

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

Wednesday, August 2, 2017

SUPPLEMENT NO. 4

COMMUNICATIONS

(2-1) The Following Communication:

H.C. 320

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

August 1, 2017

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 182, "An Act To Protect Firefighters by Establishing a Prohibition on the Sale and Distribution of New Upholstered Furniture Containing Certain Flame-retardant Chemicals."

I fully support the brave men and women firefighters around the state for their dedicated public service. Keeping them as safe as possible is a priority, but this bill is not the way to do it. The amended bill prohibits the use of any chemical flame retardant in new residential upholstered furniture sold in Maine as of January 2019. However, public facilities such as schools, hospitals and state offices are exempted in the bill. These entities will still be allowed to purchase furniture containing flame retardants. It also does not address numerous consumer products, such as electronics, building materials, home appliances and vehicles containing flame retardants.

By prohibiting the use of all chemicals, this bill eliminates the ability for industry to innovatively develop substances used as flame retardants in furniture. This bill also bypasses the scientific review process provided to the multiple state agencies in current law; instead, it assumes harm to human health from all chemical flame retardants under conditions experienced by firefighters.

Firefighters are routinely exposed to chemical compounds during fire incidents, such as benzene and hydrogen cyanide, from a variety of sources commonly found in structure fires. Many of those substances are highly toxic and thought to be responsible for high rates of disease among firefighters. This bill will not do anything to address these issues. During the committee review, firefighters themselves stated the most effective way to protect the firefighting community is increased use of respiratory protection during all phases of fire response and standardized cleaning of gear after every fire incident.

Not only does this bill create additional red tape for businesses, but it could also lead to Maine consumers having to pay higher prices for furniture. It will disrupt interstate commerce and could decrease the furniture products Maine retailers can sell to their customers. I applaud the intent of the bill, but there are other ways to protect firefighters without negatively impacting the economy.

For these reasons, I return LD 182 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 Protect Firefighters by Establishing a Prohibition on the Sale and Distribution of New Upholstered Furniture Containing Certain Flame-retardant Chemicals"

H.P. 138 L.D. 182

Comes from the House with the **VETO OVERRIDDEN** and the Bill **PASSED TO BE ENACTED**, notwithstanding the objections of the Governor.

(2-3) The Following Communication:

H.C. 321

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

August 1, 2017

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 214, "Resolve, To Establish the Commission To Streamline Veterans' Licensing and Certification."

My Administration has a strong record of supporting military veterans and their families. We have streamlined the state occupational licensing processes and connected military veterans with meaningful employment based on their military training and experience. These programs are now integrated into the fabric of two departments: Professional and Financial Regulation and the Department of Labor.

In February of 2016, I signed an Executive Order, "An Order to Promote the Hiring of Skilled Veterans in the State of Maine," establishing the Governor's Veterans' Licensing Review Panel to identify and remove barriers for veterans to obtain state licenses and make recommendation for changes in licensing laws and rules to reduce red tape and provide flexibility for applicants.

The Executive Order produced a legislative proposal, LD 1592, that was recently passed and signed into law, providing the Licensing Director of the Department of Professional and Financial Regulation with significant authority to modify licensing rules for the benefit of veterans. Additionally, the staff of the Department of Labor's Veterans Program is working collaboratively with employers and educational institutions to provide innovative bridge programs for veterans who have already received excellent military training so they may qualify for state licenses more quickly and take advantage of high-paying employment opportunities.

My administration is committed to the continuation and broader development of these efforts. LD 214 may be well-intentioned, but creating yet another commission or study group is both duplicative and unnecessary.

For these reasons, I return LD 214 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage
Governor

(2-4) The accompanying Resolve, To Establish the Commission To Streamline Veterans' Licensing and Certification (EMERGENCY)

H.P. 170 L.D. 214

Comes from the House with the **VETO OVERRIDDEN** and the Bill **PASSED TO BE ENACTED**, notwithstanding the objections of the Governor.

(2-5) The Following Communication:

H.C. 322

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

August 1, 2017

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 642, "Resolve, To Establish the Task Force to Identify Special Education Cost Drivers and Innovative Approaches to Services (Emergency)."

One way to guarantee an important issue is not going to be solved is to relegate it to a legislative study. I agree special education costs are increasing dramatically and that something must be done to provide greater access to services at a lower cost to Maine families and taxpayers. This is why the recently passed biennial budget introduced several reforms that are poised to help build regional capacity for high-cost, low-incidence services. I have also directed the Maine Department of Education to conduct a review of special education cost drivers and make recommendations for reforms. That work is ongoing. While we await recommendations from DOE, I do not believe this task force will be productive.

Further, we know a major driver of increased special education costs are state and federal maintenance-of-effort requirements, which means that local schools must continue to spend more money than they did last year—even if they discover more efficient ways to serve their students. These barriers to efficient and effective services defy common sense.

Worse yet, the composition of the proposed task force seems engineered to produce recommendations that will demand the state spend more on special education, not less, contradicting the name of the task force. Here the legislature has identified rising costs as a problem, and I predict this task force will recommend we spend more money. This task force will not solve our problems; it will simply waste time and money for all involved.

For these reasons, I return LD 642 unsigned and vetoed. I urge the legislature to sustain it.

Sincerely,

S/Paul R. LePage
Governor

(2-6) The accompanying Resolve, To Establish the Task Force To Identify Special Education Cost Drivers and Innovative Approaches to Services (EMERGENCY)

H.P. 456 L.D. 642

Comes from the House with the **VETO OVERRIDDEN** and the Bill **PASSED TO BE ENACTED**, notwithstanding the objections of the Governor.

(2-7) The Following Communication:

H.C. 323

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

August 1, 2017

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 648, "An Act To Expand the Types of Nonprofit Organizations to Which Surplus Property May Be Sold by the State."

This bill does not do what it purports; furthermore, its effect is offensive not only to the Maine taxpayer, but also to common sense.

There are now limited entities that are permitted access to buy state surplus property before it is made available for sale to the public. Under current law, there are approximately 1,000 entities that qualify as eligible organizations under the state's narrowly tailored nonprofit designation. LD 648 would expand that qualifying number to well over 17,000 organizations located both here in Maine and elsewhere.

Based on the sponsor's testimony, it seems the bill may have intended to only expand access to buying surplus state property to nonprofit, 501(c)(3) organizations. However, that is not what this bill does. Instead, it expands the priority preference and access to the State of Maine's surplus property program to any organization registered under Section 501(c) of the Internal Revenue Code.

For example, a 501(c)(4) organization engaged in political campaigns and lobbying would now be given a preference over Maine citizens when it comes to purchasing the state's surplus property. I do not believe lobbyists in Augusta should have preference over Maine citizens in access to purchasing surplus property that taxpayer dollars originally purchased.

Other organizations that would become eligible for this preferential treatment include labor unions registered under Section 501(c)(5), golf courses registered under Section 501(c)(7) and college fraternities and sororities registered under Section 501(c)(7).

These entities already have the same access to attending publicly advertised, regularly scheduled public sales and auctions. It is an insult to hard-working Mainers—whose tax dollars were used to purchase state property in the first place—to provide these organizations with access to surplus items prior to making it available to the general public.

Moreover, creating a blanket provision qualifying all nonprofit organizations registered under Section 501(c) of the Internal Revenue Code would create conflicts with the federal surplus property program, administered by the State of Maine. General Services Administration policy prohibits entities that do not qualify under federal guidelines from being filed or stored with those that do.

Implementation of this bill would require at least two additional Inventory and Property Associate II positions to be created to handle the anticipated workload newly qualified entities would place on the Department of Administrative and Financial Services. In addition to the salaries, benefits and workplace costs for these new positions, DAFS expects the state will incur considerable costs to implement the provisions of this bill and additional General Fund appropriations will be required.

In summary, this bill gives lobbyists and political organizations advantages over individual taxpayers; it conflicts with federal rules; and it requires growth in government bureaucracy. These reasons necessitate that I return LD 648 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 Expand the Types of Nonprofit Organizations to Which Surplus Property May Be Sold by the State"

H.P. 462 L.D. 648

Comes from the House with the **VETO OVERRIDDEN** and the Bill **PASSED TO BE ENACTED**, notwithstanding the objections of the Governor.

(2-9) The Following Communication:

H.C. 325

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

August 1, 2017

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 1143, "Resolve, Providing for the Official Observance of the 200th Anniversary of the Formation of the State of Maine."

While I agree the State of Maine's bicentennial is a milestone to be celebrated and an occasion that might spur increased tourism and economic development, I cannot support this bill. This bill, like many before it, provides a mandate without any resources.

If we are to observe the bicentennial in a manner likely to have the maximum impact, the legislature should fund such an effort. The legislature is appealing to volunteers, and I suspect the work of this new commission will later demand additional unappropriated time and resources from state agencies.

If an effort is truly worth pursuing, it is worth funding with appropriate resources. As the legislature has once again not seen fit to adequately fund such an effort, I must return LD 1143 unsigned and vetoed. I urge the legislature to sustain it.

Sincerely,

S/Paul R. LePage
Governor

(2-10) The accompanying Resolve, Providing for the Official Observance of the 200th Anniversary of the Formation of the State of Maine (EMERGENCY)

H.P. 806 L.D. 1143

Comes from the House with the **VETO OVERRIDDEN** and the Bill **PASSED TO BE ENACTED**, notwithstanding the objections of the Governor.

(2-11) The Following Communication:

H.C. 327

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

August 1, 2017

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 1641, "An Act To Amend the Marijuana Legalization Act Regarding Retail Marijuana Testing Facilities."

The introduction of adult-use marijuana in Maine presents unprecedented challenges. While we work to honor the will of the people, we must also confront the grave public health and safety consequences of legalizing a Schedule I drug.

Unlike this hastily assembled bill, the task will not be easy or quick. Instead, achieving a safe, sustainable program will require a thorough process, driven by the courage to make responsible decisions. Specifically, these decisions must reconcile the medical marijuana program with the new adult-use marketplace.

The passage of any statute allowing adult-use marijuana must be coupled with legislation to eliminate or reform the medical marijuana program. Maintaining two separate systems with inconsistent rules, enforcement and tax rates would create dueling markets, enable diversion of products and incentivize abuse of the medical program. This bill would perpetuate the division between the systems.

Chief among my other concerns with this particular bill are that it:

- Creates separate licensing bodies, resulting in dual oversight for the same business;
- Requires DHHS to certify labs for both adult-use and medical marijuana prior to licensing, but does not provide DHHS the right of inspection;
- Allows licensing with "provisional" accreditation; and
- Burdens DACF with too many mandates to be completed too soon after the recent passage of LD 243.

You've heard me call the 50 states "laboratories of democracy." We can learn from Colorado's experience. Governor Hickenlooper recently encouraged states to avoid the legal loopholes and bureaucratic redundancy that plagued his state's legal marijuana program.

Governor Hickenlooper further warned of the "gray market" created by "such a looseness" in their rules. He spoke of folks legally growing marijuana under the medical caregiver and adult-use home grow models and diverting their products to the illicit market. We would be foolish to believe Maine will fare differently than Colorado.

In fact, the proliferation in the number of registered caregivers portends a shared fate unless we act on this issue. At the beginning of 2016, Maine had fewer than 2,300 registered caregivers. After the election, that number had skyrocketed to nearly 3,300.

For these reasons, I return LD 1641 unsigned and vetoed. I urge you to reflect on the lessons learned from other states, to make responsible decisions for the citizens of Maine and to sustain this veto.

Sincerely,

S/Paul R. LePage
Governor

(2-12) The accompanying Bill "An Act To Amend the Marijuana Legalization Act Regarding Retail Marijuana Testing Facilities" (EMERGENCY)

H.P. 1132 L.D. 1641

Comes from the House with the **VETO OVERRIDDEN** and the Bill **PASSED TO BE ENACTED**, notwithstanding the objections of the Governor.
