

# MAINE STATE LEGISLATURE

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**Journal and Legislative Record**  
**House of Representatives**  
**One Hundred and Twenty-Ninth Legislature**  
**State of Maine**

**Daily Edition**

**First Regular Session**  
beginning December 5, 2018

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Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-34)** on Bill "An Act To Provide Architects, Engineers and Certain Other Professionals Immunity from Civil Liability When Volunteering for Evaluating Damage from Disasters"

(H.P. 363) (L.D. 506)

Signed:

Senators:

CARPENTER of Aroostook  
BELLOWS of Kennebec

Representatives:

BAILEY of Saco  
BABBIDGE of Kennebunk  
CARDONE of Bangor  
EVANGELOS of Friendship  
HARNETT of Gardiner  
TALBOT ROSS of Portland

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

Signed:

Senator:

KEIM of Oxford

Representatives:

CURTIS of Madison  
DeVEAU of Caribou  
HAGGAN of Hampden  
RECKITT of South Portland

**READ.**

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-34)** 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-34)** and sent for concurrence.

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-35)** on Resolve, To Establish a Background Check Consolidation Commission (EMERGENCY)

(H.P. 436) (L.D. 592)

Signed:

Senator:

CLAXTON of Androscoggin

Representatives:

MARTIN of Sinclair  
BRYANT of Windham  
EVANGELOS of Friendship  
PEBWORTH of Blue Hill  
RISEMAN of Harrison  
TUELL of East Machias  
VEROW of Brewer

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

Signed:

Senator:

DAVIS of Piscataquis

Representatives:

HEAD of Bethel  
KINNEY of Knox  
REED of Carmel

**READ.**

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

Representative STEWART of Presque Isle **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 PRO TEM**: The Chair recognizes the Representative from Carmel, Representative Reed.

Representative **REED**: Thank you, Speaker Pro Tem, and Members of the House. I rise in opposition to the pending motion. We already have Maine law enforcement in place that does background checks. I don't think we need another commission which only tends to enlarge the size of government. I understand the idea behind the bill, to make it easier for having all background checks in one place, but I don't think it's necessary.

Thank you, Speaker Pro Tem. Thank you, Members of the House.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Fort Fairfield, Representative McCrea.

Representative **McCREA**: Thank you, Mr. Speaker, fellow Members and Colleagues of the House. Currently there are perhaps dozens of background checks required by a multitude of state departments and agencies for employment. This resolve simply establishes the Background Check Consolidation Commission to study consolidating and centralizing as many of these state background checks required for employment as possible, including but not limited to background checks for teachers, state workers, and persons seeking Maine Guide licenses, for example.

Mr. Speaker, this commission is tasked with finding a solution to the duplicative and unnecessary paperwork and expenses that Mainers face as they seek employment. I do wish to point out that the committee amendment removes the emergency preamble, this commission shall report back their results by December 20th of 2019 and, Mr. Speaker, I do absolutely want to highlight that this bill has - and you can read it in the text of the bill - prohibits the commission from studying the background checks that are used to obtain firearms. I thank you, Mr. Speaker.

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

Representative **HYMANSON**: Thank you, Mr. Speaker. In Health and Human Services, we deal with background checks quite often related to direct care workers and childcare workers and especially last session we had a large discussion about the time it took, who was doing it, who paid for it, what the turnaround time was. And so I would really appreciate having some clarity from a commission who would talk about this and finally come to some understanding about how it is we handle very important federal background checks with fingerprints because, as you might know, background checks

are statewide but the federal guidelines for -- and the process for getting fingerprint background checks is the only way to look at a person's issues that might have arisen in other states. So, it's very important to have good guidance about especially the fingerprint background system that's been a problem. So I would appreciate the guidance of this commission and will be voting for it. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Waterboro, Representative Prescott.

Representative **PRESCOTT**: Thank you. I just renewed -- Members, too. I just renewed my background check. It was 15 bucks. First time around, it's about \$55. I paid for everything. And, listen, it goes to the Feds, it comes back in a few weeks, I don't think it took mine more than four, and this is just an unnecessary layer of government. Nothing more to it. Every place you go is going to want to get one of their own directly for their own files. So this is not needed. Thank you.

The SPEAKER PRO TEM: 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. 23**

YEA - Ackley, Alley, Austin B, Babbidge, Babine, Bailey, Beebe-Center, Berry, Blume, Brooks, Bryant, Caiazzo, Cardone, Carney, Cloutier, Collings, Cooper, Craven, Crockett, Cuddy, Daughtry, Denk, Dodge, Doudera, Dunphy, Evangelos, Farnsworth, Fay, Fecteau R, Foley, Gattine, Gramlich, Grohoski, Handy, Harnett, Hepler, Hickman, Higgins, Hobbs, Hubbell, Hymanson, Ingwersen, Jorgensen, Kessler, Kornfield, Landry, Madigan C, Martin J, Martin R, Mastraccio, Matlack, Maxmin, McCrea, McCreight, McLean, Melaragno, Meyer, Moonen, Morales, Nadeau, O'Neil, Pebworth, Peoples, Perry A, Perry J, Pierce T, Reckitt, Riley, Riseman, Rykerson, Schneck, Sharpe, Sheats, Stanley, Stearns, Stover, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Tuell, Verow, Warren, White B, Zeigler, Madam Speaker.

NAY - Andrews, Arata, Austin S, Bickford, Blier, Bradstreet, Campbell, Cebra, Corey, Costain, Curtis, Dillingham, Dolloff, Drinkwater, Faulkingham, Fecteau J, Foster, Griffin, Grignon, Haggan, Hall, Hanington, Hanley, Harrington, Hutchins, Javner, Johansen, Keschl, Kinney, Lockman, Lyford, Marean, Martin T, Mason, Millett, Morris, O'Connor, Ordway, Perkins, Pickett, Pluecker, Prescott, Reed, Rudnicki, Sampson, Skolfield, Stetkis, Stewart, Strom, Swallow, Theriault, Wadsworth, White D.

ABSENT - Brennan, Denno, DeVeau, Doore, Head, Kryzak, McDonald, Roberts-Lovell.

Yes, 88; No, 53; Absent, 8; Excused, 1.

88 having voted in the affirmative and 53 voted in the negative, with 8 being absent and 1 excused, and accordingly the Majority **Ought to Pass as Amended Report** was **ACCEPTED**.

The Resolve was **READ ONCE**. **Committee Amendment "A" (H-35)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules, the Resolve was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-35)** and sent for concurrence.

Majority Report of the Committee on **TAXATION** reporting **Ought to Pass** on Bill "An Act To Enhance the Senior Volunteer Benefit Program"

(H.P. 59) (L.D. 62)

Signed:  
Senators:

CHIPMAN of Cumberland  
SANBORN, H. of Cumberland

Representatives:

TIPPING of Orono  
BICKFORD of Auburn  
CLOUTIER of Lewiston  
DENK of Kennebunk  
KRYZAK of Acton  
MAREAN of Hollis  
MATLACK of St. George  
STANLEY of Medway  
TERRY of Gorham

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-33)** on same Bill.

Signed:  
Senator:

POULIOT of Kennebec

**READ.**

On motion of Representative TIPPING of Orono, the Majority **Ought to Pass Report** was **ACCEPTED**.

The Bill was **READ ONCE**.

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** and sent for concurrence.

Majority Report of the Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Require Presidential and Vice-Presidential Candidates To Disclose Their Federal Income Tax Returns"

(H.P. 527) (L.D. 722)

Signed:  
Senators:

LUCHINI of Hancock  
CYRWAY of Kennebec  
HERBIG of Waldo

Representatives:

SCHNECK of Bangor  
ANDREWS of Paris  
DOLLOFF of Rumford  
HANINGTON of Lincoln  
HUBBELL of Bar Harbor  
STROM of Pittsfield

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

Signed:  
Representatives:

ACKLEY of Monmouth  
COOPER of Yarmouth  
HICKMAN of Winthrop  
McCREIGHT of Harpswell

**READ.**