

**STATE OF MAINE
ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE
SECOND REGULAR SESSION
SENATE ADVANCED JOURNAL AND CALENDAR**

Tuesday, April 17, 2018

SUPPLEMENT NO. 6

COMMUNICATIONS

(2-1) The Following Communication:

S.C. 998

**STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE**

13 April 2018

The 128th Legislature of the State of Maine
State House
Augusta, Maine

Dear Honorable Members of the 128th 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 383, "Resolve, Directing the Department of Health and Human Services to Develop a Plan to Strengthen the Quality and Supply of Child Care Services."

This bill requires the Department of Health and Human Services to engage in duplicative and unnecessary activities. The State currently runs a voluntary quality rating program for child care providers that can be used to attract customers, rendering additional State-funded financial incentives unnecessary. In addition, at this time there is no indication that the amount of federal funding allocated to Maine under the Child Care Development Block Grant (CCDBG) will increase. A law directing action based on funding that may or may not become available is unwise.

Furthermore, were an increase in funding under CCDBG to occur, the Department would conduct an analysis of needs and uses for this increased funding across the entire child care system in the State, and use that analysis to develop a plan for use of the additional funding to improve access to quality child care throughout the system. Extremely specific legislative carve-outs of block grant funding limits flexibility and is contrary to the intent of federal block grant funds.

For these reasons, I return LD 383 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage
Governor

(2-2) The accompanying Bill "An Act To Increase Access to Child Care"

S.P. 124 L.D. 383

(2-3) The Following Communication:

S.C. 999

**STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE**

13 April 2018

The 128th Legislature of the State of Maine
State House
Augusta, Maine

Dear Honorable Members of the 128th 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 L.D. 669, "An Act To Address the Unmet Workforce Needs of Employers and To Improve the Economic Future of Workers."

The Competitive Skills Scholarship Program (CSSP) was established by the Maine legislature in 2007, and launched early Spring 2008. CSSP is financed by employer contributions as part of their unemployment tax. The CSSP fund serves a very diversified population of job seekers that includes secondary and post-secondary students, immigrants, people on public assistance, people with disabilities, the underemployed, and veterans. Additionally, it identifies the workforce need of Maine employers through use of the high wage in demand list, and connects businesses with workers through the CSSP and on-the-job-training when coupled with the Maine Apprenticeship Program.

The Department of Labor currently partners with trade associations, education and training providers like the Maine Community College System, adult education, employers and others to directly connect work and learn opportunities, develop customized employer driven training, and focus on industries with significant demand. It is imperative the CSSP program continue to be accessible to the populations it was created to serve. The fact that CSSP allows, in fact demands, that resources outside of CSSP be leveraged, speaks to the number of people who can be served by this program. The CSSP has the simple aim of providing the most training, in the shortest amount of time, for the least cost.

LD 669 requires the Maine Community College System to become involved in administering the program, which overcomplicates an already efficient process. Not every CSSP trainee's degree or certificate is even granted by the MCCS, so it seems inappropriate to assign one educator administrative oversight. Mandating involvement of the MCCS only increases administrative costs and bureaucracy, something I cannot support. Furthermore, LD 669 is unclear about the role MCCS would play in administering the program, placing trainees in a potential situation where the Department creates a training plan and the MCCS overrides it. Trainees have enough to juggle without these unnecessary administrative headaches.

The Department of Labor has already increased the efficiency of our CSSP program with outstanding results of improved outcomes, higher wages and more people with credentials. Additional reforms the Department has implemented without the need for legislation include moving Career Centers into community college locations and working more closely with MCCS staff to streamline communication, cross-promote available resources and programs, and develop industry-driven training to achieve the goal of MCCS students obtaining the critical skills our employers desperately need. Similar work has been done with Adult Education, the University System and private training providers. LD 669 would actually disrupt this progress and place the CSSP program on hold while new regulations were negotiated with the MCCS to define the new roles. Maine's current workforce situation cannot afford such needless delay.

For these reasons, I return LD 669 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage
Governor

(2-4) The accompanying Bill "An Act To Address the Unmet Workforce Needs of Employers and To Improve the Economic Future of Workers"

S.P. 231 L.D. 669

(2-5) The Following Communication:

S.C. 1000

**STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE**

13 April 2018

The 128th Legislature of the State of Maine
State House
Augusta, ME

Dear Honorable Members of the 128th 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 958, "An Act To Enact the Uniform Emergency Volunteer Health Practitioners Act."

The Public Health Emergency Preparedness Program (PHEPP) at Maine CDC currently runs a registry for volunteers who are able to help in a Public Health Emergency. Since shortly after September 11, 2001, the existing system has been funded through federal grant dollars from the U.S. Department of Health and Human Services and Homeland Security emergency preparedness funds. During emergencies, PHEPP works with Maine Emergency Management Agency to verify and certify volunteers who can be deployed during the emergency.

Maine has a Good Samaritan statute already, and we have a system in place to ensure volunteers are able to assist in an emergency. This bill is not necessary and actually does not require the State to take any new action. It just puts more laws on the books. It is a solution in search of a problem – a problem that does not exist.

For these reasons, I return LD 958 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage
Governor

(2-6) The accompanying Bill "An Act To Enact the Uniform Emergency Volunteer Health Practitioners Act"

S.P. 314 L.D. 958

(2-7) The Following Communication:

S.C. 1001

**STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE**

13 April 2018

The 128th Legislature of the State of Maine
State House
Augusta, ME

Dear Honorable Members of the 128th 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 1267, "An Act To Protect Licensing Information of Medical Professionals."

There is no question that certain personal information about licensees and applicants for licensure submitted to, and held by, medical licensing boards must, by law, remain confidential and shielded from public view. The Maine Freedom of Access Act (FOAA) sets forth the procedure that must be used by state agencies in responding to Freedom of Access inquiries. Moreover, the statutes of medical licensing boards affected by this bill clearly differentiate between licensee information that is public and information that is private and confidential.

This bill, however, would place an unreasonable burden on medical licensing boards by adding several layers of process to the procedure for responding to Freedom of Access Act requests. These additional requirements will significantly increase litigation and slow the release of public information. Specifically, the boards to which this bill would apply would be required to notify licensees who are subjects of a FOAA inquiry and then allow the licensee time to review redacted information. If the licensee objects to the release of the information, the bill allows a licensee time to file for injunctive relief in court to prevent the information from being released by the board. The board would be required to pay for additional legal services to defend it in court. Only if the board prevails in court could the requested information be released. There is no justification for adding layers of bureaucracy and state expense to an already complex and highly ineffective statute.

The Public Access Ombudsman position created by the Legislature in the Attorney General's Office is the appropriate resource for medical licensing boards to consult if there are questions about whether specific information should be redacted or released. Furthermore, there is nothing in current law that prevents licensees from requesting the publicly available information on themselves so that they can be aware of what would be released if such a request were made. This bill is simply unnecessary.

For these reasons, I return LD 1267 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage
Governor

(2-8) The accompanying Bill "An Act To Protect Licensing Information of Medical Professionals"

S.P. 430 L.D. 1267

(2-9) The Following Communication:

S.C. 1002

**STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE**

13 April 2018

The 128th Legislature of the State of Maine
State House
Augusta, Maine

Dear Honorable Members of the 128th 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 1838, "An Act To Include in the Crime of Harassment by Telephone or by Electronic Communication Device the Distribution of Certain Photographic Images and Videos."

First, section 2911 of Title 17 already prohibits the dissemination of obscene material to minors, making such conduct a Class C crime. LD 1838 is therefore redundant as it regards to protecting minors.

Further, LD 1838's attempt to differentiate between conduct by adults and minors is flawed in that it sets a rolling age for criminal liability. A person is either an adult or they are not. This bill does not set definitive age boundaries.

Finally, LD 1838 would criminalize mutually consensual sharing of obscene materials where a recipient of those materials has a mental disability, regardless of the severity of that disability. Other statutes for the protection of people with mental disabilities specify that protection applies where the mental disability is severe enough that it, in fact, renders such individuals substantially incapable of appraising the nature of the conduct or of understanding their ability to deny or withdraw consent.

This bill presumes a person with a mental disability of any degree is incapable of giving consent and thereby denies those individuals the dignity of choice. It is discriminatory. While many people might find the conduct distasteful, an adult couple should not be made into criminals for texting one another intimate pictures in their mutual, private relationship simply because they have mild intellectual disabilities.

For these reasons, I return LD 1838 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage
Governor

(2-10) The accompanying Bill "An Act To Amend the Laws Governing Indecent Conduct To Include Distribution of Photographic Images"

S.P. 690 L.D. 1838

(2-11) The Following Communication:

S.C. 1003

**STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE**

13 April 2018

The 128th Legislature of the State of Maine
State House
Augusta, Maine

Dear Honorable Members of the 128th 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 1840, "An Act To Revise the Municipal Consolidation Referendum Process."

Current law empowers residents of a municipality concerned about redundancies and inefficiencies in their local government to request, by petition, the formation of a joint charter commission to consider and make recommendations for the consolidation of two or more municipalities. Public hearings on those recommendations allow voters to inform themselves and consider whether to proceed with consolidation. If voters elect not to proceed, residents must generally wait three years to reconsider the issue.

LD 1840 limits the ability of local residents to determine the course of their towns' futures by placing higher barriers in front of residents who wish to give due consideration to the potential consolidation of municipalities.

First, after submission of a petition, LD 1840 requires a preliminary vote that may scuttle the entire process before any investigation or report on the outcome of consolidation is issued. At that point the electorate has little, if any, information with which to inform itself prior to rendering a decision. A vote in the negative denies the opportunity for such information to be gathered.

Second, unless a very large number of voters agree, if the particular proposal put forth by a joint charter commission fails, LD 1840 increases from three years to six years the waiting period before voters can request formation of another joint charter commission to put forth an alternative proposal. This period of time is too long and inhibits local control.

For these reasons, I return LD 1840 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage
Governor

(2-12) The accompanying Bill "An Act To Revise the Municipal Consolidation Referendum Process"

S.P. 692 L.D. 1840

(2-13) The Following Communication:

H.C. 503

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

April 13, 2018

The 128th Legislature of the State of Maine
State House
Augusta, Maine

Dear Honorable Members of the 128th 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 968, "An Act to Help Prevent Financial Elder Abuse."

The stated purpose of LD 968 was to remove any doubt or uncertainty about the distribution of account funds upon the death of the original account holder. The bill requires that the document establishing or adding a party to a multiple-party bank or credit-union account include the question, "Do you intend for the sum remaining upon your death to belong to the surviving party or parties? Yes or No." Although I appreciate the original intent of LD 968 to help seniors understand who receives account funds on their death, I cannot support it for two reasons: 1) the bill references an inappropriate type of account for those seniors seeking help managing finances; and 2) its provisions are placed in the wrong location in Maine statutes.

Senior citizens often seek to establish joint bank accounts with another individual so that individual may assist them with paying their bills. They do not necessarily want to create a joint owner with survivorship rights on their account. The language of the bill is unhelpful because it does not facilitate the creation of agency accounts, which would better serve the needs of many seniors.

An agent named by the account holder of an agency account would not own the account funds or have rights to any funds remaining in the account at the account holder's death. The agent would simply serve at the convenience and direction of the account holder. The "multiple-party" account language in LD 968, on the other hand, leaves the senior with only a jointly owned, multiple-party account with, or without, survivorship rights. This is not a helpful account alternative in every case and will not offer seniors the accounts they deserve. Further, the proposed "Yes or No" question will cause confusion in cases where the parties provide different responses.

An agency-account concept should be added to the Maine Probate Code rather than the Maine Banking Code. The Maine Probate Code is the primary source for determining rights in the assets of a deceased individual, and all financial institutions—both state-chartered and nationally chartered—must comply with the provisions of that code. The Maine Banking Code applies only to financial institutions authorized to do business in Maine.

LD 968 does not assist our senior citizens in the way it was intended. Our seniors need an alternative to multiple-party accounts that would allow them to designate an agent on their accounts.

For these reasons, I return LD 968 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage
Governor

(2-14) The accompanying Bill "An Act To Help Prevent Financial Elder Abuse"

H.P. 681 L.D. 968

Comes from the House with the **VETO OVERRIDDEN**, notwithstanding the objections of the Governor.

(2-15) The Following Communication:

H.C. 505

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

April 13, 2018

The 128th Legislature of the State of Maine
State House
Augusta, Maine

Dear Honorable Members of the 128th 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 1847, "An Act to Amend the State's Electronic Waste Laws."

This bill seeks to amend the State's electronic waste laws in three ways:

- It updates how electronic device manufactures are billed for recycling costs because televisions no longer need to be counted separately from other electronics.
- It changes the due date for consumer electronic-device-manufacturer registration from July 1 to April 1.
- It makes changes to align Maine's electronic waste program more closely with similar programs in other states.

While I am supportive of the streamlining and simplifying of electronic waste laws to bring Maine's regulations into conformity with other states, changing just the regulations is not enough. Something must also be done to address the costs to Maine citizens and Maine businesses.

This bill does nothing to address fees being charged. To improve our business climate, every effort should be made to reduce fees charged to the Maine people and our companies, when the program is streamlined and made more efficient. This is the true purpose of good public policy.

For these reasons, I return LD 1847 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage
Governor

(2-16) The accompanying Bill "An Act To Amend the State's Electronic Waste Laws"
H.P. 1284 L.D. 1847

Comes from the House with the **VETO OVERRIDDEN**, notwithstanding the objections of the Governor.
