

ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE
FIRST REGULAR SESSION
20th Legislative Day
Tuesday, March 17, 2015

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

Prayer by Reverend Walden C. Chandler, First Baptist Church of St. George.

National Anthem by Angela Pitteroff, Augusta.

Pledge of Allegiance.

Doctor of the day, Honorable Geoffrey M. Gratwick, M.D., Bangor.

Pursuant to his authority under House Rule 401.1, the Chair assigned Representative DeCHANT of Bath to seat 71, effective immediately.

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

The Journal of Thursday, March 12, 2015 was read and approved.

SENATE PAPERS

Bill "An Act To Ensure That Hospitals Comply with the Laws Governing Transparency of Medical Billing"

(S.P. 287) (L.D. 813)

Committee on **HEALTH AND HUMAN SERVICES** suggested and ordered printed.

Came from the Senate, **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES** and ordered printed.

REFERRED to the Committee on **INSURANCE AND FINANCIAL SERVICES** in concurrence.

Bill "An Act To Protect Victims of Domestic Violence, Sexual Assault or Stalking"

(S.P. 305) (L.D. 861)

Committee on **VETERANS AND LEGAL AFFAIRS** suggested and ordered printed.

Came from the Senate, **REFERRED** to the Committee on **JUDICIARY** and ordered printed.

REFERRED to the Committee on **JUDICIARY** in concurrence.

COMMUNICATIONS

The Following Communication: (H.C. 89)

STATE OF MAINE

OFFICE OF THE SECRETARY OF STATE

March 11, 2015
Honorable Robert B. Hunt
Clerk of the House
2 State House Station
Augusta, Maine 04333

Dear Clerk Hunt:

Please find enclosed a certified copy of the final results from the March 10, 2015 Special Election held in State Representative District 93.

Sincerely,

S/Matthew Dunlap
Secretary of State

STATE OF MAINE
OFFICE OF THE SECRETARY OF STATE

March 11, 2015

To Robert B. Hunt, Clerk of the House, in the One Hundred and Twenty-seventh Legislature:

I, Matthew Dunlap, Secretary of State, pursuant to the provisions of Title 3 MRSA, Section I, hereby certify that the following is the name and residence of the Representative-elect to the One Hundred and Twenty-seventh Legislature, in accordance with the tabulation submitted to the Governor on March 11, 2015:

DISTRICT 93 Anne H. Beebe-Center, Rockland

In Testimony Whereof I have caused the Great Seal of the State to be affixed, given under my hand at Augusta this eleventh day of March in the year Two Thousand and Fifteen.

S/Matthew Dunlap
Secretary of State

STATE OF MAINE
OFFICE OF THE SECRETARY OF STATE

March 11, 2015

I, Matthew Dunlap, Secretary of State, in accordance with the provisions of the proclamation issued by the Governor on January 23, 2015, calling for a Special Election to be held on March 10, 2015, to elect a State Representative in District 93 and having tabulated the returns of the votes cast;

REPORT AS FOLLOWS: In accordance with Title 21-A, MRSA, Section 711, having tabulated the total number of state ballots cast, the number of voters participating in this election is 1,732; and that Anne H. Beebe-Center of Rockland having received a plurality of the votes cast, appears to have been elected a State Representative in the 127th Legislature in District 93:

Beebe-Center, Anne H., Rockland 915

Huber, Ronald Calvin, Rockland 34

Kalloch, James M., Rockland 770

Levasseur, Shawn S., Rockland 11

I, Matthew Dunlap, Secretary of State, hereby certify that the foregoing report is a true tabulation of the votes cast at the Special Election, as reported to me on the returns from the municipalities of Owls Head and Rockland.

S/Matthew Dunlap
Secretary of State

Received by the Governor

S/Paul R. LePage

Governor

READ and ORDERED PLACED ON FILE.

At this point, the Speaker announced the presence in the Hall of the House of the Representative from Rockland, Representative BEEBE-CENTER and she was added to the roll of the 1st Regular Session of the 127th Legislature.

Pursuant to his authority under House Rule 401.1, the Chair assigned Representative BEEBE-CENTER of Rockland to seat 149.

The Following Communication: (H.C. 90)
STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333-0002

March 17, 2015
Honorable Robert B. Hunt
Clerk of the House
2 State House Station
Augusta, Maine 04333
Dear Clerk Hunt:
Pursuant to my authority under House Rule 201.1 (I) (a), I rescind the appointment of Representative Catherine M. Nadeau of Winslow as a member of the Joint Standing Committee on State and Local Government effective immediately.
Furthermore, pursuant to my authority under House Rule 201.1 (I) (a), I have appointed Representative Pinny Beebe-Center of Rockland as a member of the Joint Standing Committee on State and Local Government effective immediately.
Should you have any questions regarding this matter, please do not hesitate to contact me.
Sincerely,
S/Mark W. Eves
Speaker of the House
READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 91)
STATE OF MAINE
CLERK'S OFFICE
2 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0002

March 17, 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 Committee on Labor, Commerce, Research and Economic Development has approved the request by the sponsor, Representative Daughtry of Brunswick, to report the following "Leave to Withdraw":
L.D. 717 An Act To Establish the Maine Paid Family Leave Insurance Program
Sincerely,
S/Robert B. Hunt
Clerk of the House
READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: (H.C. 92)
STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333-0002

March 17, 2015
Honorable Robert B. Hunt
Clerk of the House
2 State House Station
Augusta, Maine 04333
Dear Clerk Hunt:
Please be advised that pursuant to his authority, Governor Paul R. LePage has nominated the following:
On March 13, 2015
Honorable Lloyd P. LaFountain III of Biddeford for reappointment as the Superintendent of the Maine Bureau of Financial Institutions.
Pursuant to Title 9-B, MRSA §211, this reappointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Insurance and Financial Services.
William N. Lund of Portland for reappointment as the Superintendent of the Bureau of Consumer Credit Protection.
Pursuant to Title 9-A, MRSA §6-103, this reappointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Insurance and Financial Services.
Sincerely,
S/Mark W. Eves
Speaker of the House
READ and with accompanying papers ORDERED PLACED ON FILE.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

The following Bills, Resolves and Resolution were received, and upon the recommendation of the Committee on Reference of Bills were **REFERRED** to the following Committees, ordered printed and sent for concurrence:

AGRICULTURE, CONSERVATION AND FORESTRY

Bill "An Act To Promote Small Diversified Farms and Small Food Producers"

(H.P. 644) (L.D. 925)

Sponsored by Representative CHAPMAN of Brooksville.
Cosponsored by Senator SAVIELLO of Franklin and Representatives: EVANGELOS of Friendship, HICKMAN of Winthrop, McCABE of Skowhegan, TURNER of Burlington, WARD of Dedham, WARREN of Hallowell, Senators: JOHNSON of Lincoln, LANGLEY of Hancock.

APPROPRIATIONS AND FINANCIAL AFFAIRS

Bill "An Act To Authorize a General Fund Bond Issue To Enhance State Parks"

(H.P. 643) (L.D. 924)

Sponsored by Representative FREDETTE of Newport.
Cosponsored by Senator SAVIELLO of Franklin and Representatives: BLACK of Wilton, HIGGINS of Dover-Foxcroft, MAKER of Calais, MALABY of Hancock, MAREAN of Hollis, McCABE of Skowhegan, WHITE of Washburn, Senator: KATZ of Kennebec.

Bill "An Act To Remove the Age Penalty for State Retirees Working at Institutions That Are Closing"

(H.P. 646) (L.D. 927)

Sponsored by Representative ALLEY of Beals.
Cosponsored by Senator BURNS of Washington and Representatives: BATTLE of South Portland, DEVIN of Newcastle, EVANGELOS of Friendship, GILBERT of Jay, HUBBELL of Bar Harbor.

ENERGY, UTILITIES AND TECHNOLOGY

Bill "An Act To Manage Electricity Rates To Lower Consumer Electricity Bills and Increase Utilities' Cash Flow through 3rd-party Management of Smart Meters"

(H.P. 648) (L.D. 945)

Sponsored by Representative CAMPBELL of Orrington.
Cosponsored by Senator WOODSOME of York and Representatives: DUCHESNE of Hudson, DUNPHY of Embden, HOBBS of Saco, LOCKMAN of Amherst, MALABY of Hancock, NUTTING of Oakland, RYKERSON of Kittery, SHERMAN of Hodgdon.

Bill "An Act To Change Laws Amended by Public Law 2013, Chapter 369, Also Known as the Omnibus Energy Act"

(H.P. 649) (L.D. 946)

Sponsored by Representative DUNPHY of Embden.
Cosponsored by Senator MASON of Androscoggin and Representatives: BEAVERS of South Berwick, HIGGINS of Dover-Foxcroft, O'CONNOR of Berwick, REED of Carmel, WADSWORTH of Hiram, Senator: WHITTEMORE of Somerset.

ENVIRONMENT AND NATURAL RESOURCES

Bill "An Act To Fund State Efforts To Reduce the Landfilling of Solid Waste"

(H.P. 650) (L.D. 947)

Sponsored by Representative CHIPMAN of Portland.
Cosponsored by Senator BREEN of Cumberland and Representatives: CAMPBELL of Orrington, HARLOW of Portland.

Bill "An Act To Harmonize Maine's Laws Governing Toxic Chemicals in Children's Products with Those of Other States"

(H.P. 651) (L.D. 948)

Sponsored by Representative GIDEON of Freeport.
Cosponsored by Senator BAKER of Sagadahoc and Representatives: DEVIN of Newcastle, DUCHESNE of Hudson, MAREAN of Hollis, MORRISON of South Portland, TEPLER of Topsham, WHITE of Washburn, Senators: DUTREMBLE of York, GRATWICK of Penobscot.

HEALTH AND HUMAN SERVICES

Resolve, To Enhance Consumer Awareness of Expenditures and Gifts by Manufacturers of Prescribed Products

(H.P. 647) (L.D. 928)

Sponsored by Representative WARREN of Hallowell.
Cosponsored by Senator CYRWAY of Kennebec and Representatives: BURSTEIN of Lincolnville, CHENETTE of Saco, DANA of the Passamaquoddy Tribe, DOORE of Augusta, HAWKE of Boothbay Harbor, MELARAGNO of Auburn, PIERCE of Falmouth, STETKIS of Canaan.

Bill "An Act To Enact the Recommendations of the Commission on Independent Living and Disability"

(H.P. 652) (L.D. 949)

Sponsored by Representative McCLELLAN of Raymond.
Cosponsored by Representatives: MALABY of Hancock, PETERSON of Rumford.

Bill "An Act To Assist Patients in Need of Psychiatric Services"

(H.P. 665) (L.D. 966)

Sponsored by Representative MALABY of Hancock.
Cosponsored by Representatives: GATTINE of Westbrook, VACHON of Scarborough, Senators: BRAKEY of Androscoggin, McCORMICK of Kennebec.

INLAND FISHERIES AND WILDLIFE

Resolve, To Increase the Number of Days a Junior Hunter May Hunt Deer

(H.P. 645) (L.D. 926)

Sponsored by Representative ALLEY of Beals.
Cosponsored by Senator BURNS of Washington and Representatives: BATTLE of South Portland, BLUME of York, FECTEAU of Biddeford, GILBERT of Jay, GOLDEN of Lewiston, GOODE of Bangor, MAKER of Calais, TUELL of East Machias.

INSURANCE AND FINANCIAL SERVICES

Bill "An Act To Provide Access to Opioid Analgesics with Abuse-deterrent Properties"

(H.P. 638) (L.D. 919)

Sponsored by Representative HOBBS of Saco.
Cosponsored by Representative: GIDEON of Freeport, Senators: KATZ of Kennebec, VOLK of Cumberland.

Bill "An Act To Amend the Maine Property Insurance Cancellation Control Laws"

(H.P. 657) (L.D. 954)

Sponsored by Representative WALLACE of Dexter.
Cosponsored by Senator BAKER of Sagadahoc and Representatives: BECK of Waterville, MORRISON of South Portland, PICCHIOTTI of Fairfield, Senator: WHITTEMORE of Somerset.
Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 204.

JUDICIARY

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

(H.P. 639) (L.D. 920)

Sponsored by Representative TUCKER of Brunswick.
Bill "An Act To Prohibit Discrimination against a Person Who Is Not Vaccinated"

(H.P. 653) (L.D. 950)

Sponsored by Representative SAWICKI of Auburn.
Cosponsored by Senator MASON of Androscoggin and Representatives: ALLEY of Beals, CRAFTS of Lisbon, FARRIN of Norridgewock, LOCKMAN of Amherst, McCLELLAN of Raymond, PIERCE of Dresden, Senators: BRAKEY of Androscoggin, MIRAMANT of Knox.

Bill "An Act To Restore Judicial Discretion in the Administration of Fines"

(H.P. 654) (L.D. 951)

Sponsored by Representative DION of Portland.
Cosponsored by Senator BRAKEY of Androscoggin and Representatives: BECK of Waterville, FREY of Bangor, KRUGER of Thomaston, Senator: DUTREMBLE of York.

Bill "An Act To Implement Changes in the Family Division To Improve the Experience of Pro Se Litigants"

(H.P. 656) (L.D. 953)

Sponsored by Representative SEAVEY of Kennebunkport.

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

(H.P. 658) (L.D. 955)

Sponsored by Representative MOONEN of Portland.

Cosponsored by Senator KATZ of Kennebec and Senator: LIBBY of Androscoggin.

Bill "An Act To Require the Attorney General To Investigate the Death of a Person in Police Custody or in a Correctional Facility"

(H.P. 661) (L.D. 962)

Sponsored by Representative BATES of Westbrook.

Cosponsored by Senator PATRICK of Oxford and Representatives: GATTINE of Westbrook, HAMANN of South Portland, MELARAGNO of Auburn, SCHNECK of Bangor.

LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT

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

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

Sponsored by Representative DAUGHTRY of Brunswick.

Cosponsored by Representatives: GIDEON of Freeport, HERBIG of Belfast, MAKER of Calais, POULIOT of Augusta, POWERS of Naples, TURNER of Burlington, Senators: KATZ of Kennebec, VOLK of Cumberland.

Bill "An Act Regarding the Licensure of Funeral Service Providers"

(H.P. 655) (L.D. 952)

Sponsored by Representative LUCHINI of Ellsworth.

Cosponsored by Senator LANGLEY of Hancock and Representatives: ALLEY of Beals, GOODE of Bangor, KUMIEGA of Deer Isle, LOCKMAN of Amherst, TUELL of East Machias, Senator: BURNS of Washington.

Bill "An Act To Support Family Caregivers in the Workforce"

(H.P. 659) (L.D. 960)

Sponsored by Representative MASTRACCIO of Sanford.

Cosponsored by Senator BURNS of Washington and Representatives: FECTEAU of Biddeford, GILBERT of Jay, GRANT of Gardiner, HAMANN of South Portland, KORNFIELD of Bangor, MAKER of Calais, NOON of Sanford, STUCKEY of Portland.

Bill "An Act To Support Tourism Development in the City of Sanford"

(H.P. 660) (L.D. 961)

Sponsored by Representative MASTRACCIO of Sanford.

Cosponsored by Senator WOODSOME of York and Representatives: Speaker EVES of North Berwick, HYMANSON of York, NOON of Sanford, O'CONNOR of Berwick, Senator: COLLINS of York.

TAXATION

Bill "An Act To Provide an Income Tax Exemption for Pension or Retirement Plans for Veterans Who Are Totally Disabled"

(H.P. 641) (L.D. 922)

Sponsored by Representative GOLDEN of Lewiston.

Cosponsored by Senator LIBBY of Androscoggin and Representatives: HANINGTON of Lincoln, MONAGHAN of Cape Elizabeth, SAUCIER of Presque Isle, SCHNECK of Bangor.

Bill "An Act To Strengthen the Benefits of the State Earned Income Tax Credit for Childless Workers"

(H.P. 662) (L.D. 963)

Sponsored by Representative STUCKEY of Portland.

Cosponsored by Representatives: BATES of Westbrook, GILBERT of Jay, GOODE of Bangor, HAMANN of South Portland, MOONEN of Portland, POWERS of Naples, TEPLER of Topsham.

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Permit the Freezing of Property Taxes on the Homes of Maine Residents Who Are 65 Years of Age or Older

(H.P. 664) (L.D. 965)

Sponsored by Representative PARRY of Arundel.

Cosponsored by Senator COLLINS of York and Representatives: BRYANT of Windham, GOLDEN of Lewiston, HOBART of Bowdoinham, HOGAN of Old Orchard Beach, McLEAN of Gorham, Senators: DIAMOND of Cumberland, GERZOFSKY of Cumberland, MASON of Androscoggin.

VETERANS AND LEGAL AFFAIRS

Bill "An Act To Create Jobs and Increase Consumer Wine Choice"

(H.P. 642) (L.D. 923)

Sponsored by Representative GIDEON of Freeport.

Cosponsored by Senator PATRICK of Oxford and Representatives: DION of Portland, GOLDEN of Lewiston, KINNEY of Limington, LONGSTAFF of Waterville, LUCHINI of Ellsworth, McCABE of Skowhegan, SAUCIER of Presque Isle, TURNER of Burlington.

Bill "An Act To Provide Access to Private Apartment Complexes for Political Candidates"

(H.P. 663) (L.D. 964)

Sponsored by Representative VACHON of Scarborough.

Cosponsored by Senator VALENTINO of York and Representatives: AUSTIN of Gray, HARLOW of Portland, MALABY of Hancock, PARRY of Arundel, REED of Carmel, RUSSELL of Portland, SIROCKI of Scarborough, Senator: LIBBY of Androscoggin.

Committee on **VETERANS AND LEGAL AFFAIRS** suggested.

On motion of Representative LUCHINI of Ellsworth, the Bill was **REFERRED** to the Committee on **JUDICIARY**, ordered printed and sent for concurrence.

Pursuant to Statute

Administrator of the unorganized territory

Representative GOODE for the **Administrator of the unorganized territory** pursuant to the Maine Revised Statutes, Title 36, section 1604 asks leave to report that the accompanying Bill "An Act To Establish Municipal Cost Components for Unorganized Territory Services To Be Rendered in Fiscal Year 2015-16" (EMERGENCY)

(H.P. 666) (L.D. 967)

Be **REFERRED** to the Committee on **TAXATION** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **TAXATION** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

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

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 Thursday, March 12, 2015, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

Expression of Legislative Sentiment Recognizing Sharon Wise, of Winthrop

(HLS 26)

TABLED - January 20, 2015 (Till Later Today) by Representative HICKMAN of Winthrop.

PENDING - **PASSAGE**.

The SPEAKER: The Chair recognizes the Representative from Winthrop, Representative Hickman.

Representative **HICKMAN**: Mr. Speaker, thank you. Women and men of the House, I rise to honor the heroism of Ms. Sharon Wise of Winthrop, who, back in November, was ready to fight to keep a young girl from being abducted, but first, I would like to read briefly from the Posting Guidance for Federal Agencies as presented by the U.S. General Services Administration Missing Child Notice Program.

And I quote: "At the beginning of each month, all notices from the previous month should be removed and replaced with new notices. It is important that new notices are not added to existing notices. Listing more than ten at a time reduces the impact of this program. When selecting a site within your building to display notices, choose wisely. Ensure that notices are posted in public areas and offer maximum exposure to the public. Missing child notices present a powerful and emotional message, therefore, keep all hardcopy displays tasteful and modest in size out of respect for employees who may see the pictures repeatedly."

End quote.

The compassion on display in this guidance underscores an alarming statistic, Mr. Speaker: Every 40 seconds in the United States, a child goes missing or is abducted. Every 40 seconds.

And so, yes, missing child notices present a powerful and emotional message. I'm sure we have all seen them. Children's faces plastered on the walls of the post office or even the grocery store.

Every 40 seconds.

According to the most recent published statistics here in Maine, since 1971, seven children reported missing have not been found. Their families have no closure. There is a grief for them that knows no outlet. Can you imagine the emotional turmoil of a mother who goes every single day to the last place her son was seen hoping to find him right there calling out her name? Can you imagine the desperation of a father, who, every time he hears the wind blow open the gate to the back yard, he runs to a window hoping to see his daughter walking up to the back door. Can you imagine?

Mr. Speaker, Women and Men of the House, later today or tomorrow or the next, I say go hug your children or grandchildren, your young nieces and nephews and godchildren. Embrace them as often as you can. Let them know that they are special

little angels and that you love them from the bottom of your heart. For in the blink of an eye, any one of them could go missing.

Every 40 seconds.

We wouldn't wish that heart-shattering tragedy on ANY parent or grandparent or uncle or aunt. And so when you hold your children close and tell them how special they are, think of those whose vigilance, responsiveness and bravery have kept families whole.

And so, Mr. Speaker, I rise also to say this:

Let us honor Sharon Wise of Winthrop, who, as far as our research could take us, prevented the first abduction of a child by a stranger in the State of Maine.

I'm going to say that one more time:

Because of the vigilance, responsiveness and bravery of Ms. Sharon Wise of Winthrop, the first abduction of a child by a stranger in the State of Maine was stopped, *while it was happening*. The man could have drawn a weapon on her as she pulled the child back from his grip, and even if THAT crossed her mind, she was undeterred and kept a 2-year-old girl from being taken from her grandmother in plain daylight. And she did it all on a bad knee.

Talk about going above and beyond.

"Generations," wrote James Baldwin, "do not cease to be born and we are responsible to them because we are the only witnesses they have."

So today, we thank Ms. Wise for bearing witness. Today, we honor her for her heroism. Today, we are most grateful to Sharon Wise for her brave act of love. Her example is a blessing. Her example is an inspiration.

May we all be so vigilant, so responsive, and so brave. Thank you, Mr. Speaker.

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

REPORTS OF COMMITTEE

Divided Reports

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-10)** on Resolve, To Study the Use of Social Impact Bonds as a Funding Mechanism for Public Education Programs in Maine

(H.P. 285) (L.D. 418)

Signed:

Senators:

LANGLEY of Hancock
EDGEComb of Aroostook
MILLETT of Cumberland

Representatives:

KORNFELD of Bangor
DAUGHTRY of Brunswick
FARNSWORTH of Portland
HUBBELL of Bar Harbor
MAKER of Calais
PIERCE of Falmouth
POULIOT of Augusta
STEARNS of Guilford
TIPPING-SPITZ of Orono

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

Signed:

Representative:

McCLELLAN of Raymond

READ.

On motion of Representative KORNFIELD of Bangor, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Resolve was **READ ONCE**. **Committee Amendment "A" (H-10)** was **READ** by the Clerk and **ADOPTED**. The Resolve was assigned for **SECOND READING** Wednesday, March 18, 2015.

Majority Report of the Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Require Shareholder Consent for Corporate Political Contributions"

(H.P. 47) (L.D. 53)

Signed:

Senators:

CYRWAY of Kennebec

COLLINS of York

Representatives:

LUCHINI of Ellsworth

DILLINGHAM of Oxford

GOLDEN of Lewiston

HANINGTON of Lincoln

KINNEY of Limington

LONGSTAFF of Waterville

MONAGHAN of Cape Elizabeth

SCHNECK of Bangor

TURNER of Burlington

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

Signed:

Senator:

PATRICK of Oxford

Representative:

SAUCIER of Presque Isle

Representative BEAR of the Houlton Band of Maliseet Indians - of the House - supports the Minority **Ought to Pass** Report.

READ.

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

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

Representative **RYKERSON**: Thank you, Mr. Speaker. I rise in opposition to this motion. Women, Men of the House, Mr. Speaker. Remember November 4, 2014? That was the day when voters from all over Maine pulled the curtains at their voting booths and sent us to these desks.

In the months before that day, my neighbors and constituents would stop me in the supermarket or the hardware store and tell me their concerns. One thing I heard was that voters were losing their voice because politics were for sale. PACS, SuperPACS, lobbyists and corporate interests are highjacking our democracy.

The Supreme Court Decision *Citizens United* is emboldens by this highjack. Corporations increasingly have the same rights as people, but there are those who own those corporations who really ARE people, and they deserve to get their voices back.

This bill simply asks that when corporations make contributions to politicians or issues, the shareholders of that corporation approve of these contributions. At least four other states in the country are proposing similar bills. In fact, the majority Supreme Court Decision on *Citizens United*, Justice Kennedy, opened the door to this remedy. He said, "With the advent of the Internet, prompt disclosure of expenditures can provide shareholders and citizens with the information needed to hold corporations and elected officials accountable for their positions and supporters. Shareholders can determine whether their corporation's political speech advances the corporation's interest in making profits." He said, "Shareholders can determine whether their corporation's political speech advances the corporation's interest in making profits."

So this bill in no way restricts or burdens corporations according to the Supreme Court of the land. To all those who were elected November 4, 2014, we have our microphones at our desks so we can be heard. We owe it to those who put us here, to also let their voices be heard. Don't let money silence our democracy. I urge you to vote no. Thank you.

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

Representative **KINNEY**: Mr. Speaker, Ladies and Gentlemen of the House, I rise in support of the pending motion. This bill is an attempt to restrict political speech. Political speech should be afforded the strongest protection under the First Amendment of the Constitution.

This bill, furtherly, only applies to Maine corporations. Corporations incorporated in other states would not be under the jurisdictions or guidelines of this bill. Again, placing further regulations on Maine corporations that does not affect out of state corporations. Thank you very much, Mr. Speaker.

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

Representative **STUCKEY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, the essence of this bill is remarkably simple, and eloquently straightforward. The U.S. Supreme Court's decision in the *Citizens United* campaign financing case basically affirmed that corporations are people and should have the same rights and freedom of speech as any other citizen when it comes to making political campaign contributions.

It was a long time ago, but I'm quite sure, Mr. Speaker, I learned in Algebra 1 that if A equals B then B equals A. Now, if that's correct, I would think that if a corporation equals its shareholders, then in a corporation where the majority of the shareholders are individuals, those people equal the corporation and their rights as shareholders, and their rights to freedom of speech, would necessitate the corporation follow the very basic requirements outlined in this bill before making any political contribution or expenditure. The corporation and its people should speak with one voice. A equals B, B equals A.

And in a corporation where the majority of the shares are held not by people, but by institutional investors, A does not equal B, B does not equal A. The right of freedom of speech should not apply, and no political contribution or expenditures should be allowed. I hope you'll agree, Mr. Speaker, that it's really as simple as that. Thank you.

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

Representative **CHAPMAN**: Thank you, Mr. Speaker. Friends and colleagues of the House, campaign finance reform is a complex issue. Overturning *Citizens United* is one mechanism for trying to do that. It's a very difficult job to do.

We'll have an opportunity later on to look at that opportunity, but this opportunity before us at the moment chips away at the basic problem and although it only applies to Maine, Maine can be a leader and show the rest of the country how we can move from the situation we're in at the moment to a much better one. So, I urge that we vote down the pending 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 don't think any company or any stockholders in the State of Maine need for us to stick our nose in their business. Thank you.

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

Representative **LUCHINI**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. While I appreciate the intent of my friend, the Representative from Kittery, I urge you to support the majority of 11's Ought Not to Pass motion on this bill. I know while we all have been frustrated by campaign finance issues, I just don't feel that this bill solves all of those problems, and I'll briefly describe some of the reasons the committee felt so.

First, as written, as the Representative from Limington said, this bill faces potential constitutional issues. In particular, by placing restrictions on political speech, which are afforded the strongest protections under the First Amendment. For a state to place such a restriction, it must provide a compelling state interest, must be narrowly tailored, and minimally burdensome. The majority felt that such a threshold was not met by this bill.

Secondly, this bill would apply only to Maine businesses. This would do nothing to prevent the out of state money that comes into our state, but would simply place additional restrictions on corporations based here in Maine, and could put them at a disadvantage if they wanted to donate to a political campaign or a referenda issue.

This bill also doesn't speak to enforcement—which agency would enforce this, how they're going to require businesses to poll their voters. There's also a provision in here that's particularly difficult to enforce, which would require any shareholder who disagrees with the corporation's contribution, they would be able to request a rebate of the percentage of the contribution that was made by their corporation's company. It would be difficult to enforce, difficult in practical speaking, so that's why the majority 11 were against this bill, and I hope that you support the majority Ought Not to Pass report. Thank you, Mr. Speaker.

Representative **FREDETTE** of Newport **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 Russell.

Representative **RUSSELL**: Thank you, Mr. Speaker, Men and Women of the House, I rise in opposition to the pending motion. I have never been someone that has been in a position to care what the committee report was, as many people know. I just care about what the right thing is to do.

I think it's important that we state for the record that a Princeton study just came out the other day, and it says, "Using data drawn from 1,800 different policy initiatives from 1981 to 2002, the two conclude that rich, well-connected individuals on the political scene now steer the direction of the country regardless of, or even against, the will of the majority of voters."

We have come to a place where we are seeing that money is not speech, money is power, and there's a difference between the two.

Also recently, someone came out and wrote an article as a current Congressperson, and they wrote it anonymously. "I am a member of Congress," they write. "I'm not going to tell you from where or from which party, but I serve and I am honored to serve. I serve with good people, and some less good ones, and we try to do our best. It's a frustrating, even delusional, job. The public pretty much hates us. Congress polls lower than Richard Nixon during Watergate, traffic jams, or the Canadian alt-rock band Nickelback. So the public knows something is wrong, but they don't often know exactly what is wrong and sometimes the things they do that they think will fix Congress like making us come home every weekend, actually break it further."

Here are the things that they want voters to know about what it's like. Congress is not out of touch with people back home. Number 2: Congress listens best to money. It is more lucrative to pander to big donors than to regular citizens. Campaigns are so expensive that the average member needs a million dollar war chest every two years and spends 50 percent to 75 percent of their term in office raising money. That means 25 percent to 50 percent is left over to actually do their job.

I think it's a sad statement on our democracy that we are in a position where money is equated to speech, when in fact money has been driving power and it has been consolidating power for decades, and most ensuredly in the last decade. So, yes, the committee report may be not in favor of this bill, but I'm going to stand here because there's a heck of a lot of money on the other side of the aisle that would like to see something like this go down in flames, and quite frankly I think the people of Maine deserve much, much better. I hope you will vote no to the pending motion.

The SPEAKER: I will remind all Representatives that we are not to question the motives or intentions of any member of this body or the other, or the Chief Executive.

The Chair reminded Members it is not proper to assign motives to the Chief Executive position.

The SPEAKER: The Chair recognizes the Representative from the Houlton Band of Maliseet Indians, Representative Bear.

Representative **BEAR**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise simply to explain the position that's indicated in today's calendar that I am having voted Out to Pass in committee. I just wanted to let you know that I had attempted to try to arrange for an extension vote and under the rules, it's either you're voting or you're not, and it's one or the other.

So, I was attempting to abstain. I don't believe that the Tribe has a dog in this race, so to speak. And, so just to be clear on what you're reading in the journal. 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 request a roll call vote, and I say follow my light and let's kill this bill right in its infancy. Thank you.

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

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

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

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

CONSENT CALENDAR

First Day

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

(S.P. 250) (L.D. 692) Bill "An Act Regarding Educator Effectiveness" (EMERGENCY) Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-3)**

On motion of Representative McCABE of Skowhegan, was **REMOVED** from the First Day Consent Calendar.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-3)** 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-3)** in concurrence.

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

CONSENT CALENDAR

First Day

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

(H.P. 14) (L.D. 11) Bill "An Act To Exempt the Sale of the United States Flag from the Sales Tax" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-11)**

(H.P. 56) (L.D. 62) Bill "An Act To Require Notice to Municipal Officers of Violations of Emergency Medical Services Law and Rule" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-13)**

(H.P. 170) (L.D. 238) Bill "An Act To Extend the Period of Time for Persons Who Purchase Special Fuel and Gasoline for Off-highway Use To Apply for the Special Fuel and Gasoline Tax Refunds" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-12)**

There being no objections, the above items were ordered to appear on the Consent Calendar tomorrow under the listing of Second Day.

CONSENT CALENDAR

Second Day

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

(S.P. 14) (L.D. 13) Bill "An Act To Provide an Exemption from Sales Tax and Service Provider Tax to Nonprofit Collaboratives of Libraries" (C. "A" S-1)

No objections having been noted at the end of the Second Legislative Day, the Senate Paper was **PASSED TO BE ENGROSSED as Amended** in concurrence.

ENACTORS

Emergency Measure

Resolve, To Name the Route 11 Bridge over the Saco River in Standish and Limington the Veterans Memorial Bridge

(H.P. 4) (L.D. 1)

(H. "A" H-5)

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. 139 voted in favor of the same and 0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Resolves

Resolve, To Name Interstate 295 from Scarborough to West Gardiner the Richard A. Coleman Highway

(S.P. 48) (L.D. 115)

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

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

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment Thursday, March 12, 2015, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

Expression of Legislative Sentiment Recognizing Ronald Grondin, of Sanford

(HLS 44)

TABLED - February 5, 2015 (Till Later Today) by Representative McCABE of Skowhegan.

PENDING - **PASSAGE**.

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

Expression of Legislative Sentiment Recognizing Robert April, of Sanford

(HLS 45)

TABLED - February 5, 2015 (Till Later Today) by Representative McCABE of Skowhegan.

PENDING - **PASSAGE**.

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

Expression of Legislative Sentiment Recognizing Harold Smith, of Sanford

(HLS 46)

TABLED - February 5, 2015 (Till Later Today) by Representative McCABE of Skowhegan.

PENDING - **PASSAGE**.

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

Expression of Legislative Sentiment Recognizing Richard Bond, of Sanford

(HLS 47)

TABLED - February 5, 2015 (Till Later Today) by Representative McCABE of Skowhegan.

PENDING - **PASSAGE**.

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

Expression of Legislative Sentiment Recognizing Albert Noble, of Sanford

(HLS 48)

TABLED - February 5, 2015 (Till Later Today) by Representative McCABE of Skowhegan.

PENDING - **PASSAGE**.

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

Bill "An Act To Allow Condominium and Homeowners Associations To Establish Swim Areas"

(H.P. 319) (L.D. 480)

- In House, **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** on February 24, 2015.

- In Senate, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** in **NON-CONCURRENCE**.

TABLED - March 3, 2015 (Till Later Today) by Representative McCABE of Skowhegan.

PENDING - **FURTHER CONSIDERATION**.

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

Bill "An Act To Ensure Sustainable Infrastructure Funding"

(H.P. 620) (L.D. 901)

(Committee on **TAXATION** suggested)

TABLED - March 12, 2015 (Till Later Today) by Representative GOODE of Bangor.

PENDING - **REFERENCE**.

Subsequently, the Bill was **REFERRED** to the Committee on **TRANSPORTATION**, ordered printed and sent for concurrence.

ENACTORS

Emergency Measure

An Act Regarding Educator Effectiveness

(S.P. 250) (L.D. 692)

(C. "A" S-3)

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. 135 voted in favor of the same and 5 against, and accordingly the Bill was **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**.

Pursuant to House Rule 201.1.H, the Speaker appointed Representative POULIOT of Augusta to serve as Speaker Pro Tem when the House convenes on Wednesday, March 18, 2015, at 9:00 a.m.

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

SENATE PAPERS

Bill "An Act To Clarify Maine's Fertilizer Quality Control Laws" (S.P. 329) (L.D. 938)

Came from the Senate, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed.

REFERRED to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** in concurrence.

Bill "An Act To Authorize a General Fund Bond Issue for Research and Development for the University of Maine System" (S.P. 322) (L.D. 931)

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

REFERRED to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** in concurrence.

Bill "An Act To Protect Children from Sexual Predators, Sexual Abuse and Sexual Assault"

(S.P. 327) (L.D. 936)

Bill "An Act Regarding Recovery of Emergency Response Costs Related to an OUI Offense"

(S.P. 335) (L.D. 944)

Came from the Senate, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed.

REFERRED to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** in concurrence.

Bill "An Act To Permit the Use of Firearm Noise Suppression Devices in Hunting and To Provide for a Chief Law Enforcement Officer's Certification for Certain Firearms"

(S.P. 333) (L.D. 942)

Came from the Senate, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed.

On motion of Representative FREDETTE of Newport, **TABLED** pending **REFERENCE** in concurrence and later today assigned.

Bill "An Act To Implement the Recommendations of the Task Force To End Student Hunger in Maine" (EMERGENCY)

(S.P. 324) (L.D. 933)

Bill "An Act To Increase Transparency in the University of Maine System Regarding Procurement and Administrative Costs" (S.P. 330) (L.D. 939)

Bill "An Act To Create Community Schools"

(S.P. 336) (L.D. 956)

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

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

Resolve, To Require Hospitals To Provide Information to Parents of Infants Regarding Testing for Krabbe Disease
(S.P. 331) (L.D. 940)

Bill "An Act To Preserve Jobs and Primary Care Services in Rural and Underserved Areas of Maine"
(S.P. 341) (L.D. 969)

Came from the Senate, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.
REFERRED to the Committee on **HEALTH AND HUMAN SERVICES** in concurrence.

Bill "An Act To Amend the Membership of the Maine Outdoor Heritage Fund Board"
(S.P. 339) (L.D. 959)

Came from the Senate, **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed.
REFERRED to the Committee on **INLAND FISHERIES AND WILDLIFE** in concurrence.

Bill "An Act To Provide Access to Infertility Treatment"
(S.P. 334) (L.D. 943)

Bill "An Act To Amend the Laws Relating to Group Trusts Established by Self-insurers of Workers' Compensation Benefits"
(S.P. 338) (L.D. 958)

Came from the Senate, **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES** and ordered printed.
REFERRED to the Committee on **INSURANCE AND FINANCIAL SERVICES** in concurrence.

Bill "An Act Relative to the Escheat of United States Savings Bonds"
(S.P. 320) (L.D. 929)

Came from the Senate, **REFERRED** to the Committee on **JUDICIARY** and ordered printed.
REFERRED to the Committee on **JUDICIARY** in concurrence.

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Provide for the Popular Election of the Attorney General, Secretary of State and Treasurer of State
(S.P. 337) (L.D. 957)

Came from the Senate, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed.
REFERRED to the Committee on **STATE AND LOCAL GOVERNMENT** in concurrence.

Bill "An Act To Attract Young Families to Maine and Keep Young Families in Maine by Expanding the Child Care Tax Credit"
(S.P. 321) (L.D. 930)

Bill "An Act To Designate a Sales Tax Holiday"
(S.P. 323) (L.D. 932)

Bill "An Act To Create Transparency in Maine's Economic Development Spending"
(S.P. 325) (L.D. 934)

Bill "An Act To Improve Tax Expenditure Transparency and Accountability"
(S.P. 332) (L.D. 941)

Came from the Senate, **REFERRED** to the Committee on **TAXATION** and ordered printed.
REFERRED to the Committee on **TAXATION** in concurrence.

Bill "An Act Regarding Alcohol Manufacturing Licenses Issued to Research Facilities"
(S.P. 326) (L.D. 935)

Came from the Senate, **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS** and ordered printed.
REFERRED to the Committee on **VETERANS AND LEGAL AFFAIRS** in concurrence.

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

On motion of Representative FREDETTE of Newport, the House adjourned at 11:44 a.m., until 9:00 a.m., Wednesday, March 18, 2015, in honor and lasting tribute to J. Howard Seavey, Jr., of Newport and Pauline S. Paine, of Newport.