ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE
FIRST REGULAR SESSION
59th Legislative Day
Thursday, June 11, 2015

The Speaker resumed the Chair.

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

Prayer by The Reverend Doctor Cheryl Townsend Gilkes, Professor, Sociology and African Studies at Colby College, Waterville.

National Anthem by Katie Lind, Limington and Trevor Hustus, Hollis.

Pledge of Allegiance.

Doctor of the day, David Scaccia, DO, MPH, Kittery.

The Journal of yesterday was read and approved.

SENATE PAPERS
Non-Concurrent Matter

Bill "An Act To Make College More Affordable for Maine Residents"

(S.P. 220) (L.D. 627)

Majority (7) **OUGHT TO PASS AS AMENDED** Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-221)** in the House on June 10, 2015.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Minority (5) **OUGHT NOT TO PASS** Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** was **READ** and **ACCEPTED** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

Non-Concurrent Matter

Bill "An Act To Increase Investment in Maine"

(H.P. 784) (L.D. 1146)

Majority (7) **OUGHT NOT TO PASS** Report of the Committee on **TAXATION READ** and **ACCEPTED** in the House on June 9, 2015.

Came from the Senate with the Minority (6) **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" (H-325)** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

COMMUNICATIONS

The Following Communication: (H.C. 213)

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

June 10, 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 484, "An Act Regarding the Confidentiality of Railroad Carrier Cargo."
This bill adds an additional public records exception to the Freedom of Access Act to cover records describing hazardous materials transported by a railroad in this State when those records are in the possession of law enforcement, fire departments or other first responders or emergency management entities. In essence, railroad companies want these records shielded from public view when they are in the possession of first responders and emergency management entities.
One of the hallmarks of my administration has been transparency in government; another has been the protection of Maine citizens. I cannot support a bill that is inconsistent with these goals. When information about hazardous cargo traveling through this State is in the possession of first responders and/or emergency management entities, it is highly possible that one reason these entities have this information in the first place is that something has gone wrong. I am not at all comfortable shielding this information from the Maine citizens that may be placed in harm's way by these transports. If trains are carrying hazardous materials through our State and this information is shared with our first responders and emergency management entities, then this information needs to be available to our citizens.
For these reasons, I return LD 484 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 the Confidentiality of Railroad Carrier Cargo

(H.P. 323) (L.D. 484)
(C. "A" H-181)

The SPEAKER: The Chair recognizes the Representative from Standish, Representative Shaw.

Representative **SHAW**: Thank you very much, Mr. Speaker. Mr. Speaker, Men and Women of the House, I'd like to thank the Judiciary Committee for their unanimous Committee Report. This is in regards to the confidentiality of railroad carrier cargo, basically what the freight trains are carrying. It is proprietary information that businesses in Maine do not want to share with other folks. The reason to have it kept confidential under the Freedom of Information Act is so that the railroads will disclose to first responders, such as firefighters and local police what they're carrying. So, I do want to thank again the Judiciary Committee on the unanimous report and hope you'll consider overriding the 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. 212V

YEA - Alley, Austin, Babbidge, Bates, Battle, Beavers, Beebe-Center, Bickford, Black, Blume, Brooks, Bryant, Buckland, Burstein, Campbell J, Campbell R, Chace, Chapman, Chenette, Chipman, Cooper, Corey, Crafts, Daughtry, Davitt, DeChant, Dillingham, Dion, Doore, Duchesne, Dunphy L, Dunphy M, Edgecomb, Espling, Evangelos, Farnsworth, Farrin, Fecteau, Foley, Fowle, Fredette, Frey, Gattine, Gerrish, Gideon, Gillway, Ginzler, Golden, Goode, 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, Malaby, Marean, Martin J, Martin R, Mastraccio, McCabe, McClellan, McCreight, McElwee, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Noon, Nutting, O'Connor, Parry, Peterson, Picchiotti, Pickett, Pierce J, Pierce T, Pouliot, Powers, Prescott, Reed, Rotundo, Rykerson, Sanborn, 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 - Hanington.

ABSENT - Beck, Devin, Gilbert, Russell.

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. 214)

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

June 10, 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 1429, "An Act To Amend the Laws Regarding On-premises and Off-premises Liquor Licenses."
As promised, I am vetoing all bills sponsored by Democrats because they have stifled the voice of Maine citizens 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, any bills sponsored by Democrats must have at least a two-thirds vote and a roll call to get by me.
For this reason, I return LD 1429 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 Regarding On-premises and Off-premises Liquor Licenses (H.P. 975) (L.D. 1429)

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. 213V

YEA - Alley, Austin, Babbidge, Bates, Battle, Beavers, Beebe-Center, Bickford, Black, Blume, Brooks, Bryant, Buckland, Burstein, Campbell J, Campbell R, Chace, Chapman, Chenette, Chipman, Cooper, Corey, Crafts, Daughtry, Davitt, DeChant, Dillingham, Dion, Doore, Duchesne, Dunphy L, Dunphy M, Edgecomb, Espling, Evangelos, Farnsworth, Farrin, Fecteau, Foley, Fowle, Fredette, Frey, Gattine, Gerrish, Gideon, 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, Longstaff, Luchini, Lyford, Maker, Malaby, Marean, Martin J, Martin R, Mastraccio, McCabe, McClellan, McCreight, McElwee, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Noon, Nutting, O'Connor, Parry, Peterson, Picchiotti, Pickett, Pierce J, Pierce T, Pouliot, Powers, Prescott, Reed, Rotundo, Russell, Rykerson, Sanborn, 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 - Long.

ABSENT - Beck, Devin, Gilbert.

Yes, 147; No, 1; Absent, 3; Excused, 0.

147 having voted in the affirmative and 1 voted in the negative, with 3 being absent, and accordingly the Veto was **NOT SUSTAINED**. Sent for concurrence.

REPORTS OF COMMITTEE
Divided Reports

Majority Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought Not to Pass** on Bill "An Act To Expand Access to Workforce Development at Brunswick Landing" (S.P. 532) (L.D. 1423)

Signed:
Representatives:
HERBIG of Belfast
BATES of Westbrook
CAMPBELL of Newfield
FECTEAU of Biddeford
GILBERT of Jay
LOCKMAN of Amherst
MASTRACCIO of Sanford
STETKIS of Canaan

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-225)** on same Bill.

Signed:
Senators:
VOLK of Cumberland
CUSHING of Penobscot
PATRICK of Oxford

Representatives:
AUSTIN of Gray
WARD of Dedham

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

READ.

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

Majority Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought Not to Pass** on Bill "An Act To Amend the Laws Governing Wind Energy Development Permitting"

(H.P. 540) (L.D. 791)

Signed:

Senators:

EDGECOMB of Aroostook
DILL of Penobscot
SAVIELLO of Franklin

Representatives:

BLACK of Wilton
CHAPMAN of Brooksville
EDGECOMB of Fort Fairfield
KINNEY of Knox
MAREAN of Hollis
McELWEE of Caribou

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-375)** on same Bill.

Signed:

Representatives:

HICKMAN of Winthrop
DUNPHY of Old Town
NOON of Sanford
SAUCIER of Presque Isle

READ.

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

Representative McCABE of Skowhegan assumed the Chair.

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

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

Majority Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-374)** on Bill "An Act To Improve Regulatory Consistency within the Jurisdiction of the Maine Land Use Planning Commission"

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

Signed:

Senators:

EDGECOMB of Aroostook
SAVIELLO of Franklin

Representatives:

BLACK of Wilton
CHAPMAN of Brooksville
DUNPHY of Old Town
EDGECOMB of Fort Fairfield
KINNEY of Knox
MAREAN of Hollis
McELWEE of Caribou

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

Signed:

Senator:

DILL of Penobscot

Representatives:

HICKMAN of Winthrop
NOON of Sanford
SAUCIER of Presque Isle

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-374)** was **READ** by the Clerk.

Representative SAUCIER of Presque Isle **PRESENTED House Amendment "A" (H-393)** to **Committee Amendment "A" (H-374)**, which was **READ** by the Clerk.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Presque Isle, Representative Saucier.

Representative **SAUCIER**: Thank you, Mr. Speaker. Mr. Speaker, a lot has been said about LD 828 and what this bill is really about. But let me tell you what I believe what this bill is really about: this is about whether we think a major land use decision should be able to be made without a public hearing. This issue is not whether we support wind farms, or not. The issue at hand is whether we believe it's good public policy to allow those opposed to development and jobs to have the ultimate veto power.

This bill would allow 50 percent of the residents in unorganized township to make a land use decision for all residents with no opportunity for a public comment and no public hearing. That is simply wrong. Further, as many of you know, many of these unorganized territories have very few full-time residents and this means that we would be vesting total veto power in the hands of a very few people. For example, Parlin Pond Township in Somerset County has 11 registered voters. If LD 828 would become law, it would allow just six people in a 20,000 acre township to make a land use decision. Another area, Indian Stream Township has two registered voters. If just one of them signs a petition, then an entire township—20 thousand acres of land—can be rezoned. Again, Forest City Township has 16 residents and only eight of them would have to sign a petition; they would have made a land use policy for the rest of the residents without any chance for the other 50 percent of them to be heard.

But for me, as a member of Aroostook County delegation, this is more than just whether we ought to give veto power to a small number of people. This is about economic development, jobs, and opportunity. We have a major development plan for Aroostook County. Number Nine Windfarm and its economic footprint is going to be a huge boon for Aroostook County. The University of Maine economics professor, Doctor Todd Gabe, found that:

Over three years of the project development and construction, Number Nine Windfarm will generate a total statewide economic impact, including multiplier effects of an estimated $356.4 million and an average of 653 full- and part-time jobs, and a 3-year total of $107.8 million in labor income. The impact of project development and construction on the Aroostook county economy, including multiplier effects, will be an estimated $114.8 million and an average of 324 full- and part-time jobs, and a 3-year total of $39.7 million in labor income. After the Number Nine Windfarm is completed, the permanent statewide impact of its annual operations, including multiplier effects will be an estimated $4.1 million in output, 29 in full- and part-time jobs, and $1.5 million in labor income. The permanent impact of Number Nine Windfarm annual operations on the Aroostook county economy, including multiplier effects, will be an estimated $1.9 million in output, 16 full- and part-time jobs, and about $800 thousand in labor income. The economic activity associated with Number Nine Windfarm will generate state and local tax impact of estimated $12.6 million over three years' development and construction and $2.6 million annually from its operations.

But there's another part of Number Nine Mountain that affects Aroostook County. Number Nine project includes a transmission line that will bring northern Maine that much closer to being connected to the ISO-New England grid. Aroostook County has long been an electric island, which limits our access to competition in the energy markets, enforces our manufacturing base to hope that our localized power generation options are low enough for them to remain competitive. Notably, this transmission line is being paid for by the ratepayers of Connecticut. Not one dime is coming from Maine ratepayers to support this wind farm or transmission line.

I encourage you to consider the statewide implications of allowing a small group of folks to veto development and jobs. There will be other opportunities in the near future to address these same concerns, but in a manner that supports public comment through a full public hearing before the Land Use Planning Commission. Thank you.

Representative ESPLING of New Gloucester **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-393)** to **Committee Amendment "A" (H-374)**.

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

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

Representative **DUNPHY**: Thank you, Mr. Speaker, a lot has been said about this bill. There's been hours of conversation. There's been a ton of people speaking to everyone in the halls. And this amendment, Amendment "B," the floor amendment, simply derails the rights of the citizens in the unorganized townships. We're sent down here, Mr. Speaker, we bang on doors, we guarantee our constituents that we will come down here and represent them. We don't come down here to represent the Natural Resource Council of Maine or Maine Forest Product Council or Associated General Contractors, or any number of names that are on the back of some of these handouts. We're down here to represent people like the Kellgren family from Trescott, Brad Blake from, Julia Fortini from Gilman Pond, Ron and Pete Bearott from North New Portland, Heidi Murphy from Freedom, Kay and Alan Michka from Lexington, Mickey Burbank from Lexington. Our citizens from the Carrying Place, from Lexington, from Highland, from Trescott, we're not down here to take people's rights away. That was done in 2008 with the expedited wind law.

This, to me, seems so basic, it sort of takes everything from the large policy decisions that we make to absolute basic one-on-one constituent rights. Amendment "B" talks about "No chance to be heard." You know what? They're absolutely right. The citizens in the unorganized townships cannot be heard. Their rights were taken. They had no input in those rights being removed; it was done by this body in 2008. A lot of it—and I'm sure you've seen some of the handouts—a lot of it was done behind closed doors with people who had essentially sworn one another to secrecy. This is about rights.

Comments were made about population and about large landowners. We fought a war to prevent landed gentlemen from having all the say. We're citizens. Citizens have rights. Citizens deserve rights. Citizens are guaranteed rights. Citizens' rights were taken away. We have the power and ability to restore those rights and we have a mechanism to restore those rights and this amendment doesn't do that.

I heard the good Representative talk about wind is not the issue, yet the majority of his comments were about wind in Aroostook County. I do agree with him though. This is not about wind. It's not about wind at all. Does economic development supersede rights? At what point in your community is someone going to come in and decide to put in a nuclear waste dump? And it's going to be put in without any input from you. You going to feel good about that? That apartment complex on Munjoy Hill—how would these illustrious sponsors on the back of one of the handouts feel if the development going in on Munjoy Hill was decided by this Legislature with no input, with no right to a public hearing?

The good Representative talked about these landowners, these large landowners, not having any say, and that's absolute nonsense. In the original bill that came out of Ag, there are two mechanisms for all development to have input. There is a public hearing, but the presumption is that citizens have their rights restored and once those rights are restored, then industry can come in through a public hearing and do their projects. I would request that we vote this amendment down and we focus on restoring the rights to the citizens in the unorganized townships. Thank you.

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

Representative **KINNEY**: Thank you, Mr. Speaker. Mr. Speaker and Ladies and Gentlemen of the House, opposition to Committee Amendment "A," or in this case those for House Amendment "A," are saying this is about having a public hearing. They are absolutely correct. What they won't tell you is that the residents in the select unorganized territories had their statutory rights taken away in 2008. I do not represent any unorganized territories in my district, but I want to share with you how public hearings work for the rest of the people in the State of Maine including many unorganized territories that are not in the expedited wind areas.

In the Waldo County town of Freedom, a landowner wanted to work with a wind company to put up windmills on his property on Beaver Ridge. The people of the Town of Freedom, especially those on the small mountain, did not want the project to go through. A public hearing was held. Letters to the editor were written. People were calling each other names. In the end, there are three large windmills on top of Beaver Ridge.

The people had their voices heard and the wind project went through. Give the people in the expedited wind areas back their voice that every other Maine citizen, including those that live in unorganized territories that are not currently in this expedited wind area, are able to enjoy. This bill is not about wind, it's about citizen's rights in the State of Maine. Thank you.

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

Representative **BEAVERS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, I oppose the motion on the floor. Committee Amendment "A" will not stop wind development. And seven years since the Expedited Wind Act was enacted in 2008, they haven't even come close to meeting their goal. That's seven years. I don't see anything that's been expedited at all.

I do support wind development, but for those of you who've heard this three times, I'll sound like a broken record, but I'm going to repeat it for those of you who are new. I support justice more than I support wind development. This is a justice issue. This is a people's bill. Human rights, people's rights. Section 15 of Article I of the Constitution of Maine states that, "People have a right, at all times, in an orderly and peaceable manner to assemble to consult upon the common good, to give instruction to their Representatives, and to request of either body of the government, by petition or remonstrance, redress of their wrongs and grievances."

The people of several unorganized territories, also known as "UT's," have done this numerous times over at least the last five years that I have been here, probably longer. Their requests were taken into consideration in the preparation of the March 2012 Maine Wind Energy Development Assessment by the Governor's Office of Energy in response to 2011 legislation, which was recommended by the committee, on which I serve, and received bipartisan support from the full Legislature. This report recommended amending the law to provide a process for certain areas to be considered for exemption or removal from the expedited permitting area, which I will henceforth call EPA, but not the other one.

People who choose to live in the UT's have not forfeited their First Amendment rights. Some UT communities have been designated in the permitting area and others have not. Please remember LD 828 does not put a moratorium on wind permitting in these EPA areas. It gives voice to the residents and landowners and developers of the few UT's in the expedited permitting area via the Pre-Wind Act of 2008 process. We are here for the people. Let's please remember that and follow my light. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from New Gloucester, Representative Espling.

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

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

Representative **ESPLING**: Thank you, Mr. Speaker, just some clarity on this amendment. Some of our members are asking. Some of the handout material had mentioned a House Amendment "B" and this is House Amendment "A," so if someone could just clarify that and make sure that this is the amendment and the only amendment. Thank you.

The SPEAKER PRO TEM: 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 Dresden, Representative Pierce.

Representative **PIERCE**: This is the Floor Amendment, which would be Amendment "B." In the handouts, there was Amendment "A," which was the Committee Amendment. The amendment proposed on the floor by the good Representative from Presque Isle, on the board is Amendment "A," but this would be Amendment "B," as in the handouts. This is the floor amendment we talked about.

The SPEAKER PRO TEM: The Chair will clarify, in regards to what we are voting on, the Chair cannot specify what the handout says, but the Chair will clarify what we are voting on right now before us is House Amendment "A" with a filing number of H-393 to Committee Amendment "A". If there are folks who need a copy of the amendment, I'm happy to hand some of those around and they're also up online as well, so if anyone needs a copy of that amendment just put your hand up so that folks have it.

The Chair recognizes the Representative from Weld, Representative Skolfield.

Representative **SKOLFIELD**: Thank you, Mr. Speaker, I rise in opposition to this amendment and I will be supporting Amendment "A," the Majority Report. Please understand that this bill, as has been so eloquently presented by Representative Dunphy, is not about the worthiness of wind power.

The residents, the folks who live and call these unorganized townships their homes, they're the affected ones. And all we're doing, all we're doing, Mr. Speaker, is asking this body to return to them those rights that were removed from them in 2008. Simple. This bill is about restoring those rights. They deserve the same rights that those of us who live in municipalities have. LD 828 does not ban wind development, nor does it infringe on landowner rights to develop their land. Thank you, Mr. Speaker.

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

Representative **TUELL**: Thank you, Mr. Speaker, I've got a lot to say, as usual. But, I will say, to simplify, just as an aside, people with all of these handouts going around, it's easy to be confused. The short version is: 1. We shouldn't really be paying attention to handouts and we should be using a little independent thought in that regard.

To simplify though, I will say that House Amendment "A" does what Amendment "B," that you see on these handouts is. I will be supporting the original bill as originally presented with no additional amendments. The original bill that we voted no a few minutes ago.

With that out of the way, I would like to share a few comments, and they are this: Mr. Speaker, Ladies and Gentlemen of the House, I rise today to support, in the strongest way possible, LD 828, as amended by Committee Amendment "A," "An Act to Improve Regulatory Consistency within the Jurisdiction of the Land Use Planning Commission." This bill might have a $64 million title, and yes, there's probably been that much over again spent on lobbying of this bill. Yes, I'm hyperbolizing, but you get the drift. It's a really quite simple bill, however.

It restores the rights of citizens in Maine's unorganized territories by giving them a say in what goes on in their back yards, much as they would have if they lived in an organized municipality—some of which have fewer people than some of the larger UT's. Down home, for example, the Town of Wesley has 98 people according to the 2010 Census. Trescott Township, which I represent here today, boasts a population of 150 people and those people don't have their own municipal local planning board, whereas the people in Wesley do.

This is a local control bill. It is about giving those 150 Trescottiers—scallopers, woodsmen, truck drivers, professional people, convenience store clerks, seasonal and year-round residents; newcomers and families who have lived there some 40 years—a chance to weigh in on issues of importance to their community.

Mr. Speaker, I stand here today in a unique position, however. During a previous life I wrote letters of support and public testimony for legislation impacting wind power projects in

Washington County. I did that in my previous job. I believed, and still do, that these projects can harness Maine's natural resources to diversify our power base and creating jobs and investment opportunities in rural parts of the state. I firmly believe that much of what the Representative from Presque Isle said is true and I'm not going to dispute that. He's right to bring that up. However, I have seen firsthand, and I have seen firsthand how mom-and-pop businesses have taken advantage of Washington County's Tax Increment Financing District, which is supported by wind power and is used to create jobs locally. It has financed business opportunities in the region. So, there is an economic development component to wind, but there are issues that are bigger than economic development.

There are citizens' rights and this original bill protects citizens' rights and local control. I believed then, and I do now, that wind power can be a good thing. But expediting it, showing favoritism to an industry, dismissing citizens' rights and local control as archaic principles of a bygone era that are best left to those few of us who have read the Federalist and Anti-Federalist Papers, is sheer folly. Sometimes we need to restrain ourselves from ourselves. We need to have the strength to butt out of local issues when we're not wanted and preserve liberty when it's demanded.

And I'm encouraged by some of the support on the other side of the aisle here today and I certainly know there are some sincere folks who came to testify for this bill and I appreciate every word of it. I hope you all will shoot this motion down, go red, and I would say the same that if you're from Washington County, you've probably gotten a lot of phone calls on this issue. You've probably heard from a lot of people on this issue. And it's time to stand up and swing a big stick for Washington County.

Mr. Speaker, I know I'm rambling. I know sometimes it's hard to light that board up for local control, but today I pray that the 151 of the 127th Maine House of Representatives will stand in for the 151 of Trescott Township, in little old Washington County, and vote this pending motion down. Thank you.

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

Representative **HARLOW**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, this bill does not prohibit wind. I'm a Representative from Portland, so I probably don't have to tell you where I stand on wind, but I can tell you that the process that this bill has followed has me troubled, has had me troubled since it was introduced, I believe it was my freshman year. But this session, it's been especially troubling.

When we talk about good public policy, I believe that what we mean, and I think that this is what everyone in this chamber would agree to, is that we're making decisions based on the information that we receive, that we research, and what we believe. I do not believe that good public policy is developed when we are very influenced by our lobbyists. I'm very troubled at the things I've seen, at the things I've heard, and frankly, I'm more troubled today than I have been. It's very disappointing to see the influence that this particular bill, or the influence exerted over a bill that really is not complicated.

It's asking that we treat the one-third of the unorganized territories the same way, Mr. Speaker, that we treat the two-thirds of the unorganized territories that is currently not in the expedited wind area. This bill has become polarizing, it's made people upset, and it represents what I hope we do not want in our chamber, in our halls, or in our caucus. And I'm sorry to be preachy, but it's just been a very upsetting process and I hope that when we're voting on this bill, we try not to let the influences that we've all heard from influence the color that we pick.

Now the process, the idea of a good process really brings me back to 2008. And I said this in my caucus this morning. We had the Wind Task Force back in 2008 meet privately, behind closed doors, and deciding who would go into the expedited wind area. Well then an email that was distributed to all of us, and I won't read the whole email even though I'm very tempted to because I would like to get the entire email into the record in case someone is, a future legislator is extremely bored and reading old testimony in the law library, but I won't. I'll just say that the third agreement within this group of the Wind Task Force said to hold individual meetings with the ENGO's and developers—and I didn't really know what ENGO's were. It's the Environmental Nongovernmental Organizations—FPL, Rob Gardner, UPC, TransCanada, Chip Ahrens, Harley Lee to go over a draft report and if possible develop a map of the area where expedited review would take place. I'm skipping over a couple sentences.

The agreement would be that what is said in these meetings is confidential among the parties, ENGO's, us and the developers. As a result of these meetings, either reach agreement on a map of areas to be expedited or agree to call for expedited rulemaking to develop it. And this is really the most important sentence: "If agreement is reached on a map, parties would sign an agreement to support the map publicly and privately and resist efforts to change it in the Legislature." This group then came to the Legislature with their recommendations and helped to craft the Wind Energy Act of 2008.

The bill was referred to the Utilities and Energy Committee back in 2008 on March 27th of the short session. The hearing was on March 31st, the public hearing. The first work session was on the first of April. The second work session was on April 2nd. It passed the House and the other body on April 11th. We adjourned on the 16th, evidently, that year. I wasn't here. It was signed by the Chief Executive on the 18th of April. I think it's important to know that timeline because it points to a bill that frankly, at that point in session, people didn't have the time to really scrutinize. And it was influenced by outside forces, much like today and in the previous years. And we're letting those people influence this process, in my opinion, too much.

I think it's important to also know that the amendment is asking, and I won't read the whole amendment, it's the public hearing, you have the public hearing and then it determines that the specified place does not meet the requirements for additions to the expedited wind permitting area. So we're asking, in the amendment, for the people to prove a negative. I don't think that's generally the way that public policy is developed.

I think it's also important to note that there are many communities who, based on their zoning ordinances, prohibit wind by limiting the heights of their structures that they allow in their organized towns. And I'm going to read the list and I'm sorry. I don't usually talk this much, so forgive me. Avon, Brooksville, Buckfield, Canaan, Caratunk, Cushing, Deer Isle, Dixmont, Eastbrook, Eddington, Frankfort, Hope, Industry, Jackson, Montville, Mount Vernon, New Portland, Newry, New Vineyard, Penobscot, Peru, Phillips, Portland, Rockport, Rumford, Sedgwick, Stockton Springs, Sumner, Temple, Thorndike, Unity, Wilton, Woodstock.

I think it's only fair that we allow the third of the unorganized territories that are currently in the expedited wind areas to be taken out if they want to. But what we're also not saying is that there is a part of the bill that said that they can be put back in. They have eight months to take themselves out of the expedited wind. The industry has an infinite amount of time to put them back into that expedited wind area. This is really about process. Otherwise, why would there ever be that allowance? Again, I apologize for speaking so long, but it just troubles me that we are

not saying that we want this process to be open, fair, and in favor of the people, not the industry.

And I am not against this industry. I just think that the people deserve to have the same process that two-thirds of the other unorganized territories have. I don't think that's asking too much. So, I hope that we do shoot this amendment down. Thank you for indulging me.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Burlington, Representative Turner.

Representative **TURNER**: Thank you, Mr. Speaker. Mr. Speaker, Women and Men of the House, I oppose the current motion. Many of you have heard me talk about my House District, which I'm very honored to represent. Of the many communities in House District 141, 32 are unorganized territory. A little over half of them do actually have people that live there and call it home. One thing that they do not have that I do, living in Burlington, is their voice.

Burlington, several years ago, had a wind project proposed. We had a public hearing and the project did go forward. I have 12 windmills just down the road from where I live. Having a public hearing did not stop the project. The 32 UT's that I represent don't have that right. Their voices were taken away and they cannot have a public hearing. They deserve to have their voices heard just like the people in the 24 organized towns that I represent.

LD 828 with Committee Amendment "A" is about giving citizens rights. It's not an anti-wind bill. There are multiple windmill projects in my district: Stetson 1, 2, and Rollins Mountain. The Stetson Wind Farm are in unorganized territory, however the Rollins Mountain is in Lincoln, Burlington, Lee, and Winn—all organized towns. All of those towns had their voices heard. Some were for and some were against, and yet the project did go forward.

So, you see, voices being heard does not stop projects. I am asking you to give the citizens in the UT the right to have their voices heard just like I do living in Burlington. This bill would allow them to have a process in which they could have a public hearing. This does not prevent a developer from seeking a permit for a development within the affected communities, nor would it ban development in these communities. Forgive me for repeating myself, but I think it needs to be repeated. It does not stop wind projects.

Today, this bill is just simply about giving citizens that live in unorganized territories a voice, a process, just like any of us sitting here today that live in organized towns or cities. I would urge you to vote down this current motion and please support Committee Amendment "A" so that all voices across this great state can be heard. Thank you Men and Women of the House and Thank you, Mr. Speaker.

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

Representative **CHAPMAN**: Thank you, Mr. Speaker, Friends and Colleagues of the House, I may have a unique perspective as I may be the only member of this body that has worked in the wind power industry. I also offered my assistance in the establishment of the wind power technical training program at the Northern Maine Community College. I devoted part of my career to advancement of wind power in the state. I believe very strongly in the value of wind power, the necessity for shifting away from a fossil fuel based economy toward a sustainable renewable energy based economy.

I also believe in the importance of a participatory democracy where citizens have a voice in the matters that affect them. And I've devoted part of my career by running for public office in that regard as well. This matter that's before us requires us to evaluate how to balance these two very important matters. And so, I'd like to offer to members of the body some information that I have gained by working in the wind power industry to help explain how the process works and what the question is that is before us.

A wind development, one of these large turbines costs about $2 to $4 million and there might be 10 or 20 of them on a wind farm, meaning that the developmental cost for a wind farm is in the $20 to $80 million range. The fraction of that development cost that goes for both rezoning and permitting is about five to 10 percent of the development costs. The lower number is for the larger farms, the higher number is for the smaller farms. Everywhere in this state, both in the organized territories and the unorganized territories, with the exception of the current so-called expedited area, there is a two-step process: a zoning process and a permitting process. Each of them costs about the same. That is to say that five to 10 percent cost of development cost is split roughly evenly between rezoning and permitting. The State Legislature did the rezoning for that expedited area back in 2008, which reduced the cost to the wind power industry for those areas by letting the industry avoid the cost of the rezoning. Half of the five to 10 percent means that was a benefit to the industry of about two and a half to five percent of their development costs. And the question before us now, unfortunately, when they did that they did not provide an opportunity for the people whose lives they were affecting to have input into the process of making that decision.

Now, the matter that I want to get to is one other aspect of the wind power industry, which is that to make it economically viable development, the industry has to get more in revenues from selling the electricity generated by the wind then it costs them for the financing costs and the capital costs and the permitting costs and zoning costs to get the turbines up and spinning. What members of this body may not know is that although the wind industry will measure the wind very carefully for several years at a potential development site, no one knows how much wind there will be next year or the year after or five years from now or 10 years from now at that location. And so, the industry has a built-in risk associated with that uncertainty. And the magnitude of that uncertainty is about plus or minus 15 percent for any given year.

The significance of that is that the added burden to the industry of two and a half to five percent does not make the development non-economic. They're dealing with an uncertainty of plus or minus 15 percent in revenues, a two and a half to five percent added cost to them does not cause the project to fail. So, with that information in mind, I will be opposing the motion before us. Thank you, Mr. Speaker.

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

Representative **RYKERSON**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, I have no doubt of the sincerity of all the people that have been writing us emails that feel that their rights have been taken away, but I question if that's really reality. Right now, if you live in the unorganized territories, there's logging without any process of zoning. In other words, we have right now an expedited area for logging in the unorganized territories. Is that taking away their rights? I've heard nothing about that.

I also feel that if you look at the emails and you read them, you'll see that many of them are not full-time residents or voters of the unorganized territories. Therefore, we have a situation that's similar to what we saw the other day of people who want to have community rights in their areas where they don't live. This amendment only gives an additional hearing to be removed from

the expedited area. The original problem was that there was no hearing in the Wind Energy Act of 2008. I see no problem to having a hearing in removal from that area. It's not taking away anybody's rights. It's a public hearing. And, in fact, the amendment lowers the bar for the number of people who can request that hearing. I would say, as I heard from somebody from the unorganized territories last year in committee, that if you want to control what a neighbor does on his land, then you should buy it. Thank you, Mr. Speaker.

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

Representative **BEAVERS**: Thank you, Mr. Speaker, I apologize for getting up a second time. The majority of the existing wind power that we have today went into effect before 2008. If anything, it has slowed down since 2008. I believe House Amendment "A" almost guarantees that no UT will be allowed to opt out. There was no public hearing to put them in, so why should there be one for them just to simply get out, especially since anybody who wants to opt back in can, as it was stated earlier. There's only a very short window which they can request to opt out, but there is an infinite amount of time to opt back in. The public hearing will occur when a project is ready to be presented. That's when you should have a public hearing. Thank you.

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

Representative **HIGGINS**: Thank you, Mr. Speaker Pro Tem, Ladies and Gentlemen of the House, in my previous life, I was a teacher, high school teacher, and for 16 years I taught American Government classes, a requirement of all high school seniors—something we probably should still do, but that's a side comment. What I always impressed upon my students is that what was most important was equal rights under the law. I represent an unorganized territory. It doesn't have two people or four people or six people, which many of you may have seen on the list. It has 254 people. So, how am I to say to those 254 people that live in an unorganized territory, "Your rights, well, almost equal rights." Seems to me, it flies in the face of what we stand for as the nation. No matter where you live, you have equal rights. Thank you, Mr. Speaker and Ladies and Gentlemen of the House.

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

Representative **PIERCE**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I rise today to support the pending motion on the floor. Yes, in 2008 people in the unorganized territories had their rights to a public hearing taken away. Committee Amendment "A" seeks to take this all the way to the other side. This floor amendment simply offers a public hearing in the middle of the process.

Right now, voters in the unorganized territories don't pay taxes to a town or to a form of town government. They pay it to LUPC, the L-U-P-C. The LUPC is the planning board for the unorganized townships, so to correct the wrong that was done, this floor amendment does that by putting them on an equal footing with every one of us in organized townships and established towns, a right to a public hearing. Whether you're for wind or against wind, everybody should have the right to the public hearing in the middle of the process, not have to come back and re-petition for it.

Yes, this is about jobs, too. We all like jobs and we all talked about jobs when we ran. The wind industry provides about 4,300 jobs in the State of Maine. It affects 750 businesses. And in these unorganized townships where wood cutting's important, they hire timber harvesters. They hire the guy with the local gravel pit to buy his gravel to build the roads for these projects. They hire local labor. They rent their camps for their workers. Yes, some say these are temporary jobs, but isn't every construction company a temporary job? Just like when you build a ship at BIW it's a temporary job until the next contract comes in.

By removing the public hearing process, whether you want to get out of the expedited wind zone or get back into it, and putting it down at the end will make a wind developer look at these options with having to petition to get back in and petition for a public hearing. They might look at New York. These are jobs we need in Maine. They're very valuable jobs as many of us know, especially in these unorganized territory where good construction jobs are very limited. I ask would you take your planning board's authority away from you and your town on any right?

This floor amendment gives everybody rights—equal rights. It gives them the right to vote. It gives them a right to a public hearing. Putting it at the end of the process takes that away and I ask again: Would you want your planning board process taken away from you? And would you want your right to a public hearing, you have to petition for one instead of it being common sense and being part of the process, whether you want to be in the expedited zone or whether you want to be in the unexpedited zone. I thank you for your consideration on this and I hope we vote this floor amendment up with a green light. Thank you.

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

Representative **DUNPHY**: Thank you, Mr. Speaker. Mr. Speaker, I agree partially with the good Representative. Do you want your rights to a public hearing taken away? I don't. I don't think the citizens in the unorganized territories wanted it either, but it happened.

Equal footing for a public hearing. Currently, if you look at what will be presented by the Committee Amendment "A," there is no specific language referring to a public hearing simply because Amendment "A" gets us back to the existing law—the law before 2008—that provides not one venue, but two venues for a public hearing. The good Representative talks about jobs and I question, at what point do jobs become more important than basic citizens' rights? I also question, does simply being a landowner, regardless of the acreage, give you a right to vote in a community? I would suggest it doesn't. I would suggest that you need to be a resident of that community in order to vote. That's the way the system has been and that's the way it should continue to be.

If the process is followed, if the Majority Committee Amendment passes or gets presented, it does exactly what the good Representative suggested. It provides an option for a public hearing. It provides two methods for a public hearing. It restores rights to a public hearing. It creates a mechanism to continue development. There's absolutely nothing in the bill that prevents wind development. Does it set a standard? Absolutely. Do we want a standard? Absolutely. The good Representative also spoke about equity and about making it comparable to other industry developments. Our bill does that. I'm going to be voting against this amendment and I would ask you to do the same. Thank you.

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

Representative **RUSSELL**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, you know you're doing something right if your neighborhood is mentioned, not just your city. And as it happens, my hometown was mentioned, too. So, I served on the Energy, Utilities and Technology Committee when this issue was before us the last time. And it was just as contentious then as it is now. I worked very hard with folks to try

to find common ground, recognizing that there is a very real problem with how the process occurred in the first place. We couldn't get there at the time despite hours and hours and hours and hours over multiple weeks of trying to do that. I do believe, however, this amendment is actually a fair balance.

So, here's the thing, two rights don't make a wrong. Yes, there were process issues going into this issue. That does not mean we should create new process issues now. I keep hearing that we needed a public hearing and I don't disagree with that. However, voting this amendment down means that there is no public hearing for folks who may disagree with the people who want the original amendment. If we vote down this floor amendment, 50 percent of registered voters would petition for removal. At that point, that UT would be removed from the expedited wind area. There would be no public hearing where people who oppose being taken out can have their voices heard. It is only if the landowner applies to be put back in to the expedited wind territory that a public hearing would ultimately occur.

So let me do an analogy for you. Let me ask you this: If my group got our signatures to legalize marijuana and then it just magically became law, how would you feel? No vote, no educational campaign, it's just done. Now, for me, that would be great. That would be super convenient. We just get our signatures and it goes into law. But that's not the way democracy should work. That's the kind of thing that would be happening on this issue if we vote down this amendment.

This amendment fixes the problem I think we can all agree occurred with the Expedited Wind Bill in 2008. It requires a low threshold to petition for a public hearing. Just 10 percent of the people need to sign and then there is a public hearing where everyone can have their voices heard and everybody can have their due process. I think if we're going to fix a wrong in the first place that we shouldn't create a second wrong and hope to God that it makes it right.

Now, the Town of Woodstock was mentioned earlier; I'm not quite sure what the list was but it was a pretty lengthy list. But let me just mention that I grew up in the small town of Bryant Pond, which is actually technically a village of the Town of Woodstock and on the back side of my house we have Spruce Mountain. Beautiful mountain, I literally grew up in a valley surrounded by mountains—and lots of swamp—the mountains are beautiful at least. Well, on the back side of Spruce Mountain now, there is a full wind farm. It created jobs in my small town. They fund little league teams. They help the schools. They do educational initiatives. And, I have to say, every time I go home to visit my folks, I know I'm home when I see the wind turbines. They're beautiful. They're contributing to our climate, making sure that we're doing what we need to do to preserve it for the future and I think that's a good thing. And folks in my hometown seem to love it. They love seeing them, they love going up there, and the interesting thing is there is a lake at the foot of that and I have not heard from anyone that there are complaints about it. There may be a few, but I have not heard of them.

I think this is a good thing for Maine. This amendment strikes the fair balance. It addresses the due process issues in a way that makes sense. We all agree that citizens were left out of the process the last time, but we also should make sure that people who actually own land there are not left out of the process this time. This amendment strikes the right balance and I hope, after all this time, that we can vote for it and hopefully the process can be fixed and we don't have to have the civil war that is this bill every year. Thank you, Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Bar Harbor, Representative Hubbell.

Representative **HUBBELL**: Thank you, Mr. Speaker, as some of you may know, for fifteen years, I was a voting resident of the unorganized territory in eastern Hancock County. Further, I think my record shows that my enthusiasm for local control approaches that of my colleague from East Machias. On this matter, while it's tempting to wave the flag for citizen's rights, I think it's important to understand that a single unorganized township is not an autonomous political unit.

So rather than conceiving of a given township as a disenfranchised quasi- municipality, I think a more accurate analogy is to understand a township as a neighborhood within a single, large, state-administered town. And because of this, I think it's also more appropriate to allow each of these individual townships the equivalent voice over development in the UT's the extent that a single neighborhood should have voice over development within the totality of a conventional municipality.

I have real sympathy, as others have expressed here, for defending citizens' voice and because of that, I think that the amendment before us finds the appropriate balance. I thank the Representative from Presque Isle for bringing it to us and I urge you to join me in support of the motion before us.

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

Representative **MOONEN**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, I rise in support of this amendment. I've been wrestling with why I'm uncomfortable with Committee Amendment "A" and I think I've finally nailed it down. I'm uncomfortable with it because, to me, it makes the act of signing a petition the decision, and I don't think that's what we want in our democracy.

For my friends on the left, imagine if signing the TABOR petition was the decision. For my friends on the right, imagine if signing the same-sex marriage petition was the decision. And for my friends from rural Maine, imagine if signing the bear baiting referendum was the decision. I don't think that the act of signing a petition should be the decision. That should be the act that gets you to the next step, whether it's a referendum that everybody gets to weigh in on, or whether it's a public hearing. And, that is why I'm in favor of this amendment because it will get us to a public hearing rather than letting the act of signing a petition be the decision. Thank you, Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Embden, Representative Dunphy. Having spoken twice now requests unanimous consent to address the House a third time. Is there objection? The Chair hears no objection, the Representative may proceed.

Representative **DUNPHY**: Thank you, Mr. Speaker, and I appreciate your indulgence. I'd just like to correct a couple of mistakes that were made on the floor. First of all, there is a public hearing once the communities have been taken out of the expedited area and there are actually two mechanisms. So, if a township is removed from the expedited area, if 50 percent of the registered voters petition for removal—the petition that you mentioned, sir—if any township landowner wants a wind project on his or her land: Option 1 is the landowner can put his or her land in the expedited area by petitioning the LUPC and a public hearing becomes available. Option 2, a landowner can apply for rezoning—a landowner, we're not taking any landowner's rights—can apply for rezoning under the same rules of any other large-scale project used and a public hearing is available.

There was also a comment made about the 50 percent being a bit too low. I would suggest the amendment that we're talking about right now, calls for 10 percent. That, to me, is an indication that the lobby who is pushing this bill, or this amendment, simply knows that even if you get the signatures, the chance of meeting the criteria laid down, essentially by the expedited wind law, the inverse of what it takes to get in, is not going to be attainable. Again, I would like to reiterate: this is not a wind bill. I keep hearing about wind. It's not a wind bill. It's a citizens' rights bill. It is not a jobs bill. It is a citizens' rights bill. It is not a job killing bill. It's a citizens' rights bill and I would suggest that nearly everyone who has spoken on this has the right to have their voice heard, except the people in the unorganized townships. So please, let's kill this and get on with doing the right thing. Thank you, Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Carmel, Representative Reed.

Representative **REED**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, this is a tough issue, without a doubt. But I'm going to stand today in support of those who should have a voice. I think if you go back to the English Bill of Rights, somewhere in 1628 or '30 or so, you'd read somewhere that commoners were allowed to have a voice.

Voice refers to the ability to engage in meaningful conversations, to make a difference through what one says and to have a say in key decisions. When parties have a voice, their viewpoints, thoughts, and feelings receive a fair hearing and are readily recognized by others. They possess the capacity to make an impact, both on their own personal situations as well as the broader struggle through their actions and words. Their need to be heard is recognized and connected to the people's sense of justice and their desire for validation.

The capacity to have a say may amount to having a seat at the negotiating table. We've heard a lot about that around here these days. Those voices which are most often silenced include women, minority groups, indigenous people, the poor, and I guess those living in unorganized territories. Now, some would say that those living in the unorganized territories have had their lands enhanced by land developers and those who would create jobs through wind. I'd submit this: it's never right, to do wrong, to do right. You can't take away someone's right, which is wrong, and then say, "Well, we're going to make your land more valuable through development."

So, this is very difficult for a pro-job, pro-land rights, and pro-voice Republican, I'd assure you. I wish I had a bill going today because I'm hearing voices on the other side that would probably, we sort of seemingly flip-flopped a little bit here. We're getting a lot of support on an issue that I think if I had a nice pro-job bill going today, I think I'd get a lot of support for it. But anyway, I voted for these folks before and I'm going to vote for them again today. They have a right to have a voice and I believe that that right trumps everything else as far as I'm concerned. So, I am voting today for the least of these—the powerless, the voiceless—which were left out of the process. Thank you, Mr. Speaker and thank you Ladies and Gentlemen of the House.

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is Adoption of House Amendment "A" (H-393) to Committee Amendment "A" (H-374). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 214

YEA - Alley, Babbidge, Bates, Beebe-Center, Blume, Brooks, Bryant, Burstein, Campbell J, Cooper, Corey, Daughtry, Davitt, DeChant, Dion, Doore, Duchesne, Farnsworth, Farrin, Fecteau, Fowle, Fredette, Frey, Gattine, Gideon, Gillway, Golden, Goode, Grant, Grohman, Guerin, Hamann, Herbig, Herrick, Hilliard, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kruger, Kumiega, Lajoie, Longstaff, Luchini, Lyford, Martin J, Martin R, Mastraccio, McCabe, McCreight, McLean, Melaragno, Monaghan, Moonen, Peterson, Pierce J, Pierce T, Pouliot, Powers, Rotundo, Russell, Rykerson, Sanborn, Saucier, Schneck, Shaw, Stuckey, Tepler, Tipping-Spitz, Tucker, Ward, Welsh, Mr. Speaker.

NAY - Austin, Battle, Beavers, Beck, Bickford, Black, Buckland, Campbell R, Chace, Chapman, Chenette, Chipman, Crafts, Dillingham, Dunphy L, Dunphy M, Edgecomb, Espling, Evangelos, Foley, Gerrish, Ginzler, Greenwood, Hanington, Hanley, Harlow, Hawke, Head, Hickman, Higgins, Hobart, Kinney J, Kinney M, Lockman, Long, Maker, Malaby, Marean, McClellan, McElwee, Morrison, Nadeau, Noon, Nutting, O'Connor, Parry, Picchiotti, Pickett, Prescott, Reed, Sanderson, Sawicki, Seavey, Sherman, Short, Sirocki, Skolfield, Stanley, Stearns, Stetkis, Sukeforth, Theriault, Timberlake, Timmons, Tuell, Turner, Vachon, Verow, Wadsworth, Wallace, Warren, White, Winsor, Wood.

ABSENT - Devin, Gilbert.

Yes, 75; No, 74; Absent, 2; Excused, 0.

75 having voted in the affirmative and 74 voted in the negative, with 2 being absent, and accordingly **House Amendment "A" (H-393)** to **Committee Amendment "A" (H-374)** was **ADOPTED**.

Committee Amendment "A" (H-374) as Amended by House Amendment "A" (H-393) 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" (H-374) as Amended by House Amendment "A" (H-393)** thereto and sent for concurrence.

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

Majority Report of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-386)** on 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)

Signed:

Senator:

HILL of York

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-387)** on same Bill.

Signed:
Senators:
WOODSOME of York
MASON of Androscoggin

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

READ.

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

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

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-381)** on Bill "An Act To Prohibit Discrimination by Employers and Protect the Privacy of an Applicant for Employment, an Employee or an Employee's Dependents Regarding Reproductive Health Decisions"

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

Signed:
Senator:
JOHNSON of Lincoln

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

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

Signed:
Senators:
BURNS of Washington
VOLK of Cumberland

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

READ.

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

Majority Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought Not to Pass** on Bill "An Act To Ensure the Right To Work without Payment of Dues or Fees to a Labor Union as a Condition of Employment"

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

Signed:
Senator:
PATRICK of Oxford

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-367)** on same Bill.

Signed:
Senators:
VOLK of Cumberland
CUSHING of Penobscot

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

READ.

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

CONSENT CALENDAR
First Day

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

(H.P. 83) (L.D. 111) Bill "An Act To Ensure That Defendants Receive Proper Notification in Foreclosure Proceedings" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-391)**

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

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

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

UNFINISHED BUSINESS

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

HOUSE DIVIDED REPORT - Majority (7) **Ought to Pass as Amended by Committee Amendment "A" (H-195)** - Minority (6) **Ought Not to Pass** - Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Improve the Health of Maine Residents through Education and Health Care"

(H.P. 880) (L.D. 1294)

TABLED - May 28, 2015 (Till Later Today) by Representative GATTINE of Westbrook.

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

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

REPORTS OF COMMITTEE
Divided Report

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought Not to Pass** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Change the Selection Process for the Attorney General (H.P. 964) (L.D. 1417)

Signed:
Senator:
LIBBY of Androscoggin

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-392)** on same RESOLUTION.

Signed:
Senators:
WHITTEMORE of Somerset
WILLETTE of Aroostook

Representatives:
GREENWOOD of Wales
PICKETT of Dixfield
TURNER of Burlington

READ.

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

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

Representative **MARTIN**: Thank you very much, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, as members of this body, we have opportunities to debate good bills and we have opportunities to exercise our right, debate, and enact great pieces of legislation. On the other hand, we debate bills that are not the greatest, and quite often, we refer to these bills simply as "bad bills."

LD 1417 is a Resolution proposing an amendment to the Constitution of Maine to change the selection process for the Attorney General, and this is a bad bill. LD 1417 proposes that the Chief Executive of this state nominate and appoint the Attorney General subject to confirmation by the Senate. Can you imagine having the chief law enforcement official of this state serving at the pleasure of the current Chief Executive? Serving at the pleasure, meaning being hired and fired, at will, by your superior. "Yes, I don't like and agree with your legal opinion Mister or Madam Attorney General. What do you mean you cannot defend my office? Here's what I would like you to do: I expect your legal opinion will be what I tell you it's going to be. You serve at my pleasure and you will do what I ask of you."

Did we not recently hear from a Chief Executive, "I do not micromanage my people. If I do not like what they do or what they say, I simply replace them." Mr. Speaker and Ladies and Gentlemen of the House, not only is this a bad bill, this piece of legislation is ill conceived and irresponsible. Please join me and support the pending motion, which is Ought Not to Pass. Thank you.

Representative GIDEON of Freeport **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

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

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

Representative **EVANGELOS**: Thank you, Mr. Speaker and Women and Men of the House, I just wanted to share you some information from the State of New Jersey, which has a gubernatorial appointed Attorney General. In five years, the Attorney General in New Jersey's office has issued a total of two legal opinions—two. And one of them was issued on May 20, 2015, in which Attorney General John Hoffman issued a ruling that Governor Christie is exempt from disclaiming any corporate gifts he receives. And this just shows you the kind of conflict of interest this type of ill-conceived legislation. So, I support Representative Martin's motion. Thank you.

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

Representative **BABBIDGE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, I'd like to share just two things regarding the choosing of the Attorney General of the State of Maine. Perhaps it's the teacher in me, but I'm going to start with the best argument for the bill. And the counsel of the Chief Executive offered that our current way of choosing the Attorney General is by secret ballot and the Legislature always votes, as we know, in public view.

But on to consideration. The evolution of the secret ballot has been a wonderful thing in American politics. We've only had the Australian ballot in America here for a little over a century, depending on where we are. And, I think that, in fact, the choosing of the Constitutional Officers by secret ballot actually makes us more independent in our selection process than would be if we did not have that option.

But my main reason for standing here today is to share a personal experience. I've been a teacher of Social Studies for, well, I actually was a teacher of Social Studies for 39 years. And early on, beginning in 1975, I started bringing my Government class to Augusta every year. So, I got to know a lot of people here in Maine state government. And I'd like to share with you just one episode that I was privy to. And I happened to be in the Attorney General's Office, back when the Attorney General and the Chief Executive, at that time, were of the same political party, and they were of my political party and I knew them both and considered them friendly colleagues, I guess, as political as I was at that particular time.

But I was in the Attorney General's Office and he received a call. His secretary came in and said, "The Chief Executive is on the line." And so I stood up and said, "I'll leave." And he said, "No. No. No. This shouldn't take too long. Have a seat." And so, they began a conversation and I guess the way I would say it evolved into a spirited conversation. And after 10 or 15 minutes of this, there was a disagreement between the Attorney General and the Chief Executive. And I walked away from that experience, of course we were professional, I did not even acknowledge it after the phone call was done. But the fact of the matter, I walked away at that time thinking, "If the Governor had appointed the Attorney General, would that AG have felt free to act in the way he did at that time?"

Because what was happening was that the Chief Executive was looking for a legal opinion. The Attorney General was not willing to give him the one he wanted and, therefore, there was a check with the Attorney General fulfilling his legal obligation to do so, as I think it should be done. So, I feel confident that with the way we do it here in Maine is not a bad way and I would ask you to support the Ought Not to Pass Report.

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. 215

YEA - Alley, Babbidge, Bates, Battle, Beavers, Beck, Beebe-Center, Bickford, Black, Blume, Brooks, Bryant, Burstein, Campbell J, Campbell R, Chapman, Chenette, Chipman, Cooper, Corey, Daughtry, Davitt, DeChant, Devin, Dillingham, Dion, Doore, Duchesne, Dunphy M, Edgecomb, Evangelos, Farnsworth, Fecteau, Foley, Fowle, Frey, Gattine, Gerrish, Gideon, Gillway, Ginzler, Golden, Goode, Grant, Grohman, Guerin, Hamann, Harlow, Head, Herbig, 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, Noon, Nutting, Peterson, Picchiotti, Pierce J, Pierce T, Pouliot, Powers, Rotundo, Russell, Rykerson, Sanborn, Saucier, Schneck, Shaw, Short, Skolfield, Stanley, Stearns, Stuckey, Sukeforth, Tepler, Tipping-Spitz, Tucker, Tuell, Verow, Wadsworth, Ward, Warren, Welsh, White, Wood, Mr. Speaker.

NAY - Austin, Buckland, Chace, Crafts, Dunphy L, Espling, Farrin, Fredette, Greenwood, Hanington, Hanley, Hawke, Kinney J, Long, Lyford, McClellan, O'Connor, Parry, Pickett, Prescott, Reed, Sanderson, Sawicki, Sirocki, Stetkis, Theriault, Timberlake, Timmons, Turner, Vachon, Wallace, Winsor.

ABSENT - Gilbert, Malaby, Seavey, Sherman.

Yes, 115; No, 32; Absent, 4; Excused, 0.

115 having voted in the affirmative and 32 voted in the negative, with 4 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

ENACTORS

Acts

An Act To Provide Legal Protection to Hospitals where Admitted Qualifying Patients Use Smokeless Forms of Medical Marijuana

(S.P. 17) (L.D. 35)
(C. "A" S-220)

An Act To Enact the Student Information Privacy Act

(S.P. 183) (L.D. 454)
(C. "A" S-222)

An Act To Amend the Competitive Skills Scholarship Program To Allow for Participation in Early College and Career and Technical Education Programs

(S.P. 300) (L.D. 856)
(C. "A" S-224)

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)
(C. "A" S-218)

An Act To Make Damaging a Public Easement with a Motor Vehicle a Class E Crime

(S.P. 377) (L.D. 1074)
(C. "A" S-209)

An Act To Clarify the Policy for Withdrawal of Life Support from Minors

(S.P. 389) (L.D. 1117)
(C. "A" S-232)

An Act To Amend the Maine Business Corporation Act

(S.P. 405) (L.D. 1136)
(C. "A" S-233)

An Act To Allow the Release of Child Protective Records to Certain Providers of Child and Adult Services

(S.P. 443) (L.D. 1238)
(C. "A" S-231)

An Act To Amend the Licensing Laws of the Maine Fuel Board

(S.P. 523) (L.D. 1405)
(C. "A" S-229)

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

(S.P. 544) (L.D. 1443)
(C. "A" S-223)

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

COMMUNICATIONS

The Following Communication: (S.C. 431)

MAINE SENATE
127TH LEGISLATURE
OFFICE OF THE SECRETARY

June 10, 2015

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

Dear Clerk Hunt:

Please be advised the Senate today insisted to its previous action whereby it accepted the Minority Ought Not to Pass Report from the Committee on Education and Cultural Affairs on Bill "An Act To Amend Provisions Regarding the Appointment of Members of the Maine Charter School Commission" (H.P. 360) (L.D. 536), 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 Taxation on "RESOLUTION, Proposing an Amendment to the Constitution of Maine To Eliminate the Income Tax" (H.P. 928) (L.D. 1367), 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 Labor, Commerce, Research and Economic Development on Bill "An Act To Enact the Toxic Chemicals in the Workplace Act" (H.P. 799) (L.D. 1165), in non-concurrence.

Please be advised the Senate today insisted to its previous action whereby it accepted Report "A" Ought Not to Pass from the Committee on Taxation on Bill "An Act To Enhance the Property Tax Fairness Credit for Maine's Low-income Seniors and Other Low-income Residents" (H.P. 756) (L.D. 1095), 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 State and Local Government on Bill "An Act To Ensure Proper Adoption of Rules by All Departments, Agencies and Boards" (H.P. 694) (L.D. 999), in non-concurrence.

Please be advised the Senate today adhered to its previous action whereby it Failed to accept the unanimous Ought to Pass as Amended Report from the Committee on Veterans and Legal Affairs on Bill "An Act To Change Municipal Campaign Contribution Limits" (H.P. 430) (L.D. 617).

Best Regards,

S/Heather J.R. Priest

Secretary of the Senate

READ and **ORDERED PLACED ON FILE**.

The Following Communication: (S.C. 433)

MAINE SENATE
127TH LEGISLATURE
OFFICE OF THE SECRETARY

June 10, 2015

Honorable Mark W. Eves

Speaker of the House

2 State House Station

Augusta, Maine 04333

Dear Speaker Eves:

In accordance with 3 M.R.S.A. §158 and Joint Rule 506 of the 127th Maine Legislature, please be advised that the Senate today confirmed the following nominations:

Upon the recommendation of the Committee on Judiciary, the nomination of Honorable Lance E. Walker of South Paris for appointment as a Superior Court Justice.

Upon the recommendation of the Committee on Judiciary, the nomination of Honorable Bruce C. Mallonee of Ellsworth for appointment as a Superior Court Justice.

Upon the recommendation of the Committee on Judiciary, the nomination of Honorable Wayne R. Douglas of Biddeford for appointment as a Superior Court Justice.

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**.

REPORTS OF COMMITTEE
Divided Report

Seven Members of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** report in Report "A" **Ought Not to Pass** on Bill "An Act To Secure the Maine Electrical Grid from Long-term Blackouts"

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

Signed:

Senators:

WOODSOME of York
MASON of Androscoggin

Representatives:

DeCHANT of Bath
GROHMAN of Biddeford
HIGGINS of Dover-Foxcroft
O'CONNOR of Berwick
WADSWORTH of Hiram

Five Members of the same Committee report in Report "B" **Ought to Pass as Amended by Committee Amendment "A" (S-215)** on same Bill.

Signed:

Senator:

HILL of York

Representatives:

DION of Portland
BEAVERS of South Berwick
DUNPHY of Embden
RYKERSON of Kittery

One Member of the same Committee reports in Report "C" **Ought to Pass as Amended by Committee Amendment "B" (S-216)** on same Bill.

Signed:

Representative:

BABBIDGE of Kennebunk

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

READ.

Representative DION of Portland moved that the House **ACCEPT** Report "A" **Ought Not to Pass**.

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

Representative **BEAVERS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen, I rise in opposition to the pending motion. I seem to be doing a lot of that today. I want to give you a little bit of history.

I amended this bill to every single opposition that was presented by the Transmission and Distribution Utilities. They said they didn't want to be held liable; we took that out. They said that didn't want specific equipment specified; we took that out. They said they want us to take into consideration what FERC, which is the federal regulatory body, into consideration; we added that back in. I hope everybody actually reads the bill, the amendment, so that you know what you're actually being asked to vote on.

For the past five years in the Maine Legislature, I've been an advocate for electric grid security for the citizens of Maine. Last term, I was cosponsor of LD 131, the first in the nation electromagnetic pulse and geomagnetic solar storm protection bill. Some of you may know that LD 131 passed unanimously in the House and 32:3 in the other body, and it resulted in two studies. It was a good start, but now we need to finish the job, or at least get started. We cannot rely on the slow-moving Washington regulators to act any time soon to protect us. At a minimum, please vote to have the PUC require the Transmission and Distribution Utilities to equip and monitor their 345 KV transformers against geomagnetic disturbances, which is severe solar storms. We have 15 of them in Maine.

Wisconsin's American Transmission Company has already begun on its own and has offered to help others. Our electric companies just need a push. Here are some things to keep in mind: Maine has these 15 345 KV transformers worth about $10 million each. We can protect all of them from solar storms with equipment costing around $2.3 million, not including installation. It takes 18 months to two years to replace these large transformers in normal times. They are built in a foreign country. A severe solar storm would damage these large extra high

voltage transformers. Without them, companies cannot transmit power to people throughout Maine.

Maine and other New England states have a history of solar disturbances that goes back 25 years that shows several near misses including: Maine Yankee; Seabrook; Chester, Maine, just to name a few. The Quebec solar storm took the grid down in 92 seconds. It affected 6 million people. It lasted only nine hours and it cost $2 billion to restore. And it cost $10 billion in lost economic activity. The 150 year storm could be nationwide but New England is extremely vulnerable so would probably be highly affected.

I will let somebody else discuss the fact that we should also be protecting against blackouts that may be caused by terrorists, which we aren't even addressing in this. Please join me in fulfilling our obligation to protect the Maine public. I will admit, we should not have to have such a bill because it should already be being done. But it has not, and it is the job of the PUC to regulate the Electricity Transmission and Distribution Utilities. Your support will be greatly appreciated. Thank you.

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

Representative **CHAPMAN**: Thank you, Mr. Speaker, Friends and Colleagues in the House, this is a matter involving electric utility. Remember that an electric utility has a monopoly. They have a monopoly in exchange for public regulation. And so this is a legitimate public policy issue to determine how we, as the public policy makers, should be directing our Public Utilities Commission and its dealings with the electrical utility.

There is a threat from solar storms that's in the order of one percent per year and that threat could easily result in severe damage to our electrical grid. Two years ago when I spoke in favor of the bill, a similar bill, I was thinking that it would be economically advantageous to spend some money on the protection of these large transformers, rather than suffer the potential consequence of their being ruined by a solar storm. But, this time around, I've learned that there's actually a different economic benefit to protecting these transformers.

The first is that presently, our utilities monitor solar activity and during times of potential solar storms, they do what's called "non-economic dispatch." They spend extra money to get additional generating equipment on the grid fired up, ready to go, in the event of an isolated problem in some other part of the grid. That non-economic dispatch costs quite a lot of money. In fact, the cost of protecting the grid, those costs are paid back by the avoided cost of not having to do non-economic dispatch. The payback times are in the order of a few years. So, even without the regulators telling utilities what to do in this situation, it would make good economic sense for them to do so, but it makes very good public policy sense for us to direct them to do so.

There is an added benefit to protecting the electrical grid in Maine, which is that we can then advertise the higher reliability of our electrical grid to those types of companies that require a higher reliability and that tends to be computer companies, large data management companies, things of that sort, are seeking to be able to have reliable electrical power and that would provide an economic incentive for those businesses to come to this state. And so, I will be voting against the pending motion and would encourage others to do likewise. Thank you, Mr. Speaker.

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

Representative **O'CONNOR**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, this bill is a mandate on transmission and distribution utilities to undertake certain steps to protect the grid from geomagnetic disturbances and electromagnetic pulses. Really, the major threat that we have are cyber threats. Those things are something that electric companies are taking serious precautions and they should rise to the top of the list.

Unfortunately, this bill takes unpreceded steps of spelling out in statute specific actions that a utility should take to ensure reliability, which is a discretionary function best addressed through regulatory processes as well as through regional and national standards. It also imposes a strict liability on T and D utilities for the social cost of outages related to EMP's and GMP's, which could run into 10's of millions of dollars on the backs of the ratepayers.

The North American Electric Reliability Corp., NERC, has been carefully looking into standards and adopted them in June of 2014 and they became effective in April of 2015. A few weeks ago, the Federal Energy Regulatory Commission, FERC, issued a notice of proposed rulemaking that would adopt, with some modification, a reliability standard proposed by NERC. If Maine T and D utilities act before FERC standards are finalized, or takes actions that do not conform with the FERC and NERC standards, Maine ratepayers will pay substantially more than they otherwise would. Without working in sync with NERC and the regulatory agencies, this could place a burden on neighboring New England systems and Maine ratepayers will absorb 100 percent of the cost if this bill passes.

iPERMS, a national defense company, pushed for this legislation and are looking for the Maine contract. I don't believe any other states at this time have adopted these onerous proposals and I really don't think that now is the time to do so. I think it would prudent to wait and see what NERC and FERC have proposed and invest our money wisely at that time. Thank you for your time.

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

Representative **DUNPHY**: Thank you, Mr. Speaker. Mr. Speaker, I think the Representative from Berwick makes some outstanding comments. However, I disagree. Fact she makes good comments doesn't mean that they're correct.

Our grid structure has been exposed for a long time. And the fact that it hasn't been protected, I believe, has been political. There's been bills tied up at the federal level that should've addressed some of this and simply has not, again, for political reasons. We had significant testimony before our committee—two different sessions—exposing the risk that we have. And it's not only solar, there are human risks as well.

And I think Representative Beavers did an outstanding job whittling this down to a bare minimum and I don't think, if anything, I don't think the bill goes far enough. But, I'm going to be voting against this and I think we need to protect our infrastructure, not only from solar activity but from terrorism as well.

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

Representative **RYKERSON**: Thank you, Mr. Speaker, Men and Women of the House, this is not a trivial matter. In 1859 there was a huge solar storm called The Carrington Event that melted our electric grid at the time, which was only telegraph wires. It was so strong that it melted telegraph wires, and actually killed and injured some telegraph operators. If we had had that event today, we would be in turmoil.

In 1972, there was a solar flare that took out the telecom in Illinois and that one caused AT&T to redesign their power system for the transatlantic cable. People do take this seriously. Maine is particularly vulnerable in this solar storm category because of we are far north, as you can tell from the northern lights, that's where you see them in the northern part of the continent, and

because we are composed of granite. There's a lot of granite in Maine. It is particularly a ground that can attract these things.

CMP did a MPRP protection of the grid, recently completed, $1.3 billion and it, in fact, made the grid more vulnerable to electrical storms by having redundant loops that act as antennas. This is according to the Industrial Users Group. In the Canadian storm that Representative Beavers mentioned, there were billions of dollars' worth of damage. So this, the amendment to this bill, would probably cost $6-$12 million in protecting transformers that could go down from this solar storm. We know that transformers have been affected by these storms.

So all the states are waiting for the federal government to do something about this, but we do have the chance, here in Maine, for only a small amount—$6 to $12 million—to protect some transformers on our grid and be the place where electricity is much more reliable. So, I would say that it would be worthwhile investing that money and having Maine as the most reliable state in our electric grid. So, I urge you to vote against the Ought Not to Pass Report. Thank you.

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

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

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

Representative **WADSWORTH**: Thank you, Mr. Speaker, Men and Women of the House, I was happy to be on the Ought Not to Pass Report. Why are we not regulating against cyber threats to the grid? We heard in testimony that Central Maine Power sees thousands of cyber threats per month to our grid. That's the real threat. Where's the correct regulation against the real threat on our grid? Thank you.

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

Representative **BABBIDGE**: Thank you, Mr. Speaker, the alternative that will be offered authorizes the PUC to direct protection of the grid. And there is no fiscal note.

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

Representative **RYKERSON**: Thank you, Mr. Speaker, I apologize for rising a second time. Regarding cyber threats, we are spending, in fact, billions of dollars against cyber threats and they are real. Unfortunately, we're not spending very much at all against the threat of solar storm's electromagnetic pulse. So, I agree, cyber threats are huge and we are dealing with them, thousands a day. So, we do have to take into consideration both cyber threats and the electromagnetic pulse. Thank you.

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

Representative **BEAVERS**: Thank you, Mr. Speaker, I apologize for rising a second time. CMP did state to us that in order to protect against almost everything would be $400 million, which is why we didn't include all of it. But I totally agree that the cyber threat and terrorist threats are even higher. And I would love to see the federal government do something about that. We have yet to see it and they've been aware of it for many years.

Secondly, I'd like to point out that some of the testimony was opposing the original bill. The reason I'd like you to vote this one down is so we can have Report "B", which covered almost all of the objections that we heard. Thank you very much.

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

ROLL CALL NO. 216

YEA - Alley, Austin, Beck, Bickford, Black, Buckland, Campbell J, Campbell R, Chace, Corey, Crafts, DeChant, Dillingham, Duchesne, Edgecomb, Espling, Farrin, Fecteau, Foley, Gillway, Ginzler, Golden, Goode, Grant, Greenwood, Grohman, Hamann, Hanley, Hawke, Herrick, Higgins, Hilliard, Hobart, Hubbell, Kinney J, Kinney M, Lockman, Long, Longstaff, Luchini, Lyford, Maker, Marean, McClellan, Nutting, O'Connor, Parry, Peterson, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reed, Seavey, Short, Stetkis, Sukeforth, Timberlake, Timmons, Tuell, Turner, Wadsworth, Wallace, White, Wood.

NAY - Babbidge, Bates, Battle, Beavers, Beebe-Center, Blume, Brooks, Bryant, Burstein, Chapman, Chenette, Chipman, Cooper, Daughtry, Davitt, Devin, Dion, Dunphy L, Dunphy M, Evangelos, Farnsworth, Fowle, Frey, Gattine, Gerrish, Gideon, Gilbert, Guerin, Hanington, Harlow, Head, Herbig, Hickman, Hogan, Hymanson, Jorgensen, Kornfield, Kruger, Kumiega, Lajoie, Martin J, Martin R, Mastraccio, McCabe, McCreight, McElwee, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Noon, Pierce T, Powers, Rotundo, Russell, Rykerson, Sanborn, Sanderson, Saucier, Sawicki, Schneck, Shaw, Sherman, Sirocki, Skolfield, Stanley, Stearns, Stuckey, Tepler, Theriault, Tipping-Spitz, Tucker, Vachon, Verow, Ward, Warren, Welsh, Winsor.

ABSENT - Doore, Fredette, Hobbins, Malaby, Mr. Speaker.

Yes, 66; No, 80; Absent, 5; Excused, 0.

66 having voted in the affirmative and 80 voted in the negative, with 5 being absent, and accordingly Report "A" **Ought Not to Pass** was **NOT ACCEPTED**.

Subsequently, on motion of Representative DION of Portland, Report "B" **Ought to Pass as Amended** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-215)** 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-215)** in **NON-CONCURRENCE** and sent for concurrence.

CONSENT CALENDAR
First Day

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

(H.P. 934) (L.D. 1379) Bill "An Act To Establish Transportation Network Company Insurance" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-397)**

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

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

REPORTS OF COMMITTEE
Divided Report

Majority Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-396)** on Bill "An Act To Create and Sustain Jobs through Development of Cooperatives"

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

Signed:
Senators:
CUSHING of Penobscot
PATRICK of Oxford

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

Minority Report of the same Committee reporting **Ought Not to Pass** on same Bill.
Signed:
Senator:
VOLK of Cumberland

Representatives:
AUSTIN of Gray
LOCKMAN of Amherst
STETKIS of Canaan

READ.

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

On motion of Representative ESPLING of New Gloucester, **TABLED** pending the motion of Representative HERBIG of Belfast to **ACCEPT** the Majority **Ought to Pass as Amended** Report and later today assigned.

COMMUNICATIONS

The Following Communication: (S.C. 430)

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

June 10, 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 626, "An Act Regarding Write-in Candidates in Municipal and City Elections."
This bill changes the way write-in votes are counted by allowing those votes to not be counted at all under some circumstances. On an issue as important as counting votes, I believe there should be a greater level of support demonstrated by the people's representatives. Consequently, I want to ensure that before it becomes a law, this piece of legislation should have the widest possible representation in Augusta. If we are going to change the way the people's votes are counted – or more importantly, choose not to count them at all – then this bill must have at least a two-thirds vote and a roll call to get by me.
For this reason, I return LD 626 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 An Act Regarding Write-in Candidates in Municipal and City Elections

(S.P. 219) (L.D. 626)
(C. "A" S-107)

In Senate, June 11, 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?'

35 voted in favor and 0 against, and 35 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 PRO TEM: The Chair recognizes the Representative from Limington, Representative Kinney.

Representative **KINNEY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, having read the Executive's veto letter, I can understand that there is some concern that all ballots in an election in the State of Maine should be counted. During the committee process, I viewed this bill as a reduction in paperwork and have served in the Town of Limington as a ballot clerk; I can certainly know what that entails.

However, the Maine Municipal Association is also against this bill, and as per their testimony they feel that this bill makes it more difficult to be a write-in candidate if in the time where some towns have it a hard time to find candidates, and therefore, I will be voting to sustain the veto. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Turner, Representative Timberlake.

Representative **TIMBERLAKE**: Mr. Speaker, Ladies and Gentlemen of the House, this bill was put forward by my good Senator, Senator Mason, from Androscoggin County and it's a good bill. And I hope that you'll help me in overriding the Governor's veto on that. You know that I don't say that that often, and I believe this is the right thing to do in this. This has had a lot of thought been in it, been through the process. Please support me in overriding the Governor on this. Thank you.

The SPEAKER PRO TEM: The Chair would remind all Members to refer to the Governor in debate as the Chief Executive and the Chair would further remind Members that we may not mention the actions of the other body to influence debate in this House.

The Chair reminded members when they are referencing the Governor that they refer to him as the Chief Executive and that it is inappropriate to refer to the potential actions of the other body in order to influence the vote of the House.

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

Representative **LUCHINI**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, I also rise to urge this body to override the veto of this legislation. I actually disagree with the Executive's assessment in his veto letter, that this allows votes not to be counted under certain circumstances. In fact, this adds more requirements for when write-ins would have to be counted. And while the Maine Municipal Association was against the bill as originally drafted, we put stakeholders together, they worked together on language and came up with a compromise bill that was much better and agreeable for most parties.

Essentially, this bill addresses a problem under current law where some municipalities are allowed to opt out of the statewide protocols under Title 21-A and they can make their own rules on when they should count or not count write-in ballots. This gives guidelines for when they should do it, so it ensures that those write-ins get counted. I think it makes sure that our elections are

much more transparent. It's a good bill. I hope you vote to override.

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 PRO TEM: 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. 217V

YEA - Alley, Battle, Beavers, Beck, Beebe-Center, Bickford, Black, Blume, Brooks, Bryant, Burstein, Campbell J, Campbell R, Chace, Chapman, Chenette, Cooper, Corey, Crafts, Daughtry, Davitt, DeChant, Devin, Dillingham, Dion, Duchesne, Dunphy L, Dunphy M, Edgecomb, Evangelos, Farnsworth, Farrin, Foley, Fowle, Frey, Gattine, Gerrish, Gideon, Gilbert, Gillway, Ginzler, Golden, Goode, Grant, Greenwood, Hamann, Hanley, Harlow, Hawke, Head, Herbig, Herrick, Higgins, Hobart, Hogan, Hubbell, Hymanson, Jorgensen, Kinney M, Kornfield, Kruger, Kumiega, Lajoie, Lockman, Longstaff, Luchini, Maker, Martin J, Martin R, Mastraccio, McCabe, McCreight, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Noon, Nutting, O'Connor, Parry, Peterson, Picchiotti, Pierce T, Pouliot, Powers, Prescott, Rotundo, Russell, Rykerson, Sanborn, Saucier, Schneck, Seavey, Shaw, Sherman, Short, Stanley, Stearns, Stuckey, Sukeforth, Tepler, Timberlake, Tipping-Spitz, Tucker, Tuell, Turner, Verow, Ward, Warren, Welsh, White, Winsor, Wood.

NAY - Austin, Babbidge, Bates, Buckland, Chipman, Espling, Fecteau, Fredette, Grohman, Guerin, Hanington, Hickman, Hilliard, Kinney J, Long, Lyford, Marean, McClellan, McElwee, Pickett, Pierce J, Reed, Sanderson, Sawicki, Sirocki, Skolfield, Stetkis, Theriault, Timmons, Vachon, Wadsworth, Wallace.

ABSENT - Doore, Hobbins, Malaby, Mr. Speaker.

Yes, 115; No, 32; Absent, 4; Excused, 0.

115 having voted in the affirmative and 32 voted in the negative, with 4 being absent, and accordingly the Veto was **NOT SUSTAINED** in concurrence.

REPORTS OF COMMITTEE
Divided Reports

Majority Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought Not to Pass** on Bill "An Act To Expand the Local Foods Economy"

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

Signed:
Senator:
EDGECOMB of Aroostook

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-239)** on same Bill.

Signed:
Senators:
DILL of Penobscot
SAVIELLO of Franklin

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

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

READ.

Representative HICKMAN of Winthrop 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. 218

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

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

ABSENT - Doore, Malaby, Mr. Speaker.

Yes, 68; No, 80; Absent, 3; Excused, 0.

68 having voted in the affirmative and 80 voted in the negative, with 3 being absent, and accordingly the Majority **Ought Not to Pass** Report was **NOT ACCEPTED**.

Subsequently, the Minority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-239)** 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-239)** in **NON-CONCURRENCE** and sent for concurrence.

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-247)** on Bill "An Act To Amend the Laws Governing the Issuance of Bonds and To Effectuate the Issuance of Bonds To Support Maine's Natural Resource-based Economy"

(S.P. 508) (L.D. 1378)

Signed:
Senator:
LIBBY of Androscoggin

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

Minority Report of the same Committee reporting **Ought Not to Pass** on same Bill.
Signed:
Senators:
WHITTEMORE of Somerset
WILLETTE of Aroostook

Representatives:
GREENWOOD of Wales
PICKETT of Dixfield
TURNER of Burlington

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-247)**.

READ.

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

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

Representative **MARTIN**: Thank you, Mr. Speaker. Mr. Speaker and Ladies and Gentlemen of the House, some of you may know that for eight years I had an opportunity to serve on the LMF Board during my service in the Executive. I've had the opportunity to see the good work and view the many projects that Lands for Maine's Future Board produced and forwarded through its fruition. I've had an opportunity to see and inspect great areas that protect our habitat for our wildlife—boat sites for our landing sites and recreational areas.

If you support LMF, if you like the projects that the Maine voters have accepted, you'll love LD 1378. LD 1378 eliminates the requirement that registered bonds that have been voted by the voters of Maine no longer bear the signature of the Chief Executive of this state. I firmly believe that when Maine voters have spoken at the ballot box no one, including a Chief Executive, should have the right to veto their decision. We're all aware of the current situation, what's happening with LMF bonds and other issues, and meddling and trying to prevent the will of the voters. With that in mind, Mr. Speaker and Ladies and Gentlemen of the House, I would urge you to follow my light. Vote green on the pending motion.

The Speaker resumed the Chair.

The House was called to order by the Speaker.

Representative GIDEON of Freeport **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 Skowhegan, Representative McCabe.

Representative **McCABE**: Thank you, Mr. Speaker, Men and Women of the House, before you is probably one of the most important bills that we'll vote on this session. This bill really follows the wishes of the Maine people. Maine people overwhelmingly, time and time again, approve the LMF bonds when they go to the polls. These are projects that occur statewide.

In recent years, many of us, especially those of us that will term out this session, have made changes to this program that enable this program to be broader; to be broader than it was in the beginning and to really address the needs of so many. So many folks who are interested in recreation, so many folks who are interested in agriculture. I look around the room and I see Republicans, I see Democrats, I see Independents who I know support the Lands for Maine Future program and want to see that money invested in projects around the state. I can think of a number of projects that are in the pipeline right now in districts around the state—in the southern part of the state, central part of the state, coastal parts of the state, all in jeopardy because bonds are being held.

I say we pass this today in a bipartisan manner and we do so to send a clear message. To send a clear message to the voters back home that we care about the values that they care about. We care about those projects that will allow my children to go out, to recreate. Projects like Cold Stream, outside of The Forks, which is home to some of the best brook trout fishing we have here in the State of Maine. It's also home to amazing deer yards for our struggling deer herd. Mr. Speaker, I think of projects statewide, whether it's working waterfronts, working farms, whether it's access, like in downtown Skowhegan—the River Trail—that was purchased with Lands for Maine Future money so that people could enjoy, enjoy what was neglected for years, enjoy that with their families, go recreate in a safe place to be active, to walk, to exercise. Now, it's a trail that folks can enjoy of all ages.

Mr. Speaker, when I am not here, I put on a different hat. I put on a hat, I manage 330 acres. It's land that was purchased with LMF money, private money as well, and it was built over time. It provides an opportunity for children, for families, for the elderly to enjoy a lakeside park. Without programs like LMF, we would not have facilities like that.

Furthermore, Mr. Speaker, I look at this program, I've seen a change over my time involved with the program, my time here. We have a number of easements that are in jeopardy. These are working woods easements. These are large tracts of lands like we've heard about earlier today, tracts of lands that are in northern Somerset County, some over in Piscataquis County. They have recreational value, but they also have timber value. These are working easements where folks, men and women, make a living for their family. They work in those woods, they cut those trees, those trees are sent to places like the mill in my town.

So, Mr. Speaker, when the board lights up tonight, I hope that our vote is not a partisan vote, but a vote that sends a message

to the people of Maine that we stand behind their vote, that we stand behind this program, and that we move this program forward. Thank you very much, Mr. Speaker.

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

Representative **GROHMAN**: Thank you, Mr. Speaker, Women and Men of the House, it's tempting for me to talk about the historic conservation opportunities that are before us now. Or, if you've ever pulled up to a cover you've hunted since you were a kid, to find a gate and a Massachusetts plate, the number of kingdom lots that are a possibility. But this is really about good governance.

The bonding process provides a lot of opportunity for political input by the Legislature, by the Executive, and by the voters. But once the voters have spoken, it is time to act. Please join me in supporting good governance and support this important legislation.

The SPEAKER: The Chair recognizes the Representative from New Gloucester, Representative Espling.

Representative **ESPLING**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I rise in opposition to the pending motion and to this bill. We have had a system for the sale of bonds that includes both the involvement of the Executive Branch and the Legislative Branch, represented by Maine's Treasurer.

This bill seeks to dramatically amend this process retroactively by cutting out the Chief Executive out of the process, giving all discretion to the Treasurer. I say "retroactively" because bonds that would be affected by this bill have already been approved by the voters. All of these bonds stated, and I quote, in quotes: "The Treasurer of the State may negotiate the sale of the bonds by direction of the Governor." End quote.

This was the language that the voters approved. This bill, however, seeks to undo this process and undo the language that was actually approved by the voters. I can appreciate the frustration of some with the Chief Executive in terms of issuing bonds, but that does not call for an overhaul of the entire system of how bonds are issued, completely excluding a co-equal branch of government from the process. This is not for or against the substance of any bond, but it is about process—a process that I don't think that we should undo. Thank you very much.

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

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

The SPEAKER: The Representative may pose his question.

Representative **DUNPHY**: Has any other Chief Executive Officer ever held bonds or held bonds the additional two years that are actually allowed?

The SPEAKER: The Representative from Embden, Representative Dunphy, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Skowhegan, Representative McCabe.

Representative **McCABE**: Mr. Speaker, I don't speculate on the Chief Executive's motives, but rather rise to answer the question. What's occurred with the bonds, both this time and the last time they were being held is unprecedented in Maine history. This bill still allows for the opportunity for the Chief Executive to hold the bonds for fiduciary reasons, just for not other reasons.

The SPEAKER: The Chair recognizes the Representative from Burlington, Representative Turner.

Representative **TURNER**: Thank you, Mr. Speaker, Men and Women of the House, I rise in opposition to this bill. I serve on the State and Local Government Committee and heard this bill. At that time, we heard from a number of special interest groups in support of this bill. They all had similar talking points which was: This bill needs to be enacted to protect the Lands for Maine Future program.

I can appreciate the need to support the Lands for Maine's Future program. That, however, is not what this bill does. This bill applies to the process for the issuance of all general obligation bonds. This makes a major change in the balance of power between two branches of governments. I support the Lands for Maine's Future, but I cannot support this radical change. Please join me in voting against this bill. Thank you, Mr. Speaker.

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

Representative **HICKMAN**: Thank you, Mr. Speaker. Mr. Speaker, Women and Men of the House, I rise in strong support of the pending motion. One of the projects depending on these funds is Winthrop's own Kennebec Land Trust's proposed project on Howard Hill, which would transfer to the city of Augusta 164 acres of privately owned property running from Capitol Street in Augusta to the Hallowell city line. There's a loose trail system there already, with views of this State House, the Kennebec River and Augusta's east side.

Last year, the project was allocated $338,000 in LMF funding, getting a letter from the program's board calling it "one among 30 outstanding projects selected." From a Kennebec Land Trust Press Release I quote: "Theresa Kerchner, the land trust's Executive Director, said $1.2 million must be raised for this project. It has raised about the same amount as last year's state funding through private sources already, but she said delaying the award could harm project planning. 'Our business plan for this project is based on that award, so we are very disappointed that we are in a position where, in terms of the LMF program, we have to wait it out.'" End quote.

Today, Mr. Speaker, I ask this body to cast a vote to help end that wait. Let us support the pending motion and overwhelmingly vote to release the bonds. Thank you, Mr. Speaker.

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

Representative **COREY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, I'd like to ask you to join me in supporting LD 1378. I sit on the all-volunteer board of my local land trust in Windham. I've been through several land conservation efforts that had the benefit of lowering property taxes in my community, preserved contiguous tracts of land for farmers to work economically, and provided the space for outdoor activities like snowmobiling, fishing, and hunting, in effect safeguarding our outdoor heritage. These all involved LMF funds.

Finances for land conservation deals typically involve a host of different public and private entities. Towns, through the ballot, have taken out bonds to preserve land in their communities. Nonprofits have raised both small and large dollar amounts through donors. LMF leverages these dollars in an important part of the overall funding picture. Kicking out one leg from under the stool creates instability for these projects and they may fail as a result. There are many volunteer hours involved in these projects. I've been a part of them. LMF has consistently garnered voter approval starting in 1987. Maine's people believe that LMF improves their quality of life and have committed to pay for it. My hope is that we are all able to check our likes and dislikes at the door when it comes to the expressed will of the voters.

LD 1378 requires the issuance of bonds, unless one of five specific conditions exists. These include: The debt service of the bond being greater than the amount budgeted; The issuing the bonds will adversely affects the state's credit rating; That a delay

in the issuance of the bonds will likely result in a better interest rate; That the project that the bond was passed for is not moving forward, not being completed; That an alternate funding source has become available. These conditions seem more than adequate and specific in helping us fulfill our and the Chief Executive's fiduciary responsibility to Maine's voters. I hope you join me in supporting LD 1378. Thank you, Mr. Speaker.

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

Representative **DEVIN**: Thank you very much, Mr. Speaker, and welcome back. Mr. Speaker, Ladies and Gentlemen of the House, I think that we have a hierarchy of strength of voice on issues impacting Maine. First, we have a simple majority coming out of the Legislature. Second, we have a simple majority that's signed by the Chief Executive. Third, we have a super majority, or two-thirds vote. Fourth, we have a super majority with a signature from the Chief Executive. Finally, the strongest voice on the issues impacting Maine is the approval of a statewide referenda by Maine citizens. We need to let the Maine citizens know that we hear them and approve this bill today. Thank you.

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

Representative **LOCKMAN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, I rise in opposition to the pending motion. This bill would forever change the way bonds are issued in the State of Maine for the worse. As we all know, the Chief Executive is the only state official who is elected by statewide office by a statewide election. And because this is the case, it is entirely appropriate that he have a say in the process of how—and crucially when—bonds are issued.

This bill would cut the Chief Executive out of the bonding process and would place the bonding process one step further from the people who will be on the hook to pay off the debt the bonds represent. The bill would also cut the Chief Executive out of the process of issuing bonds that that have already been ratified by voters during the past couple election cycles. The voters ratified those bonds with the knowledge that the Chief Executive would have a say in whether the bonds are issued and when they are issued.

Frankly, it is not only wrong, but unconstitutional for us in the Legislature to now change the way bonds will be issued without then sending the bonds back out to the people to be ratified again according to the new process.

In conclusion, this bill would place the bonding process further away from the accountability of the people, and further, the bill has serious constitutional issues that have not been adequately addressed. For these reasons, I cannot support the bill. I urge you to follow my light. Thank you, Mr. Speaker.

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

Representative **BABBIDGE**: Thank you, Mr. Speaker, I want to commend the sponsor for having the courage to bring this bill before us. This bill removes the requirement that the Chief Executive sign off on voter-approved bonds. It thoughtfully and correctly designates five specific conditions in which the best interests of the state can be protected by delay. So, the Chief Executive maintains the power to protect the state's specific interests.

This bill enables a higher degree of assurance that the normal expected process for issuing bonds will proceed once the voters have approved. It removes unwarranted and unreasonable postponement. It's good government. It's effective government. It honors the will of the voters. I ask that we, as a Legislature, empowered by the state's voters, support those voters by voting for the motion before us. 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 rise before you today to oppose the motion on the floor. I want to take a moment and remind you that general obligation bonds are authorized for five years and the state's financial situation can change drastically within those five years.

The power of the Chief Executive to sign these bonds is an important check to make sure we are not selling bonds during rocky economic times. The Chief Executive is the only elected official who is elected through a statewide vote. I ask you, why would we take this power away from him and increase the power of the State Treasurer who is not directly elected by the Maine people? This bill simply strips away a layer of accountability to the Maine people, which we represent. Thank you, Mr. Speaker.

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

Representative **MARTIN**: Thank you, Mr. Speaker. Mr. Speaker, allow me to enter into the record the folks and agencies, organizations that support this piece of legislation. And they include: The Sportsman's Alliance of Maine, Maine Coast Heritage Trust, Maine Farmland Trust, Maine Affordable Housing Coalition, Mayor's Coalition, the Nature Conservancy, Maine Audubon, Natural Resources Council of Maine, and others.

I would also, Mr. Speaker and Ladies and Gentlemen of the House, like to clarify what Committee amendment does. Committee amendment simply removes sections of the bill that require the issuance of specific general obligation bonds, and instead states that the bill applies to all general obligation bonds ratified by the voters, but as of yet unissued, as well as all future general obligation bonds ratified by the voters. Thank you, and again, I would urge you to vote green.

The SPEAKER: The Chair recognizes the Representative from Turner, Representative Timberlake.

Representative **TIMBERLAKE**: Thank you, Mr. Speaker and Ladies and Gentlemen of the House, like it or not, there are three branches of Maine's government—work best when they rely on each other. The Executive Branch, with the expertise of the Department of Administration and Financial Services, is the one of entirety that best understands the state's finances. The bill, however, would cut the Executive Branch out of the bond process.

This is not about the LMF bonds. It is about the branches of government. Even if you vote for this, this does not mean that the bonds that are sitting there will be released now. Why deny ourselves access to this expertise when making important decisions regarding bonding? This bill simply goes too far, too far, and does not make sound, fiscal sense. I hope you follow my light in voting against this bill. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Wales, Representative Greenwood.

Representative **GREENWOOD**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, I, too, rise in opposition to the pending motion. Current statute protects our bond rating by requiring the Chief Executive's signature for the sale of all general obligation bonds, which in times of economic turbulence, such as a recession, can be a critical power to help maintain our state's credit rating.

The amended version broadens the original intent of the bill for the Land for Maine's Future bonds and expands it to all general obligation bonds. There has been a process in place that has worked for decades and provides one more check to ensure that the state is managing its debt responsibly. This type of practice has resulted in Maine's credit rating remaining strong

and improving even in the midst of our great recession. I urge you to vote red on the pending motion.

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

Representative **SANDERSON**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, we've had a two-signature process for a very long time for a very good reason: to primarily protect the taxpayers of this state. I have every respect for the sponsor of this bill. He is a very good friend of mine. And I actually considered signing on to this bill, but it takes it one step too far. There's five pieces in there that actually strengthen our bonding issuance policy, but that last step—the removal of the Executive—I don't think that's right. Two wrongs don't make a right and I think we would be, certainly, not doing the prudent thing to remove that two-signature protection for the taxpayers of this state. Thank you.

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

Representative **COOPER**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, this motion is about Land for Maine's Future. The projects that have been identified for funding may be lost forever unless this bill is enacted. Make no mistake about that. Many of them are living on borrowed time now, since the time has already passed for the completion of the agreements that would protect these priceless, pristine, and valuable to all Mainers lands and farms and so forth.

When proponents speak of the need for good governance, what I think they are really referring to is that this bill arises because of the abuse of discretion that has prompted the need for this bill. The bill protects the appropriate discretion that the Chief Executive should have in issuing, when to issue a bond, that is, financial fiscal types of issues. But, the kinds of reasons that have been stated for not releasing these bonds are totally abusive of the process. Thank you.

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

Representative **CHENETTE**: Thank you, Mr. Speaker, the word "mandate" gets thrown a lot around up here, especially mandating from Augusta down to our local communities. But when people cast their vote, they go into the ballot box and cast their vote; that is a mandate from our communities up to this State House. And we've heard on the House floor that we're somehow cutting the Chief Executive out of the process. Well, I would argue that we've been cutting our constituents out of the process. And I really ask this question before you cast your vote: Who do we represent, Mr. Speaker? I don't represent the individual on the second floor. I represent the people back home in my districts. Let's not ignore them.

The SPEAKER: The Chair would remind all Members to steer clear of impugning the character of the Chief Executive or 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 Newport, Representative Fredette.

Representative **FREDETTE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, in regards to the voters speaking, and it's very important that we recognize that in terms of what they direct us to do. But quite frankly, they directed us to fund education at 55 percent, well over a decade ago.

People in this body have, for a decade now, not funded education at 55 percent, and so, just sort of in response to the prior argument from the good Representative from Saco, I couldn't agree with you more that the voice of the voters is key in terms of the work that we do here in this body. But, while we want to focus our energy on this particular bill and the impact that it has on the second floor and the Chief Executive, let's not point fingers at other people when this body itself has not met the obligation of voters when they say, "Fund education at 55 percent." We haven't done that in the past. We won't do that in this current budget. Thank you, Mr. Speaker.

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

Representative **McCABE**: Thank you, Mr. Speaker, Men and Women of the House, this is not a new issue. We've taken this same issue up before. We took this issue up before when it was said the bonds would be released after the hospitals were paid. The hospitals were paid, we moved on, some bonds were released, LMF bonds were not.

This issue comes from someone who is well respected in both chambers. Someone that might not be a member of this side of the aisle, but somebody that I put right up there with folks like Peter Mills, Margaret Chase Smith, and others. When they see government not acting in an appropriate manner, they speak out. This bill came forward, most people in this chamber have electronic devices, they can do the research, they can follow this bill, they can see who sponsored this bill. And I encourage folks to look at your computer before you cast your vote today and actually look at this bill, understand where it's been, what it did before it came here, and the support that's behind it.

I also remind folks in this chamber that we do have an obligation and that we have an obligation to the projects that we sent a letter to, as the State of Maine, saying, "Go ahead. Go ahead and proceed. We will send the funds." I might be simple. I might be old fashioned, but if you have a deal with somebody, you have a contract with somebody whether that's a handshake or whether that's a letter saying, "Go ahead. Move forward with your project and we will send you the funding."

So, for us to go back a few months later and now say, "These bonds are being held, not because of fiduciary responsibility, but for sheer politics." And I just want folks to think about that. If this was an issue where we didn't have the money, I would agree. I would say we can't fund these bonds. We don't have the money. But let's be clear: Some of these bonds haven't been issued yet. Some of these bonds were issued. The money is sitting. It is sitting not being spent on the projects, the projects that will benefit projects in our district, projects that will benefit recreation in our areas, projects that will keep land in conservation.

Let's face it folks, we could not pass this bill today. We could send a message. Some of these projects will disappear. We'll never have the opportunity again. These are projects that are in Democratic districts, these are projects in Republican districts. I actually was just thinking, and I've been reading up on this, and I was thinking there's Members on both sides of the aisle, folks that have shown up to press conferences in their districts just to express how important these projects are.

So, today, if you really want to show how important these projects are to folks back home and the voters of the State of Maine, you will cast your vote, you will support the Lands for Maine Future program, and you'll think of the great achievements in the State of Maine. I leave you with one image today. I want you to think about Mt. Kineo. And I want you to think of where we'd be today in the State of Maine if we didn't have Mt. Kineo. Thank you, Mr. Speaker.

The SPEAKER: The Chair would also remind all Members not to speculate on the motives of other Members or the Chief Executive.

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 Hallowell, Representative Warren.

Representative **WARREN**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I was also going to talk about Mt. Kineo and how one of the favorite things I'll do this summer after we leave here is go climb Mt. Kineo and hang out on the fire tower with my nieces and my nephew. But instead, I'm going to keep my speech really short. Three words: Voter approved bonds.

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. 219

YEA - Alley, Babbidge, Bates, Beavers, Beck, Beebe-Center, Bickford, Black, Blume, Brooks, Bryant, Burstein, Campbell J, Chace, Chapman, Chenette, Chipman, Cooper, Corey, Daughtry, Davitt, DeChant, Devin, Dion, Doore, Duchesne, Dunphy M, Evangelos, Farnsworth, Fecteau, Foley, Fowle, Frey, Gattine, Gideon, Gilbert, Golden, Goode, Grant, Grohman, Guerin, Hamann, Harlow, Herbig, Herrick, Hickman, Higgins, Hilliard, Hobart, 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, Noon, Peterson, Pierce J, Pierce T, Pouliot, Powers, Rotundo, Russell, Rykerson, Sanborn, Saucier, Schneck, Shaw, Short, Skolfield, Stanley, Stearns, Stuckey, Sukeforth, Tepler, Timmons, Tipping-Spitz, Tucker, Tuell, Verow, Ward, Warren, Welsh, Wood, Mr. Speaker.

NAY - Austin, Battle, Buckland, Campbell R, Crafts, Dillingham, Dunphy L, Edgecomb, Espling, Farrin, Fredette, Gerrish, Gillway, Ginzler, Greenwood, Hanington, Hanley, Hawke, Head, Kinney J, Kinney M, Lockman, Long, Lyford, Maker, McClellan, McElwee, Nutting, O'Connor, Parry, Picchiotti, Pickett, Prescott, Reed, Sanderson, Sawicki, Seavey, Sherman, Sirocki, Stetkis, Theriault, Timberlake, Turner, Vachon, Wadsworth, Wallace, White, Winsor.

ABSENT - Malaby.

Yes, 102; No, 48; Absent, 1; Excused, 0.

102 having voted in the affirmative and 48 voted in the negative, with 1 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-247)** 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-247)** in concurrence.

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

Representative McCABE of Skowhegan assumed the Chair.

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

Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought Not to Pass** on Bill "An Act To Allow Hunters Whose Religion Prohibits Wearing Hunter Orange Clothing To Instead Wear Red"

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

Signed:

Senator:

DUTREMBLE of York

Representatives:

ALLEY of Beals
COREY of Windham
CRAFTS of Lisbon
HILLIARD of Belgrade
LYFORD of Eddington
MARTIN of Sinclair
REED of Carmel
SHORT of Pittsfield
WOOD of Greene

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-244)** on same Bill.

Signed:

Senators:

DAVIS of Piscataquis
CYRWAY of Kennebec

Representative:

SHAW of Standish

Came from the Senate with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-244)**.

READ.

Representative SHAW of Standish moved that the House **ACCEPT** the Minority **Ought to Pass as Amended** Report.

The same Representative **REQUESTED** a roll call on the motion to **ACCEPT** the Minority **Ought to Pass as Amended** Report.

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

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

Representative **MARTIN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, I rise to speak in opposition to the pending motion, something I don't ordinarily do, especially against my good friend, our House Chair in IF&W. This is a bad bill. Although, in my county, Aroostook County, we do have folks in the Amish community that reside there. They do hunt, they do fish. But I'll tell you, there's a reason why, back in the early '70's, this Legislature enacted the fluorescent orange hunting provision, obviously for safety reasons.

Prior to 1972, there was an average of 25 accidental hunting related incidents in this state—an average of 25. Some of them were fatalities. We now average six to seven fatalities a year. Wearing non-orange items of clothing is not a wise thing to do. And if you're concerned about going out in the Maine woods, in the wilderness, while you're hunting, I would respectfully suggest that and urge you to vote against the pending motion. Thank you.

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

Representative **CAMPBELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, we're going to get to the point where religion is telling us what to do and how to do it in everything in this country. If you're not allowed to wear orange then you better not go hunting. In front of our committee, we had a group that came and were looking to get funding for entrepreneurs without paying interest because their religion didn't allow them to pay interest. So, we have to draw the line and draw it fast before they take over. Thank you.

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

Representative **DEVIN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, I spent a lot of time sailing on the ocean and we used very specific light formations to make decisions on how we're going to maneuver at sea. For instance, red over green is a sailing machine. And if you're under power, that red over green sailing machine has right of way and you have to maneuver out of its way.

If I saw an orange over green, I wouldn't know what to do. For those of you who have never been at sea at night, you experience having lights and colors of lights and how they impact you scorched into your brain on a daily basis. What would you do if you were driving along and you saw, instead of a red light, a blue light come? You're driving and you see green change to yellow and then it changes to blue. What would you do? I'm not asking that through the Chair, that's just hypothetical. So, with that, I will just stress to you that changing colors while people are shooting a gun is not a wise idea. Thank you.

Representative PARRY of Arundel **REQUESTED** that the Clerk **READ** the Committee Report.

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

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

Representative **WOOD**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, this is a bad bill and we need to defeat it. And if this passes, I'm going to become Reverend Wood and I'm going to put in a bill to Sunday hunt. That's my religious privilege. Thank you Ladies and Gentlemen.

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

Representative **CHAPMAN**: Thank you, Mr. Speaker, Friends and Colleagues of the House, if I understand the bill correctly, there are various restrictions so that this other color is worn only on the property of the people who are wearing that color. I think we might be able to be expansive enough to understand that there are people who have different ways of looking at the world and looking at life than we, ourselves, do. This one doesn't get in any other person's way. It doesn't put anyone at risk. If you're hunting on their land, you're doing so with their permission. So, I'm going to be supporting the pending motion. Thank you.

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

ROLL CALL NO. 220

YEA - Beck, Beebe-Center, Buckland, Chapman, Chenette, Farnsworth, Gideon, Gillway, Ginzler, Golden, Hanley, Harlow, Hickman, Martin J, McCabe, Melaragno, Moonen, Rotundo, Shaw, Sherman, Sirocki, Skolfield, Stuckey, Sukeforth, Tepler, Vachon, Wallace, Warren, White.

NAY - Alley, Austin, Babbidge, Bates, Battle, Beavers, Bickford, Black, Blume, Brooks, Bryant, Burstein, Campbell J, Campbell R, Chace, Chipman, Cooper, Corey, Crafts, Daughtry, Davitt, DeChant, Devin, Dillingham, Doore, Duchesne, Dunphy L, Dunphy M, Edgecomb, Espling, Evangelos, Farrin, Fecteau, Foley, Fowle, Frey, Gattine, Gerrish, Gilbert, Goode, Grant, Greenwood, Grohman, Guerin, Hamann, Hanington, Hawke, Head, Herbig, Herrick, Higgins, Hilliard, Hobart, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kinney J, Kinney M, Kornfield, Kruger, Kumiega, Lajoie, Lockman, Long, Longstaff, Luchini, Lyford, Maker, Marean, Martin R, Mastraccio, McClellan, McCreight, McElwee, McLean, Monaghan, Morrison, Nadeau, Noon, Nutting, O'Connor, Parry, Peterson, Picchiotti, Pickett, Pierce J, Pierce T, Pouliot, Powers, Prescott, Reed, Russell, Rykerson, Sanborn, Sanderson, Saucier, Sawicki, Schneck, Seavey, Short, Stanley, Stearns, Stetkis, Theriault, Timberlake, Tipping-Spitz, Tucker, Tuell, Turner, Verow, Wadsworth, Ward, Welsh, Winsor, Wood.

ABSENT - Dion, Fredette, Malaby, Timmons, Mr. Speaker.

Yes, 29; No, 117; Absent, 5; Excused, 0.

29 having voted in the affirmative and 117 voted in the negative, with 5 being absent, and accordingly the Minority **Ought to Pass as Amended** Report was **NOT ACCEPTED**.

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

UNFINISHED BUSINESS

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

HOUSE DIVIDED REPORT - Majority (7) **Ought Not to Pass** - Minority (6) **Ought to Pass as Amended by Committee Amendment "A" (H-309)** - Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Upgrade the Concealed Handgun Permit Law"

(H.P. 557) (L.D. 823)

TABLED - June 8, 2015 (Till Later Today) by Representative FOWLE of Vassalboro.

PENDING - **ACCEPTANCE OF EITHER REPORT**.

Subsequently, on motion of Representative FOWLE of Vassalboro, the Minority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-309)** was **READ** by the Clerk.

Representative SHAW of Standish **PRESENTED House Amendment "A" (H-385)** to **Committee Amendment "A" (H-309)**, which was **READ** by the Clerk and **ADOPTED**.

Committee Amendment "A" (H-309) as Amended by House Amendment "A" (H-385) 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" (H-309) as Amended by House Amendment "A" (H-385)** thereto and sent for concurrence. **ORDERED SENT FORTHWITH**.

HOUSE DIVIDED REPORT - Majority (12) **Ought Not to Pass** - Minority (1) **Ought to Pass as Amended by Committee Amendment "A" (H-344)** - Committee on **INLAND FISHERIES AND WILDLIFE** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Protect the People's Right To Hunt, Fish and Harvest Wildlife

(H.P. 479) (L.D. 703)

TABLED - June 9, 2015 (Till Later Today) by Representative GIDEON of Freeport.

PENDING - Motion of Representative SHAW of Standish to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report. (Roll Call Ordered)

Subsequently, on motion of Representative ESPLING of New Gloucester, the Resolution and all accompanying papers were **INDEFINITELY POSTPONED**. Sent for concurrence.

REPORTS OF COMMITTEE
Divided Report

Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought Not to Pass** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Establish the Right To Hunt and Fish

(H.P. 506) (L.D. 753)

Signed:

Senators:

DAVIS of Piscataquis
CYRWAY of Kennebec
DUTREMBLE of York

Representatives:

SHAW of Standish
ALLEY of Beals
COREY of Windham
CRAFTS of Lisbon
LYFORD of Eddington
MARTIN of Sinclair
REED of Carmel
SHORT of Pittsfield

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-394)** on same RESOLUTION.

Signed:

Representatives:

HILLIARD of Belgrade
WOOD of Greene

Representative DANA of the Passamaquoddy Tribe - of the House - supports the Majority **Ought Not to Pass** Report.

READ.

On motion of Representative ESPLING of New Gloucester, the Resolution and all accompanying papers were **INDEFINITELY POSTPONED**. Sent for concurrence.

SENATE PAPERS
Non-Concurrent Matter

Bill "An Act To Maximize the Benefits of Renewable Energy in Maine" (EMERGENCY)

(H.P. 904) (L.D. 1329)

Majority (7) **OUGHT NOT TO PASS** Report of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY READ** and **ACCEPTED** in the House on June 10, 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 "A" (H-347)** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

UNFINISHED BUSINESS

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

An Act To Restore Revenue Sharing (EMERGENCY)

(H.P. 677) (L.D. 980)
(C. "A" H-321)

TABLED - June 10, 2015 (Till Later Today) by Representative TEPLER of Topsham.

PENDING - **PASSAGE TO BE ENACTED**.

On motion of Representative TEPLER of Topsham, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-321)**.

The same Representative **PRESENTED House Amendment "A" (H-390)**, which was **READ** by the Clerk.

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

Representative **TEPLER**: Thank you, Mr. Speaker and Ladies and Gentlemen of the House, I simply want to present an amendment that strips the Emergency preamble from the revenue sharing bill that was engrossed by both this body and the other body. Thank you.

Subsequently, **House Amendment "A" (H-390)** was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-321)** and **House Amendment "A" (H-390)** in **NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH**.

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

An Act To Promote Community Broadband Planning and Strengthen Economic Opportunity throughout Maine

(H.P. 732) (L.D. 1063)
(C. "A" H-336)

TABLED - June 10, 2015 (Till Later Today) by Representative GIDEON of Freeport.

PENDING - **PASSAGE TO BE ENACTED**.

Subsequently, Representative GIDEON of Freeport **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 PRO TEM: 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. 221

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, Doore, Duchesne, Dunphy L, Dunphy M, Edgecomb, Espling, Evangelos, Farnsworth, Farrin, Fecteau, Foley, Fowle, Fredette, Frey, Gattine, Gerrish, Gideon, Gilbert, Gillway, Ginzler, Golden, Grant, Greenwood, Guerin, Hamann, Hanington, Hanley, Harlow, Hawke, Head, Herbig, Herrick, Hickman, Higgins, Hilliard, Hobart, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kinney J, 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, Noon, O'Connor, Parry, Peterson, Picchiotti, Pickett, Pierce J, Pierce T, Pouliot, Powers, Prescott, Reed, Rotundo, Russell, Rykerson, Sanborn, Sanderson, Saucier, Sawicki, Schneck, Seavey, Shaw, Sherman, Short, Sirocki, Skolfield, Stanley, Stearns, Stuckey, Sukeforth, Tepler, Theriault, Timberlake, Tipping-Spitz, Tucker, Tuell, Turner, Vachon, Verow, Wadsworth, Wallace, Ward, Warren, Welsh, White, Wood.

NAY - Stetkis.

ABSENT - Dion, Goode, Grohman, Kinney M, Malaby, Nutting, Timmons, Winsor, Mr. Speaker.

Yes, 141; No, 1; Absent, 9; Excused, 0.

141 having voted in the affirmative and 1 voted in the negative, with 9 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem and sent to the Senate.

An Act To Require Education in Public Preschool Programs and Elementary Schools Regarding Child Sexual Abuse (MANDATE)

(H.P. 813) (L.D. 1180)
(C. "A" H-353)

TABLED - June 10, 2015 (Till Later Today) by Representative ESPLING of New Gloucester.

PENDING - **PASSAGE TO BE ENACTED**.

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

Representative **MAKER**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, it has taken me two terms of trying to get child sexual abuse education in our schools. I presented LD 1705, "Resolve, to Create the Task Force on the Prevention of Sexual Abuse of Children" during the 125th Legislature and during the 126th, I presented 95 with the same goal in mind.

Both bills passed unanimously in the committee and the House and the other body. In the first session, I was informed by the Office of Policy and Legal Analysis that there was a delay in appointments to the task force, resulting in time constraints in completing the work needed to further the bill. In the 126th, it was also passed unanimously, but the Legislative Council gave preference to other issues.

I have worked with Maine Coalition Against Sexual Abuse and the Department of Education in designing this bill. I could give you all kinds of statistics and name all the articles in the paper of what's happening to our children, but instead, I'm going to tell a story by why this bill is important. "I hope the words of this speech will take you through a journey—my journey of how my innocence was taken from me, forcibly, and without my permission. You could say it was stolen."

Albert Einstein once said that, "if you want your children to be intelligent, read them a fairy tale." The stories that included the "happily ever after," a damsel in distress, a dragon or a mythical creature, and the brave knight in shining armor to save the day. You may be wondering what this has to do with why we are here today.

That so-called damsel in distress, we'll name her Kayla. The dragon was her father and for years he held her soul hostage with no asking price that would ever set her free. The story goes like this:

Roughly at the age of 10, when Kayla was in the fourth grade, her father asked her for help. He claimed he had a medical problem with his back and that pressure needed to be released. Kayla didn't understand. It didn't make sense to release the pressure through oral sex, but that's what she was told to do. He told her the pills would help her relax. In reality, it was an excuse to have complete power and control over her. This happened countless time and always on weekend visits. He swore to her to secrecy and told her that if she ever told a soul that she would be the one in trouble. He was firm on this and you could see the fear in her eyes.

Almost six years later, he continued to drug her, control her, and it was determined that was no longer good enough for him. The night of Kayla's junior prom, her father, this dragon, drugged and raped her in a hotel room. She had little recall of what happened after waking up the next morning. He tried again on a weekend visit, but was unable to drug her so she fought him off. That was the last time she saw him before she was rescued by her knight in shining armor.

A journal was found of Kayla's deepest and darkest secrets. Her mother was horrified but believed in her child and was going to fight until she slayed this terrible dragon, or her so-called father. Kayla's words saved her—once on paper and now her voice represented the knight in shining armor she had inside her.

Then you can ask, how can this story have a happily ever after and why does this matter in terms of this bill? Kayla was never taught what sexual abuse was. She was not taught inappropriate, appropriate touch in school. Some may argue that that is the parents' responsibility to teach their children, when in reality, statistics will tell you parents are often the ones to commit these crimes. Numbers can prove a point and they will tell you that State of Maine will benefit from this bill.

Here are some numbers to help put this in perspective. One in every seven victims of sexual assault is under the age of six. In 2010 school year, there were 85,181 children in grades K-5 in the State of Maine. 44,573 in grades K-2 include children age anywhere from four to seven years. Statistically, that would equal roughly 6,368 children being victimized from a sexual assault crime. The effect of this act on children are also significant and not only impacts the individual but the community that serves them, this state. The effects of individuals who have been a victim of such crimes include, but are not limited to: Three times more likely to suffer from depression, six times more likely to suffer from post-traumatic stress disorder, 13 times more likely to abuse alcohol, 26 times more likely to abuse drugs, four times more likely to contemplate suicide.

Numbers, however, cannot share a story of each individual who have been subject to such abuse and each individual has a story and those are significant. So, if children are spending almost half of the year and a quarter of those days in school, why are we not encouraging children to use their voices? Why are Maine schools not taking more action in preventing sexual abuse through education? We do not rely on parents to teach general education requirements. Why should we rely on them to educate children on abuse at home, when society has declared it an epidemic and statistics will tell you it happens at home more than it doesn't? Why are we not taking a proactive approach and when we do, for a number of other reasons such as medical concerns or natural disasters, why not do the same with sexual abuse?

The children in schools are the future of this state and we should be doing everything in our power to protect them, giving them the tools to keep themselves safe from sexual abuse, or the ability to recognize it, is giving them the intelligence to be in power and in control, to become their own heroes.

Kayla used her personal fairy tale to create her own happily ever after. She has started a nonprofit organization to help educate others and break the silence surrounding child abuse. She used her knight in shining armor, her words, her voice, to fight back. "I am Kayla Garriott and I'm a survivor. I slayed my dragon and although my innocence and childhood was stolen from me, I will use my story to help someone reach their happily ever after and my own."

G.K. Chesterton once said, "Fairytales don't tell children that dragons exist. Children already know that. Fairytales children that dragons can be killed." Therefore, I ask you to consider a unanimous vote in this bill. Thank you, Mr. Speaker.

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. 128 voted in favor of the same and 4 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem and sent to the Senate.

Resolve, To Strengthen Standards-based Diplomas

(S.P. 440) (L.D. 1235)
(C. "A" S-206)

TABLED - June 10, 2015 (Till Later Today) by Representative ESPLING of New Gloucester.

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

The SPEAKER PRO TEM: 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. 222

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, Doore, Duchesne, Dunphy M, Edgecomb, Espling, Evangelos, Farnsworth, Fecteau, Foley, Fowle, Fredette, Frey, Gattine, Gerrish, Gideon, Gilbert, Gillway, Ginzler, Golden, Grant, Greenwood, Hamann, Hanington, Hanley, Harlow, Hawke, Head, Herbig, Herrick, Hickman, Higgins, Hilliard, Hobart, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kinney J, Kornfield, Kruger, Kumiega, Lajoie, Longstaff, Luchini, Maker, Marean, Martin J, Martin R, Mastraccio, McCabe, McClellan, McCreight, McElwee, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Noon, O'Connor, Parry, Peterson, Picchiotti, Pickett, Pierce T, Pouliot, Powers, Prescott, Rotundo, Russell, Rykerson, Sanborn, Saucier, Schneck, Seavey, Shaw, Sherman, Short, Skolfield, Stanley, Stearns, Stetkis, Sukeforth, Tepler, Theriault, Tipping-Spitz, Tucker, Tuell, Turner, Vachon, Verow, Wadsworth, Wallace, Ward, Warren, Welsh, White, Wood.

NAY - Crafts, Dunphy L, Farrin, Guerin, Lockman, Long, Lyford, Pierce J, Reed, Sanderson, Sawicki, Sirocki, Timberlake.

ABSENT - Dion, Goode, Grohman, Kinney M, Malaby, Nutting, Stuckey, Timmons, Winsor, Mr. Speaker.

Yes, 128; No, 13; Absent, 10; Excused, 0.

128 having voted in the affirmative and 13 voted in the negative, with 10 being absent, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker Pro Tem and sent to the Senate.

CONSENT CALENDAR
First Day

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

(S.P. 415) (L.D. 1168) Bill "An Act To Prohibit the Use of Eminent Domain in Certain Public-private Partnerships and To Prohibit the Use of Eminent Domain by a Private Business Entity in a Public-private Partnership" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-249)**

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.

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

SENATE PAPERS
Non-Concurrent Matter

Bill "An Act To Establish Training Standards for Persons Investigating Domestic Abuse Complaints"

(H.P. 981) (L.D. 1437)

Majority (10) **OUGHT NOT TO PASS** Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY READ** and **ACCEPTED** in the House on June 10, 2015.

Came from the Senate with the Minority (2) **OUGHT TO PASS** Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

REPORTS OF COMMITTEE
Divided Report

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-398)** on Bill "An Act To Allow a Victim of a Crime To Be Represented by an Attorney at a Sentencing Hearing"

(H.P. 960) (L.D. 1413)

Signed:

Senators:

ROSEN of Hancock
BURNS of Washington
GERZOFSKY of Cumberland

Representatives:

FOWLE of Vassalboro
CHENETTE of Saco
DAVITT of Hampden
GERRISH of Lebanon
NADEAU of Winslow
THERIAULT of China
TIMMONS of Cumberland
WARREN of Hallowell

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

Signed:
Representatives:
LAJOIE of Lewiston
LONG of Sherman

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-398)** 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-398)** and sent for concurrence.

CONSENT CALENDAR
First Day

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

(H.P. 516) (L.D. 763) Bill "An Act To Change the Budget Approval Process for Alternative Organizational Structures" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-400)**

(H.P. 887) (L.D. 1309) Bill "An Act To Create the Central Maine Water District" Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-399)**

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

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

SENATE PAPERS
Non-Concurrent Matter

Bill "An Act To Protect Patients from Sexual Exploitation"
(H.P. 541) (L.D. 792)

Minority (6) **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-221)** in the House on June 1, 2015.

Came from the Senate with the Majority (7) **OUGHT NOT TO PASS** Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY READ** and **ACCEPTED** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

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

Representative **GILBERT**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, in reference to Roll Call No. 212 on LD 484, had I been present, I would've voted "yea." In reference to Roll Call No. 213 on LD 1429, had I been present, I would've voted "yea." In reference to Roll Call No. 214 on LD 828, had I been present, I would've voted "yea." In reference to Roll Call No. 215 on LD 1417, had I been present, I would've voted "yea."

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

On motion of Representative DEVIN of Newcastle, the House adjourned at 5:43 p.m., until 10:00 a.m., Friday, June 12, 2015.