

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

Jorgensen, Kinney J, Kinney M, Kornfield, Kruger, Kumiega, Lajoie, Lockman, Long, Longstaff, Luchini, Lyford, Maker, Marean, Martin J, Martin R, Mastraccio, McCabe, McCreight, McElwee, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Nutting, O'Connor, Parry, Peterson, Picchiotti, Pickett, Pierce J, Pierce T, Pouliot, Powers, Prescott, Reed, Rotundo, Russell, Rykerson, Sanderson, Saucier, Schneck, Seavey, Shaw, Short, Sirocki, Stanley, Stetkis, Stuckey, Sukeforth, Tepler, Timberlake, Tipping-Spitz, Tucker, Tuell, Vachon, Verow, Wadsworth, Wallace, Ward, Warren, Welsh, Winsor, Wood, Mr. Speaker.

NAY - Grant, Hawke, McClellan, Sawicki, Sherman, Skolfield, Stearns, Turner, White.

ABSENT - Farrin, Goode, Malaby, Noon, Sanborn, Theriault, Timmons.

Yes, 135; No, 9; Absent, 7; Excused, 0.

135 having voted in the affirmative and 9 voted in the negative, with 7 being absent, and accordingly the Veto was **NOT SUSTAINED**. Sent for concurrence.

The Following Communication: (H.C. 283)

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

June 22, 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 1086, "An Act To Implement the Recommendations of the Right to Know Advisory Committee To Create a Remedy for Unduly Burdensome and Oppressive Requests."

This bill seeks to amend the Freedom of Access Act (FOAA) to authorize an Executive Branch agency to deny a request for public records on the basis that the request is unduly burdensome or oppressive. That said, the only option for the agency seeking to avoid having to fill an unduly burdensome request is to engage in an unduly burdensome court process.

Ironically, the bill does not have much impact on the Legislature, itself. This is so because the Legislature has exempted the vast majority of its own documents "including working papers, drafts and interoffice and intraoffice memoranda used or maintained by any Legislator, legislative agency or legislative employee ..." from the requirements of FOAA. I oppose this bill because despite the fact that our government is supposed to operate as three separate but equal branches of government all of which should be transparent in their processes, the Legislature does not hold itself to the same standard. Instead, it makes the Executive Branch alone shoulder the weight of government transparency.

For these reasons, I return LD 1086 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 Implement the Recommendations of the Right To Know Advisory Committee To Create a Remedy for Unduly Burdensome and Oppressive Requests

(H.P. 747) (L.D. 1086)

(C. "A" H-357)

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. 354V

YEA - Alley, Babbidge, Bates, Battle, Beavers, Beck, Beebe-Center, Bickford, Blume, Brooks, Bryant, Burstein, Campbell J, Campbell R, Chapman, Chenette, Chipman, Cooper, Corey, Daughtry, Davitt, DeChant, Devin, Dion, Doore, Duchesne, Dunphy M, Edgecomb, Esping, Evangelos, Farnsworth, Fecteau, Foley, Fowle, Fredette, Frey, Gattine, Gerrish, Gideon, Gilbert, Gillway, Ginzler, Golden, Grant, Greenwood, Grohman, Guerin, Hamann, Harlow, Head, Herbig, Herrick, Hickman, Higgins, Hilliard, Hobart, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kinney J, Kinney M, Kornfield, Kruger, Kumiega, Lajoie, Lockman, Longstaff, Luchini, Maker, Marean, Martin J, Martin R, Mastraccio, McCabe, McCreight, McElwee, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Nutting, Parry, Peterson, Picchiotti, Pickett, Pierce T, Pouliot, Powers, Prescott, Rotundo, Russell, Rykerson, Saucier, Schneck, Seavey, Shaw, Short, Stanley, Stearns, Stuckey, Sukeforth, Tepler, Tipping-Spitz, Tucker, Tuell, Vachon, Verow, Wadsworth, Ward, Warren, Welsh, White, Winsor, Wood, Mr. Speaker.

NAY - Austin, Black, Buckland, Chace, Crafts, Dillingham, Dunphy L, Hanington, Hanley, Hawke, Long, Lyford, McClellan, O'Connor, Pierce J, Reed, Sanderson, Sherman, Sirocki, Skolfield, Stetkis, Timberlake, Turner, Wallace.

ABSENT - Farrin, Goode, Malaby, Noon, Sanborn, Sawicki, Theriault, Timmons.

Yes, 119; No, 24; Absent, 8; Excused, 0.

119 having voted in the affirmative and 24 voted in the negative, with 8 being absent, and accordingly the Veto was **NOT SUSTAINED**. Sent for concurrence.

The Following Communication: (H.C. 284)

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

June 22, 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 1087, "An Act To Implement the Recommendations of the Right to Know Advisory Committee Concerning Response Deadlines and Appeals."

Much like LD 1086, this bill seeks to amend the Freedom of Access Act (FOAA) to authorize an Executive Branch agency to deny a request for public records after reviewing records subject to the request. That said, this bill further establishes that an Executive Branch agency that seeks to deny a records request in whole or in part must still provide a written response within 5

days of the receipt of the request and is still subject to court process for the denial.

Like LD 1086, the bill does not have much impact on the Legislature, itself. This is so because the Legislature has exempted the vast majority of its own documents "including working papers, drafts and interoffice and intraoffice memoranda used or maintained by any Legislator, legislative agency or legislative employee ..." from the requirements of FOAA. I oppose this bill because despite the fact that our government is supposed to operate as three separate but equal branches of government all of which should be transparent in their processes, the Legislature does not hold itself to the same standard. Instead, it makes the Executive Branch alone shoulder the weight of government transparency.

For these reasons, I return LD 1087 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 Implement the Recommendations of the Right To Know Advisory Committee Concerning Response Deadlines and Appeals

(H.P. 748) (L.D. 1087)
(C. "A" H-360)

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. 355V

YEA - Alley, Babbidge, Bates, Beavers, Beck, Beebe-Center, Bickford, Black, Blume, Brooks, Bryant, Burstein, Campbell J, Campbell R, Chapman, Chenette, Chipman, Cooper, Corey, Daughtry, Davitt, DeChant, Devin, Dion, Doore, Duchesne, Dunphy M, Edgecomb, Espling, Evangelos, Farnsworth, Fecteau, Foley, Fowle, Fredette, Frey, Gattine, Gerrish, Gideon, Gilbert, Gillway, Ginzler, Golden, Grant, Greenwood, Grohman, Guerin, Hamann, Hanington, Harlow, Herbig, Herrick, Hickman, Higgins, Hobart, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kinney J, Kinney M, Kornfield, Kruger, Kumiega, Lajoie, Lockman, Longstaff, Luchini, Maker, Marean, Martin J, Martin R, Mastraccio, McCabe, McCreight, McElwee, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Nutting, Parry, Peterson, Picchiotti, Pickett, Pierce T, Pouliot, Powers, Prescott, Rotundo, Russell, Rykerson, Sanderson, Saucier, Sawicki, Schneck, Seavey, Shaw, Short, Stanley, Stearns, Stuckey, Sukeforth, Tepler, Tipping-Spitz, Tucker, Tuell, Vachon, Verow, Wadsworth, Ward, Warren, Welsh, White, Winsor, Wood, Mr. Speaker.

NAY - Austin, Battle, Buckland, Chace, Crafts, Dillingham, Dunphy L, Hanley, Hawke, Head, Hilliard, Long, Lyford, McClellan, O'Connor, Pierce J, Reed, Sherman, Sirocki, Skolfield, Stetkis, Timberlake, Turner, Wallace.

ABSENT - Farrin, Goode, Malaby, Noon, Sanborn, Theriault, Timmons.

Yes, 120; No, 24; Absent, 7; Excused, 0.

120 having voted in the affirmative and 24 voted in the negative, with 7 being absent, and accordingly the Veto was **NOT SUSTAINED**. Sent for concurrence.

The Following Communication: (H.C. 285)

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

June 22, 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 1088, "An Act To Implement the Recommendations of the Right to Know Advisory Committee."

Much like LDs 1086 and 1087, this bill also seeks to amend the Freedom of Access Act (FOAA) in ways that impact Executive Branch agencies, including clarifying that additional agency records are public records.

Like LDs 1086 and 1087, the bill does not have much impact on the Legislature, itself. This is so because the Legislature has exempted the vast majority of its own documents "including working papers, drafts and interoffice and intraoffice memoranda used or maintained by any Legislator, legislative agency or legislative employee ..." from the requirements of FOAA. I oppose this bill because despite the fact that our government is supposed to operate as three separate but equal branches of government all of which should be transparent in their processes, the Legislature does not hold itself to the same standard. Instead, it makes the Executive Branch alone shoulder the weight of government transparency.

For these reasons, I return LD 1088 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 Implement Recommendations of the Right To Know Advisory Committee

(H.P. 749) (L.D. 1088)
(C. "A" H-359)

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. 356V

YEA - Alley, Austin, Babbidge, Bates, Beavers, Beck, Beebe-Center, Bickford, Black, Blume, Brooks, Bryant, Buckland, Burstein, Campbell J, Campbell R, Chapman, Chenette, Chipman, Cooper, Corey, Daughtry, Davitt, DeChant, Devin, Dion, Doore, Duchesne, Dunphy L, Dunphy M, Edgecomb, Espling, Evangelos, Farnsworth, Fecteau, Foley, Fowle, Fredette, Frey, Gattine, Gerrish, Gideon, Gilbert, Ginzler, Golden, Grant, Greenwood, Grohman, Guerin, Hamann, Harlow, Head, Herbig, Herrick, Hickman, Higgins, Hilliard, Hobart, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kinney J, Kinney M, Kornfield, Kruger, Kumiega, Lajoie, Lockman, Longstaff, Luchini, Maker, Marean, Martin J, Martin R, Mastraccio, McCabe, McCreight, McElwee, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Nutting, Parry, Peterson, Picchiotti, Pickett, Pierce T, Pouliot, Powers, Prescott, Reed, Rotundo, Russell, Rykerson, Sanderson, Saucier, Sawicki, Schneck, Seavey, Shaw, Short,