

MAINE STATE LEGISLATURE

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House of Representatives
One Hundred and Twenty-Eighth Legislature
State of Maine

Daily Edition

First Regular Session
beginning December 7, 2016

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surface combat, shelling shores for invasions and many other assignments; and

WHEREAS, in recognition of the lives lost in these endeavors, and in commendation of the bravery and valor of the sailors of the Destroyer Escorts, the Destroyer Escort Association will host a special ceremony in Lewiston to honor the sailors of the Destroyer Escorts of World War II, the Korean War, the Vietnam War and the Cold War with special tribute paid to those who lost their lives with their ships; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-eighth Legislature now assembled in the First Regular Session, on behalf of the people we represent, take this opportunity to recognize June 17, 2017 as Destroyer Escort Day throughout the State of Maine in commemoration of the valiant sailors who risked and often gave their lives for peace and freedom worldwide.

Came from the Senate, **READ** and **ADOPTED**.
READ and **ADOPTED** in concurrence.

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

COMMUNICATIONS

The Following Communication: (H.C. 203)

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

June 2, 2017

The 128th Legislature of the State of Maine
State House
Augusta, Maine

Dear Honorable Members of the 128th 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 56, "An Act To Include 50ml and Smaller Liquor Bottles in the Laws Governing Returnable Containers."
I have several objections to this bill. The Legislature purports to care about how each dollar entrusted to the state is spent, yet this bill was exempted from scrutiny by the Appropriations and Financial Affairs Committee despite the cost for implementation that it imposes, which totals over \$1 million. I am troubled by the precedent this bill sets; it suggests that any time a legislator identifies a pet cause that needs funding, they should raid the state's liquor business. That type of thinking has gotten the state into financial trouble in the past, and it runs counter to the steps this Administration has taken to strengthen the liquor contract, which is now producing tens of millions of dollars more a year to fund state government and enable us to pay back the hospital debt. This bill takes us in the wrong direction.

If proponents of this bill are truly concerned about the litter caused by discarded 50ml bottles on the side of the road, they have two options: either increase penalties for discarding these bottles or discontinue sales of these bottles all together.

The case to increase the penalty for discarding 50ml alcohol bottles on the side of the road is clear. In speaking with members of the public and in law enforcement about this issue, they have informed me that 50ml containers on the side of the road often result from consumption inside a moving vehicle. Whether consumed by the driver or a passenger in a vehicle, in violation of Maine law, this is dangerous, illegal and

unacceptable. The behavior is more egregious because the act of discarding the bottle out the window is merely an attempt to eliminate the evidence of the crime. I cannot condone this unlawful behavior, and I believe increased penalties are warranted.

Last week I vetoed LD 671, which sought to ease penalties on license suspension for people who have been caught driving while drunk. I am becoming concerned the Legislature does not take drunk driving seriously and is unwilling to protect the public from such reckless behavior. In this bill, the Legislature has once again failed to seek penalties for those creating the threat to public safety.

Absent increased penalties, which this bill failed to impose, an alternative approach is to discontinue the sale of 50ml bottles containing alcohol all together. If this bill passes, I have directed the Bureau of Alcoholic Beverages and Lottery Operations to work with the Liquor and Lottery Commission to delist these products for sale in Maine.

Rather than support this costly bill, which will not reduce drunk driving and does nothing to curb the destruction of evidence through littering, I return LD 56 to you unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,
S/Paul R. LePage
Governor

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

The accompanying item An Act To Include 50 Milliliter and Smaller Liquor Bottles in the Laws Governing Returnable Containers

(H.P. 43) (L.D. 56)
(H. "A" H-132 to C. "A" H-107)

The **SPEAKER**: The Chair recognizes the Representative from Gray, Representative Austin.

Representative **AUSTIN**: Madam Speaker, thank you very much. Ladies and Gentlemen of the House, I'm so glad to have this opportunity to speak with you again on this issue. I hope that you'll recall my mentioning my street walking routine workout for many years. During that time, I have come to know my streets and my streets have come to know me. After speaking with you earlier, I regrettably, regrettably realized that I omitted a very important environmental concern for adding nips to the deposit fee list. Saturday, on my jaunt, near my home, I retrieved no less than 25 nips during a two-mile loop. I know you realize what sort of a posture that that puts me in on the side of the road as I bend to grab these nips. As I was rinsing all the nips back at home, I realized that I hadn't shared with you that we are not talking about just a single little plastic bottle. When we think of the plastic litter, we must keep in mind that there are three parts to a healthy nip. There's the body of the nip, there's the ring of the nip, and there is the tip of the nip. Sadly, those three pieces of plastic can become twisted and separated, and therefore, they end up scattered all along the roadside. A deposit fee on nips would not go into effect until January 1, 2019. But if you're with me on this, I am planning to keep my end up, so to speak, until then. So, let's reaffirm putting a tip on the nip to nip littering in the bud, and I thank you for your very kind consideration.

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

Representative **ESPLING**: Thank you, Madam Speaker, and I hesitate to stand after my good friend from Gray gave such a great speech, and we are neighbors and friends, so I appreciate that, but I did want to stand in support of the Chief Executive's veto on this matter. I do support sustaining this,

and he says in his letter this bill takes us in the wrong direction. I believe it does. It mentions two different behaviors, drunk driving and littering. Both we don't condone, and both are already the subject of many laws in statute. I think that this bill further tries to regulate behavior, which is really not the direction that I believe the state should go in. And, in doing so, it's also putting a burden on businesses that I don't think is fair. I don't think this is a good solution. It's not a good solution to littering. I can't support it and I hope you will follow my light in sustaining the veto. Thank you.

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

Representative FULLER: Madam Speaker, friends and colleagues of the House. St. Thomas Aquinas tells us that the best speeches are always those given with a slight apology. So, I will beg your forgiveness as I show you my sandwich bag for the day.

The SPEAKER: The member will defer. No props are allowed in floor debate.

The Chair reminded Representative FULLER of Lewiston that no props were allowed during the floor debate.

The SPEAKER: The member may proceed.

Representative FULLER: My sandwich will take me all of five minutes to consume. The plastic bag that contains my sandwich will take 50 years to rot. The nips we leave on the side of the road will take no less than 450 years to decompose. The obligation that we face here as a Legislature is not just the things we consume, but the things that we seek to preserve. We have nothing better to preserve than the great State of Maine. So I urge you to override this veto. Thank you, Madam Speaker.

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

Representative KINNEY: Madam Speaker, Ladies and Gentlemen of the House, I strongly urge you to sustain this veto. The State of Maine has a trash problem; it doesn't have a nip problem. We have a problem of people just arbitrarily throwing everything out the window, and until we can get our hands on this problem and educate our people to have respect for our land, increasing the size of the bottle bill is not going to solve any problems. Thank you.

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

Representative DUCHESNE: Thank you, Madam Speaker and Men and Women of the House. The Chief Executive's veto message and a lot of the arguments on the floor have really conflated a lot of different problems. This is not a drunk driving bill, this is a litter bill. It's the bottle bill. It's been around for a long time. Originally, we didn't apply the bottle bill to these little nips because there weren't any little nips. This corrected that problem. The Chief Executive's message says it suggests that anytime a Legislature identifies a pet prize that needs funding, they should raid the state's liquor business. The only reason the state's liquor business is even in the equation is because the state got into the liquor business. We're doing the same thing to Coca Cola, Pepsi Cola, Poland Spring, they're all the same. It's what gets thrown on the side of the road; we add a nickel deposit. We've done it for years, we're just adding nips. If there is a drunk driving problem, I will be the first to support the Chief Executive's bill when it comes up next session to fight this. But the bottle bill doesn't fight drunk driving. It just gets litter off the road as best we can and we've always done it that way. We're just adding nips to that solution. Thank you, Madam Speaker.

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

Representative CAMPBELL: Thank you, Madam Speaker, Men and Women of the House. As before, I mentioned this is an economic development bill. Well, not really. This is a consistency bill. Liquid has deposits. Water has deposits, all the way up to the big orange juice container. This has gotten under the radar. To be truly consistent, there should be a 15-cent deposit, because this is wine and spirits. Somehow, we negotiated it only be a five-cent deposit. This needs a deposit, and that's all it is. They have to remove these containers from a big case because they are so small, and they have to put a sticker on it. Somebody decided that this is going to kill business and it's going to throw 20 jobs out of the state. Well, that's just not right. And then they agreed to a five-cent deposit. They're still going to have to open that carton and put the five-cent sticker on it. This is a consistency bill. We need to put a deposit on these things. Thank you.

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

Representative O'CONNOR: Thank you, Madam Speaker, Ladies and Gentlemen of the House. Reading this veto, I saw that it said, "If this bill passes, I've directed the Bureau of Alcoholic Beverages and Lottery Operations to work with the Liquor and Lottery Commission to delist these products for the sale in the State of Maine." Well, I live right on the New Hampshire border, and I would really like to sustain this veto, because I don't want to be tempted to commit a crime by buying a lot of these in New Hampshire, coming to Maine, and selling them on the black market. Please don't tempt me. Thank you.

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

Representative BABBIDGE: Thank you, Madam Speaker. Madam Speaker, I'm in agreement with many of the comments here, talking about the bipartisan decision in the 1970s for us to initiate a bottle bill and to continue that for this product. But I previously mentioned that the concealability of this product concerns me. For folks who are operating a motor vehicle, it's a health and a safety issue. For our kids who are in school, it's a health and a productivity issue. For folks in the work place, it's a health and productivity and safety issue. So, for the revenue, for the environment, for productivity, for health, for safety, please overturn this veto. Thank you.

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

Representative TUELL: Thank you, Madam Speaker. I wasn't going to rise, but there are a couple of lines in the veto message that caught my eye and struck me as a little disingenuous. On one hand, we say drunk driving is a serious issue, yet on the other hand, sentences of habitual offenders are commuted on Memorial Day weekend. So it strikes me as a little bit of an irony here, and I will be supporting the override of this bill, and I seriously hope we do get a handle on drunk driving and keep the people behind bars that should be.

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. 235V

YEA - Ackley, Alley, Austin B, Austin S, Babbidge, Bailey, Bates, Battle, Beebe-Center, Berry, Bickford, Black, Blume, Bradstreet, Brooks, Bryant, Campbell, Cardone, Casas, Cebra, Chace, Chapman, Collings, Cooper, Corey, Craig, Daughtry, Denno, Dillingham, Doore, Duchesne, Dunphy, Farnsworth, Fay, Fecteau, Foley, Frey, Fuller, Gattine, Gerrish, Ginzler, Grant, Grignon, Grohman, Hamann, Handy, Harlow, Harrington, Harvell, Herbig, Herrick, Hickman, Higgins, Hilliard, Hogan, Hubbell, Hymanson, Jorgensen, Kinney M, Kornfield, Kumiega, Lawrence, Longstaff, Luchini, Madigan C, Madigan J, Malaby, Marean, Martin J, Martin R, Mason, Mastraccio, McCrea, McCreight, McElwee, McLean, Melaragno, Moonen, Nadeau, O'Neil, Parker, Perry, Picchiotti, Pierce T, Reckitt, Riley, Rykerson, Sampson, Sanborn, Schneck, Seavey, Sheats, Sherman, Skolfield, Spear, Stanley, Stearns, Sylvester, Talbot Ross, Tepler, Terry, Theriault, Tipping, Tucker, Tuell, Vachon, Wadsworth, Wallace, Ward, Warren, White, Wood, Zeigler, Madam Speaker.

NAY - Espling, Farrin, Fredette, Gillway, Guerin, Haggan, Hanington, Hanley, Hawke, Head, Johansen, Kinney J, Lyford, O'Connor, Ordway, Parry, Perkins, Pickett, Pierce J, Pouliot, Prescott, Reed, Simmons, Sirocki, Stetkis, Stewart, Strom, Sutton, Timberlake, Turner, Winsor.

ABSENT - DeChant, Golden, Lockman, Monaghan, Sanderson.

Yes, 114; No, 31; Absent, 5; Excused, 1.

114 having voted in the affirmative and 31 voted in the negative, with 5 being absent and 1 excused, and accordingly the Veto was **NOT SUSTAINED**. Sent for concurrence.

The Following Communication: (H.C. 208)

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

June 2, 2017

The 128th Legislature of the State of Maine

State House

Augusta, Maine

Dear Honorable Members of the 128th 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 1055, "An Act To Update the Statutes Under Which Maine's Credit Unions Are Chartered."

With their tax-exempt status, credit unions enjoy a significant competitive advantage over banks. This bill would expand that competitive advantage inappropriately by increasing the amount of total surplus a credit union may invest in real estate from 50 to 60 percent and by eliminating the requirement for a guaranty fund. I believe in a level playing field for economic competitors.

For this reason, I return LD 1055 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage

Governor

READ and ORDERED PLACED ON FILE. Sent for concurrence.

The accompanying item An Act To Update the Statutes under Which Maine's Credit Unions Are Chartered

(H.P. 738) (L.D. 1055)

(C. "A" H-142)

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

Representative **FREDETTE**: Thank you, Madam Speaker. When the Speaker is in fact talking and reaching down and pushing this button at the same time, then there is a question upon whether or not the button is pushed. You cannot look over and see your pad when you're doing that, and my button was in fact pushed and so, while I waive my right to argue on this, I would simply ask that there be proper time for people to be permitted to push their button when they would like to speak on issues. This is not the first time this has arisen.

The SPEAKER: The Chair will advise all members that as there is ample time as we are going through the text before a veto or any bill, people need to be paying attention, in their seats, and pushing their button in a timely manner.

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. 236V

YEA - Ackley, Alley, Austin B, Austin S, Babbidge, Bailey, Bates, Battle, Beebe-Center, Berry, Bickford, Black, Blume, Bradstreet, Brooks, Bryant, Campbell, Cardone, Casas, Cebra, Chace, Chapman, Collings, Cooper, Corey, Craig, Daughtry, Denno, Dillingham, Doore, Duchesne, Dunphy, Espling, Farnsworth, Farrin, Fay, Fecteau, Foley, Fredette, Frey, Fuller, Gattine, Gerrish, Gillway, Ginzler, Golden, Grant, Grignon, Grohman, Guerin, Haggan, Hamann, Handy, Hanington, Hanley, Harlow, Harrington, Harvell, Hawke, Head, Herbig, Herrick, Hickman, Higgins, Hilliard, Hogan, Hubbell, Hymanson, Jorgensen, Kinney J, Kinney M, Kornfield, Kumiega, Lawrence, Longstaff, Luchini, Lyford, Madigan C, Madigan J, Malaby, Marean, Martin J, Martin R, Mason, Mastraccio, McCrea, McCreight, McElwee, McLean, Melaragno, Moonen, Nadeau, O'Connor, O'Neil, Ordway, Parker, Parry, Perkins, Perry, Picchiotti, Pickett, Pierce J, Pierce T, Pouliot, Prescott, Reckitt, Reed, Riley, Rykerson, Sampson, Sanborn, Schneck, Seavey, Sheats, Sherman, Simmons, Skolfield, Spear, Stanley, Stearns, Stetkis, Stewart, Sylvester, Talbot Ross, Tepler, Terry, Theriault, Timberlake, Tipping, Tucker, Tuell, Vachon, Wadsworth, Wallace, Ward, Warren, White, Winsor, Wood, Zeigler, Madam Speaker.

NAY - Johansen, Sirocki, Strom, Sutton, Turner.

ABSENT - DeChant, Lockman, Monaghan, Sanderson.

Yes, 141; No, 5; Absent, 4; Excused, 1.

141 having voted in the affirmative and 5 voted in the negative, with 4 being absent and 1 excused, and accordingly the Veto was **NOT SUSTAINED**. Sent for concurrence.