

# 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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ONE HUNDRED TWENTY-NINTH LEGISLATURE  
FIRST REGULAR SESSION  
58th Legislative Day  
Wednesday, June 19, 2019

The House met according to adjournment and was called to order by the Speaker.

Prayer by Ellenore Tarr, Brooklin.

National Anthem by Ellenore Tarr, Brooklin.

Pledge of Allegiance.

Under suspension of the rules, members were allowed to remove their jackets.

The Journal of yesterday was read and approved.

The following items were taken up out of order by unanimous consent:

**ENACTORS**  
**Emergency Measure**

An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, Highway Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2019, June 30, 2020 and June 30, 2021

(H.P. 744) (L.D. 1002)  
(C. "A" H-624)

Was reported by the Committee on **Grossed Bills** as truly and strictly engrossed.

The SPEAKER: The Chair recognizes the Representative from Gorham, Representative McLean.

Representative **McLEAN**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. What you have here in front of you today is what we call the Highway Fund budget. And every two years, we deal with two different budgets; one is the General Fund budget and the other one is the Highway Fund budget. And this budget is a \$1.3 billion document that funds every single transportation project in the State of Maine for two years. And it doesn't get as much attention as the General Fund but it is equally as important because our transportation infrastructure is critical to the development of our economy.

I want to thank the Members of the committee for their hard work on this bill, members on both sides of the aisle. We have an incredible committee that works really well together and I'm proud to say we only had one divided report this year and it's a testament to the working relationship that we all have.

This particular budget, as I mentioned, is worth \$1.3 billion and it includes over \$600 million of State funding and the rest are federal funds and bonding. The projects or the funding for the projects in this budget include every road and bridge project, all our rail and air and seaport projects and all of our winter maintenance. Every single transportation-related item is funded through this particular budget. Some of the specifics in the budget include \$43 million for our local road assistance program, which is pretty much the revenue sharing program of the Highway Fund budget. It includes 600 miles of light capital paving, which is a low-cost treatment applied every several years to keep our worst roads in serviceable condition. It also includes a 50% operating subsidy for the Maine State Ferry

Service, a lifeline for our island communities. This budget also funds a substantial number of reclassifications and recruitment and retention stipends to allow Maine DOT to compete for employees including engineers, snowplow drivers, and project managers.

This budget also includes a \$50 million GARVEE bond as well as an assumption of a \$100 million General Fund bond. And, while this budget is a really great document, and the \$1.3 billion seems like a lot of money, it is spread over two years and it goes very quickly. We have in the State of Maine 8,000 lane miles that we take care of every year and over 2,700 bridges. And, as the committee knows, we are not keeping up with the basic maintenance and we need to reinvest in our transportation infrastructure. Every single year, the DOT has an unmet need of over \$100 million. That is not a number that politicians put together, it's a number that the engineers have put together. That is unmet need, it is deferred maintenance every single year. And our disinvestment in our infrastructure costs us money and challenges the growth of our economy. I think we have all felt the disinvestment on our roads and bridges this year. The potholes seem to be getting bigger and bigger. This budget, however, represents all that is good about our State; our people, our environment, and our connections between people and community that are so important in our small State. The investments made in our infrastructure through this budget are good ones. They are done through a competitive process through the DOT, one that is based on need and condition of the road. And, so, with that in mind, and looking to the future, we need to find a solution for our transportation funding challenge. In the meantime, I'm proud to support this unanimous budget out of the Transportation Committee. Thank you very much, and I request a roll call.

Representative McLEAN of Gorham **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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 Passage to be Enacted. All those in favor will vote yes, those opposed will vote no.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken.

**ROLL CALL NO. 302**

YEA - Ackley, Alley, Andrews, Arata, Austin B, Austin S, Babbidge, Babine, Bailey, Beebe-Center, Berry, Bickford, Blier, Blume, Bradstreet, Brennan, Bryant, Caiazzo, Campbell, Cardone, Carney, Cloutier, Collings, Cooper, Corey, Costain, Crockett, Cuddy, Curtis, Daughtry, Denk, DeVeau, Dillingham, Dodge, Dolloff, Doore, Doudera, Drinkwater, Dunphy, Evangelos, Farnsworth, Faulkingham, Fay, Fecteau J, Fecteau R, Foley, Foster, Gattine, Gramlich, Griffin, Grohoski, Haggan, Hall, Handy, Hanington, Hanley, Harnett, Head, Hepler, Hickman, Higgins, Hobbs, Hubbell, Hutchins, Ingwersen, Javner, Johansen, Jorgensen, Keschl, Kessler, Kinney, Kornfield, Kryzak, Landry, Lockman, Lyford, Madigan C, Marean, Martin J, Martin R, Martin T, Mason, Mastraccio, Matlack, Maxmin, McCrea, McCreight, McDonald, McLean, Melaragno, Millett, Moonen, Morales, Moriarty, Morris, Nadeau, O'Connor, O'Neil, Ordway, Paulhus, Pebworth, Peoples, Perkins, Perry A, Pickett, Pierce T, Pluecker, Prescott, Reckitt, Reed, Riley, Riseman, Roberts-Lovell, Rudnicki, Rykerson, Sampson, Schneck, Sharpe, Sheats, Skolfield, Stanley, Stearns, Stetkis, Stewart, Stover, Strom, Swallow, Sylvester, Talbot Ross, Tepler, Terry, Theriault,

Tipping, Tucker, Tuell, Verow, Wadsworth, White B, White D, Zeigler, Madam Speaker.

NAY - None.

ABSENT - Brooks, Cebra, Craven, Grignon, Harrington, Hymanson, Meyer, Perry J, Warren.

Yes, 141; No, 0; Absent, 9; Excused, 1.

141 having voted in the affirmative and 0 voted in the negative, with 9 being absent and 1 excused, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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#### Emergency Measure

An Act To Correct Errors and Inconsistencies Related to the Maine Uniform Probate Code and To Make Other Substantive Changes

(H.P. 1118) (L.D. 1535)

(C. "A" H-632)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 130 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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#### Emergency Measure

An Act To Fund Collective Bargaining Agreements with Executive Branch Employees

(H.P. 1316) (L.D. 1845)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 130 voted in favor of the same and 6 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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#### Emergency Measure

Resolve, Directing the Public Utilities Commission To Evaluate the Ownership of Maine's Power Delivery Systems

(H.P. 1315) (L.D. 1844)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 105 voted in favor of the same and 23 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

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#### Acts

An Act To Establish and Promote a System of Safe Disposal of Expired Marine Flares

(H.P. 339) (L.D. 430)

(C. "A" H-627)

An Act To Ensure Proper Oversight of Sports Betting in the State

(S.P. 175) (L.D. 553)

(C. "A" S-318)

An Act Regarding Portable Electronic Device Content, Location Information and Tracking Devices

(H.P. 455) (L.D. 627)

(C. "A" H-634)

An Act To Authorize Maine Courts To Award Attorney's Fees and Costs to Citizens Who Prevail in Civil Litigation against the Executive Branch

(S.P. 211) (L.D. 698)

(C. "A" S-312)

An Act To Establish an Independent Panel To Review the Use of Deadly Force by Law Enforcement Officers

(H.P. 879) (L.D. 1219)

(C. "A" H-644)

An Act Regarding Representation of the Department of Marine Resources in Libel Proceedings

(H.P. 1233) (L.D. 1731)

(C. "A" H-633)

An Act To Amend the Law To Protect the Confidentiality of State and Local Government Employees' Private Information

(H.P. 1272) (L.D. 1790)

(C. "A" H-638)

An Act To Provide Funding for Two Positions in the Department of Agriculture, Conservation and Forestry

(H.P. 1314) (L.D. 1843)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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An Act To Fund Opioid Treatment by Establishing an Excise Tax on Manufacturers of Opioids

(H.P. 984) (L.D. 1362)

(H. "A" H-629 to C. "A" H-608)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed.

On motion of Representative MOONEN of Portland, was **SET ASIDE**.

On further motion of the same Representative, **TABLED** pending **PASSAGE TO BE ENACTED** and later today assigned.

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#### COMMUNICATIONS

The Following Communication: (S.C. 617)

#### MAINE SENATE 129TH LEGISLATURE OFFICE OF THE SECRETARY

June 18, 2019

Honorable Sara Gideon

Speaker of the House

2 State House Station

Augusta, Maine 04333

Dear Speaker Gideon:

In accordance with 3 MRSA §158 and Joint Rule 506 of the 129th Maine Legislature, please be advised that the Senate today confirmed the following nominations:

Upon the recommendation of the Committee on Judiciary,

- John Cashwell of Bangor for appointment, to the Maine Indian Tribal-State Commission;
- Honorable Michael Pearson of Enfield for appointment, to the Maine Indian Tribal-State Commission;
- Kevin Hancock of Casco for appointment, to the Maine Indian Tribal-State Commission.

Best Regards,

S/Darek M. Grant

Secretary of the Senate

**READ and ORDERED PLACED ON FILE.**