

MAINE STATE LEGISLATURE

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

Daily Edition

Second Regular Session

beginning January 3, 2018

beginning at page H-1216

77 having voted in the affirmative and 65 voted in the negative, with 9 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "B" (H-678)** 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 "B" (H-678)** and sent for concurrence.

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

SENATE PAPERS
Non-Concurrent Matter

Bill "An Act To Establish Universal Home Care for Seniors and Persons with Disabilities"

(I.B. 3) (L.D. 1864)

Bill and accompanying papers **INDEFINITELY POSTPONED** in the House on March 29, 2018.

Came from the Senate **REFERRED** to the Committee on **TAXATION in NON-CONCURRENCE**.

Representative **ESPLING** of New Gloucester moved that the House **RECEDE AND CONCUR**.

Representative **HERBIG** of Belfast **REQUESTED** a roll call on the motion to **RECEDE AND CONCUR**.

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

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

Representative **ESPLING**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. This was a matter that we saw the other day. We were really pushing very hard for this issue to be put forth in a public hearing. We still feel strongly about that, as a matter of process, that this should have a public hearing. I hope that you will support the Recede and Concur motion, which would enable this item to go to the Tax Committee. Thank you.

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

Representative **HYMANSON**: Thank you, Madam Speaker. In Health and Human Services, with each bill that comes across our desks, I ask myself, "What's the problem, and is this bill the solution?" The citizens' referendum bill identifies problems, but the solution is messy and poorly considered. I would like to refer this bill to the committee of Maine voters, where I will be speaking in opposition at public, public hearings. Thank you.

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

ROLL CALL NO. 558

YEA - Austin S, Bickford, Black, Bradstreet, Campbell, Casas, Cebra, Chace, Corey, Dillingham, Espling, Farrin, Fredette, Gerrish, Ginzler, Grignon, Grohman, Guerin, Haggan, Hanington, Hanley, Harrington, Harvell, Hawke, Head, Herrick, Higgins, Hilliard, Johansen, Kinney J, Kinney M, Lockman, Lyford, Malaby, Marean, Mason, McElwee, Nadeau, O'Connor, Ordway, Parry, Perkins, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reed, Sampson, Seavey, Simmons, Sirocki, Skolfield, Stearns, Stetkis, Stewart, Strom, Sutton, Theriault,

Timberlake, Tuell, Turner, Vachon, Wadsworth, Wallace, White, Winsor, Wood.

NAY - Ackley, Alley, Austin B, Babbidge, Bailey, Bates, Beebe-Center, Berry, Blume, Brooks, Bryant, Cardone, Chapman, Collings, Cooper, Daughtry, DeChant, Denno, Devin, Doore, Duchesne, Dunphy, Farnsworth, Fay, Fecteau, Frey, Fuller, Gattine, Golden, Grant, Hamann, Handy, Harlow, Herbig, Hickman, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kumiega, Lawrence, Longstaff, Luchini, Madigan C, Madigan J, Martin J, Martin R, Mastraccio, McCrea, McCreight, McLean, Melaragno, Monaghan, Moonen, O'Neil, Parker, Perry, Pierce T, Reckitt, Rykerson, Sanborn, Schneck, Sheats, Spear, Stanley, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Warren, Zeigler, Madam Speaker.

ABSENT - Battle, Craig, Foley, Gillway, Riley, Sanderson, Sherman, Ward.

Yes, 68; No, 75; Absent, 8; Excused, 0.

68 having voted in the affirmative and 75 voted in the negative, with 8 being absent, and accordingly the motion to **RECEDE AND CONCUR FAILED**.

Subsequently, Speaker **GIDEON** of Freeport moved that the House **INSIST**.

Representative **ESPLING** of New Gloucester moved that the Bill be **TABLED** until later in today's session pending the motion of Speaker **GIDEON** of Freeport to **INSIST**.

Representative **HERBIG** of Belfast **REQUESTED** a roll call on the motion to **TABLE** until later in today's session pending the motion of Speaker **GIDEON** of Freeport to **INSIST**.

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

The **SPEAKER**: A roll call has been ordered. The pending question before the House is to Table until later in today's session pending the motion of Speaker **Gideon** of Freeport to Insist. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 559

YEA - Austin S, Bickford, Black, Bradstreet, Campbell, Casas, Cebra, Chace, Chapman, Corey, Dillingham, Espling, Farrin, Fredette, Gerrish, Ginzler, Grignon, Grohman, Guerin, Haggan, Hanington, Hanley, Harrington, Hawke, Head, Herrick, Hilliard, Johansen, Kinney J, Kinney M, Lockman, Lyford, Malaby, Marean, Mason, McElwee, Nadeau, O'Connor, Ordway, Parry, Perkins, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reed, Sampson, Seavey, Simmons, Sirocki, Skolfield, Stearns, Stetkis, Stewart, Strom, Sutton, Theriault, Timberlake, Tuell, Turner, Vachon, Wadsworth, Wallace, White, Winsor, Wood.

NAY - Ackley, Alley, Austin B, Babbidge, Bailey, Bates, Beebe-Center, Berry, Blume, Brooks, Bryant, Cardone, Collings, Cooper, Daughtry, DeChant, Denno, Devin, Doore, Duchesne, Dunphy, Farnsworth, Fay, Fecteau, Frey, Fuller, Gattine, Golden, Grant, Hamann, Handy, Harlow, Herbig, Hickman, Higgins, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kumiega, Lawrence, Longstaff, Luchini, Madigan C, Madigan J, Martin J, Martin R, Mastraccio, McCrea, McCreight, McLean, Melaragno, Monaghan, Moonen, O'Neil, Parker, Perry, Pierce T, Reckitt, Rykerson, Sanborn, Schneck, Sheats, Spear, Stanley, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Warren, Zeigler, Madam Speaker.

ABSENT - Battle, Craig, Foley, Gillway, Harvell, Riley, Sanderson, Sherman, Ward.

Yes, 67; No, 75; Absent, 9; Excused, 0.

67 having voted in the affirmative and 75 voted in the negative, with 9 being absent, and accordingly the motion to

TABLE until later in today's session pending the motion of Speaker GIDEON of Freeport to **INSIST FAILED**.

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

Non-Concurrent Matter

Bill "An Act To Streamline Advocacy for Maine Small Businesses by Relocating the Bureau of the Special Advocate within the Department of the Secretary of State to the Department of Economic and Community Development"

(H.P. 1218) (L.D. 1764)

Majority (6) **OUGHT NOT TO PASS** Report of the Committee on **STATE AND LOCAL GOVERNMENT READ** and **ACCEPTED** in the House on March 15, 2018.

Came from the Senate with the Minority (4) **OUGHT TO PASS AS AMENDED** Report of the Committee on **STATE AND LOCAL GOVERNMENT READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-638) AS AMENDED BY SENATE AMENDMENT "A" (S-426)** thereto in **NON-CONCURRENCE**.

Representative ESPLING of New Gloucester moved that the House **RECEDE AND CONCUR**.

Representative HERBIG of Belfast **REQUESTED** a roll call on the motion to **RECEDE AND CONCUR**.

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

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

Representative **MARTIN**: Thank you, Madam Speaker. Madam Speaker and Ladies and Gentlemen of the House, I will be opposing the pending motion, which is to Recede and Concur, and I'd like to share with you why. LD 1764 was thoroughly vetted in the Committee on State and Local Government. By accepting the pending motion to Recede and Concur, we would in effect be incorporating an amendment for this bill. A seven-page amendment, an amendment -- a seven-page amendment that would in effect eliminate the Bureau of the Public Advocate, a seven-page amendment that is complex, a seven-page amendment that has not been vetted by the Committee. Therefore, I would ask you to vote red, vote no, and just try to defeat this pending motion. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Dixfield, Representative Pickett.

Representative **PICKETT**: Thank you, Madam Speaker, Men and Women of the House. I rise in support of the pending motion to Recede and Concur. This amendment is good policy. It removes politics from the equation. It puts resources to help small businesses in the place -- in one place in State Government, avoiding possible confusion as to what agency should be contacted for help.

If passed, effective February 1, 2019, the position of Small Business Advocate would transfer from the Secretary of State's office to the Department of Economic and Community Development. The transfer would take place with no General Fund dollars being spent. The amendment would also result in savings to the Highway Fund of more than \$28,000 annually. It would reinstate a dedicated Director position to serve as small business and entrepreneurship special advocate, a truly independent, nonpartisan advocate for small Maine businesses. This position will help coordinate many existing programs within State Government geared to helping small businesses, such as MaineMade Products Marketing program and Business Answers programs, which are currently located

under the purview of the Department of Economic and Community Development.

The director-level, range 32 position will pull together all programs to help small businesses, including advocacy in dealing with over-burdensome regulations and permitting issues that may come up from time to time. The amendment calls for Maine's Small Business Advocate to be hired pursuant to civil service law for classified employees. As it stands right now, the Small Business Advocate serves at the pleasure of the Secretary of State. This amendment provides a layer of protection for the advocate, to conduct his/her duties without fear of political retribution.

This amendment to LD 1764 is a similar model to what works quite well at the federal level. The Office of Advocacy is set up within the U.S. Small Business Administration, an Executive Branch agency, which creates an independent voice for small businesses. I cannot think of a better way to reach our goal to achieve more efficient coordination of advocacy for our thousands of small businesses, to avoid any duplicative efforts, so we can move Maine's economic competitiveness. Please follow my light. Vote on the pending motion to Recede and Concur. Thank you very much, Madam Speaker.

The SPEAKER: The motion before the House is will the House Recede and Concur. The Chair recognizes the Representative from Canaan, Representative Stetkis.

Representative **STETKIS**: Thank you, Madam Speaker. I'd like to ask a question through the Chair, if I may.

The SPEAKER: The Representative may proceed.

Representative **STETKIS**: I thought we heard earlier that this amendment had not been vetted. I was wondering, had the amendment actually been discussed in Committee, and was there any talk about reconsideration of the bill after the amendment was discussed, if it was or not?

The SPEAKER: The Representative from Canaan has posed a question through the Chair for anyone who might wish to answer. The Chair recognizes the Representative from Dixfield, Representative Pickett.

Representative **PICKETT**: Thank you, Madam Speaker. In regards to this Senate amendment, of us talking about it in Committee in State and Local, where this bill was vetted, we never had the opportunity to discuss that amendment at all.

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

Representative **MARTIN**: Thank you, Madam Speaker. The previous speaker is exactly correct. There was, in fact, a motion to reconsider to give a particular member of the Committee an opportunity to discuss an amendment, but to my knowledge, just a day or so ago is the first opportunity that we've had an opportunity to review and see the seven-page amendment.

The SPEAKER: The Chair recognizes the Representative from Monmouth, Representative Ackley.

Representative **ACKLEY**: Thank you, Madam Speaker. Request permission to pose a question through the Chair.

The SPEAKER: The Representative may proceed.

Representative **ACKLEY**: Thank you, Madam Speaker. Does the amended version of this bill maintain the total number of full-time employees?

The SPEAKER: The Representative from Monmouth, Representative Ackley, has posed a question through the Chair if there is anyone who may wish to answer.

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