

# MAINE STATE LEGISLATURE

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

**Daily Edition**

**First Regular Session**

beginning December 3, 2014

beginning at page H-1

address similar water damages. It should be noted that water utilities already have the ability to budget for such expenses, but most do not. In addition, many water utilities do not currently put aside money in a contingency fund, despite having the authority to do so. Neither of these circumstances would change if this bill passed, and it is unlikely that there would be any improvement for affected homeowners for future water damage.

For this reason, I return LD 660 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 Protect Homeowners from Damage in the Event of a Failure of Public Water Systems

(H.P. 441) (L.D. 660)  
(C. "A" H-189)

The SPEAKER PRO TEM: The Chair recognizes the Representative from Bath, Representative DeChant.

Representative **DeCHANT**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, good morning. I welcome the opportunity to talk to folks this morning about LD 660 and encourage the reconsideration of the veto. This bill is a modest bill. It was a joint unanimous support in the committee, the Energy, Utilities, and Technology. Also, it was an issue that came before the Insurance and Financial Services Committee, and together we figured out that this was the best way, the modest way, to approach this issue.

The issue is one that is a consolidated attempt to address the unfortunate set of circumstances that can happen within anybody's district, within anyone that is currently on public water. This is a bill that addresses that issue. There are, Mr. Speaker, there are 240,000 water line breaks per year in the United States, and that's 657 per day. So, in Maine, with an old infrastructure, we are sitting on infrastructure that's over 100 years old and that, while municipalities are making these slow improvements, citizens are sitting on a time bomb.

And so, Mr. Speaker, Ladies and Gentlemen of the House, think about if you went to bed one night and by two o'clock the next morning, you're awoken by neighbors because there were over 900 gallons a minute of water coming into your basement by an infrastructure water main break at no fault of your own. By the next day, you are told by your insurance company that it's not covered, it never could be covered, because this definition of flood is not within the federal definition that private homeownership insurance can cover. You're told by the municipality that they've got immunity under the Maine Tort Claims Law and then you're told by your water district that they'd like to help you out, but because of the PUC has a statute that says that their contingency funds can't be used in this manner, their hands are tied.

Meanwhile, you, Mr. Speaker and Ladies and Gentlemen of the House, are faced with, potentially, \$20 thousand or more of debt that by no fault of your own. So, we've gone through the due diligence. We, on the Utilities Committee, and with the Financial Services and Insurance Committee, we went through and found out that this was the modest approach. It changes just a few words in statute with the PUC that allows this sort of catastrophe to be listed amongst funds that could be used—not mandated—that could be used for water districts. So instead of thinking that this is not going to prevent the next water main break. I agree with that 100 percent. It's not. There will be a next water main break. Instead, it is the only way, a modest way, in which a consumer can address and seek some sort of

assistance with a catastrophe, a financial setback like this, that few of us could absorb. So, I encourage that we override this veto. Thank you.

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. 239V

YEA - Alley, Austin, Babbidge, Bates, Battle, Beavers, Beebe-Center, Bickford, Blume, Brooks, Bryant, Buckland, Burstein, Campbell J, Chace, Chapman, Chenette, Chipman, Cooper, Corey, Daughtry, Davitt, DeChant, Dion, Doore, Duchesne, Dunphy L, Dunphy M, Evangelos, Farnsworth, Foley, Fowle, Frey, Gattine, Gerrish, Gideon, Gilbert, Ginzler, Golden, Goode, Grant, Grohman, Hamann, Harlow, Herbig, Herrick, Hickman, Higgins, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kinney J, Kornfield, Kruger, Kumiega, Lajoie, Longstaff, Luchini, Maker, Malaby, Martin J, Martin R, Mastraccio, McCabe, McCreight, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Noon, O'Connor, Parry, Peterson, Picchiotti, Pickett, Pierce T, Pouliot, Powers, Prescott, Rotundo, Sanborn, Saucier, Schneck, Shaw, Sherman, Short, Stanley, Stearns, Stuckey, Sukeforth, Tepler, Tipping-Spitz, Tucker, Tuell, Turner, Vachon, Verow, Wadsworth, Ward, Warren, Welsh, Winsor, Wood.

NAY - Black, Campbell R, Crafts, Edgecomb, Espling, Farrin, Fredette, Gillway, Greenwood, Guerin, Hanington, Hanley, Hawke, Head, Hilliard, Hobart, Kinney M, Lockman, Long, Lyford, McClellan, McElwee, Nutting, Pierce J, Reed, Sanderson, Sawicki, Seavey, Sirocki, Stetkis, Theriault, Timberlake, Timmons, Wallace, White.

ABSENT - Beck, Devin, Dillingham, Fecteau, Marean, Russell, Rykerson, Skolfield, Mr. Speaker.

Yes, 107; No, 35; Absent, 9; Excused, 0.

107 having voted in the affirmative and 35 voted in the negative, with 9 being absent, and accordingly the Veto was **NOT SUSTAINED**. Sent for concurrence.

The Following Communication: (H.C. 221)

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

June 12, 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 483, "An Act Regarding the Reporting Standards for Child Abuse."

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, in order for legislation sponsored by Democrats to become law, they will have to follow the procedure for reconsideration of a veto, which requires two-thirds support of the Legislature and a roll call. Instead of allowing them to pass bills out of the public eye and with no accountability, I believe the Maine people deserve to see how their elected officials voted on each piece of legislation.

For this reason, I return LD 483 unsigned and vetoed.

Sincerely,  
S/Paul R. LePage  
Governor

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

The accompanying item An Act Regarding the Reporting Standards for Child Abuse

(H.P. 322) (L.D. 483)  
(C. "A" H-193)

The SPEAKER PRO TEM: The Chair recognizes the Representative from Westbrook, Representative Bates.

Representative **BATES**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, just to shed a little bit of light on this bill. This is a correction bill. It simply corrects an overly broad section of law in the most recent reformation of the Child Abuse Reporting Act. It was a unanimous report out of HHS, so I'd like to thank the committee and all the cosponsors who helped shepherd this through.

Basically, this deals with injuries that would take place during a live birth. Currently, there is what's called an "automatic reporter" for children ages 0-6 months, where any bruising, discoloration, fracture, or other similar injuries are automatically reported to the Department as child abuse. Unfortunately, these are common injuries during the birthing process, and as such, the Department is receiving a lot of claims that not only give hospitals a bad rap, but also bog them down from any kind of complicated delivery.

So, this bill would simply create a narrowly focused exemption which would protect those who are looking out for our youngest citizens and have to deal with difficult deliveries. The exemption would be that deliveries in a hospital attended by a licensed medical practitioner would be exempt from this report and it would allow the Department to go after what it should be doing in its investigative process, which is to more accurately go after real child abuse. Thank you, Mr. Speaker.

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. 240V**

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, Dion, Doore, Duchesne, Dunphy L, Dunphy M, Edgecomb, Espling, Evangelos, Farnsworth, Farrin, Foley, Fowle, Fredette, Frey, Gattine, Gerrish, Gideon, Gilbert, 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, Long, Longstaff, Luchini, Lyford, Maker, Malaby, 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, Stanley, Stearns, Stetkis, Stuckey, Sukeforth, Tepler, Theriault, Timberlake, Timmons, Tipping-Spitz, Tucker, Tuell, Turner, Vachon, Verow, Wadsworth, Wallace, Ward, Warren, Welsh, White, Winsor, Wood.

NAY - NONE.

ABSENT - Beck, Devin, Dillingham, Fecteau, Marean, Russell, Skolfield, Mr. Speaker.

Yes, 143; No, 0; Absent, 8; Excused, 0.

143 having voted in the affirmative and 0 voted in the negative, with 8 being absent, and accordingly the Veto was **NOT SUSTAINED.** Sent for concurrence.

The Following Communication: (H.C. 222)

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

June 12, 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 511, "An Act To Permit a Licensed Sales Representative To Provide Spirits at an Approved Tasting Event."

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, in order for legislation sponsored by Democrats to become law, they will have to follow the procedure for reconsideration of a veto, which requires two-thirds support of the Legislature and a roll call. Instead of allowing them to pass bills out of the public eye and with no accountability, I believe the Maine people deserve to see how their elected officials voted on each piece of legislation.

For this reason, I return LD 511 unsigned and vetoed.

Sincerely,  
S/Paul R. LePage  
Governor

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

The accompanying item An Act To Permit a Licensed Sales Representative To Provide Spirits at an Approved Tasting Event

(H.P. 350) (L.D. 511)  
(C. "A" H-176)