

MAINE STATE LEGISLATURE

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

Daily Edition

First Special Session

beginning October 23, 2017

beginning at page H-1188

On October 12, 2017, one bill was received by the Secretary of the Senate.

Pursuant to the provisions of Joint Rule 308.2, this bill was referred to a Joint Standing Committee on October 12, 2017, as follows:

Agriculture, Conservation and Forestry

Resolve, Authorizing Certain Land Transactions by the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry (EMERGENCY) (S.P. 604) (L.D. 1647) (Sponsored by Senator JACKSON of Aroostook) (Cosponsored by Representative MARTIN of Sinclair and Representative WHITE of Washburn) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.)

On October 13, 2017, two bills were received by the Secretary of the Senate.

Pursuant to the provisions of Joint Rule 308.2, these two bills were referred to a Joint Standing Committee on October 13, 2017, as follows:

Agriculture, Conservation and Forestry

Bill "An Act To Amend the Law Recognizing Local Control Regarding Food Systems and Require Compliance with Federal and State Food Safety Regulations" (EMERGENCY) (GOVERNOR'S BILL) (S.P. 605) (L.D. 1648) (Sponsored by Senator JACKSON of Aroostook)

Appropriations and Financial Affairs

Bill "An Act To Provide Funding for Geographic Information System Services" (EMERGENCY) (GOVERNOR'S BILL) (S.P. 606) (L.D. 1649) (Sponsored by Senator HAMPER of Oxford)

Sincerely,

S/Heather J.R. Priest

Secretary of the Senate

S/Robert B. Hunt

Clerk of the House

Came from the Senate, **READ** and **ORDERED PLACED ON FILE**.

READ and **ORDERED PLACED ON FILE** in concurrence.

CONSENT CALENDAR

First Day

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

(S.P. 606) (L.D. 1649) Bill "An Act To Provide Funding for Geographic Information System Services" (EMERGENCY) Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass**

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

There being no objection, the Senate Paper was **PASSED TO BE ENGROSSED** in concurrence.

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

(S.P. 604) (L.D. 1647) Resolve, Authorizing Certain Land Transactions by the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry (EMERGENCY) Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-343)**

(S.P. 605) (L.D. 1648) Bill "An Act To Amend the Law Recognizing Local Control Regarding Food Systems and Require Compliance with Federal and State Food Safety Regulations" (EMERGENCY) Committee on **AGRICULTURE,**

CONSERVATION AND FORESTRY reporting **Ought to Pass as Amended by Committee Amendment "A" (S-342)**

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

There being no objection, the Senate Papers were **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 Bring Maine's Ranked-choice Voting Law into Constitutional Compliance"

(H.P. 1137) (L.D. 1646)

Report "A" (5) **OUGHT TO PASS AS AMENDED** of the Committee on **VETERANS AND LEGAL AFFAIRS READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-567)** in the House on October 23, 2017.

Came from the Senate with Report "B" (4) **OUGHT TO PASS AS AMENDED** of the Committee on **VETERANS AND LEGAL AFFAIRS READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-568)** in **NON-CONCURRENCE**.

Representative ACKLEY of Monmouth moved that the House **INSIST**.

Representative FREDETTE of Newport 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: 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. 469

YEA - Austin S, Black, Bradstreet, Campbell, Cebra, Chace, Corey, Craig, Dillingham, Espling, Farrin, Foley, Fredette, Gerrish, Ginzler, Guerin, Hanington, Hanley, Harrington, Harvell, Hawke, Head, Johansen, Kinney J, Kinney M, Lockman, Lyford, Malaby, Marean, McElwee, O'Connor, Ordway, Parry, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reed, Sampson, Sanderson, Sherman, Simmons, Sirocki, Skolfield, Stearns, Stetkis, Stewart, Strom, Sutton, Theriault, Timberlake, Tuell, Turner, Vachon, Wadsworth, Wallace, Ward, White, Winsor, Wood.

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

ABSENT - Babbidge, Bickford, Gillway, Grignon, Haggan, Herrick, Hilliard, Mason, Moonen, Perkins, Seavey, Talbot Ross.

Yes, 61; No, 77; Absent, 12; Excused, 1.

61 having voted in the affirmative and 77 voted in the negative, with 12 being absent and 1 excused, and accordingly the motion to **RECEDE AND CONCUR FAILED**.

Subsequently, Representative FREDETTE of Newport **REQUESTED** a roll call on the motion 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 Insist. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 470

YEA - Ackley, Alley, Austin B, Bailey, Bates, Battle, Beebe-Center, Berry, Blume, Brooks, Bryant, Casas, Chapman, Collings, Cooper, Daughtry, DeChant, Denno, Doore, Farnsworth, Fuller, Gattine, Golden, Grohman, Hamann, Handy, Herbig, Hickman, Higgins, Hogan, Hubbell, Jorgensen, Kornfield, Kumiega, Lawrence, Longstaff, Madigan C, Madigan J, McCrea, McCreight, McLean, Melaragno, Monaghan, Nadeau, O'Neil, Parker, Perry, Reckitt, Rykerson, Sheats, Spear, Stanley, Sylvester, Tepler, Terry, Tipping, Warren, Zeigler, Madam Speaker.

NAY - Austin S, Black, Bradstreet, Campbell, Cardone, Cebra, Chace, Corey, Craig, Dillingham, Duchesne, Dunphy, Espling, Farrin, Fay, Fecteau, Foley, Fredette, Frey, Gerrish, Ginzler, Grant, Guerin, Hanington, Hanley, Harlow, Harrington, Harvell, Hawke, Head, Hymanson, Johansen, Kinney J, Kinney M, Lockman, Luchini, Lyford, Malaby, Marean, Martin J, Martin R, Mastraccio, McElwee, O'Connor, Ordway, Parry, Picchiotti, Pickett, Pierce J, Pierce T, Pouliot, Prescott, Reed, Riley, Sampson, Sanborn, Sanderson, Schneck, Sherman, Simmons, Sirocki, Skolfield, Stearns, Stetkis, Stewart, Strom, Sutton, Theriault, Timberlake, Tucker, Tuell, Turner, Vachon, Wadsworth, Wallace, Ward, White, Winsor, Wood.

ABSENT - Babbidge, Bickford, Gillway, Grignon, Haggan, Herrick, Hilliard, Mason, Moonen, Perkins, Seavey, Talbot Ross.

Yes, 59; No, 79; Absent, 12; Excused, 1.

59 having voted in the affirmative and 79 voted in the negative, with 12 being absent and 1 excused, and accordingly the motion to **INSIST FAILED**.

Subsequently, Representative HERBIG of Belfast moved that the House **RECEDE**.

Representative ACKLEY of Monmouth **REQUESTED** a roll call on the motion to **RECEDE**.

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

Representative FREDETTE of Newport moved that the House **RECEDE AND CONCUR**.

The SPEAKER: That motion is out of order at this time as Recede has a higher precedence.

Subsequently, the Chair **RULED** that the motion was **OUT OF ORDER**.

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

The Chair recognizes the Representative from Turner, Representative Timberlake, and inquires why the Representative rises while the vote is open.

Representative **TIMBERLAKE**: I guess I'm trying to understand what this vote does, and I got confusion, and I

think as I look at the board there may be other confusion there along with me, and I'm looking for an explanation.

The SPEAKER: The Chair would reply to the Representative, the motion to Recede takes the House back to the previous report which was passed by this body, Report "A." So the motion to Recede -- voting for the motion to Recede -- the motion that is before us right now, is voting to take us back to the Report "A." The Chair recognizes the Representative from Portland, Representative Sylvester, and inquires why he rises, and reminds him that the vote is currently open.

Representative **SYLVESTER**: Thank you, Madam Speaker. I believe that the confusion has spread, but I believe that this vote, and you can tell me if I'm wrong, is to Recede on our earlier vote of "A," so to nullify our earlier vote of "A," is that incorrect?

The SPEAKER: The Chair would answer in the negative. The Recede motion is a motion to take the House back to the report that we previously voted on and passed, that is Report "A." That is what the Recede motion does.

The House will be in order, and first of all the Chair would like to apologize to every member for my answering these two questions and not being clear, so let me attempt to be clear now, because I just -- to the Representative from Portland, my answer was stated incorrectly. The motion in front of us to Recede takes us back so that -- it's not that it nullifies a vote that was previously taken by this body, but it takes us back to a place where the body does not have -- is not in Acceptance of Report "A." So I did say that incorrectly. I hope that is clear and I trust that someone will raise their hand again if it is not. The Chair recognizes the Representative from Sinclair, Representative Martin.

Representative **MARTIN**: Thank you, Madam Speaker. If I could pose a question to the Chair?

The SPEAKER: The Representative may proceed.

Representative **MARTIN**: Thank you, Madam Speaker. My question would be, assuming that the pending motion passes, would it not allow a member of this body to make another motion to potentially move another report?

The SPEAKER: The Chair would answer in the affirmative.

Representative **MARTIN**: Thank you.

The SPEAKER: The House would be in a posture, should the Recede motion pass, the House would be in posture for another member to offer another report.

The Chair recognizes the Representative from Arundel, Representative Parry, and inquires as to why he rises.

Representative **PARRY**: Thank you, Madam Speaker. I'll follow up with what Representative Timberlake said on a little bit of confusion here. In being in my seventh year here, when we had a bill come from the other body and we Recede, that's always then to amend the bill that has come from the other body. So I guess I'm just confused, because a Recede and Concur motion would mean we agree with the bill, and every time that I can recall that we have done a Recede motion, we have taken the bill that has come from the other body and amended it and sent it back. So that's why I'm a little bit confused on how this posture gets us back to the original bill. In a Recede motion, I would think that we're receding with the other body, and then we would amend that at that point if an amendment was to be brought forward.

The SPEAKER: Okay, so the Chair would answer the Representative from Arundel, you are correct, the Recede and Concur motion is taking a step back to agree with the other body. However, a Recede motion is taking a step back, and

there, at that point, could be an amendment or there could be a different report offered.

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

ROLL CALL NO. 471

YEA - Alley, Austin B, Bailey, Bates, Battle, Blume, Cardone, Cooper, Daughtry, DeChant, Denno, Doore, Duchesne, Dunphy, Farnsworth, Fay, Fecteau, Frey, Fuller, Gattine, Golden, Grant, Hamann, Handy, Herbig, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kumiega, Longstaff, Luchini, Madigan C, Madigan J, Martin J, Martin R, Mastraccio, McCrea, Nadeau, Perry, Pierce T, Riley, Rykerson, Sanborn, Schneck, Spear, Stanley, Tepler, Tipping, Tucker, White, Madam Speaker.

NAY - Ackley, Austin S, Beebe-Center, Berry, Black, Bradstreet, Brooks, Bryant, Campbell, Casas, Cebra, Chace, Chapman, Collings, Corey, Craig, Dillingham, Espling, Farrin, Foley, Fredette, Gerrish, Ginzler, Grohman, Guerin, Hanington, Hanley, Harlow, Harrington, Harvell, Hawke, Head, Hickman, Higgins, Johansen, Kinney J, Kinney M, Lawrence, Lockman, Lyford, Malaby, Marean, McCreight, McElwee, McLean, Melaragno, Monaghan, O'Connor, O'Neil, Ordway, Parker, Parry, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reckitt, Reed, Sampson, Sanderson, Sheats, Sherman, Simmons, Sirocki, Skolfield, Stearns, Stetkis, Stewart, Strom, Sutton, Sylvester, Terry, Theriault, Timberlake, Tuell, Turner, Vachon, Wadsworth, Wallace, Ward, Warren, Winsor, Wood, Zeigler.

ABSENT - Babbidge, Bickford, Gillway, Grignon, Haggan, Herrick, Hilliard, Mason, Moonen, Perkins, Seavey, Talbot Ross.

Yes, 53; No, 85; Absent, 12; Excused, 1.

53 having voted in the affirmative and 85 voted in the negative, with 12 being absent and 1 excused, and accordingly the motion to **RECEDE FAILED**.

Subsequently, Representative FREDETTE of Newport moved that the House **RECEDE AND CONCUR**.

Representative ACKLEY of Monmouth moved that the House **ADHERE**.

The SPEAKER: That motion is out of order at this time.

Subsequently, the Chair **RULED** that the motion was **OUT OF ORDER**.

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: 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. 472

YEA - Austin S, Black, Bradstreet, Campbell, Cebra, Chace, Corey, Craig, Dillingham, Duchesne, Dunphy, Espling, Farrin, Fecteau, Foley, Fredette, Gerrish, Ginzler, Grant, Guerin, Hanington, Hanley, Harrington, Harvell, Hawke, Head, Johansen, Kinney J, Kinney M, Lockman, Luchini, Lyford, Malaby, Marean, Martin J, Martin R, McCrea, McElwee, O'Connor, Ordway, Parry, Picchiotti, Pickett, Pierce J, Pierce T, Pouliot, Prescott, Reed, Sampson, Sanborn, Sanderson, Sherman, Simmons, Sirocki, Skolfield, Stanley, Stearns, Stetkis, Stewart, Strom, Sutton, Theriault, Timberlake, Tucker, Tuell, Turner, Vachon, Wadsworth, Wallace, Ward, White, Winsor, Wood.

NAY - Ackley, Alley, Austin B, Bailey, Bates, Battle, Beebe-Center, Berry, Blume, Brooks, Bryant, Cardone, Casas, Chapman, Collings, Cooper, Daughtry, DeChant, Denno,

Doore, Farnsworth, Fay, Frey, Fuller, Gattine, Golden, Grohman, Hamann, Handy, Harlow, Herbig, Hickman, Higgins, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kumiega, Lawrence, Longstaff, Madigan C, Madigan J, Mastraccio, McCreight, McLean, Melaragno, Monaghan, Nadeau, O'Neil, Parker, Perry, Reckitt, Riley, Rykerson, Schneck, Sheats, Spear, Sylvester, Tepler, Terry, Tipping, Warren, Zeigler, Madam Speaker.

ABSENT - Babbidge, Bickford, Gillway, Grignon, Haggan, Herrick, Hilliard, Mason, Moonen, Perkins, Seavey, Talbot Ross.

Yes, 73; No, 65; Absent, 12; Excused, 1.

73 having voted in the affirmative and 65 voted in the negative, with 12 being absent and 1 excused, and accordingly the House voted to **RECEDE AND CONCUR**.

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

The Chair laid before the House the following item which was **TABLED** earlier in today's session:

Bill "An Act To Delay Further the Implementation of Certain Portions of the Marijuana Legalization Act" (EMERGENCY)
(H.P. 1140) (L.D. 1651)

Which was **TABLED** by Representative FREDETTE of Newport pending **REFERENCE**.

Representative GOLDEN of Lewiston moved that the Bill and all accompanying papers be **INDEFINITELY POSTPONED**.

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

Representative **FREDETTE**: Thank you, Madam Speaker. Ladies and Gentlemen of the House, so where we find ourselves with the issue before us in terms of this bill, which is to extend the moratorium on the underlying referendum question on the passage of the legalization of marijuana, the purpose of this bill was to allow for time for the committees and for the Legislature to fully sit down and look at the language of the bill and where we were at in terms of trying to pass measures to make this effective. First and foremost and fundamentally, we have a referendum process in our Constitution which allows for the citizens' initiative to bring forward pieces of legislation, and they have done that in this process and it passed by a very slim margin, essentially 50.2 percent to 49.8 percent, so we had an underlying referendum question which had a very tight majority vote in the state. So, in and of itself, it's a contentious issue. We then had, if you can recall, a passage of a bill where we delayed and inserted a moratorium until February 1, 2018, for the process to move forward, and over time, when the committee, the Implementation Committee was created and met, much of the time that they had to do their work, I would suggest, was sort of swallowed up during the end of session when we had much discussion about the budget process, and I think a lot of that work got done during the summertime, which brings us to where we are today, in terms of the underlying bill which is now before the body. And as you can recall, the Chief Executive is the one and who is the one who exercised his constitutional authority to bring us back into session. And if you read his communication in the calendar, the purpose of us to come back into session was twofold, two of those matters that we actually just dealt with. Both of those matters were just put on the Consent Calendar, one of them being food sovereignty and