all that we can to protect taxpayer dollars.

The amendment before you seeks to add stronger taxpayer and consumer protections for the remaining funds in the program; one example is the elimination of the one-day loans. Going forward, it seeks to get taxpayer money back if any transactions are, indeed, sham transactions. And it requests the Government Oversight Committee to review this program, investigate what has happened up until this point. Again, we need to hold people accountable. We need to press pause on this program so that we can be assured that Maine taxpayers are being protected. Maine should not honor deals disguised as fair through the use of sham transactions. I urge you to support the pending motion.

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative Bates.

Representative **BATES**: Thank you, Mr. Speaker, the opinions here have clearly been shared and they are numerous and passionate, so I will not add mine, other than to say that any program can be abused. It doesn't necessarily invalidate that

program; it means that you edit out the abuse to the best of your ability and keep the merits of that program going forward. That's, I believe, what this report does.

The $35 million to which reference was made earlier is a very real number that, unfortunately, that horse has left the barn. But just to grasp the amount that that really affects, $35 million in this state could cover a number of things and I have a couple of data points in front of me. $35 million would provide: free tuition for 6,500 students to the University of Maine, my alma mater; 350 new teachers in our public schools; it could provide—we've discussed Head Start and other Pre-K programs recently, Mr. Speaker—it would provide up to 3,200 fully funded positions for students in that program or similar programs; and it would comprise two percent of the infamous 55 percent that we always hear about in terms of public school funding.

Ultimately, this is a great deal of money. We can all agree that there's some merit to this program, but we need to make sure that we are maximizing our dollars and moving in the right direction. And so with that, Mr. Speaker, I would ask us all to support this report and this bill. Thank you.

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

Representative **GILBERT**: Thank you, Mr. Speaker, Men and Women of the House, my fellow committee members have spoken eloquently on this bill and I can't improve on it. I am in full accord of their support. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Passage to be Engrossed as Amended by Committee Amendment "A" (S-294). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 336

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

NAY - Black, Buckland, Campbell R, Chace, Crafts, Dunphy L, Edgecomb, Espling, Farrin, Greenwood, Guerin, Hanley, Hawke, Head, Herrick, Hilliard, Hobart, Kinney J, Kinney M, Lockman, Long, Lyford, Marean, McClellan, McElwee, Nutting, O'Connor, Parry, Picchiotti, Pierce J, Reed, Seavey, Sherman, Sirocki, Skolfield, Stearns, Stetkis, Timberlake, Turner, Wadsworth, Wallace, Winsor, Wood.

ABSENT - Dillingham, Fredette, Goode, Malaby, Noon, Sanborn, Theriault, Timmons.

Yes, 100; No, 43; Absent, 8; Excused, 0.

100 having voted in the affirmative and 43 voted in the negative, with 8 being absent, and accordingly the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-294)** in **NON-CONCURRENCE** and sent for concurrence.

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

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment Friday, June 19, 2015, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

Bill "An Act To Establish the Forensic Treatment Fund To Establish a Behavioral Assessment and Safety Evaluation Unit"

(H.P. 974) (L.D. 1428)

- In House, Reports **READ** and the Bill and accompanying papers **COMMITTED** to the Committee on **HEALTH AND HUMAN SERVICES** on June 17, 2015.

- In Senate, Minority (5) **OUGHT TO PASS AS AMENDED** Report of the Committee on **HEALTH AND HUMAN SERVICES READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-334)** in **NON-CONCURRENCE**.

TABLED - June 17, 2015 (Till Later Today) by Representative MARTIN of Eagle Lake.

PENDING - Motion of Representative ESPLING of New Gloucester to **RECEDE** and **CONCUR**. (Roll Call Ordered)

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative Gattine.

Representative **GATTINE**: Thank you, Mr. Speaker, Women and Men of the House, I'll be voting against the motion. I believe we need to stick with our original plan which is to try to commit this matter back to committee. You know it might be a good idea to build a new forensic facility. We certainly had a long discussion about whether it makes sense to find a local partner to do that, to find somebody else to do it, to build it and run it ourselves. Maine has run and managed forensic services in this state for, I'm sure, well over 100 years.

But whether or not this is the right approach, we certainly don't have enough information in front of us right now to make that decision. I want to remind the body that the proposal in front of us proposes that we provide one month of funding that will eventually go into the baseline to a tune of $18.5 million for what's been described by the Department as, "hiring an outside company to come in and provide forensic services."

The information we got when we had the work session on this in committee was simply a one-page, one-sheet Powerpoint slide with a diagram on it describing what the Department's plan is. I think we need more than that before we make the commitment to totally change course in the way that we provide forensic services and commit to another $18.5 million a year to fix the problems at Riverview.

Riverview continues to challenge us, Mr. Speaker. I was looking the other day, over the last 20 months, if you include the budget that we passed last week, we have provided multi-million dollar emergency funding to Riverview five separate times. Roughly every four months, the Department comes to us and asks us for more money for Riverview. I think this Legislature has shown a real commitment to solving the problems there, but I don't think that we can support a proposal of this magnitude without having a lot more information and giving it a lot more thought. And that's why I hope that you will join me in defeating the Recede and Concur motion and moving forward with our original plan. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from New Gloucester, Representative Espling.

Representative **ESPLING**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, this issue is an issue of timing. And this is something that needs to be really dealt with now and

putting it back into committee doesn't solve the problems that we know we have; it's just prolonging those problems from being solved. So please support the Recede and Concur motion and support what happened in the other body. Thank you.

The SPEAKER: The Chair recognizes the Representative from Chelsea, Representative Sanderson.

Representative **SANDERSON**: Thank you, Mr. Speaker, Men and Women of the House, I agree with the good Representative from Westbrook: multi-million dollar asks for emergency status over at Riverview. And the emergency statuses are because we are not adequately treating, or actually not adequately assessing the individuals who are at Riverview.

We put millions of dollars at risk, not only by not having the differences between the forensic patients and the civil patients with good assessments to find out where is the best place for each individual before they come into the facility so we can stable that. But we also put human life at risk, human cost at risk. Staff is being injured. Other patients are being injured because these individuals are coming into that facility; they're coming into that facility not stable.

This forensic facility, the BASE unit, it is a timely matter. The Representative from New Gloucester is correct. We need to have this appropriated now for June 2017. We're putting up good faith. We're telling individuals out there when the Department puts out a request for a proposal and starts actually seeing what these individuals are going to be coming to us with a plan. We're putting up the good faith money to say, "We're serious about making these changes. We're serious about making these substantive changes to how we look at the forensic patients in our state."

You heard from the good Representative Dion from Portland the other day. This is a tragedy. Our jails—they're overloaded. They're overloaded with folks who shouldn't be in our criminal system because of mental health issues. This is very important matter. I hope you support the Recede and Concur. Let's take a look at this now. This is good faith money that's being put up so we can move forward in the process of a request for proposal so the Department can finally find some stability over there. Stability, which I might add, that some of my colleagues across the aisle have been banging the Department over the head for for the last few months. Years. The Department is trying to bring stability to that hospital and it's best for everybody if we do pass this. I hope you'll support the Recede and Concur. Thank you.

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

Representative **FOLEY**: Thank you, Mr. Speaker, earlier in the session I spoke about a visit that I had to York County Jail, where I met a young man, 22-year-old Michael, who had spent a month and a half in maximum security in a fetal position on his cot. Michael suffered from mental illness. Michael suffered from no family guidance. Michael didn't deserve to be in York County Jail. Michael deserved to be in a facility that he could get the proper care.

Fortunately, after my visit, we were able to get Michael into Riverview and my understanding is that Michael is doing much better now and is able to communicate and work with people. These are the people that are in our jails that don't belong there. This facility that we propose here is one that'll start to change that course and I do ask that you please Recede and Concur and let's start dealing with the problems that we have with the mental patients that are in our jails. Thank you very much.

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

Representative **MARTIN**: Thank you, Mr. Speaker. Mr. Speaker, Members of the House, this is a bill which I sponsored on behalf of the Executive and the Department of Human Services. It was late in the session and we knew that we were going to carry it over. That was our intention.

The whole purpose of it was to make sure that we had a vehicle in the event that the federal government decides to come after us for violation of the federal rules. And I do not understand why one party wants to play politics with it today. The whole purpose, what we are trying to do, is make the issue available so that we can have it on a study this summer and make sure that we have it as an option, so then when they come to look at what's going on here at Riverview, we'll be able to say, "We are working on the issue." That's why we want to send it back to committee and hopefully the committee will hold it there so that we'll have an opportunity to have that as a vehicle. And that really is a process that we ought to be taking, and so I certainly hope that you vote against the motion to Recede and Concur.

The SPEAKER: The Chair would remind all Members not to question the motives of other Members, whether it's a question of their political intentions or motivations. We are going to be going into a series of bills that are going to be intense with emotional debate and I would just remind folks at this time to make sure that we are not questioning the motives of other Members.

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

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

Representative **STUCKEY**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, I support the plan as presented by Representative Martin. I would add to that I hope that that conversation and that review goes back and looks at the front end of the mental health system and the deficiencies in our state response to the Consent Decree.

And if you look at the challenges that the folks with chronic mental illness are facing, a lot of it has to do with the fact that we haven't provided the community-based housing and integration services that were the expectations when we closed the large institutions. So, while I appreciate the problem that the bill is trying to address, it's only one end of the continuum and as we look at it, I hope we're able to examine the other end as well because that's where we're really going to be able to make a difference. Thank you, Mr. Speaker.

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**: I support this concept, but what I still don't understand is, do we have a detailed outline of what the RFP is going to look like? In other words, has the work been done in-house that prepares us to utilize this money?

The SPEAKER: The Representative from South Berwick, Representative Beavers, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Westbrook, Representative Gattine.

Representative **GATTINE**: Mr. Speaker, in response to the Representative's question, we do not have a detailed outline yet, or any detail. Like I said, at the committee, we were presented a Powerpoint slide with a diagram on it. It was suggested when discussing this with the Department that maybe the Department could do a request for information over the summer, gather information, maybe the committee would have an opportunity to meet in the fall, or at least take it up again next session. But, in terms of mapping out in any kind of detail what the plan would be, what the rules would be, you know, we were told that the plan right now is this would not be regulated as a hospital. It's not

clear to me what kind of a regulated entity this would be. It might just be controlled by a contract if the Department gets its way here. I think these are all the really important issues that we need to hash out and understand before we make this type of massive commitment of dollars going forward.

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

ROLL CALL NO. 337

YEA - Austin, Battle, Bickford, Black, Buckland, Chace, Corey, Crafts, Dunphy L, 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, Marean, McClellan, McElwee, Nutting, O'Connor, Parry, Picchiotti, Pickett, Pierce J, Prescott, Reed, Sanderson, Sawicki, Seavey, Sirocki, Stearns, Stetkis, Timberlake, Tuell, Turner, Vachon, Wadsworth, Wallace, Ward, White, Wood.

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

ABSENT - Dillingham, Fredette, Goode, Malaby, Noon, Sanborn, Theriault, Timmons.

Yes, 58; No, 85; Absent, 8; Excused, 0.

58 having voted in the affirmative and 85 voted in the negative, with 8 being absent, and accordingly the motion to **RECEDE AND CONCUR FAILED**.

Subsequently, on motion of Representative McCABE of Skowhegan, the House voted to **INSIST**.

HOUSE DIVIDED REPORT - Majority (11) **Ought to Pass as Amended by Committee Amendment "A" (H-476)** - Minority (2) **Ought Not to Pass** - Committee on **JUDICIARY** on Bill "An Act To Protect Certain Information under the Maine Human Rights Act"

(H.P. 802) (L.D. 1171)

TABLED - June 19, 2015 (Till Later Today) by Representative FREDETTE of Newport.

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

Subsequently, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-476)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-476)** and sent for concurrence.

HOUSE REPORT - **Ought to Pass as Amended by Committee Amendment "A" (H-479)** - Committee on **JUDICIARY** on Bill "An Act Regarding the Treatment of Forensic Patients"

(H.P. 941) (L.D. 1391)

TABLED - June 19, 2015 (Till Later Today) by Representative ESPLING of New Gloucester.

PENDING - **ACCEPTANCE OF COMMITTEE REPORT**.

Subsequently, the Unanimous Committee Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-479)** was **READ** by the Clerk and **ADOPTED**.

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

Representative SANDERSON of Chelsea **PRESENTED House Amendment "A" (H-487)**, which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Chelsea, Representative Sanderson.

Representative **SANDERSON**: Thank you, Mr. Speaker, Men and Women of the House, it's my pleasure to put this emergency enactor amendment on for the good Representative from Hancock. He is not here today. This bill is a timely issue and the sooner that we can get this into statute and allow folks to be treated more quickly, the better off we're going to be. Thank you very much.

Subsequently, **House Amendment "A" (H-487)** was **ADOPTED**.

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-479)** and **House Amendment "A" (H-487)** and sent for concurrence.

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

ENACTORS

Emergency Measure

An Act Regarding the Mountain View Youth Development Center

(H.P. 166) (L.D. 234)
(C. "A" H-489)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 128 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Acts

An Act To Clarify a Recently Enacted Law Designed To Expand the Number of Qualified Educators

(S.P. 191) (L.D. 522)
(C. "A" S-310)

An Act To Allow a Former Spouse of a Member of the Maine Public Employees Retirement System To Begin Collecting Benefits When the Former Spouse Reaches the Member's Retirement Age

(H.P. 556) (L.D. 822)
(C. "A" H-490)

An Act To Attract Entrepreneurs to the State

(S.P. 481) (L.D. 1332)

(S. "A" S-250 to C. "A" S-228)

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

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

COMMUNICATIONS

The Following Communication: (H.C. 267)

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

June 22, 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 87, "Resolve, To Implement the Recommendations of the Commission To Continue the Study of Long-term Care Facilities."
This bill requires the Department of Health and Human Services to amend its rules so that the cost of direct care staff continuing education is a direct care cost component instead of a routine cost component. The direct care component is intended to directly fund the care of patients in the nursing facility, and is adjusted based on the needs and acuity of the facility. Staff training does not change based on the acuity within the facility, and so it makes sense to reimburse training costs dollar-for-dollar through the routine cost component. This bill will not have a significant impact, positive or negative, on the fiscal outlook of nursing facilities.
For these reasons, I return LD 87 unsigned and vetoed. I strongly encourage the Legislature to sustain it.
Sincerely,
S/Paul R. LePage
Governor

READ and **ORDERED PLACED ON FILE**. Sent for concurrence.

The accompanying item Resolve, To Implement the Recommendations of the Commission To Continue the Study of Long-term Care Facilities (EMERGENCY)

(H.P. 70) (L.D. 87)

(S. "A" S-173 to C. "A" H-77)

After reconsideration, the House proceeded to vote on the question, 'Shall this Resolve 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 Resolve become a law notwithstanding the objections of the Governor?' All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 338V

YEA - Alley, Austin, Babbidge, Bates, Battle, Beavers, Beck, Beebe-Center, Bickford, Blume, Brooks, Bryant, Buckland, Burstein, Campbell J, Campbell R, Chace, Chapman, Chenette, Chipman, Cooper, Corey, Daughtry, Davitt, DeChant, Devin, Dillingham, Dion, Doore, Duchesne, Dunphy L, Dunphy M, Edgecomb, Espling, Evangelos, Farnsworth, Fecteau, Foley, Fowle, Frey, Gattine, Gerrish, Gideon, Gilbert, Gillway, Ginzler, Golden, Grant, Grohman, Guerin, Hamann, Hanley, Harlow, Hawke, Head, Herbig, Herrick, Hickman, Higgins, Hobart, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kinney J, Kinney M, Kornfield, Kruger, Lajoie, Longstaff, Luchini, Maker, Marean, Martin J, Martin R, Mastraccio, McCabe, McClellan, McCreight, McElwee, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Parry, Peterson, Picchiotti, Pickett, Pierce J, Pierce T, Pouliot, Powers, Prescott, Reed, Rotundo, Russell, Rykerson, Sanderson, Saucier, Sawicki, Schneck, Seavey, Shaw, Sherman, Short, Skolfield, Stanley, Stearns, Stetkis, Stuckey, Sukeforth, Tepler, Tipping-Spitz, Tucker, Tuell, Turner, Vachon, Verow, Wallace, Ward, Warren, Welsh, White, Wood, Mr. Speaker.

NAY - Black, Crafts, Greenwood, Hanington, Hilliard, Lockman, Long, Lyford, O'Connor, Wadsworth.

ABSENT - Farrin, Fredette, Goode, Kumiega, Malaby, Noon, Nutting, Sanborn, Sirocki, Theriault, Timberlake, Timmons, Winsor.

Yes, 128; No, 10; Absent, 13; Excused, 0.

128 having voted in the affirmative and 10 voted in the negative, with 13 being absent, and accordingly the Veto was **NOT SUSTAINED**. Sent for concurrence.

The Following Communication: (H.C. 268)

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

June 22, 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 279, "An Act Regarding Payment under the Business Equipment Tax Reimbursement Program".
The Business Equipment Tax Reimbursement Program (BETR) is designed to encourage capital investment in Maine. The program reimburses taxpayers for local property taxes already paid on qualified business property first placed in service in Maine after April 1, 1995.
This legislation seeks to undermine the BETR program by suspending reimbursements that would otherwise be issued to a business when they are delinquent in the payment of personal property taxes to a single municipality in the state. If the business does not pay the tax due by the end of the BETR program's five month application period, their eligibility for the suspended reimbursement is terminated. This means that not only do businesses otherwise entitled for reimbursement under the BETR program not receive payment, but the municipality owed back taxes continues to go unpaid. No one wins under this proposal.
Additionally, LD 279 uses an arbitrary dollar value as the threshold for when reimbursement under the BETR program is suspended. This legislation also fails to account for agreements that may exist between municipalities and businesses attempting to settle their personal property tax debt. Perhaps equally important, it fails to recognize that disbursements under the BETR are made to reimburse businesses for taxes already paid on personal property and that reimbursements made through the program can be used to settle other past due tax obligations.
A hallmark of our administration has been to make Maine a more business friendly state. This legislation attempts to do the exact

opposite by preventing the State of Maine from honoring commitments made to businesses through the BETR program. The result is a law that unfairly targets businesses that chose to make capital investments in both our state and local communities. For these reasons, I return LD 279 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage

Governor

READ and **ORDERED PLACED ON FILE**. Sent for concurrence.

The accompanying item An Act Regarding Payment under the Business Equipment Tax Reimbursement Program

(H.P. 197) (L.D. 279)

(C. "A" H-322)

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. 339V

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, Dion, Doore, Duchesne, Dunphy L, Dunphy M, Edgecomb, Espling, Evangelos, Farnsworth, Fecteau, Foley, Fowle, Frey, Gattine, Gerrish, Gideon, Gilbert, Gillway, Ginzler, Golden, Grant, Greenwood, Grohman, Hamann, Hanington, Harlow, Hawke, Head, Herrick, Hickman, Higgins, Hilliard, Hobart, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kinney M, Kornfield, Kruger, Kumiega, Lajoie, Lockman, Longstaff, Luchini, Maker, Marean, Martin J, Martin R, Mastraccio, McCabe, McCreight, McElwee, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Parry, Peterson, Picchiotti, Pickett, Pierce J, Pierce T, Pouliot, Powers, Prescott, Rotundo, Russell, Rykerson, Sanderson, Saucier, Sawicki, Schneck, Seavey, Shaw, Sherman, Short, Skolfield, Stanley, Stearns, Stuckey, Sukeforth, Tepler, Tipping-Spitz, Tucker, Tuell, Vachon, Verow, Wallace, Ward, Warren, Welsh, White, Wood, Mr. Speaker.

NAY - Dillingham, Guerin, Hanley, Kinney J, Long, Lyford, McClellan, O'Connor, Reed, Stetkis, Turner, Wadsworth.

ABSENT - Farrin, Fredette, Goode, Herbig, Malaby, Noon, Nutting, Sanborn, Sirocki, Theriault, Timberlake, Timmons, Winsor.

Yes, 126; No, 12; Absent, 13; Excused, 0.

126 having voted in the affirmative and 12 voted in the negative, with 13 being absent, and accordingly the Veto was **NOT SUSTAINED**. Sent for concurrence.

The Following Communication: (H.C. 269)

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

June 22, 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 470, "An Act to Allow Children's Residential Care Facilities To Ensure the Safety of Their Residents."

I am in favor of the intent of this bill, which is to prevent residents of children's care facilities from bringing in items that can be used for self-harm or harm to others. My concern with the bill stems from its breadth. I fear that "items that would endanger the health and safety of the resident or other residents" will be construed too broadly, and that children will have property confiscated inappropriately under this statute. If the items were more clearly defined, I would have less difficulty with this bill.

For these reasons, I return LD 470 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage

Governor

READ and **ORDERED PLACED ON FILE**. Sent for concurrence.

The accompanying item An Act To Allow Children's Residential Care Facilities To Ensure the Safety of Their Residents

(H.P. 309) (L.D. 470)

(C. "A" H-329)

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. 340V

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, Daughtry, Davitt, DeChant, Devin, Dillingham, Dion, Doore, Duchesne, Dunphy L, Dunphy M, Edgecomb, Espling, Evangelos, Farnsworth, Fecteau, Foley, Fowle, Fredette, Frey, Gattine, Gerrish, Gideon, Gilbert, Gillway, Ginzler, Golden, Grant, Greenwood, Grohman, Hamann, Hanington, Harlow, Hawke, Head, Herbig, Herrick, Hickman, Higgins, Hilliard, Hobart, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kinney J, Kinney M, Kornfield, Kruger, Kumiega, Lajoie, Lockman, Longstaff, Luchini, Maker, Marean, Martin J, Martin R, Mastraccio, McCabe, McCreight, McElwee, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Parry, Peterson, Picchiotti, Pickett, Pierce J, Pierce T, Pouliot, Powers, Prescott, Reed, Rotundo, Russell, Rykerson, Sanderson, Saucier, Sawicki, Schneck, Seavey, Shaw, Short, Skolfield, Stanley, Stearns, Stetkis, Stuckey, Sukeforth, Tepler, Tipping-Spitz, Tucker, Tuell, Turner, Vachon, Verow, Wadsworth, Wallace, Ward, Warren, Welsh, White, Wood, Mr. Speaker.

NAY - Crafts, Guerin, Hanley, Long, Lyford, McClellan, O'Connor, Sherman.

ABSENT - Farrin, Goode, Malaby, Noon, Nutting, Sanborn, Sirocki, Theriault, Timberlake, Timmons, Winsor.

Yes, 132; No, 8; Absent, 11; Excused, 0.

132 having voted in the affirmative and 8 voted in the negative, with 11 being absent, and accordingly the Veto was **NOT SUSTAINED**. Sent for concurrence.

The Following Communication: (H.C. 270)

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

June 22, 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 550, "An Act To Improve the Process for Obtaining an Adjustment in State Valuation Due to Sudden and Severe Reduction in Municipal Valuation."
I do not believe that this legislation sufficiently addresses the underlying cause of the problem it seeks to solve. For decades, municipalities have been overtaxing business property in Maine, particularly large businesses, which has artificially lowered the property tax paid by the residential property owners in that community. Then, when the businesses close, go bankrupt, or flee the State, the municipalities cry out for relief from all Maine taxpayers. If municipalities were to value businesses to reflect the fair market value on a more regular basis, it would mitigate the sudden and severe reduction in municipal valuation.
This bill would provide relief for municipalities that could have avoided an undesirable outcome by implementing sensible, fair valuation practices. This bill will not prevent other municipalities from a finding themselves in a similar, avoidable situation. While I appreciate the intent of this bill and its sponsor, this is not a solution that benefits the people of Maine.
For this reason, I return LD 550 unsigned and vetoed and I strongly urge the Legislature to sustain it.
Sincerely,
S/Paul R. LePage
Governor

READ and **ORDERED PLACED ON FILE**. Sent for concurrence.

The accompanying item An Act To Improve the Process for Obtaining an Adjustment in State Valuation Due to Sudden and Severe Reduction in Municipal Valuation (EMERGENCY)

(H.P. 374) (L.D. 550)
(C. "A" H-323)

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. 341V

YEA - Alley, Babbidge, Bates, Battle, Beavers, Beck, Beebe-Center, Bickford, Black, Blume, Brooks, Bryant, Burstein, Campbell J, Campbell R, Chace, Chapman, Chenette, Chipman, Cooper, Corey, Daughtry, Davitt, DeChant, Devin, Dion, Doore, Duchesne, Dunphy L, Dunphy M, Edgecomb, Espling, Evangelos, Farnsworth, Fecteau, Foley, Fowle, Fredette, Frey, Gattine, Gideon, Gilbert, Gillway, Ginzler, Golden, Grant, Grohman, Hamann, Harlow, Hawke, Herbig, Herrick, Hickman, Higgins, Hobart, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kinney J, Kornfield, Kruger, Kumiega, Lajoie, Longstaff, Luchini, Maker, Marean, Martin J, Martin R, Mastraccio, McCabe, McCreight, McElwee, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Parry, Peterson, Picchiotti, Pierce J, Pierce T, Pouliot, Powers, Prescott, Rotundo, Russell, Rykerson, Saucier, Sawicki, Schneck, Seavey, Shaw, Short, Skolfield, Stanley, Stearns, Stetkis, Stuckey, Sukeforth, Tepler, Tipping-Spitz, Tucker, Tuell, Verow, Ward, Warren, Welsh, White, Mr. Speaker.

NAY - Austin, Buckland, Crafts, Dillingham, Gerrish, Greenwood, Guerin, Hanington, Hanley, Head, Hilliard, Kinney M, Lockman, Long, Lyford, McClellan, O'Connor, Pickett, Reed, Sanderson, Sherman, Turner, Vachon, Wadsworth, Wallace, Wood.

ABSENT - Farrin, Goode, Malaby, Noon, Nutting, Sanborn, Sirocki, Theriault, Timberlake, Timmons, Winsor.

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

114 having voted in the affirmative and 26 voted in the negative, with 11 being absent, and accordingly the Veto was **NOT SUSTAINED**. Sent for concurrence.

The Following Communication: (H.C. 271)

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

June 22, 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 670, "An Act To Amend the Laws Governing the Unlawful Cutting of Trees, "An Act To Amend the Laws Governing the Unlawful Cutting of Trees."
This bill would enact such a tortuous statutory scheme for landowners to recover damages when one of their trees is unlawfully cut that this law can only benefit one class of citizens – Maine's trial lawyers. This proposal creates four ways to establish the cut trees' value. It distinguishes between ornamental and fruit trees and whether the land the tree is on is zoned for residential or non-residential use. Perhaps most bizarre is the inclusion of punitive damages in this statute – damages designed not to make a plaintiff whole but, rather, to punish outrageous behavior.
In addition, landowners need not be concerned that this statute now requires that they jump through these various and sundry legal hoops because this bill also includes an attorney's fees provision. Attorney's fees, however, simply are not enough; under this statute the cost of "professional services," be they legal or otherwise, are also recoverable.
Lastly, to add insult to injury, this bill is supposedly designed to deter those who would damage or kill trees that are not on their property, but it conflicts with the law that allows a neighbor to do just that. When a neighbor cuts off branches that hang over his boundary line, many times these cuts result in the demise of the entire tree. Yet, this tree cutting is lawful because he's a neighbor, which makes this bill nonsensical.
For these reasons, I return LD 670 unsigned and vetoed. I strongly urge the Legislature to sustain it.
Sincerely,
S/Paul R. LePage
Governor

READ and **ORDERED PLACED ON FILE**. Sent for concurrence.

The accompanying item An Act To Amend the Laws Governing the Unlawful Cutting of Trees

(H.P. 451) (L.D. 670)
(C. "A" H-355)

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. 342V

YEA - Alley, Babbidge, Bates, Battle, Beavers, Beck, Beebe-Center, Bickford, Black, Blume, Brooks, Bryant, Burstein, Campbell J, Campbell R, Chapman, Chenette, Chipman, Cooper, Corey, Crafts, Daughtry, Davitt, DeChant, Devin, Dion, Doore, Duchesne, Dunphy M, Edgecomb, Espling, Evangelos, Farnsworth, Fecteau, Fowle, Fredette, Frey, Gattine, Gideon, Gilbert, Gillway, Ginzler, Golden, Grant, Grohman, Guerin, Hamann, Harlow, Herbig, Herrick, Hickman, Higgins, Hobart, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kruger, Kumiega, Lajoie, Longstaff, Luchini, Maker, Marean, Martin J, Martin R, Mastraccio, McCabe, McCreight, McElwee, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Nutting, Peterson, Pierce T, Pouliot, Powers, Rotundo, Russell, Rykerson, Saucier, Sawicki, Schneck, Seavey, Shaw, Sherman, Short, Sirocki, Stanley, Stearns, Stuckey, Sukeforth, Tepler, Tipping-Spitz, Tucker, Verow, Ward, Warren, Welsh, White, Wood, Mr. Speaker.

NAY - Austin, Buckland, Chace, Dillingham, Dunphy L, Foley, Gerrish, Greenwood, Hanington, Hanley, Hawke, Head, Hilliard, Kinney J, Kinney M, Lockman, Long, Lyford, McClellan, O'Connor, Parry, Picchiotti, Pickett, Pierce J, Prescott, Reed, Sanderson, Skolfield, Stetkis, Timberlake, Tuell, Turner, Vachon, Wadsworth, Wallace, Winsor.

ABSENT - Farrin, Goode, Malaby, Noon, Sanborn, Theriault, Timmons.

Yes, 108; No, 36; Absent, 7; Excused, 0.

108 having voted in the affirmative and 36 voted in the negative, with 7 being absent, and accordingly the Veto was **NOT SUSTAINED**. Sent for concurrence.

The Following Communication: (H.C. 272)

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

June 22, 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 695, "An Act To Clarify Statewide Assessment Program Options."

This bill is completely unnecessary as it does nothing to change the status quo. The information it requires the Department of Education to publish has already been published and the protection it seeks to provide to educators for discussing these issues already exists as part of their collective bargaining agreements.

The proper solution to the issue of "opting out" of statewide assessments is to implement a new testing system that eliminates the problematic issues involved while still complying with federal law. The Department of Education has already begun the process to do this with the collaboration of twenty educators from across Maine.

Passing this bill instead, will only cause further confusion among educators and parents alike and interfere with Maine's tradition of local control for education.

For these reasons, I return LD 695 unsigned and vetoed. I strongly encourage the Legislature to sustain it.

Sincerely,
S/Paul R. LePage
Governor

READ and **ORDERED PLACED ON FILE**.

The accompanying item An Act To Clarify Statewide Assessment Program Options

(H.P. 471) (L.D. 695)
(C. "A" H-295)

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. 343V

YEA - Alley, Babbidge, Bates, Beavers, Beck, Beebe-Center, Bickford, Black, Blume, Brooks, Bryant, Burstein, Campbell J, Campbell R, Chapman, Chenette, Chipman, Cooper, Daughtry, Davitt, DeChant, Devin, Dillingham, Dion, Doore, Duchesne, Dunphy M, Espling, Evangelos, Farnsworth, Fecteau, Foley, Fowle, Frey, Gattine, Gerrish, Gideon, Gilbert, Golden, Grant, Grohman, Hamann, Harlow, Herbig, Hickman, Hobart, Hobbins, Hogan, Hubbell, Jorgensen, Kruger, Kumiega, Lajoie, Longstaff, Luchini, Marean, Martin J, Martin R, Mastraccio, McCabe, McCreight, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Nutting, Pierce T, Powers, Rotundo, Russell, Rykerson, Saucier, Schneck, Shaw, Sherman, Short, Skolfield, Stanley, Stuckey, Sukeforth, Tepler, Tipping-Spitz, Tucker, Tuell, Verow, Warren, Welsh, Mr. Speaker.

NAY - Austin, Battle, Buckland, Chace, Corey, Crafts, Dunphy L, Edgecomb, Fredette, Gillway, Ginzler, Greenwood, Guerin, Hanington, Hanley, Hawke, Head, Herrick, Higgins, Hilliard, Hymanson, Kinney J, Kinney M, Kornfield, Lockman, Long, Lyford, Maker, McClellan, McElwee, O'Connor, Parry, Peterson, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reed, Sanderson, Sawicki, Seavey, Sirocki, Stearns, Stetkis, Timberlake, Turner, Vachon, Wadsworth, Wallace, Ward, White, Winsor, Wood.

ABSENT - Farrin, Goode, Malaby, Noon, Sanborn, Theriault, Timmons.

Yes, 90; No, 54; Absent, 7; Excused, 0.

90 having voted in the affirmative and 54 voted in the negative, with 7 being absent, and accordingly the Veto was **SUSTAINED**.

The Following Communication: (H.C. 273)

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

June 22, 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 710 "An Act Providing a Good Samaritan Defense to Individuals Reporting a Drug Overdose."
I fully understand the intent of this bill and I am sympathetic to those who struggle with illegal drug addiction. I have spoken to many people who have successfully gotten themselves off illegal drugs. I typically ask the same question of these people: what made you quit? The most common answer is: when I was arrested. I believe that the best way to get people off drugs is by getting them into drug court. This bill would frustrate this strategy.
For this reason, I return LD 710 unsigned and vetoed. I strongly urge the Legislature to sustain it.
Sincerely,
S/Paul R. LePage
Governor

READ and **ORDERED PLACED ON FILE**.

The accompanying item An Act Providing a Good Samaritan Defense to Individuals Reporting a Drug Overdose

(H.P. 486) (L.D. 710)
(C. "A" H-237)

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. 344V

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

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

ABSENT - Farrin, Goode, Malaby, Noon, Sanborn, Theriault, Timmons.

Yes, 85; No, 59; Absent, 7; Excused, 0.

85 having voted in the affirmative and 59 voted in the negative, with 7 being absent, and accordingly the Veto was **SUSTAINED**.

The Following Communication: (H.C. 274)

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

June 22, 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 716, "An Act to Amend the Fees for Snowmobile Registrations and To Create the Snowmobile Trail Fund Donation Sticker."
Laid bare, this bill is a fee hike. Traditionally, I have not supported fee increases during my Administration because the State should focus on delivering services more efficiently, not picking Mainer's pockets. I seriously considered not vetoing this proposal as it wound its way through the legislative process. LD 716, however, arrives at my desk just as the Legislature has completed its work on the biennial budget. If the Legislature has its way, State government will grow by over $300 million over the next biennium. Given the Legislature's complete abdication of any responsibility for fiscal prudence, I cannot, in good conscience, acquiesce to yet another scheme to grow State revenues.
For this reason, I return LD 716 unsigned and vetoed. I strongly urge the Legislature to sustain it.
Sincerely,
S/Paul R. LePage
Governor

READ and **ORDERED PLACED ON FILE**. Sent for concurrence.

The accompanying item An Act To Amend the Fees for Snowmobile Registrations and To Create the Snowmobile Trail Fund Donation Sticker (EMERGENCY)

(H.P. 492) (L.D. 716)
(C. "A" H-338)

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. 345V

YEA - Alley, Austin, Babbidge, Bates, Battle, Beavers, Beck, Beebe-Center, Bickford, Black, Blume, Brooks, Bryant, 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, Fecteau, Foley, Fowle, Fredette, Frey, Gattine, Gerrish, Gideon, Gilbert, Ginzler, Golden, Grant, Greenwood, Grohman, Hamann, Hanington, Harlow, Hawke, Herbig, Herrick, Hickman, Higgins, Hilliard, Hobart, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kinney J, Kinney M, Kornfield, Kruger, Lajoie, Longstaff, Luchini, Lyford, Maker, Marean, Martin J, Martin R, Mastraccio, McCabe, McCreight, McElwee, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Nutting, Parry, Peterson, Pickett, Pierce J, Pierce T, Pouliot, Powers, Prescott, Reed, Rotundo, Russell, Rykerson, Saucier, Schneck, Seavey, Shaw, Sherman, Short, Skolfield, Stanley, Stearns, Stuckey, Sukeforth, Tepler,

Timberlake, Tipping-Spitz, Tucker, Vachon, Verow, Wadsworth, Ward, Warren, Welsh, White, Winsor, Wood, Mr. Speaker.

NAY - Buckland, Gillway, Guerin, Hanley, Head, Lockman, Long, McClellan, O'Connor, Picchiotti, Sanderson, Sawicki, Sirocki, Stetkis, Tuell, Turner, Wallace.

ABSENT - Farrin, Goode, Kumiega, Malaby, Noon, Sanborn, Theriault, Timmons.

Yes, 126; No, 17; Absent, 8; Excused, 0.

126 having voted in the affirmative and 17 voted in the negative, with 8 being absent, and accordingly the Veto was **NOT SUSTAINED**. Sent for concurrence.

The Following Communication: (H.C. 275)

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

June 22, 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 830, "An Act To Eliminate the Dual Licensing of Physician Assistants."
As promised, I am vetoing all bills sponsored by Democrats, who vote for the job-killing, pro-welfare agenda set by the Maine People's Alliance, but have stifled the voice of the Maine people by preventing them from voting on the elimination of the income tax.
These legislators were elected to serve the people of Maine, but they choose to operate behind closed doors to advance their own partisan agendas. Rather than work with me to at least give the Maine people a chance to vote on lowering or eliminating the income tax, they closed the door. They defend the status quo and they cut the people out of the process.
I will not sit by and watch a handful of Democrats disenfranchise the people they were elected to represent. I want to ensure that each piece of legislation gets the widest possible representation in Augusta.
Therefore, in order for legislation sponsored by Democrats to become law, they will have to follow the procedure for reconsideration of a veto, which requires two-thirds support of the Legislature and a roll call. Instead of allowing them to pass bills out of the public eye and with no accountability, I believe the Maine people deserve to see how their elected officials voted on each piece of legislation.
For this reason, I return LD 830 unsigned and vetoed.
Sincerely,
S/Paul R. LePage
Governor

READ and **ORDERED PLACED ON FILE**. Sent for concurrence.

The accompanying item An Act To Eliminate the Dual Licensing of Physician Assistants

(H.P. 564) (L.D. 830)
(C. "A" H-362)

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. 346V

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, Fecteau, Foley, Fowle, Fredette, Frey, Gattine, Gerrish, Gideon, Gilbert, Gillway, Ginzler, Golden, Grant, Greenwood, Grohman, Guerin, Hamann, Hanington, Hanley, Harlow, Hawke, Head, Herbig, Herrick, Hickman, Higgins, Hilliard, Hobart, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kinney J, Kinney M, Kornfield, Kruger, Kumiega, Lajoie, Lockman, Longstaff, Luchini, Maker, Marean, Martin J, Martin R, Mastraccio, McCabe, McCreight, McElwee, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Nutting, Parry, Peterson, Picchiotti, Pickett, Pierce J, Pierce T, Pouliot, Powers, Prescott, Reed, Rotundo, Russell, Rykerson, Sanderson, Saucier, Sawicki, Schneck, Seavey, Shaw, Sherman, Short, Sirocki, Skolfield, Stanley, Stearns, Stetkis, Stuckey, Sukeforth, Tepler, Timberlake, Tipping-Spitz, Tucker, Tuell, Turner, Vachon, Verow, Wadsworth, Wallace, Ward, Warren, Welsh, White, Winsor, Wood, Mr. Speaker.

NAY - Long, Lyford, McClellan, O'Connor.

ABSENT - Farrin, Goode, Malaby, Noon, Sanborn, Theriault, Timmons.

Yes, 140; No, 4; Absent, 7; Excused, 0.

140 having voted in the affirmative and 4 voted in the negative, with 7 being absent, and accordingly the Veto was **NOT SUSTAINED**. Sent for concurrence.

The Following Communication: (H.C. 276)

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

June 22, 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 846, "An Act To Expedite Final Hearings in Certain Foreclosure Cases."
As promised, I am vetoing all bills sponsored by Democrats, who vote for the job-killing, pro-welfare agenda set by the Maine People's Alliance, but have stifled the voice of the Maine people by preventing them from voting on the elimination of the income tax.
These legislators were elected to serve the people of Maine, but they choose to operate behind closed doors to advance their own partisan agendas. Rather than work with me to at least give the Maine people a chance to vote on lowering or eliminating the income tax, they closed the door. They defend the status quo and they cut the people out of the process.
I will not sit by and watch a handful of Democrats disenfranchise the people they were elected to represent. I want to ensure that each piece of legislation gets the widest possible representation in Augusta.
Therefore, in order for legislation sponsored by Democrats to become law, they will have to follow the procedure for reconsideration of a veto, which requires two-thirds support of the

Legislature and a roll call. Instead of allowing them to pass bills out of the public eye and with no accountability, I believe the Maine people deserve to see how their elected officials voted on each piece of legislation.

For this reason, I return LD 846 unsigned and vetoed.

Sincerely,

S/Paul R. LePage

Governor

READ and **ORDERED PLACED ON FILE**. Sent for concurrence.

The accompanying item An Act To Expedite Final Hearings in Certain Foreclosure Cases

(H.P. 580) (L.D. 846)

(C. "A" H-356)

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. 347V

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, Fecteau, Foley, Fowle, Fredette, Frey, Gattine, Gerrish, Gideon, Gilbert, Gillway, Ginzler, Golden, Grant, Greenwood, Grohman, Guerin, Hamann, Harlow, Hawke, Head, Herbig, Herrick, Hickman, Higgins, Hilliard, Hobart, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kinney J, Kinney M, Kornfield, Kruger, Kumiega, Lajoie, Lockman, Longstaff, Luchini, Lyford, Maker, Marean, Martin J, Martin R, Mastraccio, McCabe, McClellan, McCreight, McElwee, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Nutting, Parry, Peterson, Picchiotti, Pickett, Pierce J, Pierce T, Pouliot, Powers, Prescott, Reed, Rotundo, Russell, Rykerson, Sanderson, Saucier, Sawicki, Schneck, Seavey, Shaw, Sherman, Short, Sirocki, Skolfield, Stanley, Stearns, Stetkis, Stuckey, Sukeforth, Tepler, Timberlake, Tipping-Spitz, Tucker, Tuell, Turner, Vachon, Verow, Wadsworth, Wallace, Ward, Warren, Welsh, White, Winsor, Wood, Mr. Speaker.

NAY - Hanington, Hanley, Long, O'Connor.

ABSENT - Farrin, Goode, Malaby, Noon, Sanborn, Theriault, Timmons.

Yes, 140; No, 4; Absent, 7; Excused, 0.

140 having voted in the affirmative and 4 voted in the negative, with 7 being absent, and accordingly the Veto was **NOT SUSTAINED**. Sent for concurrence.

The Following Communication: (H.C. 277)

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

June 22, 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 891, "An Act to Help Municipalities Dispose of Certain Abandoned Property."

This bill grants municipalities the authority to take possession and dispose of a mobile home and all related personal property when the property is deemed abandoned. When the Legislature wants to allow municipalities to take people's personal property away, they should have to follow the procedure for reconsideration of a veto, which requires two-thirds support of the Legislature and a roll call. Instead of allowing them to pass this bill out of the public eye and with no accountability, I believe the Maine people deserve to see how their elected officials voted on this bill.

For these reasons, I return LD 891 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage

Governor

READ and **ORDERED PLACED ON FILE**. Sent for concurrence.

The accompanying item An Act To Help Municipalities Dispose of Certain Abandoned Property

(H.P. 610) (L.D. 891)

(H. "A" H-304 to C. "A" H-296)

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. 348V

YEA - Alley, Austin, Babbidge, Battle, Beavers, Beck, Beebe-Center, Bickford, Blume, Brooks, Bryant, Burstein, Campbell J, Campbell R, Chace, Chapman, Chenette, Chipman, Cooper, Corey, Daughtry, Davitt, DeChant, Devin, Dillingham, Dion, Doore, Duchesne, Dunphy M, Edgecomb, Espling, Evangelos, Farnsworth, Fecteau, Foley, Fowle, Fredette, Frey, Gattine, Gerrish, Gideon, Gilbert, Gillway, Ginzler, Golden, Grant, Grohman, Guerin, Hamann, Hanington, Harlow, Herbig, Herrick, Hickman, Higgins, Hobart, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kinney J, Kornfield, Kruger, Kumiega, Lajoie, Lockman, Longstaff, Luchini, Maker, Marean, Martin J, Martin R, Mastraccio, McCabe, McCreight, McElwee, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Nutting, Parry, Peterson, Picchiotti, Pickett, Pierce T, Pouliot, Powers, Prescott, Reed, Rotundo, Russell, Rykerson, Saucier, Sawicki, Schneck, Seavey, Shaw, Sherman, Short, Skolfield, Stanley, Stearns, Stuckey, Sukeforth, Tepler, Tipping-Spitz, Tucker, Tuell, Turner, Vachon, Verow, Wadsworth, Ward, Warren, Welsh, White, Winsor, Wood, Mr. Speaker.

NAY - Bates, Black, Buckland, Crafts, Dunphy L, Greenwood, Hanley, Hawke, Head, Hilliard, Kinney M, Long, Lyford, McClellan, O'Connor, Pierce J, Sanderson, Sirocki, Stetkis, Timberlake, Wallace.

ABSENT - Farrin, Goode, Malaby, Noon, Sanborn, Theriault, Timmons.

Yes, 123; No, 21; Absent, 7; Excused, 0.

123 having voted in the affirmative and 21 voted in the negative, with 7 being absent, and accordingly the Veto was **NOT SUSTAINED**. Sent for concurrence.

The Following Communication: (H.C. 278)

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

June 22, 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 913, "An Act To Expand Public Opportunities for Wildlife Management Education."
This bill proposes to increase hunting, fishing and trapping licenses by $1 and to deposit this fee increase into the would-be Species Management Education Fund. As the Legislature well knows, I typically do not support fee increases, even if it is only a dollar here and there. Unlike members of the Legislature, I believe it is the job of elected officials to keep government's hand out of Mainers' pockets.
My biggest concern with this bill, however, is not the proposed fee increase. Rather, my strongest objection to this bill is how disingenuous in design this legislation is. This bill has nothing to do with any systematic public education by the Department of Inland Fisheries and Wildlife. Instead, this bill seeks to build a campaign war chest to help cover the costs of anticipated, future ballot question campaigns. Buried in the middle of this bill is the mere suggestion that funds generated pursuant to this proposed law may be used during a ballot question campaign; when in reality, that is the sole intent of this bill.
As recent history has shown, I certainly support the ability of State agencies to carry out their mission and to exercise their 1st Amendment rights. Clearly, license fee increases and a new fund at the Department are not needed for these activities to take place. Future campaigns must rely on a winning message in order to generate sufficient resources to spread that message. Let us not look to government as a *deus ex machine* to solve all of life's problems, including campaign fundraising.
For these reasons, I return this underhanded bill unsigned and vetoed. I strongly urge the Legislature to sustain it.
Sincerely,
S/Paul R. LePage
Governor

READ and **ORDERED PLACED ON FILE**. Sent for concurrence.

The accompanying item An Act To Expand Public Opportunities for Wildlife Management Education

(H.P. 633) (L.D. 913)
(C. "A" H-339)

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. 349V

YEA - Alley, Beavers, Beck, Beebe-Center, Bickford, Black, Blume, Brooks, Bryant, Burstein, Campbell J, Campbell R, Chace, Chenette, Chipman, Cooper, Corey, Crafts, Daughtry, Davitt, DeChant, Devin, Dillingham, Dion, Doore, Duchesne, Dunphy M, Edgecomb, Espling, Evangelos, Farnsworth, Fecteau, Foley, Fowle, Fredette, Frey, Gattine, Gerrish, Gideon, Gilbert, Gillway, Golden, Grant, Greenwood, Grohman, Guerin, Hamann, Hanington, Harlow, Head, Herbig, Herrick, Hickman, Higgins, Hilliard, Hobart, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kinney J, Kornfield, Kruger, Kumiega, Lajoie, Longstaff, Luchini, Lyford, Marean, Martin J, Martin R, Mastraccio, McCabe, McCreight, McElwee, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Nutting, Parry, Peterson, Picchiotti, Pierce T, Pouliot, Powers, Prescott, Reed, Rotundo, Russell, Rykerson, Saucier, Sawicki, Schneck, Shaw, Short, Skolfield, Stanley, Stearns, Sukeforth, Tepler, Timberlake, Tipping-Spitz, Tucker, Tuell, Verow, Wadsworth, Ward, Warren, Welsh, White, Wood, Mr. Speaker.

NAY - Austin, Babbidge, Bates, Battle, Buckland, Chapman, Dunphy L, Ginzler, Hanley, Hawke, Kinney M, Lockman, Long, Maker, McClellan, O'Connor, Pickett, Pierce J, Sanderson, Seavey, Sherman, Sirocki, Stetkis, Stuckey, Turner, Vachon, Wallace, Winsor.

ABSENT - Farrin, Goode, Malaby, Noon, Sanborn, Theriault, Timmons.

Yes, 116; No, 28; Absent, 7; Excused, 0.

116 having voted in the affirmative and 28 voted in the negative, with 7 being absent, and accordingly the Veto was **NOT SUSTAINED**. Sent for concurrence.

The Following Communication: (H.C. 279)

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

June 22, 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 952, "An Act Regarding the Licensure of Funeral Service Providers."
As promised, I am vetoing all bills sponsored by Democrats, who vote for the job-killing, pro-welfare agenda set by the Maine People's Alliance, but have stifled the voice of the Maine people by preventing them from voting on the elimination of the income tax.
These legislators were elected to serve the people of Maine, but they choose to operate behind closed doors to advance their own partisan agendas. Rather than work with me to at least give the Maine people a chance to vote on lowering or eliminating the income tax, they closed the door. They defend the status quo and they cut the people out of the process.
I will not sit by and watch a handful of Democrats disenfranchise the people they were elected to represent. I want to ensure that each piece of legislation gets the widest possible representation in Augusta.
Therefore, in order for legislation sponsored by Democrats to become law, they will have to follow the procedure for reconsideration of a veto, which requires two-thirds support of the Legislature and a roll call. Instead of allowing them to pass bills out of the public eye and with no accountability, I believe the Maine people deserve to see how their elected officials voted on each piece of legislation.
For this reason, I return LD 952 unsigned and vetoed.
Sincerely,
S/Paul R. LePage
Governor

READ and **ORDERED PLACED ON FILE**. Sent for concurrence.

The accompanying item An Act Regarding the Licensure of Funeral Service Providers

(H.P. 655) (L.D. 952)
(C. "A" H-351)

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. 350V

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, Fecteau, Fowle, Fredette, Frey, Gattine, Gideon, Gilbert, Gillway, Golden, Grant, Greenwood, Grohman, Hamann, Hanington, Harlow, Hawke, Head, Herbig, Herrick, Hickman, Hilliard, Hobart, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kinney J, Kinney M, Kornfield, Kruger, Kumiega, Lajoie, Lockman, Longstaff, Luchini, Marean, Martin J, Martin R, Mastraccio, McCabe, McCreight, McElwee, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Nutting, Parry, Peterson, Picchiotti, Pickett, Pierce J, Pierce T, Pouliot, Powers, Prescott, Reed, Rotundo, Russell, Rykerson, Sanderson, Saucier, Sawicki, Schneck, Seavey, Shaw, Sherman, Short, Sirocki, Skolfield, Stanley, Stearns, Stetkis, Stuckey, Sukeforth, Tepler, Timberlake, Tipping-Spitz, Tucker, Vachon, Verow, Wadsworth, Wallace, Ward, Warren, Welsh, White, Winsor, Wood, Mr. Speaker.

NAY - Foley, Gerrish, Ginzler, Guerin, Hanley, Higgins, Long, Lyford, Maker, McClellan, O'Connor, Tuell, Turner.

ABSENT - Farrin, Goode, Malaby, Noon, Sanborn, Theriault, Timmons.

Yes, 131; No, 13; Absent, 7; Excused, 0.

131 having voted in the affirmative and 13 voted in the negative, with 7 being absent, and accordingly the Veto was **NOT SUSTAINED**. Sent for concurrence.

The Following Communication: (H.C. 280)

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

June 22, 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 985, "An Act To Align Maine's School Marketing Law with Current Federal Food Standards."
This bill heralds government overreach by reaching into the local SAUs with a mandate that the ability of their secondary school to decline to participate in the National Lunch Program does not protect them from the mandates of the Healthy, Hunger Free Kids Act. It is the decision of the local School Board to set the policy based on the unique knowledge and experience of the local community. Apparently, the Legislature would substitute the judgement of lawmakers in Washington for the judgement of parents and School Board members in our local communities.
Some communities rely heavily on sales of food and beverages at their sports activities to fund those activities. This bill extends prohibitions on sales to all areas of the school, including sports fields, jeopardizing those funding streams. By outlawing incentives such as pizza certificates which are used to bring about and reward academic success the bill tells families that the government knows better than they do how to raise their kids. I reject that premise and return LD 985 unsigned and vetoed. I strongly urge the Legislature to sustain it.
Sincerely,
S/Paul R. LePage
Governor

READ and **ORDERED PLACED ON FILE**.

The accompanying item An Act To Align Maine's School Marketing Law with Current Federal Food Standards

(H.P. 680) (L.D. 985)
(S. "A" S-207 to C. "A" H-157)

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. 351V

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

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

ABSENT - Farrin, Goode, Malaby, Noon, Sanborn, Theriault, Timmons.

Yes, 85; No, 59; Absent, 7; Excused, 0.

85 having voted in the affirmative and 59 voted in the negative, with 7 being absent, and accordingly the Veto was **SUSTAINED**.

The Following Communication: (H.C. 281)

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

June 22, 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 1049, "An Act To Further Define Duties for Persons Who Hold Powers of Attorney or Act as Agents for Residents of Long-term Care Facilities."
This bill requires someone holding power of attorney for a long-term care facility resident to ensure that the resident's bill from the facility is paid. It also allows the facility to pursue legal action against the individual with power of attorney in the event the bills are not paid.
I absolutely am in favor of ensuring that residents' bills are paid to a long-term care facility. This is a significant financial worry for the facilities, and we must do what we can to support the viability of our nursing homes. My concern is that this bill does not go far enough. I believe the failure of an individual with power of attorney to pay for a resident's bills should be elevated to criminal status.
For these reasons, I return LD 1049 unsigned and vetoed. I strongly encourage the Legislature to sustain it.
Sincerely,
S/Paul R. LePage
Governor

READ and **ORDERED PLACED ON FILE**. Sent for concurrence.

The accompanying item An Act To Further Define Duties for Persons Who Hold Powers of Attorney or Act as Agents for Residents of Long-term Care Facilities

(H.P. 718) (L.D. 1049)
(C. "A" H-319)

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. 352V

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, Fecteau, Foley, Fowle, Fredette, Frey, Gattine, Gerrish, Gideon, Gilbert, Gillway, Ginzler, Golden, Grant, Greenwood, Grohman, Guerin, Hamann, Hanley, Harlow, Hawke, Head, Herbig, Herrick, Hickman, Higgins, Hilliard, Hobart, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kinney J, Kinney M, Kornfield, Kruger, Kumiega, Lajoie, Lockman, Long, Longstaff, Luchini, Lyford, Maker, Marean, Martin J, Martin R, Mastraccio, McCabe, McClellan, McCreight, McElwee, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Nutting, Parry, Peterson, Picchiotti, Pickett, Pierce J, Pierce T, Pouliot, Powers, Prescott, Reed, Rotundo, Russell, Rykerson, Sanderson, Saucier, Sawicki, Schneck, Seavey, Shaw, Sherman, Short, Sirocki, Skolfield, Stanley, Stearns, Stetkis, Stuckey, Sukeforth, Tepler, Timberlake, Tipping-Spitz, Tucker, Tuell, Turner, Vachon, Verow, Wadsworth, Wallace, Ward, Warren, Welsh, White, Winsor, Wood, Mr. Speaker.

NAY - Hanington, O'Connor.

ABSENT - Farrin, Goode, Malaby, Noon, Sanborn, Theriault, Timmons.

Yes, 142; No, 2; Absent, 7; Excused, 0.

142 having voted in the affirmative and 2 voted in the negative, with 7 being absent, and accordingly the Veto was **NOT SUSTAINED**. Sent for concurrence.

The Following Communication: (H.C. 282)

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

June 22, 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 1076, "Resolve, Directing the Department of Health and Human Services To Increase Public Awareness about and Access to Federal Resources Related to Vaccine Injuries."
This resolve directs the Department of Health and Human Services to place on its website a link to resources about the federal Vaccine Injury Compensation Program and the Vaccine Adverse Event Reporting System. Those links are already on the Department's website under the Immunization Program section. There is no need to pass a resolve to tell the Administration to do something that was accomplished years ago.
For these reasons, I return LD 1076 unsigned and vetoed. I strongly urge the Legislature to sustain it.
Sincerely,
S/Paul R. LePage
Governor

READ and **ORDERED PLACED ON FILE**. Sent for concurrence.

The accompanying item Resolve, Directing the Department of Health and Human Services To Increase Public Awareness about and Access to Federal Resources Related to Vaccine Injuries

(H.P. 739) (L.D. 1076)
(C. "A" H-305)

After reconsideration, the House proceeded to vote on the question, 'Shall this Resolve 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 Resolve become a law notwithstanding the objections of the Governor?' All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 353V

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, Fecteau, Foley, Fowle, Fredette, Frey, Gattine, Gerrish, Gideon, Gilbert, Gillway, Ginzler, Golden, Greenwood, Grohman, Guerin, Hamann, Hanington, Hanley, Harlow, Head, Herbig, Herrick, Hickman, Higgins, Hilliard, Hobart, Hobbins, Hogan, Hubbell, Hymanson,

Jorgensen, Kinney J, Kinney M, Kornfield, Kruger, Kumiega, Lajoie, Lockman, Long, Longstaff, Luchini, Lyford, Maker, Marean, Martin J, Martin R, Mastraccio, McCabe, McCreight, McElwee, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Nutting, O'Connor, Parry, Peterson, Picchiotti, Pickett, Pierce J, Pierce T, Pouliot, Powers, Prescott, Reed, Rotundo, Russell, Rykerson, Sanderson, Saucier, Schneck, Seavey, Shaw, Short, Sirocki, Stanley, Stetkis, Stuckey, Sukeforth, Tepler, Timberlake, Tipping-Spitz, Tucker, Tuell, Vachon, Verow, Wadsworth, Wallace, Ward, Warren, Welsh, Winsor, Wood, Mr. Speaker.

NAY - Grant, Hawke, McClellan, Sawicki, Sherman, Skolfield, Stearns, Turner, White.

ABSENT - Farrin, Goode, Malaby, Noon, Sanborn, Theriault, Timmons.

Yes, 135; No, 9; Absent, 7; Excused, 0.

135 having voted in the affirmative and 9 voted in the negative, with 7 being absent, and accordingly the Veto was **NOT SUSTAINED**. Sent for concurrence.

The Following Communication: (H.C. 283)

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

June 22, 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 1086, "An Act To Implement the Recommendations of the Right to Know Advisory Committee To Create a Remedy for Unduly Burdensome and Oppressive Requests."
This bill seeks to amend the Freedom of Access Act (FOAA) to authorize an Executive Branch agency to deny a request for public records on the basis that the request is unduly burdensome or oppressive. That said, the only option for the agency seeking to avoid having to fill an unduly burdensome request is to engage in an unduly burdensome court process.
Ironically, the bill does not have much impact on the Legislature, itself. This is so because the Legislature has exempted the vast majority of its own documents "including working papers, drafts and interoffice and intraoffice memoranda used or maintained by any Legislator, legislative agency or legislative employee …" from the requirements of FOAA. I oppose this bill because despite the fact that our government is supposed to operate as three separate but equal branches of government all of which should be transparent in their processes, the Legislature does not hold itself to the same standard. Instead, it makes the Executive Branch alone shoulder the weight of government transparency.
For these reasons, I return LD 1086 unsigned and vetoed. I strongly urge the Legislature to sustain it.
Sincerely,
S/Paul R. LePage
Governor

READ and **ORDERED PLACED ON FILE**. Sent for concurrence.

The accompanying item An Act To Implement the Recommendations of the Right To Know Advisory Committee To Create a Remedy for Unduly Burdensome and Oppressive Requests

(H.P. 747) (L.D. 1086)
(C. "A" H-357)

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. 354V

YEA - Alley, Babbidge, Bates, Battle, Beavers, Beck, Beebe-Center, Bickford, Blume, Brooks, Bryant, Burstein, Campbell J, Campbell R, Chapman, Chenette, Chipman, Cooper, Corey, Daughtry, Davitt, DeChant, Devin, Dion, Doore, Duchesne, Dunphy M, Edgecomb, Espling, Evangelos, Farnsworth, Fecteau, Foley, Fowle, Fredette, Frey, Gattine, Gerrish, Gideon, Gilbert, Gillway, Ginzler, Golden, Grant, Greenwood, Grohman, Guerin, Hamann, Harlow, Head, Herbig, Herrick, Hickman, Higgins, Hilliard, Hobart, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kinney J, Kinney M, Kornfield, Kruger, Kumiega, Lajoie, Lockman, Longstaff, Luchini, Maker, Marean, Martin J, Martin R, Mastraccio, McCabe, McCreight, McElwee, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Nutting, Parry, Peterson, Picchiotti, Pickett, Pierce T, Pouliot, Powers, Prescott, Rotundo, Russell, Rykerson, Saucier, Schneck, Seavey, Shaw, Short, Stanley, Stearns, Stuckey, Sukeforth, Tepler, Tipping-Spitz, Tucker, Tuell, Vachon, Verow, Wadsworth, Ward, Warren, Welsh, White, Winsor, Wood, Mr. Speaker.

NAY - Austin, Black, Buckland, Chace, Crafts, Dillingham, Dunphy L, Hanington, Hanley, Hawke, Long, Lyford, McClellan, O'Connor, Pierce J, Reed, Sanderson, Sherman, Sirocki, Skolfield, Stetkis, Timberlake, Turner, Wallace.

ABSENT - Farrin, Goode, Malaby, Noon, Sanborn, Sawicki, Theriault, Timmons.

Yes, 119; No, 24; Absent, 8; Excused, 0.

119 having voted in the affirmative and 24 voted in the negative, with 8 being absent, and accordingly the Veto was **NOT SUSTAINED**. Sent for concurrence.

The Following Communication: (H.C. 284)

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

June 22, 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 1087, "An Act To Implement the Recommendations of the Right to Know Advisory Committee Concerning Response Deadlines and Appeals."
Much like LD 1086, this bill seeks to amend the Freedom of Access Act (FOAA) to authorize an Executive Branch agency to deny a request for public records after reviewing records subject to the request. That said, this bill further establishes that an Executive Branch agency that seeks to deny a records request in whole or in part must still provide a written response within 5

days of the receipt of the request and is still subject to court process for the denial.

Like LD 1086, the bill does not have much impact on the Legislature, itself. This is so because the Legislature has exempted the vast majority of its own documents "including working papers, drafts and interoffice and intraoffice memoranda used or maintained by any Legislator, legislative agency or legislative employee …" from the requirements of FOAA. I oppose this bill because despite the fact that our government is supposed to operate as three separate but equal branches of government all of which should be transparent in their processes, the Legislature does not hold itself to the same standard. Instead, it makes the Executive Branch alone shoulder the weight of government transparency.

For these reasons, I return LD 1087 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage

Governor

READ and **ORDERED PLACED ON FILE**. Sent for concurrence.

The accompanying item An Act To Implement the Recommendations of the Right To Know Advisory Committee Concerning Response Deadlines and Appeals

(H.P. 748) (L.D. 1087)

(C. "A" H-360)

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. 355V

YEA - Alley, Babbidge, Bates, Beavers, Beck, Beebe-Center, Bickford, Black, Blume, Brooks, Bryant, Burstein, Campbell J, Campbell R, Chapman, Chenette, Chipman, Cooper, Corey, Daughtry, Davitt, DeChant, Devin, Dion, Doore, Duchesne, Dunphy M, Edgecomb, Espling, Evangelos, Farnsworth, Fecteau, Foley, Fowle, Fredette, Frey, Gattine, Gerrish, Gideon, Gilbert, Gillway, Ginzler, Golden, Grant, Greenwood, Grohman, Guerin, Hamann, Hanington, Harlow, Herbig, Herrick, Hickman, Higgins, Hobart, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kinney J, Kinney M, Kornfield, Kruger, Kumiega, Lajoie, Lockman, Longstaff, Luchini, Maker, Marean, Martin J, Martin R, Mastraccio, McCabe, McCreight, McElwee, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Nutting, Parry, Peterson, Picchiotti, Pickett, Pierce T, Pouliot, Powers, Prescott, Rotundo, Russell, Rykerson, Sanderson, Saucier, Sawicki, Schneck, Seavey, Shaw, Short, Stanley, Stearns, Stuckey, Sukeforth, Tepler, Tipping-Spitz, Tucker, Tuell, Vachon, Verow, Wadsworth, Ward, Warren, Welsh, White, Winsor, Wood, Mr. Speaker.

NAY - Austin, Battle, Buckland, Chace, Crafts, Dillingham, Dunphy L, Hanley, Hawke, Head, Hilliard, Long, Lyford, McClellan, O'Connor, Pierce J, Reed, Sherman, Sirocki, Skolfield, Stetkis, Timberlake, Turner, Wallace.

ABSENT - Farrin, Goode, Malaby, Noon, Sanborn, Theriault, Timmons.

Yes, 120; No, 24; Absent, 7; Excused, 0.

120 having voted in the affirmative and 24 voted in the negative, with 7 being absent, and accordingly the Veto was **NOT SUSTAINED**. Sent for concurrence.

The Following Communication: (H.C. 285)

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

June 22, 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 1088, "An Act To Implement the Recommendations of the Right to Know Advisory Committee."

Much like LDs 1086 and 1087, this bill also seeks to amend the Freedom of Access Act (FOAA) in ways that impact Executive Branch agencies, including clarifying that additional agency records are public records.

Like LDs 1086 and 1087, the bill does not have much impact on the Legislature, itself. This is so because the Legislature has exempted the vast majority of its own documents "including working papers, drafts and interoffice and intraoffice memoranda used or maintained by any Legislator, legislative agency or legislative employee …" from the requirements of FOAA. I oppose this bill because despite the fact that our government is supposed to operate as three separate but equal branches of government all of which should be transparent in their processes, the Legislature does not hold itself to the same standard. Instead, it makes the Executive Branch alone shoulder the weight of government transparency.

For these reasons, I return LD 1088 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage

Governor

READ and **ORDERED PLACED ON FILE**. Sent for concurrence.

The accompanying item An Act To Implement Recommendations of the Right To Know Advisory Committee

(H.P. 749) (L.D. 1088)

(C. "A" H-359)

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. 356V

YEA - Alley, Austin, Babbidge, Bates, Beavers, Beck, Beebe-Center, Bickford, Black, Blume, Brooks, Bryant, Buckland, Burstein, Campbell J, Campbell R, Chapman, Chenette, Chipman, Cooper, Corey, Daughtry, Davitt, DeChant, Devin, Dion, Doore, Duchesne, Dunphy L, Dunphy M, Edgecomb, Espling, Evangelos, Farnsworth, Fecteau, Foley, Fowle, Fredette, Frey, Gattine, Gerrish, Gideon, Gilbert, Ginzler, Golden, Grant, Greenwood, Grohman, Guerin, Hamann, Harlow, Head, Herbig, Herrick, Hickman, Higgins, Hilliard, Hobart, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kinney J, Kinney M, Kornfield, Kruger, Kumiega, Lajoie, Lockman, Longstaff, Luchini, Maker, Marean, Martin J, Martin R, Mastraccio, McCabe, McCreight, McElwee, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Nutting, Parry, Peterson, Picchiotti, Pickett, Pierce T, Pouliot, Powers, Prescott, Reed, Rotundo, Russell, Rykerson, Sanderson, Saucier, Sawicki, Schneck, Seavey, Shaw, Short,

Sirocki, Stanley, Stearns, Stuckey, Sukeforth, Tepler, Tipping-Spitz, Tucker, Tuell, Vachon, Verow, Wadsworth, Ward, Warren, Welsh, White, Winsor, Wood, Mr. Speaker.

NAY - Battle, Chace, Crafts, Dillingham, Gillway, Hanington, Hanley, Hawke, Long, Lyford, McClellan, O'Connor, Pierce J, Sherman, Skolfield, Stetkis, Timberlake, Turner, Wallace.

ABSENT - Farrin, Goode, Malaby, Noon, Sanborn, Theriault, Timmons.

Yes, 125; No, 19; Absent, 7; Excused, 0.

125 having voted in the affirmative and 19 voted in the negative, with 7 being absent, and accordingly the Veto was **NOT SUSTAINED**. Sent for concurrence.

The Following Communication: (H.C. 286)

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

June 22, 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 1154, "An Act To Provide for the Establishment of Benefit Corporations."
The State of Maine already has a statutory structure for the creation of business corporations, non-profit corporations, partnerships, limited liability partnerships, and limited partnerships, to name a few. In other words, there are plenty of avenues for the creation and functioning of corporate entities in this state. While Maine has several anti-business hurdles it needs to overcome to make Maine truly competitive, one thing we do not need is a new statutory scheme for the creation of yet another corporate structure. Moreover, this particular scheme simply creates the equivalent of a "fence-sitter" – a corporation that is neither fully for-profit nor fully non-profit.
Rather than play around with the creation of new corporate structures, the Legislature should focus its energy on passing legislation that helps existing businesses grow and become more competitive as well as legislation that attracts new business to our state. The kind of effort this bill represents is a waste of time.
For these reasons, I return LD 1154 unsigned and vetoed. I strongly urge the Legislature to sustain it.
Sincerely,
S/Paul R. LePage
Governor

READ and **ORDERED PLACED ON FILE**.

The accompanying item An Act To Provide for the Establishment of Benefit Corporations

(H.P. 792) (L.D. 1154)
(C. "A" H-363)

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. 357V

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

NAY - Austin, Battle, Black, Buckland, Campbell R, Chace, Crafts, Dillingham, Dunphy L, Edgecomb, Espling, Foley, Fredette, Gerrish, Gillway, Ginzler, Greenwood, Guerin, Hanington, Hanley, Hawke, Head, Hilliard, Hobart, Kinney J, Kinney M, Lockman, Long, Lyford, McClellan, McElwee, O'Connor, Parry, Picchiotti, Pickett, Pierce J, Prescott, Reed, Sanderson, Sawicki, Seavey, Sherman, Sirocki, Skolfield, Stearns, Stetkis, Timberlake, Tuell, Turner, Vachon, Wadsworth, Wallace, Ward, White, Winsor, Wood.

ABSENT - Farrin, Goode, Malaby, Noon, Sanborn, Theriault, Timmons.

Yes, 88; No, 56; Absent, 7; Excused, 0.

88 having voted in the affirmative and 56 voted in the negative, with 7 being absent, and accordingly the Veto was **SUSTAINED**.

The Following Communication: (H.C. 287)

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

June 22, 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 1173, "An Act To Improve School Administrative Efficiency and Expand Capacity for Professional Growth for Educators with Regional Collaborative Programs and Services."
This bill would add professional growth to the list of items for which Funds for the Efficient Delivery of Educational Services (FEDES) money in the Department could be expended. This is not the purpose of this fund or its accompanying rules.
The express purpose of including FEDES funds in this year's budget was to fund collaboration among school districts that would result in ongoing savings, with those savings passed on for classroom instruction. Lowering the cost of education in Maine and giving our teachers the resources they need should be a top priority for state government and FEDES funds are an essential incentive toward this goal. Diverting these funds to other purposes would diminish this effort.
In addition, Department of Education regulations, Ch. 122, Sec. 4, Item (4)(C) already allows for expanded access to professional development, making this change to the statute unnecessary.
For these reasons, I return LD 1173 unsigned and vetoed. I strongly urge the Legislature to sustain it.
Sincerely,
S/Paul R. LePage
Governor

READ and **ORDERED PLACED ON FILE**. Sent for concurrence.

The accompanying item An Act To Improve School Administrative Efficiency and Expand Capacity for Professional Growth for Educators with Regional Collaborative Programs and Services

(H.P. 805) (L.D. 1173)
(C. "A" H-293)

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. 358V

YEA - Alley, Babbidge, Bates, Battle, Beavers, Beck, Beebe-Center, Bickford, Black, Blume, Brooks, Bryant, Buckland, Burstein, Campbell J, Campbell R, Chace, Chapman, Chenette, Chipman, Cooper, Corey, Daughtry, Davitt, DeChant, Devin, Dion, Doore, Duchesne, Dunphy M, Edgecomb, Espling, Evangelos, Farnsworth, Fecteau, Foley, Fowle, Fredette, Frey, Gattine, Gerrish, Gideon, Gilbert, Gillway, Ginzler, Golden, Grant, Greenwood, Grohman, Guerin, Hamann, Hanington, Harlow, Hawke, Herbig, Herrick, Hickman, Higgins, Hilliard, Hobart, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kinney J, Kinney M, Kornfield, Kruger, Kumiega, Lajoie, Lockman, Longstaff, Luchini, Maker, Marean, Martin J, Martin R, Mastraccio, McCabe, McClellan, McCreight, McElwee, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Nutting, Parry, Peterson, Picchiotti, Pickett, Pierce T, Pouliot, Powers, Rotundo, Russell, Rykerson, Saucier, Schneck, Seavey, Shaw, Short, Stanley, Stearns, Stetkis, Stuckey, Sukeforth, Tepler, Timberlake, Tipping-Spitz, Tucker, Tuell, Vachon, Verow, Wadsworth, Wallace, Ward, Warren, Welsh, White, Winsor, Mr. Speaker.

NAY - Austin, Crafts, Dillingham, Dunphy L, Hanley, Head, Long, Lyford, O'Connor, Pierce J, Prescott, Reed, Sanderson, Sawicki, Sherman, Sirocki, Skolfield, Turner, Wood.

ABSENT - Farrin, Goode, Malaby, Noon, Sanborn, Theriault, Timmons.

Yes, 125; No, 19; Absent, 7; Excused, 0.

125 having voted in the affirmative and 19 voted in the negative, with 7 being absent, and accordingly the Veto was **NOT SUSTAINED**. Sent for concurrence.

The Following Communication: (H.C. 288)

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

June 22, 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 1186, "An Act To Promote Professional Training and Security in Maine Courts."
As promised, I am vetoing all bills sponsored by Democrats, who vote for the job-killing, pro-welfare agenda set by the Maine People's Alliance, but have stifled the voice of the Maine people by preventing them from voting on the elimination of the income tax.
These legislators were elected to serve the people of Maine, but they choose to operate behind closed doors to advance their own partisan agendas. Rather than work with me to at least give the Maine people a chance to vote on lowering or eliminating the income tax, they closed the door. They defend the status quo and they cut the people out of the process.
I will not sit by and watch a handful of Democrats disenfranchise the people they were elected to represent. I want to ensure that each piece of legislation gets the widest possible representation in Augusta.
Therefore, in order for legislation sponsored by Democrats to become law, they will have to follow the procedure for reconsideration of a veto, which requires two-thirds support of the Legislature and a roll call. Instead of allowing them to pass bills out of the public eye and with no accountability, I believe the Maine people deserve to see how their elected officials voted on each piece of legislation.
For this reason, I return LD 1186 unsigned and vetoed.
Sincerely,
S/Paul R. LePage
Governor

READ and **ORDERED PLACED ON FILE**. Sent for concurrence.

The accompanying item An Act To Promote Professional Training and Security in Maine Courts (EMERGENCY)

(H.P. 819) (L.D. 1186)
(C. "A" H-358)

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. 359V

YEA - Alley, Babbidge, Bates, Battle, Beavers, Beck, Beebe-Center, Bickford, Black, Blume, Brooks, Bryant, 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, Fecteau, Fowle, Fredette, Frey, Gattine, Gideon, Gilbert, Ginzler, Golden, Grant, Greenwood, Grohman, Guerin, Hamann, Hanley, Harlow, Hawke, Head, Herbig, Herrick, Hickman, Higgins, Hobart, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kinney J, Kinney M, Kornfield, Kruger, Kumiega, Lajoie, Lockman, Longstaff, Luchini, Maker, Marean, Martin J, Martin R, Mastraccio, McCabe, McCreight, McElwee, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Nutting, Parry, Peterson, Picchiotti, Pickett, Pierce T, Pouliot, Powers, Prescott, Reed, Rotundo, Russell, Rykerson, Saucier, Sawicki, Schneck, Seavey, Shaw, Sherman, Short, Sirocki, Skolfield, Stanley, Stearns, Stuckey, Sukeforth, Tepler, Timberlake, Tipping-Spitz, Tucker, Tuell, Vachon, Verow, Wadsworth, Wallace, Ward, Warren, Welsh, Winsor, Wood, Mr. Speaker.

NAY - Austin, Buckland, Foley, Gerrish, Gillway, Hanington, Hilliard, Long, Lyford, McClellan, O'Connor, Pierce J, Sanderson, Stetkis, Turner, White.

ABSENT - Farrin, Goode, Malaby, Noon, Sanborn, Theriault, Timmons.

Yes, 128; No, 16; Absent, 7; Excused, 0.

128 having voted in the affirmative and 16 voted in the negative, with 7 being absent, and accordingly the Veto was **NOT SUSTAINED**. Sent for concurrence.

The Following Communication: (H.C. 289)

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

June 22, 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 1225, "An Act Concerning Swim Area Permits."
The core provision of LD 1225 states thusly:

> The length of the area delineated by a swim line or of a developed swim area may not exceed 50% of the entire length of the shore frontage of the property from which the developed swim area or the area delineated by a swim line extends or 200 feet, whichever is greater, except that in no event may the developed swim area or the area delineated by a swim line extend beyond the shore frontage of the property.

Is this what legislating in Augusta has become? I question if there has ever been such uninspired action by the Legislature. Did the good people of Maine go to the polls last November so that someone would finally come to Augusta to figure out how to micromanage the size of swim areas? I think not. This is simply more unnecessary red tape. Worse still, this appears to be an attempt to settle some local dispute with the residents of Frey Island via a state-wide law. This is not why the people of Maine entrusted us with the responsibility of setting policy.
For this reason, I return LD 1225 unsigned and vetoed. I strongly urge the Legislature to sustain it.
Sincerely,
S/Paul R. LePage
Governor

READ and **ORDERED PLACED ON FILE**. Sent for concurrence.

The accompanying item An Act Concerning Swim Area Permits

(H.P. 843) (L.D. 1225)
(C. "A" H-307)

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. 360V

YEA - Alley, 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, Dion, Doore, Duchesne, Dunphy M, Espling, Evangelos, Farnsworth, Fecteau, Fowle, Fredette, Frey, Gattine, Gideon, Gilbert, Gillway, Golden, Grant, Greenwood, Grohman, Hamann, Hanington, Hanley, Harlow, Herbig, Herrick, Hickman, Higgins, Hilliard, Hobart, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kinney J, Kornfield, Kruger, Kumiega, Lajoie, Longstaff, Luchini, Lyford, Marean, Martin J, Martin R, Mastraccio, McCabe, McCreight, McElwee, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Nutting, Parry, Peterson, Picchiotti, Pickett, Pierce T, Pouliot, Powers, Reed, Rotundo, Russell, Rykerson, Saucier, Sawicki, Schneck, Seavey, Shaw, Short, Stanley, Stearns, Stuckey, Sukeforth, Tepler, Timberlake, Tipping-Spitz, Tucker, Turner, Vachon, Verow, Wadsworth, Ward, Warren, Welsh, Wood, Mr. Speaker.

NAY - Austin, Dillingham, Dunphy L, Edgecomb, Foley, Gerrish, Ginzler, Guerin, Hawke, Head, Kinney M, Lockman, Long, Maker, McClellan, O'Connor, Pierce J, Prescott, Sanderson, Sherman, Sirocki, Skolfield, Stetkis, Tuell, Wallace, White, Winsor.

ABSENT - Farrin, Goode, Malaby, Noon, Sanborn, Theriault, Timmons.

Yes, 117; No, 27; Absent, 7; Excused, 0.

117 having voted in the affirmative and 27 voted in the negative, with 7 being absent, and accordingly the Veto was **NOT SUSTAINED**. Sent for concurrence.

The Following Communication: (H.C. 290)

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

June 22, 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 1395, "An Act To Implement the Recommendations of the Government Oversight Committee To Ensure Legislative Review of Reports Submitted by Quasi-independent State Agencies."
By passing this bill, the Legislature has admitted what I have long known to be true. The Legislature does not read the reports that it requires others to submit. The additional bureaucracy that this bill seeks to add will not make our state government more efficient, effective and accountable; it simply adds red tape and passes the buck.
It's the Legislature's prerogative to manage its own affairs, yet once again, truth is stranger than fiction. The Legislature needed to pass a law requiring itself to review the reports that it requires others to submit and then write another report to the Government Oversight Committee (GOC) to review. Currently, if a legislator has concerns with a particular quasi-state agency, they have the ability to submit a letter to the GOC requesting an investigation into the matter. This bill is unnecessary and a waste of time and resources.
While there may be some in the Legislature that believe a proliferation of bureaucracy is a substitute for effective, accountable management, I make no such mistake. For this reason, I return LD 1395 unsigned and vetoed and I strongly urge the Legislature to sustain it.
Sincerely,
S/Paul R. LePage
Governor

READ and **ORDERED PLACED ON FILE**. Sent for concurrence.

The accompanying item An Act To Implement the Recommendations of the Government Oversight Committee To Ensure Legislative Review of Reports Submitted by Quasi-independent State Agencies

(H.P. 945) (L.D. 1395)
(C. "A" H-298)

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. 361V

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

NAY - Battle, Black, Buckland, Chace, Corey, Crafts, Dillingham, Dunphy L, Espling, Foley, Fredette, Gerrish, Gillway, Ginzler, Greenwood, Guerin, Hanington, Hanley, Herrick, Hilliard, Hobart, Kinney J, Kinney M, Long, Lyford, Marean, O'Connor, Picchiotti, Pickett, Pierce J, Prescott, Reed, Sawicki, Sherman, Sirocki, Skolfield, Timberlake, Turner, Wadsworth, Wallace, Ward, White, Wood.

ABSENT - Farrin, Goode, Malaby, Noon, Sanborn, Theriault, Timmons.

Yes, 101; No, 43; Absent, 7; Excused, 0.

101 having voted in the affirmative and 43 voted in the negative, with 7 being absent, and accordingly the Veto was **NOT SUSTAINED**. Sent for concurrence.

The Following Communication: (H.C. 291)

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

June 22, 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 1425, "An Act To Amend the Laws Relating to Corporations and Limited Partnerships."
This bill allows corporations and domestic limited partnerships to apply for reinstatement more than six years after being administratively dissolved. The reinstatement fee would be $25 for each report that should have been filed between the time of dissolution and the time of application for reinstatement.
Several years ago, Maine law allowed a defunct corporation to be reinstated by simply naming new officers and advising the Secretary of State. The Legislature then decided to get rid of the reinstatement provisions altogether. Acknowledging now that having no reinstatement process creates its own set of problems, this bill is designed to revive the process. The problem with this bill is that it reestablishes the process in an anti-business, punitive way by charging for reports that were never filed. Moreover, the reports were not required to be filed because the corporation was administratively dissolved.
Maine should be welcoming the reinstatement of businesses to operational status rather than penalizing them for a period of administrative dissolution. If Maine wants to change the law to allow businesses to revive, it should be encouraging them by making the fee equal to the cost of filing the next report due.
For these reasons, I return LD 1425 unsigned and vetoed. I strongly urge the Legislature to sustain it.
Sincerely,
S/Paul R. LePage
Governor

READ and **ORDERED PLACED ON FILE**. Sent for concurrence.

The accompanying item An Act To Amend the Laws Relating to Corporations and Limited Partnerships

(H.P. 971) (L.D. 1425)

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. 362V

YEA - Alley, Babbidge, Bates, Beavers, Beck, Beebe-Center, Bickford, Black, Blume, Brooks, Bryant, Burstein, Campbell J, Campbell R, Chapman, Chenette, Chipman, Cooper, Corey, Crafts, Daughtry, Davitt, DeChant, Devin, Dion, Doore, Duchesne, Dunphy M, Edgecomb, Espling, Evangelos, Farnsworth, Fecteau, Fowle, Fredette, Frey, Gattine, Gideon, Gilbert, Gillway, Ginzler, Golden, Grant, Greenwood, Grohman, Guerin, Hamann, Harlow, Herbig, Herrick, Hickman, Higgins, Hobart, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kruger, Kumiega, Lajoie, Lockman, Longstaff, Luchini, Maker, Marean, Martin J, Martin R, Mastraccio, McCabe, McCreight, McElwee, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Nutting, Parry, Peterson, Picchiotti, Pickett, Pierce T, Pouliot, Powers, Reed, Rotundo, Russell, Rykerson, Saucier, Sawicki, Schneck, Shaw, Short, Stanley, Stearns, Stetkis, Stuckey, Sukeforth, Tepler, Timberlake, Tipping-Spitz, Tucker, Tuell, Vachon, Verow, Ward, Warren, Welsh, White, Mr. Speaker.

NAY - Austin, Battle, Buckland, Chace, Dillingham, Dunphy L, Foley, Gerrish, Hanington, Hanley, Hawke, Head, Hilliard, Kinney J, Kinney M, Long, Lyford, McClellan, O'Connor, Pierce J, Prescott, Sanderson, Seavey, Sherman, Sirocki, Skolfield, Turner, Wadsworth, Wallace, Winsor, Wood.

ABSENT - Farrin, Goode, Malaby, Noon, Sanborn, Theriault, Timmons.

Yes, 113; No, 31; Absent, 7; Excused, 0.

113 having voted in the affirmative and 31 voted in the negative, with 7 being absent, and accordingly the Veto was **NOT SUSTAINED**. Sent for concurrence.

SENATE PAPERS
Non-Concurrent Matter

Bill "An Act To Remove from the Maine Medical Use of Marijuana Act the Requirement That a Patient's Medical Condition Be Debilitating"

(H.P. 22) (L.D. 23)

Majority (12) **OUGHT TO PASS** Report of the Committee on **HEALTH AND HUMAN SERVICES READ** and **ACCEPTED** and

the Bill **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-484)** in the House on June 19, 2015.

Came from the Senate with that Body having **ADHERED** to its former action whereby the Minority (1) **OUGHT NOT TO PASS** Report of the Committee on **HEALTH AND HUMAN SERVICES** was **READ** and **ACCEPTED** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

ENACTORS

Acts

An Act To Lower Energy Costs and Increase Access to Solar Energy for Agricultural Businesses

(S.P. 376) (L.D. 1073)
"A" S-253)

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

An Act Regarding Timber Harvesting on Land Managed by the Bureau of Parks and Lands

(H.P. 254) (L.D. 388)
(C. "A" H-297)

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

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

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

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

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

ROLL CALL NO. 363

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

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

ABSENT - Farrin, Goode, Malaby, Moonen, Noon, Sanborn, Theriault, Timmons.

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

81 having voted in the affirmative and 62 voted in the negative, with 8 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment Friday, June 19, 2015, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

SENATE DIVIDED REPORT - Majority (6) **Ought Not to Pass** - Minority (5) **Ought to Pass as Amended by Committee Amendment "A" (S-237)** - Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Increase Accountability in Maine's Welfare Programs"

(S.P. 505) (L.D. 1375)

- In Senate, Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-237)**.

TABLED - June 19, 2015 (Till Later Today) by Representative GATTINE of Westbrook.

PENDING - **ACCEPTANCE OF EITHER REPORT**.

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

Representative FREDETTE of Newport **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

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

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative Gattine.

Representative **GATTINE**: Thank you, Mr. Speaker, Women and Men of the House, reforming welfare in Maine is something we talk about all the time and something we debate all the time. It's pretty clear it means different things to different people. But I think we can agree that there is a lot about our social safety net that needs to be improved. It needs to work better for the people who rely on it. It's supposed to be there for them when they really need it.

With respect to the TANF program, it's supposed to help families with children move their way out of poverty and into the workforce. TANF is a critically important program. Maine has shrunk it considerably over the past five years. The number of TANF families has been cut more than in half and over 12,000 children have lost assistance. But it still provides a small amount of cash assistance each month to a few more than 6,000 families in Maine. TANF families are, by definition, families with children. And well over 90 percent of TANF families are headed by single moms. They are extremely poor and the maximum TANF grant for a family of three is $485 a month. $485 a month. Imagine paying for rent, utilities, and other essential items on that kind of income. Mr. Speaker, life for a family on TANF is far from comfortable.

Keep in mind as we consider this bill and the others we'll be debating tonight that as the number of children on TANF has been slashed in half, the overall number of Maine children living in poverty has increased. I'm sorry to say that the economic recovery has left Maine's poorest children behind and today, more than one-fifth of Maine children live under the poverty line. Things are pretty bleak, but it isn't all bad news.

Over the past few years, this Legislature has actually worked together and accomplished some important reforms. The 126th

Legislature implemented your Ticket to Work bill, Mr. Speaker. And now everyone applying for TANF gets an assessment of their work-readiness. The good news is that the overwhelming number of people applying for TANF are enthusiastic about their desire to work. The bad news is that over 70 percent are assessed as not being work ready and need help and support to get there. But that's okay because the assessment process identifies the people who need help and DHHS can work to get them the support they need.

There have been other reforms also. Just last week this Legislature enacted a budget that fixes the infamous "welfare cliff" and also supports "welfare-to-work" by improving access to affordable childcare and transportation. But I guess my point is, when it comes to the TANF program, real welfare means helping people move into the workforce. That's one of the ways we should judge the success of the program, and that's the prism through which we should view all real reform efforts. Successful reform will protect the wellbeing of kids. That is the goal of the TANF program. That should be our goal as legislators.

Unfortunately, the bill before us now fails to live up to that standard. It does nothing to promote welfare-to-work. It does nothing to protect vulnerable children. It isn't real reform. And there are lots of pieces to this bill and I'm just going to go over a few of them and point out the problems.

First of all, it has constitutionality problems. Restrictions on using benefits out of state violate the Constitution. We debated that in the 126th Legislature when we defeated a similar bill. The bill before you also allows the state to terminate TANF benefits without notice or a fair hearing—a violation of basic due process rights. The bill also has strict and unworkable cash withdrawal limits, limited to 15 percent of the monthly amount of assistance. So a mom with two kids could only access about $60 per month in cash. Now, TANF is intended to give people cash for necessary expenses, such as rent and utilities, and also for things that people need to support them in work, such as childcare and transportation. People in extreme poverty are less likely to have bank accounts and often pay for these necessities in cash.

Kansas—we hear a lot about Kansas lately—is the only other state that has tried to implement this kind of restriction and they were told by the federal government that it was a violation of federal law. The Federal Social Security Act requires that TANF participants have adequate access to their cash assistance and can withdraw money with minimal fees or charges. Kansas had to scramble to backtrack from this type of legislation. Here in Maine, we receive $78 million a year in block grant funding for the TANF program. We can't put that money at risk by putting restrictions in place in violation of federal law.

This bill also eliminates current good-cause exemptions, up to program requirements. This means that in a family where a child has disabilities or those that lack transportation or face other emergencies, they're going to lose their benefits. Families would lose their housing and other basic necessities due to factors they have no control over: snowstorm, illness, being called in for jury duty. This is fundamentally unfair. This would mean that if a mother had to miss an appointment because her child was ill, the whole family would be at risk to lose the help that keeps a roof over their head.

The up-front job search requirements may sound reasonable, but they're really just a barrier. By DHHS's own assessment, as I mentioned before, we know that over 70 percent of TANF recipients are not work ready. Why would we make them apply for jobs they aren't ready to take and won't be successful in? Once they're on TANF, they're eligible for a whole array of ASPIRE activities to help make them work ready and position them for success. Why would we put up barriers for people to get those types of services that will help them be successful in the workforce?

We need to continue to reform welfare to make it better for the children who rely on it and the single moms who are trying to build a better life for their families. Let's provide opportunities to help those families leave poverty behind, not barriers to set them back. So when you consider any proposal to change TANF, ask yourself: will this keep children from going hungry and becoming homeless? And when you look at LD 1375, the answer is a resounding "no." In fact, these proposals will lead to more homelessness and hungry children in Maine. This is not a "tough love" approach, Mr. Speaker. It's a "tough luck" approach that says we don't care about these families, and to me that's not reform. Those aren't Maine values. We need to reject this and keep working together on real reform. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Chelsea, Representative Sanderson.

Representative **SANDERSON**: Thank you, Mr. Speaker, Men and Women of the House, I rise in opposition to the pending motion. Twenty-nine of our colleagues, bipartisan effort in the other body of this building, voted in favor to pass this piece of legislation. Why? Because it's smart and it's sensible. Yes, this does reduce some of the things that you can do with it.

It says you can't use it at tobacco specialty stores. It amends the time period which applicants maybe receive alternative aid and eliminates alternative aid to applicants who are not eligible for TANF benefits due to the 60-month time limits. It also imposes a 6-month termination of TANF benefits upon the imposition of a third sanction. A third sanction. That means you have three strikes, you're out. And removes the pre-notification requirement for that third one. If you haven't learned the first two times that you need to be responsible with this public welfare funding, then you ought to lose your benefits. It also does remove the good cause exemptions that prevent a person from being sanctioned. Right now Maine is looking at a $20 million bill. We have been assessed $20 million for being out of compliance with the work search requirements and the work requirements under the TANF rules, the federal TANF rules. Recently, we were just sanctioned again for another year, adding another $6 to $7 million on top of that $20 million assessment that the people of this state are probably going to have to pay back to the federal government because we are much too lenient in the guidelines of which we have.

Now, I'm not sure where anybody here thinks we're going to get that $26 million to pay back, especially when we're not already meeting obligations for individuals who are in need in this state. This is fair legislation. Requiring the money to be spent in-state, where they're living, is not a draconian requirement. Requiring this money to not be spent on tobacco, liquor, lotteries, tattoos, bail, is not draconian. This money is temporary assistance for needy families. Needy families. People who need help with their basic living expenses: their food, their shelter, their clothing for their children. Families. That indicates there's children in the home. For every dollar that is being misspent under the TANF program, that is a child that is going without. A child that is going without. And we need to make sure that we are supporting the children in these families.

We have work search requirements. But for those who do not qualify as job-ready when they apply for these TANF benefits, we have job training. That was the reason for the assessment; so we can get them into some education, some job training, get them into volunteer positions to qualify for this. We need to tighten up our welfare benefits. Under the TANF program, the family compliance rate with the rules—the federal rules—under

TANF rate is 16.8 percent. A 16.8 percent compliance rate under this program. That's crazy. It's costing us millions of dollars a year and the bills are racking up. I urge you to vote against the pending motion. I urge you to join our Republican and Democrat colleagues at the other end of the hall in the other body, pass this sensible legislation. Thank you.

The SPEAKER: The Chair would remind Members to not refer to the actions of the other body.

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 Chair recognizes the Representative from Lincolnville, Representative Burstein.

Representative **BURSTEIN**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I rise today to ask all of us to really think about welfare reform—what we really want it to mean. Today, these two simple words have become so politicalized that we've lost all real meaning. They've become more of a political weapon than a real and meaningful effort to raise families out of poverty. And the result is something that none of us want, something that Maine voters don't want. The result is that Maine children have become the victims of a debate that has turned the very idea of reform on its head and driven more families into poverty.

So today, let's begin to change this conversation. Let's agree to a standard for reform that we can all be proud of. Let's agree that reform should be about policies that improve the lives of families with children. Let's make sure that these policies are based on mutual responsibility—the responsibility of the family that they can do the best they can and our own responsibility to provide them with the opportunities that they need to leave welfare behind.

Let's have real outcome measures. Let's look at the impact of policies. Let's not measure them simply by the number of families that leave welfare rolls with no understanding in how they're fairing. In the recent years, the TANF rolls have dropped by more than half, but at the same time, child poverty has increased. That is not reform. Let's look at every one of the proposals in this bill and ask, "Does it meet a poverty reduction standard, or does it not?" Our votes must be guided by our answers to that question.

We have done welfare reform in this session. In the budget that most of us voted for, we eliminated the notorious "welfare cliff." We provided more opportunities for working families to access childcare and transportation. We gave families a hand up by providing incentive to save for a home or for education.

But Ladies and Gentlemen of the House, this bill that we are now debating fails this test. It is not reform. It does not lift families out of poverty; it would increase our already shameful rate of child poverty. It is not reform to ask people to search for a job they cannot take while at the same time denying them the help they need to overcome real barriers to work. It is not reform to take a family's benefit away without first giving them a chance to tell their side of the story. It is not reform to limit access to cash so that families can't pay their rent and are driven to homelessness.

Today, Ladies and Gentlemen of the House, let's put politics aside. Political points must not be our goal in this debate. Far too much is at stake. Instead, our goal must be to improve the lives of Maine children and their families. That is what all Maine people really want at the end of the day. Thank you, Mr. Speaker.

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

ROLL CALL NO. 364

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

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

ABSENT - Farrin, Goode, Malaby, Noon, Sanborn, Theriault, Timmons.

Yes, 76; No, 68; Absent, 7; Excused, 0.

76 having voted in the affirmative and 68 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.

HOUSE DIVIDED REPORT - Majority (9) **Ought Not to Pass** - Minority (4) **Ought to Pass as Amended by Committee Amendment "A" (H-320)** - Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Ensure the Integrity of the Temporary Assistance for Needy Families Program"

(H.P. 782) (L.D. 1144)

TABLED - June 9, 2015 (Till Later Today) by Representative GATTINE of Westbrook.

PENDING - **ACCEPTANCE OF EITHER REPORT**.

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

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

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

The SPEAKER: The Chair recognizes the Representative from Chelsea, Representative Sanderson.

Representative **SANDERSON**: Thank you, Mr. Speaker, Men and Women of the House, I rise in opposition to the pending motion. Though the initiatives in this bill to reform welfare and make some changes are good, the penalties for doing so have been rolled back below what we have now. We're having a hard time right now enforcing compliance within our TANF program. Again, we're facing federal sanctions. And without proper enforcement and without the actual teeth, in order to be able to administer this program with integrity and with the ability to discipline those who do not treat it appropriately, we're making a

bad mistake. I urge you to vote against the pending motion. Thank you.

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

Representative **HYMANSON**: Thank you, Mr. Speaker, Men and Women of the House, I would say that this doesn't roll back the penalties. In fact, it establishes new things that you can get with your TANF dollars that would require having a penalty. So, as an example, if you bought a pack of cigarettes, which would be a new item in this bill, you wouldn't expect to lose your benefits for three months, which is the current penalty; you would expect something lesser. And so this gives a lesser penalty because it's a lesser quote, unquote, "crime." So I would urge you to support this measure because it does increase the number of products that you can buy that would be penalized and give you a lesser penalty. Thank you.

Representative ESPLING of New Gloucester **REQUESTED** that the Clerk **READ** the Committee Report.

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

The SPEAKER: The Chair recognizes the Representative from Skowhegan, Representative McCabe.

Representative **McCABE**: Thank you, Mr. Speaker, Men and Women of the House, as the sponsor of the bill today, I rise in support of the pending motion and just want to clarify a few things. I think it was helpful that the Clerk read the Committee Report. I'd actually forgotten that it was partisan report, as this does establish and formalize in statute how TANF dollars should be used and shouldn't used.

So I hear a lot of us, we talk about limiting the use of TANF dollars. We say they shouldn't be used for alcohol, gambling, alcohol, or lottery. So, today we have an opportunity. We have an opportunity to vote for that and I'm going to guess that when we light up the board, it may not be a partisan vote, but we will see. Also, there was some discussion around the penalties. So, I think for me, we are stewards of the taxpayers' dollars, so we establish these things that formalizes in statute how these dollars can be used. And then there was some discussion around the penalties.

So I have the bill right before me and I'll just read what the penalties are. The first offense would be a warning that includes an explanation of how these benefits should be used. There is an education opportunity. Two, the second offense, is a period of disqualification for benefits that does not exceed three months. The third offense listed here is a disqualification of benefits not to exceed six months.

So we've heard a lot about the TANF program. I don't know how many people have experience the TANF program. I've had the opportunity to supervise people in a volunteer role over the last ten years. I've had dozens of TANF volunteers, both single mothers, single fathers on the TANF program. I've seen some folks succeed. I've seen some folks find employment. Some folks head to educational opportunities. And I've seen people who, over the years, have come back. Come back and volunteer in the same opportunity and then when the time is right or things align in their life, they succeed as well.

So, I don't go at this from not knowing anything about the program. I actually think when I drive down 95 frequently, I think of Sonny. Sonny went through school. She became an electrician. When I drive by the hospital every day, I think of Sonny and the work that she did and the time that it took for Sonny to actually become an electrician. So I thought back to the last bill that we just defeated, thank goodness. But here we are today. We're going to put some penalties in place—some penalties that seem appropriate. We're also going to put some restrictions in place that seem like things that we've heard on the campaign trail when we talk to folks and then back to, yet again, the penalties.

We're talking about something that will be set into statute that will be new and we're thinking about penalties that are appropriate that involve educating people about the proper use, but also giving folks an opportunity. We talk about the TANF program, we often forget. It might be an adult that violating the terms of the program. But let's think about who that affects. Let's think of the children. Many cases, we're talking about one or two children, could even possibly be more. So really, who does this affect? You take away a TANF benefit and the children lose in the end.

So, I hope people will think long and hard today about the appropriate penalties. As I put this bill forward, I included penalties that I felt were appropriate. I felt there was an educational opportunity and that's why the penalties are the way they are. So, thank you, Mr. Speaker.

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

Representative **PICKETT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, I pose a question to all of us. Are needy children really benefitting from parents who abuse the TANF system by purchasing tobacco, gambling, alcohol, and so on? True reform is the recipient taking assistance provided to bridge the gap to a job and not embracing the welfare program which has gone from assistance, in my opinion, to a way of life for some recipients. Shouldn't there be penalties to correct recipients to conform to following the rules? We expect people that we deal with every day, we expect our own children when we're raising them if they do something wrong to correct them into doing it right. These are not children. These are adults and they're taking care of children.

So I would ask you to think about that and think about what we've done here today in regard to welfare reform. We've heard a lot about true welfare reform. I believe, today, we have done more to not provide true welfare reform than to provide true welfare reform. We have enabled people by the votes that we have taken. Thank you very much, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Waterville, Representative Beck.

Representative **BECK**: Thank you, Mr. Speaker. Mr. Speaker and Members of the House, I rise as a cosponsor on this legislation. I think it's a wonderful opportunity. Take a look at the cosponsors. It's a bipartisan group. Maine people are very clear about how we want TANF dollars to be used and this will be an important step in welfare reform. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Chelsea, Representative Sanderson.

Representative **SANDERSON**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I apologize for rising twice. I have the letter from the Department that they issued at the public hearing regarding this piece of legislation. And they had something to say here. It says, "While the Department supports and encourages the strengthening of our public assistance program, LD 1144 is redundant in some ways and does not go far enough in others in an effort to deter the misuse of public benefits. The Department has already taken many steps to educate recipients regarding the misuse of Temporary Assistance for Needy Families benefits." This has been done through letters, TANF orientation, updated EBT brochures, signed acknowledgement forms, changes to the Pine Tree Card website, and updates to the EBT card identifying improper cash withdrawals at certain establishments. They've also blocked the use of EBT cards at ATM's and establishments prohibited under current law.

Penalties for misuse, as outlined in this bill, again as I said earlier, are much more lenient than current penalties on the book. You're rolling back penalties. These penalties that are already well-established in the TANF program are currently recipients who knowingly violate program rules are penalized for one year for the first offense. Two years for the second offense. And permanently for the third offense. And we want to roll these back to an education experience for the first one, up to three months for the second one, and up to six months for the third one. I'm not sure that's actually a good idea.

We already have some sanctioned initiatives in place and rolling them back is not going to ensure that we have any better luck enforcing our TANF rules than what we have right now. We need to make sure what we're doing is strengthening the entire law, not weakening it. Thank you.

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

Representative **CHENETTE**: Thank you, Mr. Speaker, people shouldn't be buying products like tobacco, gambling, alcohol, and lottery tickets with TANF money. This bill would protect the funding to the people who desperately need this. It's a compassionate value thing for me. TANF is meant for essentials only and food for families, for children in desperate need. And the penalties are stiff.

I'm just trying to grapple with this idea that somehow these penalties aren't stiff. Yes, the first thing is a warning, but as anybody who's gotten a speeding warning in this chamber—which I'm sure some of you have—I bet you're pretty thankful, right? And you're probably going to be less likely to do again. But, if you don't pay attention to that warning, guess what: three months without food, Mr. Speaker. You try living without food for three months. That's not a little penalty, that's a significant penalty. Nobody in this chamber can go three months without food. I'm pretty sure most of us went to dinner right before we came here tonight. I just want you to think about that. That's not a little penalty. I think that is significant. And then if you're still not paying attention: six months without food, Mr. Speaker. To children. That's a significant penalty. And a big deterrent.

My mother raised me on food stamps, Mr. Speaker, for a temporary amount of time when she really needed the help. When food stamps were still pieces of paper. This protects the taxpayer and ensures the money truly goes to those who need it, like my mother needed it. Vote green if you agree with what I've talked about. It's time to put your vote where the campaign rhetoric has been. Thank you, Mr. Speaker.

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

Representative **GRANT**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I rise in support of the current motion. I'm particularly pleased that this bill will require the Department of Health and Human Services to measure and report on the cost and benefit of the bans to prevent situations like we had in Massachusetts where lots and lots of effort was made to recover $6.60 after 18 months of a program.

I also think it would be great to have some data because we're quite long on anecdotes when it comes to the requirements for welfare reform, but we're quite short on data. So, I think some report back would be really, really helpful. As far as the penalties are concerned, I hope it doesn't depress too many people in the House to be reminded that tarring and feathering have been outlawed. Thank you, Mr. Speaker.

The SPEAKER: The Chair would remind Members to keep the debate to the motion before us. Keep it civil. We have a number of other bills to get through.

The Chair reminded all members to confine their debate to the question before the House.

The SPEAKER: The Chair recognizes the Representative from Scarborough, Representative Sirocki.

Representative **SIROCKI**: Thank you, Mr. Speaker, I would just like to say that if someone is being penalized with the TANF program, food is not a violation. The purchase of food is not a violation. And the SNAP program is a separate program; that would be the food stamp program. Thank you.

The SPEAKER: The Chair recognizes the Representative from Skowhegan, Representative McCabe.

Representative **McCABE**: Thank you, Mr. Speaker, I just wanted to clarify. Men and Women of the House, these limitations on this program are not in statute now. There was some discussion earlier in regards to scaling back penalties and some other components. But I just wanted to make it clear that what we're proposing today is putting these into statute so that these limitations would be in place.

I also did want to clarify that while SNAP benefits may not be cut under this program, I think we've heard some, or if there is a penalty, I think we've heard some discussion as far as how much folks receive in SNAP benefits and that TANF really is a supplement. It's a supplement for needy families. It's a supplement to buy food. It's a supplement towards paying rent. For some people, it's a supplement for keeping a car on the road. Other folks might use it as a supplement for childcare.

So, you know, when I think about the SNAP program, I often think that it doesn't go far enough. It doesn't often support these families for all of their needs. So to lose your TANF benefit really would hit home. It probably would take food out of children's mouths. And it would have, what I feel, is sort of a draconian effect. So, for me, suspending the program for any length of time is troubling and I think in this bill, it provides an opportunity for an educational experience the first time around. And it's my hope that after that first time, through that education experience, that there might not need to be a second or a third offense. But, that's why I put the bill forward. That's why I put the penalties the way they are and I just hope folks will think before they vote today and what this really means for families and children.

The SPEAKER: The Chair recognizes the Representative from Scarborough, Representative Vachon.

Representative **VACHON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, just want to keep this all in focus and perspective. Strict penalties are there to ensure that these benefits are for the children. Thank you.

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

ROLL CALL NO. 365

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

NAY - Austin, Battle, Bickford, Black, Bryant, Buckland, Campbell R, Chace, Chapman, Chipman, Corey, Crafts, Dillingham, Dunphy L, Edgecomb, Espling, Foley, Fredette,

Gerrish, Gillway, Ginzler, Greenwood, Guerin, Hanington, Hanley, Harlow, Hawke, Head, Herrick, Hickman, Higgins, Hilliard, Hobart, Kinney J, Kinney M, Lajoie, Lockman, Long, Lyford, Maker, Marean, McClellan, McElwee, Melaragno, Moonen, Nutting, O'Connor, Parry, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reed, Sanderson, Sawicki, Seavey, Sherman, Sirocki, Skolfield, Stearns, Stetkis, Timberlake, Tuell, Turner, Vachon, Wadsworth, Wallace, Ward, White, Winsor, Wood.

ABSENT - Farrin, Goode, Malaby, Noon, Sanborn, Theriault, Timmons.

Yes, 72; No, 72; Absent, 7; Excused, 0.

72 having voted in the affirmative and 72 voted in the negative, with 7 being absent, and accordingly the Minority **Ought to Pass as Amended** Report was **NOT ACCEPTED**.

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

The same Representative moved that the Bill be **TABLED** until later in today's session pending his motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

Representative ESPLING of New Gloucester **REQUESTED** a roll call on the motion to **TABLE** until later in today's session pending the motion of Representative McCABE of Skowhegan to **ACCEPT** the Majority **Ought Not to Pass** Report.

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

The SPEAKER: A roll call has been ordered. The pending question before the House is to Table until later in today's session pending the motion of Representative McCABE of Skowhegan to Accept the Majority Ought Not to Pass Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 366

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

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

ABSENT - Farrin, Goode, Malaby, Noon, Sanborn, Theriault, Timmons.

Yes, 78; No, 66; Absent, 7; Excused, 0.

78 having voted in the affirmative and 66 voted in the negative, with 7 being absent, and accordingly the Bill was **TABLED** until later in today's session pending the motion of Representative McCABE of Skowhegan to **ACCEPT** the Majority **Ought Not to Pass** Report

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HOUSE DIVIDED REPORT - Report "A" (6) **Ought to Pass as Amended by Committee Amendment "A" (H-245)** - Report "B" (5) **Ought to Pass as Amended by Committee Amendment "B" (H-246)** - Report "C" (2) **Ought Not to Pass** - Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Stop the Abuse of Electronic Benefits Transfer Cards"

(H.P. 420) (L.D. 607)

TABLED - June 2, 2015 (Till Later Today) by Representative GATTINE of Westbrook.

PENDING - Motion of same Representative to **ACCEPT** Report "B" **OUGHT TO PASS AS AMENDED**.

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative Gattine.

Representative **GATTINE**: Thank you, Mr. Speaker, Women and Men of the House, as I'm sure many of you know, over the past year the Department of Health and Human Services has moved forward with an attempt to put photographs on Electronic Benefits Cards; the cards that thousands and thousands of Mainers use to access essential benefits, including food assistance.

Now, there are people who believe this effort is important and there are people who believe this effort is a waste of time and money. And I'll admit to being in the latter category. There's no evidence that putting photos on EBT cards provides any benefit to preventing fraud or misuse of those cards. Only one other state currently does this and, in fact, most states that have gone down this road have abandoned it because it brought no benefit and it cost them a lot of money.

But this motion isn't about whether you think photos on EBT cards are a good idea or a fair way to run a food assistance program. I'll concede for the purposes of this argument that that's a fair area of disagreement. But I hope there's something that we can all agree on: if the Department's going to invest taxpayer time and money on this effort and if the Department is going to implement a program that will impact the businesses of retailers that accept these cards and the beneficiaries who rely on the program, it really needs to do it right. And the unfortunate fact is that up to this point, the Department has not done it right. I'm sorry to say it's been mishandled every step of the way. And that's had a real impact and I'm hoping that this bill will take steps to fix that.

The Department has gotten it wrong every step of the way. We heard all about it at the work session on this bill. When the Department implemented the photo ID program, it ignored federal guidelines and guidance. It ignored the request that it provide to the federal authorities a copy of its implementation plan. It didn't do rulemaking or engage stakeholders, such as grocers or retailers, nor beneficiaries in the implementation process. And as a result, the implementation was a disaster.

The information that was sent to beneficiaries was incorrect and misleading. The guidance that was given to retailers and grocers was wrong and confusing. And the federal government, who pays for the food assistance benefits with taxpayer funds was so concerned with the failure of DHHS implementing this relatively simple change, that it threatened to withhold the money it sends to Maine to administer the program. Maine people, including the elderly, disabled, and children receive over $300 million a year in food assistance annually. Maine receives about $9 million a year in federal money to administer the food assistance programs. And the feds have actually threatened to withhold that money. And, Mr. Speaker, we cannot afford to have the federal government withhold that money simply because the Department cannot correctly administer the program. Losing that money would have a disastrous impact on the Department's ability to run the food assistance program.

The federal audit found that the state's implementation was poorly communicated to retailers and beneficiaries, violated people's civil rights, and cut people off from access to the program. So the motion before you is pretty simple. It doesn't tell the Department what it can or cannot do. It simply requires the Department to do things right. If it chooses to implement this program, it has to implement it in a way that works for retailers, recipients, and for the taxpayers. To implement it in a way that comports with the law and doesn't put millions of dollars at risk. Whether or not you think photos on benefit cards are a good idea, it's important that the Department get it right and I hope you will support this motion. Thank you, Mr. Speaker.

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

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

The SPEAKER: The Chair recognizes the Representative from Chelsea, Representative Sanderson.

Representative **SANDERSON**: Thank you, Mr. Speaker, Men and Women of the House, requiring photo ID's on the EBT cards is a small step toward accountability. At this time, when you initially get your card, it's a voluntary process to have your photo ID put on. This bill has been amended—I can't speak to that. That's the Minority Report.

The current report in front of us at this time would ask the Department to submit for a waiver for the US Department of Agriculture and ask them to promulgate rules for us to follow asking if we can put photos on these EBT cards. Of course, because the federal government pushed back against this measure when it was instituted a year ago, it's probably a good guess they're going to say, "no," which is astounding to think that they would say no to any state, any state at all, who would like to institute measures which would bring greater accountability to the program. After all, be it federal or be it state, every bit of this money is taxpayer dollars. Taxpayer dollars. At the very least, the very least, what we should be doing is requiring photo ID's on somebody who needs a replacement card.

Now, we've all seen a lot in the newspaper lately—drug busts—in the last couple years where EBT cards have been trafficked. Trafficked for drugs. Every card that is trafficked for drugs is money that is not going to feed a hungry family, feed a hungry child, clothe a hungry child, pay rent for a hungry child, or put food on their back. Every time those cards are abused—and it's done more often than not—it's a misuse of federal dollars and it's a misuse of state dollars.

We need to be working toward welfare reform here. We talk a lot about welfare reform here. But it doesn't seem as though we actually want to get welfare reform done. Talking about it is not going to fix the problem. We need to be bold and we need to take some serious initiatives. By requiring somebody to have their photo on their card should they need a replacement—because believe it or not, some folks have had six, eight, ten replacement cards in a given year—is not too much to ask. I urge you to vote down this motion and pass the other one.

The SPEAKER: The Chair recognizes the Representative from Arundel, Representative Parry.

Representative **PARRY**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, this was my bill originally and I submitted this bill because I had been watching in the news and they had a drug bust and there was a whole stack of EBT cards there. And a couple weeks later there was another drug bust and there was a stack of EBT cards there.

The SPEAKER: Will the Representative defer? The Chair recognizes the Representative from Westbrook, Representative Gattine, and inquires to why the Representative rises.

Representative **GATTINE**: I don't think the Representative or the Representative who spoke before him are arguing the motion that's in front of the body right now.

On **POINT OF ORDER,** Representative GATTINE of Westbrook asked the Chair if the remarks of Representative SANDERSON of Chelsea and Representative PARRY of Arundel were germane to the pending question.

The SPEAKER: The Chair would remind all Members to focus your comments and debate on the bill in front of us: the use of Electronic Benefits Transfer cards.

The Chair reminded all Representatives to confine their debate to the question before the House.

The SPEAKER: The Representative may proceed.

Representative **PARRY**: Thank you, Mr. Speaker, I'm sorry. I should've started with I am against this motion, even though this was my bill originally and I was just explaining why I put the bill in originally. And both reports, including this one, it didn't really get to what I wanted to do in the original bill, which was to stop the trafficking of EBT cards by drug dealers. So I would suggest everybody follow my light and vote Ought Not to Pass on this motion.

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

Representative **STUCKEY**: Thank you, Mr. Speaker, there is a third report. It is Ought Not to Pass. I'd like to read to you, Mr. Speaker, from the federal website from the Administration of Children and Families. "The Temporary Assistance for Needy Families program is designed to help needy families achieve self-sufficiency. States receive block grants to design and operate programs that accomplish one of the purposes of the TANF program. There are four purposes to the TANF program and they are: to provide assistance to needy families so that children can be cared for in their own homes; to reduce the dependency of needy parents by promoting job preparation, work, and marriage; prevent and reduce the incident of out-of-wedlock pregnancies; and encourage the formation and maintenance of two-parent families."

Mr. Speaker, we've moved thousands of families off of welfare, but most of them have not moved out of poverty and I question, as I did with the previous bill, the relevance to the purpose of TANF of either of these proposals. Thank you, Mr. Speaker.

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

ROLL CALL NO. 367

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

NAY - Austin, Battle, Bickford, Black, Bryant, Buckland, Campbell R, Chace, Chipman, Corey, Crafts, Dillingham, Dunphy L, Edgecomb, Espling, Foley, Fredette, Gerrish, Gillway,

Ginzler, Greenwood, Guerin, Hanington, Hanley, Harlow, Hawke, Head, Herrick, Higgins, Hilliard, Hobart, Kinney J, Kinney M, Lockman, Long, Lyford, Maker, Marean, McClellan, McElwee, Moonen, Nutting, O'Connor, Parry, Peterson, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reed, Russell, Sanderson, Sawicki, Seavey, Sherman, Sirocki, Skolfield, Stearns, Stetkis, Timberlake, Tuell, Turner, Vachon, Verow, Wadsworth, Wallace, Ward, Winsor, Wood.

ABSENT - Bates, Campbell J, Farrin, Goode, Malaby, Noon, Sanborn, Theriault, Timmons.

Yes, 72; No, 70; Absent, 9; Excused, 0.

72 having voted in the affirmative and 70 voted in the negative, with 9 being absent, and accordingly Report "B" **Ought to Pass as Amended** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "B" (H-246)** was **READ** by the Clerk.

Representative CHAPMAN of Brooksville **PRESENTED House Amendment "A" (H-402)** to **Committee Amendment "B" (H-246)**, which was **READ** by the Clerk.

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

Representative **CHAPMAN**: Thank you, Mr. Speaker, Friends and Colleagues of the House, this is a single sentence added onto the Committee Amendment for the purpose of clarifying the mechanism by which the Legislature accepts the major substantive rules. As you may know, the Administrative Procedure Act provides for legislative review of major substantive rules, but the method of acceptance of those is a little bit complicated and this simply clarifies that. Thank you, Mr. Speaker.

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

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

The SPEAKER: The Representative may pose his question.

Representative **FREDETTE**: I think I generally understood the purpose of the amendment, but if I could just ask the sponsor of the amendment, again, to just explain that, and I would also request a roll call.

Representative FREDETTE of Newport **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-402)** to **Committee Amendment "B" (H-246)**.

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

The SPEAKER: The Representative from Newport, Representative Fredette, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Brooksville, Representative Chapman.

Representative **CHAPMAN**: Thank you, Mr. Speaker, let me read the summary of the amendment; that may clear up the question. This amendment prohibits final adoption of rules requiring a photograph of a recipient to be included on an Electronic Benefits Transfer card, unless legislation authorizing adopting of these rules becomes law. This adds a single sentence, as I say, to the end of the Committee Amendment that affects what I've just read as the summary. Thank you, Mr. Speaker.

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

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

The SPEAKER: The Representative may pose his question.

Representative **FREDETTE**: So, if I understand the good Representative from Brooksville, the purpose of the amendment is to require legislation in order for the Department of Health and Human Services to move forward in terms of putting photo ID's on cards. Is that correct?

The SPEAKER: The Representative from Newport, Representative Fredette, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Brooksville, Representative Chapman.

Representative **CHAPMAN**: Thank you, Mr. Speaker, as you may know, the Administrative Procedure Act provides some mechanisms for the Legislature to review major substantive rules. So, any acceptance or rejection of those major substantive rules requires some legislative action, whether it's by the techniques identified in the Administrative Procedure Act, Title V, Chapter 375, or in this case, this single sentence is providing clarity as to what that mechanism is. I hope that's sufficient explanation, but I'd be happy to try some more if necessary. Thank you, Mr. Speaker.

The SPEAKER: A roll call has been ordered. The pending question before the House is Adoption of House Amendment "A" (H-402) to Committee Amendment "B" (H-246). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 368

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

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

ABSENT - Farrin, Goode, Malaby, Noon, Sanborn, Theriault, Timmons.

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 **House Amendment "A" (H-402)** to **Committee Amendment "B" (H-246)** was **ADOPTED**.

Committee Amendment "B" (H-246) as Amended by House Amendment "A" (H-402) thereto was **ADOPTED**.

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "B" (H-246) as Amended by House Amendment "A" (H-402)** thereto and sent for concurrence.

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

HOUSE DIVIDED REPORT - Report "A" (6) **Ought to Pass as Amended by Committee Amendment "A" (H-460)** - Report "B" (6) **Ought Not to Pass** - Report "C" (1) **Ought to Pass as Amended by Committee Amendment "B" (H-461)** - Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Require Screening and Testing for Illegal Substances of Beneficiaries under the Temporary Assistance for Needy Families Program"

(H.P. 955) (L.D. 1407)

TABLED - June 18, 2015 (Till Later Today) by Representative McCABE of Skowhegan.

PENDING - Motion of Representative GATTINE of Westbrook to **ACCEPT** Report "B" **OUGHT NOT TO PASS**. (Roll Call Ordered)

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative Gattine.

Representative **GATTINE**: Thank you, Mr. Speaker, Women and Men of the House, in my mind this is truly a bad bill that is poorly conceived, puts us at risk of constitutional challenge, basically seeks the required drug screening and testing of all applicants for SNAP and TANF. Keep in mind that back in the 125th Legislature, bill was passed requiring testing of applicants with felony convictions. It took the Department several years to implement that program and it has only been operational for less than a year. The Department hasn't presented any data on whether or not that program has been successful or cost-effective. We have no idea whether the current program is working and now the Department wants to expand it to all recipients. That doesn't seem to make a lot of sense.

Keep in mind that there is no evidence that drug abuse is rampant in our public benefit programs. There is no empirical evidence showing that drug use among TANF recipients is prevalent or worse than among the general population. States that have implemented screening have seen no real benefit and have incurred a lot of cost. As I said, it puts us at risk of a challenge under the Constitution. Drug tests are considered a search, protected by the Fourth Amendment of the US Constitution prohibiting unreasonable search and seizures. The Department's proposals for screening and testing are not supported by reasonable suspicion as required by the 4th amendment and would likely be considered unconstitutional if challenged.

The Department's approach is also flawed in its design. It bases the decision to ultimately test a person on their response to a survey instrument called the Substance Abuse Subtle Screening Inventory Institute Test—try to say that five times fast—known as the SASSI test. The very people who design the screening test are strongly opposed to using it for the purpose of screening people for public benefits eligibility. They are clear that it wasn't designed for that purpose. They say that, and I quote, "Using the tool for purposes of denying public benefits not only violates the purpose of the screening tool, but also is in violation of the Americans with Disabilities Act. SASSI screening results do not provide evidence that an individual is using or abusing a controlled substance. According to SASSI, if the purpose of your screening program is to identify individuals who may be using controlled substances, rather than identifying a use disorder, then the SASSI does not fit your purposes. Regardless of the design of the program, SASSI screening results do not provide evidence that an individual is using or abusing a controlled substance."

To the extent that this bill would require screening of people applying for SNAP, that would be a clear violation of federal law, which prohibits states from adopting additional eligibility conditions of SNAP not in federal law. Federal law does not permit drug testing as a condition of SNAP eligibility. Thus, this proposal would violate federal SNAP law and, again, put millions of dollars of funding for this critical program at risk.

I'd also like to point out that the fiscal note assumes that the federal government will pay half the cost of the administrating the test. That's an error. The federal government will not allow drug testing of SNAP recipients and will not participate in the payment of them. Mr. Speaker, I ask that folks support the motion on the floor. Thank you.

The SPEAKER: The Chair recognizes the Representative from Chelsea, Representative Sanderson.

Representative **SANDERSON**: Thank you, Mr. Speaker, Men and Women of the House, public benefits are a vital resource for low-income families. While there has been much mentioned about the need for these benefits to be temporary, I believe the most important word in the program title, Temporary Assistance for Needy Families, is "families."

This word indicates that there are children in the home and these benefits should be used to clothe, feed, and house them. Unfortunately, all too often, these benefit cards have been found in conjunction with drug busts where they've been trafficked as cash. When this happened, these resources are not being used for the children in the home. LD 1407 seeks to institute a questionnaire that all seeking financial assistance via the TANF benefits must complete upon application. If the results of the screening indicate a reasonable likelihood that the applicant may have a substance abuse disorder, the Department will require this individual to submit to a drug test. If that test comes back positive for illegal drugs, the applicant may still receive benefits—again, still receive benefits. However, they must participate in a substance abuse disorder treatment program. If the questionnaire doesn't indicate a reasonable likelihood of substance abuse, no further testing is required. The application process continues on in the regular course.

Private employers often require drug testing as a condition of employment for a multitude of reasons, ranging from safety to a zero drug tolerance policy. Applicants and employees know that they may be tested at any time and if they fail, they could put their job at risk. I do not think it is too much to ask to have welfare recipients who depend on taxpayer dollars to know that they may be asked to complete a test and if they fail, they're going to have to attend a program in order to continue to receive or initially receive these benefits.

Now, while the vast majority of individuals who utilize TANF programs do so responsibly, and again, the vast majority do, as I mentioned already many recent drug busts have revealed several benefit cards that have been trafficked as cash to pay for drugs. My committee often hears testimony on the ravages of drug addiction and we know well that the rate of drug-affected babies being born in Maine is growing. LD 1407 provides another potential tool for us to help identify individuals at risk for drug addiction and help get them in to an intervention program. While some may view this legislation as trying to stigmatize the individuals who need public assistance, I hope you pay close attention to the privacy aspects written within the bill. This information will not be released to a third party and the department is, in fact, prohibited from releasing any results as indicated on Page 2, Line 25.

Last year, more Maine people lost their lives to drug overdoses than car accidents. We had almost a thousand babies born addicted to drugs. Again, benefit cards are often being found in the possession of drug dealers during busts; dealers who are not the benefit recipients. I'll also reiterate that the most

important word in the program name, Temporary Assistance for Needy Families, is "families." There are children involved and every dollar being spent for illicit drugs is a dollar not going to care for the child or the children in the home. While not all who suffer from drug addiction on the lower end of the socioeconomic scale, the fact that we do have beneficiaries on TANF benefits trafficking their cards to pay for illicit drugs is very real. LD 1407 will add another tool for the Department used to help identify these applicants who may be at risk and help get them into an intervention program, ensure that public assistance is being used in the manner for which it was intended, and to help stabilize those families in need. I urge you to reject the Ought Not to Pass Report and vote Ought to Pass.

The SPEAKER: The Chair recognizes the Representative from Turner, Representative Timberlake.

Representative **TIMBERLAKE**: Mr. Speaker, Ladies and Gentlemen of the House, I have a Class A license and I'm retired and I'm required to take random drug testing and I don't think that the drugs are running rampant in the trucking industry, but if you get caught, you have to go through rehabilitation just like we're proposing here. If it's good enough for the trucking industry, it should be good enough for these folks. Please vote these down.

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

ROLL CALL NO. 369

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

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

ABSENT - Farrin, Goode, Hickman, Malaby, Noon, Sanborn, Theriault, Timmons.

Yes, 76; No, 67; Absent, 8; Excused, 0.

76 having voted in the affirmative and 67 voted in the negative, with 8 being absent, and accordingly Report "B" **Ought Not to Pass** was **ACCEPTED** and sent for concurrence.

SENATE DIVIDED REPORT - Majority (7) **Ought Not to Pass** - Minority (6) **Ought to Pass as Amended by Committee Amendment "A" (S-85)** - Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Create a 9-month Time Limit on General Assistance Benefits"

(S.P. 361) (L.D. 1035)

- In Senate, Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-85)**.

TABLED - May 26, 2015 (Till Later Today) by Representative GATTINE of Westbrook.

PENDING - Motion of same Representative to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative Gattine.

Representative **GATTINE**: Thank you, Mr. Speaker, Women and Men of the House, shifting gears to General Assistance. So when we talk about the state's safety net, GA is at the very bottom. It's intended to be there for people in emergencies and for people in abject poverty with nowhere else to turn. It's administered by municipalities, not by the state, and eligibility is determined week by week or month by month so that it is only dispensed when people desperately need it and normally not on a long-term basis unless absolutely necessary.

General Assistance is not provided in cash. Instead, benefits are paid by voucher to landlords, oil dealers, grocers, or others that provide basic necessities to eligible families. And by far the largest share of expenditures is for housing, protecting Maine people from homelessness. About 80 percent of GA costs provide housing assistance for poor people. If Maine could find a way to solve the housing crisis, it would go a long way to reforming GA.

Historically, there's a strong connection between economic conditions and increasing GA expenditures. When times are tough, the need for GA rises. Deep cuts to state programs have resulted in tens of thousands of Mainers losing benefits under other programs, which has also put pressure on GA. The fact is, that by cutting people from TANF, SNAP and MaineCare, which are funded primarily by federal dollars, we put pressure on GA, which is funded exclusively by state and local dollars. It's estimated that there are approximately 12,000 to 13,000 unduplicated GA cases a year. That's not a lot in a state with a population of over a million people with high housing and home heating costs, that state did a struggle to get its economy in gear.

There's no statewide data on the length of time that individuals receive GA. It's typically for a short period of time, but some municipalities do keep their own data. For example, we know that last year the City of Bangor provided GA to approximately 5,000 households. Roughly 80 percent of those households received assistance for three months or less. The fact of the matter is, however, that there are a small number of chronically homeless and extremely poor people who do rely on GA for longer periods of time. Those people tend to face serious barriers to self-sufficiency, primarily serious mental illness.

This bill would limit GA to nine months over a five year period—nine months over a five year period. That would seriously pull the rug out from extremely poor, mentally ill people, who rely on GA for some housing support. That kind of strict limit would undoubtedly result in increased homelessness and despair for people who are already being failed by our mental health system. Researchers from the University of New England recently interviewed people who were on GA for longer than six months and they verified that these barriers exist. Large percentages suffer from physical disability or mental illness. Many already rely on homeless shelters to keep a roof over their heads and a large number sleep outside frequently. They suffer from food insecurity. Many have left abusive family relationships. They are the poorest of the poor. The barriers they face are real and chronic and they will not go away simply by placing an arbitrary limit on the amount of assistance we're allowed to give them. Ninety-two percent say they would have no place to live if it weren't for GA. Ninety-two percent would have no place to live.

These people are neither able-bodied, nor are they work ready and that doesn't mean that GA comes with no strings attached for people who can work. If people need GA for longer periods and are able to work, the municipality can require them to work for their benefits right now. They can require them to do any number of needed jobs within their communities, and if they refuse, they will lose their General Assistance. Municipalities can also require people to apply for any other help that might be available to them, including SSI. If they are successful in getting SSI, they must repay all general assistance that they have received from their SSI retroactive benefits.

Mr. Speaker, I hope you can reject this bill. It is not reform and will only make the problems that the chronically mentally ill face even worse. The problem we need to fix and reform are problems in our housing and our mental health system. That's where we can do real reform. Until then, we can't make those problems worse by enacting these types of arbitrary limits on assistance. Thank you, Mr. Speaker.

Representative FREDETTE of Newport **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

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

The SPEAKER: The Chair recognizes the Representative from Chelsea, Representative Sanderson.

Representative **SANDERSON**: Thank you, Mr. Speaker, Men and Women of the House, I rise in opposition to the pending motion, the Ought Not to Pass on An Act to Create a Nine Month Time Limit on General Assistance Benefits. This bill would create a maximum of 275 days within a five year period that an individual—and here's where I need to correct the record for my good friend and colleague from Westbrook, Representative Gattine—that an individual capable of work and without dependents may receive General Assistance benefits.

The sponsor of this bill brought it forward after conversations with several of Maine's municipal welfare directors, who operate Maine's General Assistance Programs. These local welfare directors see the shortcomings and the loopholes of these programs on a daily basis and suggested several reform proposals. The General Assistance program is intended as a safety net, for short term, acute emergencies. Increasingly, however, Maine taxpayers find themselves paying into General Assistance to serve longer term purposes, including subsidized housing.

We can debate the merits of separate programs for subsidized housing, but that is not the purpose of the General Assistance program. Among the endorsements for this proposal include the welfare directors of many Maine cities, including Biddeford, Lewiston, and Auburn. To highlight the testimony of a few, Lewiston's Municipal Welfare Director was quoted, "In order to continue receiving SNAP benefits, able-bodied persons without dependents are now required to volunteer or work a certain number of hours each month based on the amount of SNAP they're eligible to receive. A number of these able-bodied persons have not complied with the requirements and are applying for GA to essentially replace their SNAP benefits." In order to continue with your SNAP benefits, you have to volunteer 24 hours a month at the very minimum—24 hours a month—and if they can't comply with that and have lost their benefits, now they're going to go on GA because they're not willing to volunteer 24 hours a month?

In the testimony of Vicky Edgerly, the Director of the Health and Welfare of the City of Biddeford, she noted, "General Assistance was not designed to be a long-term means of support for those who are able to work." And that's exactly what this bill is targeting: individuals who are capable of work and without dependents. Establishing time limits for adults without dependents and capable of working broadcasts that we have a robust safety net capable of catching people when they fall and also establishes that the generosity of taxpayers for those who can work, yet are not working, does not stretch on forever.

General Assistance is meant to provide short-term emergency help to those in a desperate situation. Putting a reasonable time limit on the benefits will not only help lessen the burden on municipalities and taxpayers, but it helps us move from one step further from an entitlement culture while protecting benefits for those who truly need them. I urge you to vote against the pending motion and support the Ought to Pass Report. Thank you.

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

Representative **HYMANSON**: Thank you, Mr. Speaker, Men and Women of the House, I'd like to remark that some may believe that people will be protected because this bill would exclude people who are capable of work from the limit, but really, there is no definition for "capable of work" in this bill. And that leaves it subject to opinion, misinterpretation, and abuse. This term may mean one thing to one person and something else to another; it has no definition.

Most who administer GA in Maine municipalities are not professional welfare administrators, nor are they professional mental or physical health professionals trained to interpret these words. They are really ill-equipped to make the complex physical and mental health determinations related to a person's ability to work required by the bill. We've all heard about silent disabilities like chronic depression, anxiety disorder, panic disorders, things that people who have high scores on their adverse childhood experience testing—psychological, sexual abuse, hunger deprivation—when they're growing up have. These are very real and they can be disabling. I wanted to mention that. Thank you.

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

Representative **STUCKEY**: Thank you, Mr. Speaker, I've been thinking a lot about this bill and the best word I can come up with it is "mysterious." I have a question and I want to tell you, Mr. Speaker, of my experiences over the last several months, going back to last summer.

When I lost the suspension on my car and it had to be in the shop for three or four days, it cost me several hundreds of dollars to fix it. Earlier this fall, my furnace broke. The blower wore out, so I was without heat one pretty cold night this winter. That was a several hundred dollar expense. And some of you may remember that earlier this session, I lost one of my crowns on my front tooth.

And, so my question, Mr. Speaker, is I was without the car for maybe three days. The furnace was, like, overnight. And the tooth was about a week before I could get in to see the dentist. So, is that 10 days out of my 275? I mean, I just don't know how it's supposed to work. By the way, I don't get General Assistance, but it is a program designed for emergencies. I felt those were emergencies in my life and I took care of them. Other people may not be able to and I'm curious just how the program is supposed to work and why? Thank you, Mr. Speaker.

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

ROLL CALL NO. 370

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

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

ABSENT - Farrin, Malaby, Noon, Sanborn, Theriault, Timmons.

Yes, 74; No, 71; Absent, 6; Excused, 0.

74 having voted in the affirmative and 71 voted in the negative, with 6 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** in **NON-CONCURRENCE** and sent for concurrence.

SENATE DIVIDED REPORT - Majority (7) **Ought Not to Pass** - Minority (6) **Ought to Pass as Amended by Committee Amendment "A" (S-194)** - Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Prioritize Use of Available Resources in General Assistance Programs"

(S.P. 362) (L.D. 1036)

- In Senate, Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-194)**.

TABLED - June 19, 2015 (Till Later Today) by Representative GATTINE of Westbrook.

PENDING - **ACCEPTANCE OF EITHER REPORT**.

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

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative Gattine.

Representative **GATTINE**: Thank you, Mr. Speaker, Women and Men of the House, this bill makes a General Assistance applicant who, quote, "voluntarily abandons or refuses to use an available resource without just cause ineligible to receive GA for 120 days." Now, at first glance, that might seem and sound entirely reasonable. But when you take a second, more careful look, you understand why it's not.

First, it's important to understand what the law already says. Already, people receiving General Assistance must apply for any other help available to them in order to remain eligible for GA. Already, people are disqualified from GA if they come to GA after losing any other public benefit because they didn't follow the rules. And already a person will be disqualified from GA for quitting a job without good cause or failing to take a suitable job offer.

But this bill goes far beyond these reasonable provisions in current law and goes into new territory that is both unfair and harmful. What this bill would do is disqualify a family or person from GA if they did something long before they applied for GA; something they might've done for a very good reason and with no knowledge that they would ever need GA or that it would prevent them from getting GA. Penalizing someone for an action that they took with no reasonable way of knowing that it would jeopardize help that they might need in the future really doesn't make any sense, serves no real public purpose, by definition won't modify behavior or decision-making, and is simply unfair.

Think of how you'd feel if you made what you thought was the best decision for yourself and your family and later that decision caused you to be homeless. That's what we're talking about here. Think, for example, about how you'd feel if you were a 24-year-old single mom living with a family member in crowded conditions as other family members struggle to raise their own. What if that family member took out her frustration by constantly punishing your child for crying or exhibiting other stress-related behaviors. Wouldn't you get your child out of that environment? Yet, under this law, that decision could cause you to lose eligibility for GA for leaving an available resource if you need help down the road.

There are countless other examples that can be imagined where someone might be judged to have abandoned an available resource for making what are similarly reasonable decisions; divorce and separation, for example. Should you stay in a harmful marriage simply because your husband or wife may offer you a roof over your head? Who is to judge whether your decision to leave is or is not "good cause"? Divorce is a serious decision and I don't think any of us would want someone second-guessed our own decision about something that personal and important.

So please take a second look at this bill. Look at the impact it'll have on families whose only fault was trying to make the best decisions that they could. Our law already addresses those circumstances, where disqualification from GA is appropriate. This proposal is neither fair nor good policy. The consequence will be real harm, as we've discussed before—homelessness and hunger. Real harm to families already in difficult circumstances that are just trying to make the best decisions that they can. Please join me in voting Ought Not to Pass.

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

Representative **SANDERSON**: Thank you, Mr. Speaker, Men and Women of the House, in the public hearing we heard testimony in support for this proposal from Maine Municipal Association, the Department of Health and Human Services, and the municipal welfare directors from many of Maine's municipalities, including the cities of Auburn, Lewiston, Bangor, and Biddeford.

To quote the testimony of a few, Maine Municipal Association writes, "The proposal found in LD 1036, which is being advanced on behalf of the Maine Welfare Directors Association, has long been supported by both the municipal welfare directors and MMA. As proposed, both initial and repeat applicants who, through their own actions—i.e. fraud, misrepresentation, violation of a program rule, etc.—caused the loss of an otherwise available resource—housing, supplemental food program, and counseling, etc.—or who, without cause, refused to use an available resource

would become ineligible to receive GA to replace the forfeited or abandoned resource for a period of 120 days."

Nowhere in here, in this bill, does it say if you are fleeing a bad marriage, if you have lost your home due to strife with your family, if you are going through a divorce, that you are not eligible for GA. It only says that through fraud, misrepresentation, or violation of a program where you have lost your prior benefit, then you're not eligible. Municipal officials believe that the approach in 1036 strengthens credibility, participant accountability, and provides municipal program administrators with the tools necessary to ensure that all program resources are effectively used.

Rindy Folger, Community Services Manager for the City of Bangor writes, "The City of Bangor supports this bill as written, as this is the protocol we currently follow." Sue Charron, Social Service Director, the City of Lewiston writes, "If a person abandons or causes a reduction in benefits from an available resource that would've eliminated the need for GA, a disqualification period should be applied. This bill increases client accountability and adds accountability to the GA program." The Department of Health and Human Services writes, "The General Assistance program is intended to be a program of last resort. Applicants need to avail themselves of all other resources prior to becoming eligible for General Assistance." This is a commonsense welfare reform and I hope this body will join me in voting against the pending motion and supporting the Ought to Pass motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Winthrop, Representative Hickman.

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

The SPEAKER: The Representative may pose his question.

Representative **HICKMAN**: Thank you, Mr. Speaker, if I understand from the testimony in the debate that was just given by the good Representative from Chelsea, someone from some GA office somewhere in the state, I wasn't really listening to the entire argument, said that this is the protocol that we usually follow. I think I heard that correctly. So the question that I have for a Member of this chamber is if this is the protocol that we usually follow, then why on Earth do we need this bill?

The SPEAKER: The Representative from Winthrop, Representative Hickman, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Chelsea, Representative Sanderson.

Representative **SANDERSON**: Because this is not the protocol followed throughout the state as a general rule.

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

ROLL CALL NO. 371

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

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

ABSENT - Farrin, Malaby, Noon, Sanborn, Theriault, Timmons.

Yes, 73; No, 72; Absent, 6; Excused, 0.

73 having voted in the affirmative and 72 voted in the negative, with 6 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** in **NON-CONCURRENCE** and sent for concurrence.

SENATE DIVIDED REPORT - Majority (7) **Ought Not to Pass** - Minority (6) **Ought to Pass as Amended by Committee Amendment "A" (S-263)** - Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Establish a 180-day Residency Requirement for Welfare Benefits"

(S.P. 363) (L.D. 1037)

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

TABLED - June 19, 2015 (Till Later Today) by Representative GATTINE of Westbrook.

PENDING - **ACCEPTANCE OF EITHER REPORT**.

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

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative Gattine.

Representative **GATTINE**: Thank you, Mr. Speaker, we've seen this one before. This is an idea that has come up time and time again going all the way back to the King Administration. Every time it has come up it's been resoundly defeated. Even in the 125th Legislature when Republicans controlled both chambers, it received a unanimous Ought Not to Pass from the HHS Committee. This bill, LD 1037, would require people to live in a municipality at least 180 days before they could get help from GA or help from state-funded public assistance programs. It'd also require a person have to wait 180 days after moving to Maine to become eligible for General Assistance.

The primary reason that it keeps getting defeated is that it's clearly unconstitutional. It violates the Constitution to put a durational residency requirement on a public benefit. This was decided by the United States Supreme Court in 1969, reaffirmed by the court in 1999. It violates the right to travel, as well as the privileges and immunities clause of the Fourteenth Amendment. Budgetary and administrative concerns of states and municipalities are not compelling interests that override these constitutional challenges to basic civil liberties.

When people move to a new town, they don't need to wait six months to enroll their kids in school. If they're the victim of crime, they don't need to wait six months to call the police. They don't have to wait six months to call the fire department if their house catches on fire. They don't need to wait to live in a town a certain period time before they're eligible to the services provided by that town. This proposal also defies common sense. Why would we want to deny GA to someone for moving from Portland to another town to find cheaper rent, or moving to Bangor for better access to medical or mental health services, or moving from Augusta to New Sweden to care for an aging parent. Yet, that would be the result if we passed this.

Temporarily assisting a family so they can meet their basic needs, stabilize their lives, and find work here in Maine is an investment that makes far more sense than denying help for an arbitrary six months, allowing their situation to only get worse. That family will likely need a lot more help at the end of the six-month period than when they were first considered for eligibility. Mr. Speaker, I hope you'll join me in voting Ought Not to Pass on this bill. Thank you.

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

Representative **SANDERSON**: Thank you, Mr. Speaker, Men and Women of the House, I feel like we have dueling legislators here between Representative Gattine and myself. I rise in opposition to the pending motion. This bill would require that before an individual can qualify for welfare benefits funded by the taxpayers of Maine, they must live in this state for 180 days. It is no secret that the State of Maine has a reputation as a welfare state. And it's a sad day to think that welfare opportunities may be a stronger magnet for some folks to move to our state than job opportunities are.

The truth is, I don't care where someone comes from when they settle here in Maine. I don't care if they're coming here from Massachusetts or half way across the world. The only thing I do care about is why they're choosing to move here. If someone is choosing to move to our state to pursue the American Dream, earn an honest living, contribute to our economy, and make better life for themselves and their family, we should and do welcome them with open arms. But, if someone is choosing Maine because of our generous welfare system, we already have plenty of people to take care of. We have waitlists for individuals with autism and intellectual disabilities a mile long that are still underfunded to the tune of tens of millions of dollars. We have our elderly in nursing homes who've been shortchanged, our traumatic brain injury individuals, and our PNMI's.

Unlike past incarnations of this legislation though, this bill does not touch programs that receive a dime of federal tax dollars. This bill only protects programs that are 100 percent funded by state and local dollars. When it is a state taxpayer money program, it is the responsibility of the State Legislature to determine how it is spent. Additionally, during the public hearing, we heard from several municipal welfare directors who testified in favor of this legislation. Again, Vicky Edgerly, Director of Health and Welfare for the City of Biddeford testified, "The lack of a residency requirement has been the primary complaint that I have heard from city councilors and the public since I began my career over 30 years ago. I have never been able to understand why Constitutional language applies to the General Assistance program as GA is not a federally funded or mandated program. Many states do not provide such a program as General Assistance and I have never heard of any state being sued for not doing so."

Additionally, Rindy Folger, Community Services Manager for the City of Bangor, testified in favor of this bill. And even suggested we go one step further by imposing residency requirements on the local level. I encourage everybody in the body here to join me in opposing the pending motion and voting Ought to Pass. Thank you.

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

Representative **HAMANN**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, I stand today in opposition to this bill for several reasons. The first is a reason that should all give us a cause to oppose it: this bill violates our Constitution. It restricts constitutionally protected freedoms that we all share. It's unconstitutional to impose a durational residency requirement for public assistance. That principle is well established through multiple Supreme Court rulings. The court has said over and over again that a state may not discriminate against new arrivals by depriving them of basic necessities of life. So, it's unconstitutional.

Second, though well perhaps well-intentioned, this proposal does nothing to reform or improve our welfare system, but instead would close the door on people in need simply because they've just moved to our state, or from one town to another in our state. Denying people the help they need does not eliminate their needs. These costs will simply show up elsewhere, creating greater state or municipal costs. So this bill would, unfortunately, make people's lives worse, not better.

The third reason to oppose the bill is that it would serve as an enormous barrier to people's mobility. It would prevent someone from moving to find cheaper rent, better medical care, or to take care of an aging parent—all decisions that are reasonable and that we would want people to be able to freely make. So this bill limits freedom.

So, to recap, it's unconstitutional, it makes people's lives worse not better, and it limits freedom. Temporarily assisting a family so they can meet their basic needs, stabilize their lives, and find work here in Maine is an investment that makes far more sense than denying help for an arbitrary six-month period while people's circumstances only get worse. When it comes to welfare reform, we should focus our efforts on truly reforming public assistance programs and creating more opportunities so that people can leave poverty behind. It's for these reasons I ask you to vote in favor of the Ought Not to Pass Report. Thank you, Mr. Speaker.

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

Representative **TUELL**: Thank you, Mr. Speaker, I rise in opposition to the pending motion. I do so because I feel it's reasonable to expect a residency requirement for General Assistance. In many small towns, local people look out for one another. They look out for their friends and neighbors and we have strong sense of community in many small towns and I suspect that is the case in even moderate-size towns and larger towns as well. This bill encourages people to set up roots in a community, to be a part of a community, to become part of a community before they get in the middle of a General Assistance situation. I urge you to vote down the pending motion and vote Ought to Pass on this bill. Thank you.

The SPEAKER: The Chair recognizes the Representative from Chelsea, Representative Sanderson.

Representative **SANDERSON**: Thank you, Mr. Speaker, Men and Women of the House, very quickly, I would like to correct a couple of things that I heard. SNAP, TANF, housing assistance, Medicaid—all of those programs will still be available. It is unconstitutional to prevent those from an individual requiring a residency requirement for those because they are also federally funded. Also, this does not prohibit movement from town to town within the state. This is only for somebody who's coming in state to receive General Assistance benefits if they haven't been here 180 days in the state. Again, this bill only protects programs that

are 100 percent funded with state taxpayer dollars and it is our job to protect the state taxpayer. Thank you.

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

ROLL CALL NO. 372

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

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

ABSENT - Farrin, Malaby, Noon, Sanborn, Theriault, Timmons.

Yes, 78; No, 67; Absent, 6; Excused, 0.

78 having voted in the affirmative and 67 voted in the negative, with 6 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

SENATE DIVIDED REPORT - Majority (7) **Ought Not to Pass** - Minority (6) **Ought to Pass as Amended by Committee Amendment "A" (S-200)** - Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Integrate the State's General Assistance and Temporary Assistance for Needy Families Programs"

(S.P. 136) (L.D. 368)

- In Senate, Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-200)**.

TABLED - June 19, 2015 (Till Later Today) by Representative GATTINE of Westbrook.

PENDING - **ACCEPTANCE OF EITHER REPORT**.

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

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative Gattine.

Representative **GATTINE**: Thank you, Mr. Speaker, it's getting late and this may be the last time I stand up and address the chamber this evening. Mr. Speaker, Women and Men of the House, this bill purports to align General Assistance, which as we've already debated tonight, is at the very bottom of the social safety net, funded by state and local dollars, and align it with TANF, which is a program funded primarily with federal dollars.

TANF currently has a 60-month lifetime limit, which has been strictly enforced by this administration. And when you learn that the number of people on TANF has been cut in half over the last few years, it's important to understand that that drop is not the result of any welfare-to-work activities undertaken by the Department. The drop was caused by the strict application of the 60-month lifetime limit.

Now, rest assured, these children and their mothers who lost TANF did not become less poor. All the barriers that have historically made them unsuccessful in the workforce, like disability and mental illness, did not magically go away. They did not suddenly find jobs to sustain themselves. These children and their mothers were simply thrown off of the program. And by being cut off from TANF, they were also cut off from all of the other programs like ASPIRE, that TANF families are eligible for, in order to transition to successful work. For some of these families, being thrown off the TANF program means they've had to turn to GA to prevent homelessness and hunger for themselves and their kids.

Now understand also that the average time that a family stays on TANF is 18 months. What this tells me is that TANF can work to help support and get families with kids back on their feet. What this also tells us is that people who are on TANF for a long period of time are the people who have the biggest barriers to success and sustainable employment. Ninety percent of the people who hit the lifetime 60-month limit have a disability or a child with a disability. Fewer than 50 percent have a high school diploma or its equivalent.

So, in essence, what this bill does is that it takes these people who are banned for life from TANF and now says they're banned forever from GA. GA is designed for short-term emergency assistance and it funds, primarily, housing for people who are homeless or at risk of homelessness. It's not a cash program and eligibility is determined month-to-month or week-to-week. The 6,000 children who lost access to TANF as a result of the 60-month limit would be at even greater risk if there was no possibility that their families could ever receive GA. We already know that these kids and their moms have not fared well.

Since the enforcement of the 60-month limit, the number of Maine children living in poverty has actually increased. Only one-third of the moms who were thrown off of the program have actually found employment. One-third have lost their housing. The possibility of GA is the only lifeline left to these people and this bill would take that lifeline away. Also keep in mind as you consider this bill, again, that the purpose of GA is to provide emergency assistance at the municipal level. It seems contrary to the purpose to cut a woman off from GA when she has young children and, in effect, bar her from receiving GA later in life if she falls on hard times or an emergency arises. Rest assured this ban on GA will impact women far more disproportionally than it will men. It will also be extremely difficult, practically impossible to enforce, when you consider that GA eligibility is determined at a local level and GA is administered at the local level. How will one community know the full history of GA has been previously given to a person in another municipality? Mr. Speaker, this is just the last in a long line of bad bills we've seen tonight. I hope you'll support me in voting Ought Not to Pass. Thank you.

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

Representative **FREDETTE**: First of all, Mr. Speaker, I resent the closing statement on behalf of the good Representative from Westbrook that this is the last of a long series of bad bills. I think that that's inappropriate in this body. I think it's highly inappropriate. We can speak to the merits of the bills, but I don't think it's appropriate to call them a bunch of bad bills. Mr. Speaker, I request a roll call and I do not wish to speak to my motion.

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

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

The SPEAKER: The Chair recognizes the Representative from Chelsea, Representative Sanderson.

Representative **SANDERSON**: Thank you, Mr. Speaker, Men and Women of the House, the Department is in support of LD 368, which makes individuals who've reached the 60-month time limit for benefits under the Temporary Assistance for Needy Family's program ineligible for Municipal General Assistance. The TANF program, as its name says, is temporary. For five years, they've had an opportunity to receive benefits to support their family, and also our TANF programs have made many changes, especially in the last four years. The good Representative from Berwick, our Speaker, worked very closely on legislation—welfare-to-work legislation—which the Department is implementing at this time. All of our recipients receive assessments. The have job training, they have education, and we've moved a lot of these people off the TANF benefits because they've got a job and now they're making money and too much money to even qualify for the program. And I think that's a lofty goal and something that we need to certainly keep directing for.

Anybody who reaches the 60 month, for example some of the women and children and the disabled, like the good Representative from Westbrook has been saying, there are exceptions to the 60-month timeline on TANF. And they would probably qualify for these exceptions and still continue receiving benefits. These restrictions from transitioning from TANF at the end of 60 months onto GA is for those individuals who are not trying to support themselves. This is for the individuals who are going from one entitlement program to the other. I urge you to vote against the pending motion and vote for responsible welfare reform in the Ought to Pass. Thank you.

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

Representative **STUCKEY**: Thank you, Mr. Speaker, and I'll try to be less obtuse than I was the last time I rose. But I will, Mr. Speaker, continue to talk about children. And I ask you to think about them when you're thinking about this bill. Maine children living in poverty, those folks, because they're the ones who we're talking about when we talk about the TANF program. And if we enact this bill today, it will be these children that feel the impact. It is these children that will be at risk of being without a roof over their heads or food to eat.

We think about this bill that would deny General Assistance to the families and the 6,000 children who have lost TANF as a result of the 60-month time limit. The first question we need to ask when we think about those families is how they fared afterwards. Is it reasonable to assume that they no longer need access to the basic safety net that is General Assistance? Is there evidence that we could safely pass this bill without placing those children at risk of homelessness and hunger? Men and Women of the House, the answer is emphatically "no." In fact, make no mistake, if we take this safety net of last resort away from these families, there will be more homeless children in our state.

Researchers from the University of Maine have studied families that reached the 60-month limit and what happened to them after that. The story that their data tells is one that should give us all great concern. The majority of them suffer multiple hardships including homelessness, utility termination, lack of heat, not enough food. Some families even lost their children, sending them to live with others where they would at least have a roof over their head. Choices that no family should ever have to make.

For many, GA was the lifeline that provided some stability in their lives. Just this fall, the Department told us that only a third of these terminated families actually had jobs. This should be no surprise when you understand the high prevalence of disabilities among those families and the fact that less than half have a high school diploma or a GED.

We've learned a lot as a country about how homelessness and hunger affect children, Mr. Speaker. Children that experience housing crises lag behind their peers in poorer health outcomes, lower levels of school engagement, and emotional and mental health problems. They're more likely to drop out of school, repeat grades, disengage in the classroom, and suffer from learning disabilities and behavioral problems. I don't believe that any one of us in this body, Mr. Speaker, would knowingly invite these results for any Maine child, never mind 6,000 of them. Yet, evidence shows that this will be the unavoidable result for many if we pass this bill. And so, Men and Women of the House, on behalf of these children and their families, I ask you to vote in favor of the Ought Not to Pass Report. Thank you.

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

Representative **HAMANN**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, here we go again. This bill does not create a single job. This bill does not grow our economy, educate our kids, or invest in our future. This bill does not enhance the quality of life in our state. No. This bill is just another attempt to attack the poor. It does not improve lives or move people from poverty to self-sufficiency. It does nothing but build a barbed-wire fence around the social safety net so it's all but impossible to access when somebody really needs our help.

Just for a moment let's pause and remember one more time that when we talk about TANF, we're talking exclusively about families with children. Barring former TANF families from GA would put children at risk of homelessness and hunger. When we attack TANF families, we are attacking Maine children. How shameful. This bill has one goal.

The SPEAKER: The Representative will defer. The Chair recognizes the Representative from Amherst, Representative Lockman.

Representative **LOCKMAN**: Now we're being accused of attacking children. Disgraceful.

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

The SPEAKER: The Representative's duly noted. The Chair would remind all Members this is our final bill of the evening after a very long night. I think that we need to steer clear of any comments that try to impugn or question the motives or intentions of sponsors or opponents or proponents, Members of this bill. Please focus on the motion before us, the Majority Ought Not to Pass on LD 368.

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

The SPEAKER: The Representative may proceed.

Representative **HAMANN**: This bill has one goal: to raid the game to kick people off of General Assistance. Period. Yet another attack on the poor. We attack the poor when they're down on their luck and apply for assistance for their family. We attack the poor when they need our additional help because the mountain was just too high to climb.

The SPEAKER: Will the Representative defer? The Chair recognizes the Representative from New Gloucester, Representative Espling.

Representative **ESPLING**: Point of Order as to the Representative's comments.

On **POINT OF ORDER,** Representative ESPLING of New Gloucester asked the Chair if the remarks of Representative HAMANN of South Portland were germane to the pending question.

The SPEAKER: I'd request that the Representative refrain from using words like "attack." I would ask the Member to revise his remarks.

The Chair reminded Representative HAMANN of South Portland to stay as close as possible to the pending question.

The SPEAKER: The Representative may proceed.

Representative **HAMANN**: Isn't it time to look at the systemic circumstances that perpetuate poverty in our communities? And let's fix that. Lack of educational opportunities. Let's fix that. Income inequality. Let's fix that. Gender pay inequity. Let's fix that. Childcare assistance for low-income families. Let's talk about solutions. This bill offers no solutions. These families need our support, not arbitrary limitations.

If a family reaches the 20-month cap, it should trigger an all-hands-on-deck situation in our society to do whatever we can to help them solve whatever might be holding them back and help them get back to self-sufficiency and independence. The families with children that we're talking about with LD 368, the families that receive TANF for 60 months, have high prevalence of disabilities or children with disabilities, domestic violence, low education levels, and severe hardship. Let's fix that. Anyone who wants to work together to fix the root causes of poverty, count me in. But this bill offers no solutions. Thank you, Mr. Speaker.

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

Representative **PICKETT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, I remember not too awful long ago attending a press conference where two young ladies, at different times during that press conference, told a story and each story was a quite a remarkable story. People that were involved in the same kind of things that we're talking about tonight: being involved with TANF, GA, and all of these types of things. And they were proud as they could be standing up there in front of the cameras, in front of the microphones, and telling how proud they were of being able to work their way and get a job and get an education and how happy they were with the fact that they had used that assistance to enable them to find a job and not end up being on the welfare rolls for a lengthy period of time.

I would just, I've sat here and I've listened tonight to the debate and I respect everybody within this House. And I would just, I guess, Mr. Speaker, if it's alright, I would just remind us that when we point the finger at somebody, there's three fingers pointing back at us. We might want to remember that.

The SPEAKER: The Chair recognizes the Representative from Winthrop, Representative Hickman.

Representative **HICKMAN**: Thank you, Mr. Speaker, I'll be brief. Most of the bills that we have dealt with tonight are about people who are struggling with poverty. And so, I will close, at least in my mind, with this very short quote from James Baldwin: "Anyone who has ever struggled with poverty knows how extremely expensive it is to be poor." Thank you, Mr. Speaker.

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

ROLL CALL NO. 373

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

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

ABSENT - Farrin, Malaby, Noon, Sanborn, Theriault, Timmons.

Yes, 80; No, 65; Absent, 6; Excused, 0.

80 having voted in the affirmative and 65 voted in the negative, with 6 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** in **NON-CONCURRENCE** and sent for concurrence.

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

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

Representative **GILBERT**: Mr. Speaker, if I had been present for LD 526, Roll Call 333, I would have voted "yea."

On motion of Representative McCABE of Skowhegan, the House adjourned at 10:59 p.m., until 10:00 a.m., Tuesday, June 23, 2015.