

MAINE STATE LEGISLATURE

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

Daily Edition

First Regular Session

beginning December 5, 2012

beginning at page H-1

ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE
FIRST REGULAR SESSION
15th Legislative Day
Thursday, February 21, 2013

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

Prayer by Sara Bartlett, Bangor Theological Seminary.

National Anthem by Michelle Fraser, Wales.

Pledge of Allegiance.

Doctor of the day, Richard Swett, M.D., Dover-Foxcroft.

The Journal of Tuesday, February 19, 2013 was read and approved.

At this point, a message came from the Senate borne by Senator GOODALL of Sagadahoc of that Body, proposing a Joint Convention of both branches of the Legislature to be held in the Hall of the House at 10:45 in the morning for the purpose of extending to the Honorable Leigh I. Saufley, Chief Justice of the Supreme Judicial Court, the Justices of the Supreme Judicial Court, and members of the Judiciary, an invitation to attend the Joint Convention and to make such communication as pleases the Chief Justice.

Thereupon the House voted to concur in the proposal for a Joint Convention to be held at 11:00 in the morning and the Speaker appointed Representative BERRY of Bowdoinham to convey this message to the Senate.

Subsequently, Representative BERRY of Bowdoinham reported that he had delivered the message with which he was charged.

SENATE PAPERS

Bill "An Act To Provide Economic Development in Aroostook County through Expanded Sale and Lease of State-owned Land"
(S.P. 186) (L.D. 493)

Committee on **STATE AND LOCAL GOVERNMENT** suggested and ordered printed.

Came from the Senate, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed.

REFERRED to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** in concurrence.

Bill "An Act To Reduce Air Pollution from Trains"
(S.P. 17) (L.D. 28)

Came from the Senate, **REFERRED** to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** and ordered printed.

REFERRED to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** in concurrence.

Bill "An Act To Allow Licensed Foresters To Use Mechanics Liens"
(S.P. 202) (L.D. 512)

Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** suggested and ordered printed.

Came from the Senate, **REFERRED** to the Committee on **JUDICIARY** and ordered printed.

REFERRED to the Committee on **JUDICIARY** in concurrence.

Bill "An Act To Create the Integrated Manufacturing Program Fund"

(S.P. 206) (L.D. 516)

Committee on **EDUCATION AND CULTURAL AFFAIRS** suggested and ordered printed.

Came from the Senate, **REFERRED** to the Joint Select Committee on **MAINE'S WORKFORCE AND ECONOMIC FUTURE** and ordered printed.

REFERRED to the Joint Select Committee on **MAINE'S WORKFORCE AND ECONOMIC FUTURE** in concurrence.

COMMUNICATIONS

The Following Communication: (H.C. 77)

**STATE OF MAINE
126TH MAINE LEGISLATURE**

January 10, 2013

Chief Justice Leigh I. Saufley
Maine Supreme Judicial Court
Cumberland County Courthouse
205 Newbury Street, Room 139
Portland, Maine 04101

Dear Chief Justice Saufley:

We are pleased to invite you to address a Joint Session of the 126th Maine Legislature on Thursday, February 21, 2013 at 11:00 a.m. concerning the State of the Judiciary and any other matters that you may care to bring to our attention.

We look forward to seeing you then.

Sincerely,

S/Justin L. Alford
President of the Senate
S/Mark W. Eves
Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 78)

**STATE OF MAINE
SUPREME JUDICIAL COURT**

January 14, 2013

Honorable Justin L. Alford
President of the Senate
3 State House Station
Augusta, Maine 04333
Honorable Mark W. Eves
Speaker of the House

2 State House Station
Augusta, Maine 04333

Dear President Alford and Speaker Eves:

I am pleased to accept your invitation to address a Joint Session of the 126th Maine Legislature on Thursday, February 21, 2013, at 11:00 a.m. I appreciate the courtesy of the Legislative Branch of government in inviting me to address the cause of justice in Maine.

I look forward to seeing you on February 21, 2013.

Sincerely,
S/Leigh I. Saufley
Chief Justice

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 80)
PISCATAQUIS COUNTY COMMISSIONERS
163 EAST MAIN STREET
DOVER-FOXCROFT, MAINE 04426

February 5, 2013
Honorable Mark W. Eves
Speaker of the House
2 State House Station
Augusta, Maine 04333
Dear Speaker Eves:

Pursuant to Sec. 7 and Sec. 37 of Public Law 2011, c. 682, one member of the newly created Land Use Planning Commission must be nominated by each of the 8 counties with the most acreage in the unorganized or deorganized areas subject to the jurisdiction of the commission.

Piscataquis County contains the second largest acreage in the unorganized and deorganized areas (2,153,099.44 acres) subject to the jurisdiction of the commission, second to Aroostook County (2,554,281.34 acres), thereby making Piscataquis County one of the two counties to be the first to nominate an individual to the new Land Use Planning Commission.

On January 2, 2013 the Piscataquis County Commissioners voted to rescind Sally Farrand, the nominee approved by the commissioners September 4, 2012, to the Land Use Planning Commission.

The Piscataquis County Commissioners voted on February 5, 2013 to nominate the Honorable Duane Lander, a resident of Harford's Point (a town within jurisdiction of the commission), to the Land Use Planning Commission. The Commissioners would like to bring his name forward to the joint standing committee of the Legislature having jurisdiction over conservation matters and to the Maine Senate for confirmation.

Thank you for your consideration of Duane Lander. Please feel free to contact me with any further questions you may have and the date for the confirmation hearing.

Sincerely,
S/Marilyn Tourtelotte
Piscataquis County Manager

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 81)
COUNTY OF AROOSTOOK
COMMISSIONERS' OFFICE
144 SWEDEN STREET
CARIBOU, MAINE 04736

November 8, 2012
Honorable Kevin L. Raye
President of the Senate
3 State House Station
Augusta, Maine 04333
Honorable Robert W. Nutting
Speaker of the House
2 State House Station
Augusta, Maine 04333

Dear President Raye and Speaker Nutting:

Pursuant to Sections 7 and 37 of Public Law 2011, Chapter 682, one (1) member of the Land Use Regulation Commission must be nominated by each of the eight (8) counties with the most acreage in the unorganized or deorganized areas subject to the jurisdiction of the commission. It is in accordance with this statute that I am writing this letter.

Please be advised that the Aroostook Board of County Commissioners met on November 7, 2012 and unanimously nominated Commissioner Paul J. Underwood of Presque Isle to this important post.

We understand that this nomination will be reviewed by the Joint Standing Committee of the Legislature having jurisdiction over conservation matters, subject to confirmation by the Maine Senate.

If additional information is required, please let me know and I will convey the message to my Board.

Thank you for your consideration.

Sincerely,
S/Douglas F. Beaulieu
County Administrator

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 82)
MAINE STATE LEGISLATURE
OFFICE OF THE EXECUTIVE DIRECTOR
LEGISLATIVE COUNCIL

February 13, 2013
Honorable Mark W. Eves
Speaker of the House
2 State House Station
Augusta, Maine 04333
Dear Speaker Eves:

I am notifying you that, pursuant to 12 MRSA §683-A, I have forwarded to the Joint Standing Committee on Agriculture, Conservation and Forestry the following nominations made to the Maine Land Use Planning Commission by the County Commissioners of the counties of Aroostook and Piscataquis:

The Honorable Duane R. Lander of Greenville, nominated by Piscataquis County Commissioners, and Paul J. Underwood of Presque Isle, nominated by Aroostook County Commissioners.

Pursuant to 12 MRSA §683-A, these appointments are subject to confirmation by the Maine Senate after review by the committee having jurisdiction over conservation matters.

Sincerely,
S/David E. Boulter
Executive Director of the Legislative Council

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 79)
STATE OF MAINE
CLERK'S OFFICE
2 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0002

February 12, 2013
Honorable Mark W. Eves
Speaker of the House
2 State House Station
Augusta, Maine 04333
Dear Speaker Eves:

Pursuant to Joint Rule 310, the following Joint Standing Committees have voted unanimously to report the following bills out "Ought Not to Pass:"

Labor, Commerce, Research and Economic Development
L.D. 117 An Act To Change the Composition of the Board of Dental Examiners

Transportation
L.D. 52 An Act To Improve the Safety of School Buses

(H.P. 428) (L.D. 609)

The sponsors and cosponsors have been notified of the Committee's action.

Sincerely,
S/Millicent M. MacFarland
Clerk of House

READ and with accompanying papers **ORDERED PLACED ON FILE.**

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

The following Bills and Resolves were received, and upon the recommendation of the Committee on Reference of Bills were **REFERRED** to the following Committees, ordered printed and sent for concurrence:

AGRICULTURE, CONSERVATION AND FORESTRY

Bill "An Act To Amend the Laws Concerning Reciprocal Disciplinary Actions in Harness Racing and Pulling Events" (EMERGENCY)

(H.P. 441) (L.D. 622)

Sponsored by Representative CRAY of Palmyra.

Cosponsored by Senator JACKSON of Aroostook and Representatives: BLACK of Wilton, DILL of Old Town, GIFFORD of Lincoln, HARVELL of Farmington, MAREAN of Hollis, TIMBERLAKE of Turner, Senator: SHERMAN of Aroostook.

CRIMINAL JUSTICE AND PUBLIC SAFETY

Bill "An Act To Require That Carbon Monoxide Detectors Be Installed inside Educational Facilities"

(H.P. 412) (L.D. 593)

Sponsored by Representative WERTS of Auburn.

Cosponsored by Senator JACKSON of Aroostook and Representatives: GILBERT of Jay, LAJOIE of Lewiston, MAKER of Calais, NADEAU of Winslow, PEASE of Morrill, POWERS of Naples, ROTUNDO of Lewiston, Senator: CRAVEN of Androscoggin.

Bill "An Act To Prohibit Possession of a Firearm by a Person Who Has Created a Police Standoff"

(H.P. 413) (L.D. 594)

Sponsored by Representative CHAPMAN of Brooksville.

EDUCATION AND CULTURAL AFFAIRS

Bill "An Act To Clarify the Role of Career and Technical Education Region Adult Education Programs"

(H.P. 396) (L.D. 577)

Sponsored by Representative CHAPMAN of Brooksville.

Bill "An Act To Award Academic Credit to Service Members for Military Education, Experience and Training"

(H.P. 397) (L.D. 578)

Sponsored by Representative VILLA of Harrison.

Cosponsored by Senator TUTTLE of York and Representatives: BEAVERS of South Berwick, CASSIDY of Lubec, COOPER of Yarmouth, DICKERSON of Rockland, FOWLE of Vassalboro, MOONEN of Portland, PRINGLE of Windham, TREAT of Hallowell.

Bill "An Act To Exempt School Administrative Units That Do Not Directly Serve Children with Disabilities from Certain Reporting Requirements"

(H.P. 414) (L.D. 595)

Sponsored by Representative CHAPMAN of Brooksville.

Bill "An Act To Increase Suicide Awareness and Prevention in Maine Public Schools"

Sponsored by Representative GILBERT of Jay.

Cosponsored by Senator MILLETT of Cumberland and Representatives: AYOTTE of Caswell, BEAR of the Houlton Band of Maliseet Indians, BEAUDOIN of Biddeford, BEAVERS of South Berwick, BECK of Waterville, BENNETT of Kennebunk, BERRY of Bowdoinham, BRIGGS of Mexico, CASSIDY of Lubec, CHAPMAN of Brooksville, CHENETTE of Saco, CHIPMAN of Portland, COOPER of Yarmouth, COTTA of China, DAUGHTRY of Brunswick, DAVIS of Sangerville, DICKERSON of Rockland, DION of Portland, DORNEY of Norridgewock, DUNPHY of Embden, DUPREY of Hampden, EVANGELOS of Friendship, Speaker EVES of North Berwick, FARNSWORTH of Portland, FOWLE of Vassalboro, FREDETTE of Newport, GATTINE of Westbrook, GIDEON of Freeport, GIFFORD of Lincoln, GOODE of Bangor, GRAHAM of North Yarmouth, GRANT of Gardiner, HAMANN of South Portland, HARLOW of Portland, HARVELL of Farmington, HERBIG of Belfast, HICKMAN of Winthrop, HUBBELL of Bar Harbor, JOHNSON of Greenville, JONES of Freedom, KAENRATH of South Portland, KESCHL of Belgrade, KNIGHT of Livermore Falls, KORNFIELD of Bangor, KRUGER of Thomaston, LAJOIE of Lewiston, LIBBY of Lewiston, LONGSTAFF of Waterville, MacDONALD of Boothbay, MAKER of Calais, MALABY of Hancock, MARKS of Pittston, MASON of Topsham, MASTRACCIO of Sanford, McELWEE of Caribou, McLEAN of Gorham, MONAGHAN-DERRIG of Cape Elizabeth, MOONEN of Portland, MORIARTY of Cumberland, MORRISON of South Portland, NADEAU of Winslow, NELSON of Falmouth, NEWENDYKE of Litchfield, NUTTING of Oakland, PEOPLES of Westbrook, PLANTE of Berwick, POWERS of Naples, PRINGLE of Windham, ROCHELO of Biddeford, RUSSELL of Portland, RYKERSON of Kittery, SANBORN of Gorham, SAUCIER of Presque Isle, SAXTON of Harpswell, SCHNECK of Bangor, SIROCKI of Scarborough, SOCTOMAH of the Passamaquoddy Tribe, STANLEY of Medway, STUCKEY of Portland, THERIAULT of Madawaska, TIMBERLAKE of Turner, TIPPING-SPITZ of Orono, TREAT of Hallowell, VILLA of Harrison, VOLK of Scarborough, WELSH of Rockport, WERTS of Auburn, WILSON of Augusta, WINCHENBACH of Waldoboro, Senators: President ALFOND of Cumberland, CAIN of Penobscot, DUTREMBLE of York, GERZOFKY of Cumberland, HASKELL of Cumberland, JACKSON of Aroostook, JOHNSON of Lincoln, LANGLEY of Hancock, PATRICK of Oxford, SAVIELLO of Franklin, TUTTLE of York, VALENTINO of York.

Bill "An Act To Protect School Administrative Units from a Sudden Decrease in Funding due to Reduced Enrollments"

(H.P. 434) (L.D. 615)

Sponsored by Representative McCABE of Skowhegan.

Cosponsored by Senator CAIN of Penobscot.

Bill "An Act To Promote the Attainment of Higher Education Degrees"

(H.P. 442) (L.D. 623)

Sponsored by Representative POULIOT of Augusta.

Cosponsored by Senator CUSHING of Penobscot and Representative: WILLETTE of Mapleton, Senator: CAIN of Penobscot.

ENERGY, UTILITIES AND TECHNOLOGY

Bill "An Act To Amend the Expedited Permitting Area for Wind Energy Development under the Jurisdiction of the Maine Land Use Planning Commission"

(H.P. 435) (L.D. 616)

Sponsored by Representative DUNPHY of Embden.

Cosponsored by Senator SHERMAN of Aroostook and Representatives: CROCKETT of Bethel, HARLOW of Portland, HARVELL of Farmington, KESCHL of Belgrade, McCLELLAN of Raymond, NEWENDYKE of Litchfield, SANDERSON of Chelsea.

ENVIRONMENT AND NATURAL RESOURCES

Bill "An Act To Help Small Businesses and Promote Tourism by Allowing the Construction of a Platform, Walkway or Deck over a River or Marshland"

(H.P. 415) (L.D. 596)

Sponsored by Representative PARRY of Arundel.

Cosponsored by Senator DUTREMBLE of York and Representatives: BEAUDOIN of Biddeford, BENNETT of Kennebunk, CASAVANT of Biddeford, CHENETTE of Saco, ROCHELO of Biddeford, VEROW of Brewer, Senators: COLLINS of York, SAVIELLO of Franklin.

HEALTH AND HUMAN SERVICES

Resolve, To Clarify and Improve the Eligibility Process for Services for Persons with Intellectual Disabilities or Autism

(H.P. 398) (L.D. 579)

Sponsored by Representative WELSH of Rockport.

Cosponsored by Senator HAMPER of Oxford and Representatives: FARNSWORTH of Portland, GATTINE of Westbrook, GRAHAM of North Yarmouth, MALABY of Hancock, PETERSON of Rumford.

Bill "An Act To Inform Persons of the Options for the Treatment of Lyme Disease"

(H.P. 416) (L.D. 597)

Sponsored by Representative BRIGGS of Mexico.

Cosponsored by Senator CRAVEN of Androscoggin and Representatives: BEAUDOIN of Biddeford, BEAVERS of South Berwick, CAMPBELL of Newfield, DAUGHTRY of Brunswick, DILL of Old Town, ESPLING of New Gloucester, FARNSWORTH of Portland, GUERIN of Glenburn, JOHNSON of Eddington, KESCHL of Belgrade, McCABE of Skowhegan, RUSSELL of Portland, SHAW of Standish, STUCKEY of Portland, VEROW of Brewer, WOOD of Sabattus, Senators: JACKSON of Aroostook, PATRICK of Oxford.

Resolve, Directing All Relevant Agencies of State Government To Work in Concert with a Plan To End and Prevent Homelessness To Ensure That Resources Are Available To End Homelessness in the State

(H.P. 417) (L.D. 598)

Sponsored by Representative BRIGGS of Mexico.

Cosponsored by Senator CRAVEN of Androscoggin and Representatives: BEAUDOIN of Biddeford, CHIPMAN of Portland, DION of Portland, ROTUNDO of Lewiston, RUSSELL of Portland, STUCKEY of Portland, Senators: CAIN of Penobscot, PATRICK of Oxford.

Resolve, To Amend the Rule Regarding Certain Mandatory Charity Care Policies To Be Consistent with MaineCare and the Federal Patient Protection and Affordable Care Act

(H.P. 429) (L.D. 610)

Sponsored by Representative SANDERSON of Chelsea.

Cosponsored by Senator CUSHING of Penobscot and Representatives: COTTA of China, FITZPATRICK of Houlton, HARVELL of Farmington, MALABY of Hancock, PARRY of Arundel, PETERSON of Rumford, WEAVER of York.

INLAND FISHERIES AND WILDLIFE

Bill "An Act To Review Possible Expansion of Dip Net Fishing in Northern Maine"

(H.P. 418) (L.D. 599)

Sponsored by Representative THERIAULT of Madawaska.

Cosponsored by Senator JACKSON of Aroostook and Representatives: AYOTTE of Caswell, LONG of Sherman, McELWEE of Caribou, SAUCIER of Presque Isle, SHAW of Standish, TURNER of Burlington, WILLETTE of Mapleton.

Bill "An Act To Include Archery Hunting Licenses among the Complimentary Licenses Issued to a Member of a Federally Recognized Indian Tribe, Nation or Band"

(H.P. 419) (L.D. 600)

Sponsored by Representative MITCHELL of the Penobscot Nation.

Cosponsored by Senator CAIN of Penobscot and Representatives: KRUGER of Thomaston, LONGSTAFF of Waterville, RUSSELL of Portland.

Bill "An Act To Require That Certain Changes in Conservation Law Not Be Made by Rule"

(H.P. 420) (L.D. 601)

Sponsored by Representative SHAW of Standish.

Cosponsored by Senator SAVIELLO of Franklin and Representatives: BLACK of Wilton, DAVIS of Sangerville, FREDETTE of Newport, SAUCIER of Presque Isle, THERIAULT of Madawaska, TIMBERLAKE of Turner, TYLER of Windham, WOOD of Sabattus.

Bill "An Act To Protect the State's Native and Wild Brook Trout and Discourage Illegal Fish Introduction"

(H.P. 436) (L.D. 617)

Sponsored by Representative McCABE of Skowhegan.

Cosponsored by Senator CAIN of Penobscot and Representatives: KUSIAK of Fairfield, MARKS of Pittston, SAUCIER of Presque Isle, SHORT of Pittsfield.

Bill "An Act To Eliminate Restrictions on Affiliated Outfitters in Laws Governing Whitewater Rafting"

(H.P. 437) (L.D. 618)

Sponsored by Representative McCABE of Skowhegan.

Cosponsored by Senator SAVIELLO of Franklin and Representatives: CROCKETT of Bethel, DUNPHY of Embden, GILBERT of Jay, HARVELL of Farmington, Senator: WHITTEMORE of Somerset.

INSURANCE AND FINANCIAL SERVICES

Bill "An Act To Prohibit Denial of Insurance Coverage When a Building Contains a Wood Stove"

(H.P. 399) (L.D. 580)

Sponsored by Representative AYOTTE of Caswell.

Cosponsored by Senator SHERMAN of Aroostook and Representatives: CRAFTS of Lisbon, DAVIS of Sangerville, GIFFORD of Lincoln, LONG of Sherman.

Bill "An Act Regarding the Regulation of Consumer Finance Companies"

(H.P. 421) (L.D. 602)

Sponsored by Representative BECK of Waterville.

Cosponsored by Senator CAIN of Penobscot and Representatives: CASAVANT of Biddeford, GOODE of Bangor, HAYES of Buckfield, HOBBS of Saco, Senators: President ALFOND of Cumberland, KATZ of Kennebec, THIBODEAU of Waldo, WHITTEMORE of Somerset.

Bill "An Act To Repeal an Insurance Reporting Requirement"

(H.P. 422) (L.D. 603)

Sponsored by Representative STANLEY of Medway.

Cosponsored by Senator WHITTEMORE of Somerset.

Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 204.

JUDICIARY

Bill "An Act To Amend the Laws Governing Service of Process in Eviction Actions"

(H.P. 400) (L.D. 581)

Sponsored by Representative HAYES of Buckfield.

Bill "An Act To Protect Owners of Property in Foreclosure from Accumulation of Debts When Mortgagees Refuse To Complete the Foreclosure Process" (EMERGENCY)

(H.P. 431) (L.D. 612)

Sponsored by Representative CASAVANT of Biddeford.

Cosponsored by Representatives: BEAVERS of South Berwick, DeCHANT of Bath, HOBBS of Saco, RUSSELL of Portland, WEAVER of York, Senator: VALENTINO of York.

Bill "An Act To Prohibit the Sharing of Personal Information by State Agencies"

(H.P. 438) (L.D. 619)

Sponsored by Representative GUERIN of Glenburn.

Cosponsored by Senator VALENTINO of York and Representatives: CROCKETT of Bethel, DeCHANT of Bath, ESPLING of New Gloucester, GRAHAM of North Yarmouth, MONAGHAN-DERRIG of Cape Elizabeth, MORIARTY of Cumberland, PEAVEY HASKELL of Milford, VILLA of Harrison.

LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT

Bill "An Act To Adjust Maine's Minimum Wage Annually Based on Cost-of-living Changes"

(H.P. 430) (L.D. 611)

Sponsored by Representative HAMANN of South Portland.

Cosponsored by Representative EVANGELOS of Friendship, Senator PATRICK of Oxford and Representatives: BEAR of the Houlton Band of Maliseet Indians, BERRY of Bowdoinham, CAMPBELL of Newfield, CAREY of Lewiston, Speaker EVES of North Berwick, GILBERT of Jay, Senators: President ALFOND of Cumberland, GERZOFKY of Cumberland, TUTTLE of York.

Bill "An Act To Enhance and Encourage Economic Development of the Lower Penobscot River Basin by Creating a Niche Port Plan"

(H.P. 401) (L.D. 582)

Sponsored by Representative CAMPBELL of Orrington.

Cosponsored by Representatives: BROOKS of Winterport, FREDETTE of Newport, GILLWAY of Searsport, HOBBS of Saco, NUTTING of Oakland, RYKERSON of Kittery, Senator: YOUNGBLOOD of Penobscot.

Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** suggested.

On motion of Representative HERBIG of Belfast, **TABLED** pending **REFERENCE** and later today assigned.

MARINE RESOURCES

Bill "An Act To Allow the Exchange of Scallop Licenses"

(H.P. 402) (L.D. 583)

Sponsored by Representative CHAPMAN of Brooksville.

Bill "An Act To Provide for Passage of River Herring on the St. Croix River in Accordance with an Adaptive Management Plan"

(H.P. 403) (L.D. 584)

Sponsored by Representative WEAVER of York.

Cosponsored by Representative: PARRY of Arundel.

Submitted by the Department of Marine Resources pursuant to Joint Rule 204.

Bill "An Act To Require the Development of a Statewide Approach to Seaweed Management"

(H.P. 404) (L.D. 585)

Sponsored by Representative WINCHENBACH of Waldoboro.

Cosponsored by Senator JOHNSON of Lincoln.

Submitted by the Department of Marine Resources pursuant to Joint Rule 204.

Bill "An Act Regarding Commercial Elver Fishing Licenses Issued by the Penobscot Nation" (EMERGENCY)

(H.P. 423) (L.D. 604)

Sponsored by Representative MITCHELL of the Penobscot Nation.

Cosponsored by Senator CAIN of Penobscot and Representatives: COTTA of China, LAJOIE of Lewiston, LONGSTAFF of Waterville, MOONEN of Portland, RUSSELL of Portland, WERTS of Auburn.

STATE AND LOCAL GOVERNMENT

Bill "An Act To Enable Municipalities To Establish Business Development Loan Programs Using Municipally Raised or Appropriated Money"

(H.P. 405) (L.D. 586)

Sponsored by Representative JOHNSON of Greenville.

Bill "An Act To Designate Election Day as an Official State Holiday"

(H.P. 406) (L.D. 587)

Sponsored by Representative CHIPMAN of Portland.

Cosponsored by Senator LACHOWICZ of Kennebec and Representatives: BEAULIEU of Auburn, CASAVANT of Biddeford, EVANGELOS of Friendship, GRAHAM of North Yarmouth, JONES of Freedom, RUSSELL of Portland, VEROW of Brewer, Senator: MAZUREK of Knox.

Resolve, Directing the Bureau of General Services To Erect a Memorial in Memory of Those Who Died at the Former Augusta Mental Health Institute

(H.P. 432) (L.D. 613)

Sponsored by Representative HAYES of Buckfield.

Cosponsored by Senator CRAVEN of Androscoggin and Representatives: CASSIDY of Lubec, CHIPMAN of Portland, COTTA of China, GRAHAM of North Yarmouth, MALABY of Hancock, McCLELLAN of Raymond, STUCKEY of Portland.

TAXATION

Bill "An Act To Adjust Fuel Taxes To Improve Sustainability"

(H.P. 433) (L.D. 614)

Sponsored by Representative PEOPLES of Westbrook.

Cosponsored by Representatives: BEAVERS of South Berwick, CAREY of Lewiston, GATTINE of Westbrook, GRAHAM of North Yarmouth, McLEAN of Gorham, MONAGHAN-DERRIG of Cape Elizabeth, SAUCIER of Presque Isle, THERIAULT of Madawaska.

Bill "An Act To Encourage Local Business Involvement in Local Schools"

(H.P. 443) (L.D. 624)

Sponsored by Representative McCLELLAN of Raymond.

Cosponsored by Representatives: TYLER of Windham, WILSON of Augusta.

TRANSPORTATION

Bill "An Act To Abolish the Maine Turnpike Authority and Transfer Its Functions and Duties to the Department of Transportation"

(H.P. 407) (L.D. 588)

Sponsored by Representative CAREY of Lewiston.

Cosponsored by Senator SAVIELLO of Franklin and Representatives: ESPLING of New Gloucester, PARRY of Arundel, POWERS of Naples, THERIAULT of Madawaska, WERTS of Auburn, Senators: CRAVEN of Androscoggin, MASON of Androscoggin, THOMAS of Somerset.

Bill "An Act To Strengthen the Law Regarding Texting and Driving"

(H.P. 408) (L.D. 589)

Sponsored by Representative PEOPLES of Westbrook.

Cosponsored by Representatives: BEAVERS of South Berwick, GATTINE of Westbrook, GRAHAM of North Yarmouth, MONAGHAN-DERRIG of Cape Elizabeth, NUTTING of Oakland, PARRY of Arundel, SAUCIER of Presque Isle, SHAW of Standish.

Resolve, To Include Questions about Texting on the State's Written Driver's License Examination

(H.P. 409) (L.D. 590)

Sponsored by Representative PEOPLES of Westbrook.

Cosponsored by Representatives: BEAVERS of South Berwick, GATTINE of Westbrook, GRAHAM of North Yarmouth, MONAGHAN-DERRIG of Cape Elizabeth, NUTTING of Oakland, PARRY of Arundel, SAUCIER of Presque Isle, SHAW of Standish.

Bill "An Act To Amend the Laws Governing Motorcycle and Moped Permits"

(H.P. 410) (L.D. 591)

Sponsored by Representative CROCKETT of Bethel.

Cosponsored by Representatives: DAVIS of Sangerville, WILSON of Augusta.

Bill "An Act To Expand the Authorized Operation of All-terrain Vehicles on Roads"

(H.P. 439) (L.D. 620)

Sponsored by Representative McCABE of Skowhegan.

Cosponsored by Senator CAIN of Penobscot and Representatives: KUSIAK of Fairfield, MARKS of Pittston, SAUCIER of Presque Isle, SHORT of Pittsfield.

Bill "An Act To Change the Tolling on the Maine Turnpike"

(H.P. 440) (L.D. 621)

Sponsored by Representative PARRY of Arundel.

Cosponsored by Senator THOMAS of Somerset and Representatives: BENNETT of Kennebunk, CAREY of Lewiston, CHASE of Wells, DION of Portland, THERIAULT of Madawaska, Senator: VALENTINO of York.

Bill "An Act To Allow a Minor in the Police Explorer Program To Assist with Traffic Control at Civic Events"

(H.P. 424) (L.D. 605)

Sponsored by Representative BRIGGS of Mexico.

Cosponsored by Senator BOYLE of Cumberland and Representatives: BEAUDOIN of Biddeford, DION of Portland, GILBERT of Jay, PETERSON of Rumford, RUSSELL of Portland, SIROCKI of Scarborough, VOLK of Scarborough.

Committee on **TRANSPORTATION** suggested.

On motion of Representative THERIAULT of Madawaska, the Bill was **REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT**, ordered printed and sent for concurrence.

VETERANS AND LEGAL AFFAIRS

Bill "An Act To Amend the Laws Dealing with the Purchase of Wine Online"

(H.P. 411) (L.D. 592)

Sponsored by Representative BEAVERS of South Berwick.

Cosponsored by Senator TUTTLE of York and Representatives: FOWLE of Vassalboro, GIFFORD of Lincoln, MITCHELL of the Penobscot Nation, RUSSELL of Portland, SAUCIER of Presque Isle, Senator: MASON of Androscoggin.

Bill "An Act To Amend the Law Concerning Landlord and Tenant Relationships"

(H.P. 425) (L.D. 606)

Sponsored by Representative GOODE of Bangor.

Cosponsored by Representative: FREY of Bangor.

Bill "An Act To Make an Employee Who Sells Alcoholic Beverages or Tobacco to a Minor Responsible for Paying the Fine"

(H.P. 426) (L.D. 607)

Sponsored by Representative AYOTTE of Caswell.

Cosponsored by Senator THIBODEAU of Waldo and Representative: CAMPBELL of Orrington, Senator: SHERMAN of Aroostook.

Bill "An Act To Assist Maine Businesses Paying Taxes on Spirits"

(H.P. 427) (L.D. 608)

Sponsored by Representative BECK of Waterville.

Cosponsored by Senator LACHOWICZ of Kennebec and Representatives: LONGSTAFF of Waterville, NADEAU of Winslow.

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

ORDERS

On motion of Representative BEAR of the Houlton Band of Maliseet Indians, the following Joint Resolution: (H.P. 395)

JOINT RESOLUTION ACKNOWLEDGING THE TREATY OF WATERTOWN OF 1776 ON THE OCCASION OF PRESIDENT GEORGE WASHINGTON'S BIRTHDAY

WHEREAS, on the occasion of President George Washington's birthday, February 22nd, the Treaty of Watertown is recognized as having originated at the request of General George Washington, and it is also recognized as our Nation's first foreign treaty concluded by the United States of America after the adoption of the Declaration of Independence; and

WHEREAS, the Treaty of Watertown was the first recognition of United States sovereignty by foreign Nations, as well as one of the earliest expressions of equality and brotherhood among all people; and

WHEREAS, this "Treaty of Alliance and Friendship" was signed on July 19, 1776, in the Town of Watertown in the State of Massachusetts Bay, just 15 days after the signing of the Declaration of Independence; and

WHEREAS, the treaty established a military alliance between the United States and the St. John's Tribes, the Maliseets and the Passamaquoddy Tribe, and Mi'kmaq First Nations in Nova Scotia, 2 of the peoples of the Wabanaki Confederacy, during the Revolutionary War against Great Britain; and

WHEREAS, the treaty was signed by the "Governors," or Council, of the State of Massachusetts Bay, "in behalf of said State, and the other United States of America," just one day after

the Declaration of Independence was proclaimed from the balcony of the Old State House in nearby Boston; and

WHEREAS, after the Declaration had been translated, the Maliseet and Mi'kmaq delegates said, "We like it well. We now see that America is right and Old England is wrong, and we will join with you in this fight." Whereupon, according to contemporary accounts, the Chiefs who were present jumped up from where they were sitting during that meeting and manifested a desire to immediately go to war against Great Britain; and

WHEREAS, the preamble of the Treaty of Watertown quotes from the conclusion of the Declaration, asserting for the 13 colonies "that as Free and Independent States they have full power to levy War, conclude Peace, contract Alliances, establish Commerce, and to do all other Acts & Things which Independent States may of Right do"; and

WHEREAS, under the terms of the treaty, the Mi'kmaq and St. John's Tribes, the Maliseets and Passamaquoddy Tribe, committed to "supply and furnish 600 strong men or as many as may be" for service in the Continental Army, restitution would be paid for any injuries to each other and disputes would be settled peacefully. The tribes also protected the Maine border and launched attacks against British installations; and

WHEREAS, Captain James Bowdoin, for whom Bowdoin College is named, pronounced the new allies as brothers, and proclaimed, "the United States now form a long and strong chain, and it is made longer and stronger by our brethren of the Maliseet and Mi'kmaq Tribes joining with us, and may the Almighty God never suffer the chain to be broken"; and

WHEREAS, after the Revolution, the Constitution of the United States gave Congress the exclusive authority to implement pre-1789 treaties made under the authority of the United States; thus the 1776 Treaty of Watertown transferred to the Federal Government; and

WHEREAS, in 1976 Governor Michael Dukakis of Massachusetts declared in an Executive Order that the Commonwealth has never ceased to recognize the treaty, in 1981 the Massachusetts State Legislature affirmed the special status of the Mi'kmaq and, since 1995, the Town of Watertown, Massachusetts has held an annual Treaty Day celebration; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-sixth Legislature, now assembled in the First Regular Session, on behalf of the people we represent, and on behalf of the State of Maine, which was formerly a part of the State of Massachusetts Bay, take this opportunity to recognize the significance and importance of the Treaty of Watertown of 1776, which is still honored today, for declaring "the United States and the Tribes of Indians shall henceforth be at peace with each other and be considered as friends and brothers united for their mutual defense, safety and happiness"; and be it further

RESOLVED: That official copies of this resolution, duly authenticated by the Secretary of State, be delivered to the appropriate representatives of the Houlton Band of Maliseet Indians, Aroostook Band of Micmacs, Passamaquoddy Tribe at Sipayik, Passamaquoddy Tribe at Motahkmikuk and Penobscot Indian Nation.

READ and ADOPTED.

Sent for concurrence.

On motion of Representative RANKIN of Hiram, the following House Order: (H.O. 12)

ORDERED, that Representative H. David Cotta of China be excused February 12 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Matthea Elisabeth Larsen Daughtry of Brunswick be excused February 12 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Peter Doak of Columbia Falls be excused February 12 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Sharri K. MacDonald of Old Orchard Beach be excused February 14 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Mary Pennell Nelson of Falmouth be excused February 19 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Anita Peavey Haskell of Milford be excused February 12 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Charles R. Priest of Brunswick be excused February 12 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Stephen J. Wood of Sabattus be excused February 14 for personal reasons.

READ and PASSED.

At this point, the Senate came and a Joint Convention was formed.

In Convention

The President of the Senate, the Honorable Justin L. Alford in the Chair.

The Convention was called to order by the Chair.

On motion by Senator GOODALL of Sagadahoc, it was ORDERED, that a Committee be appointed to wait upon the Honorable Leigh Ingalls Saufley, Chief Justice of the Supreme Judicial Court, the Honorable Paul R. LePage, Governor of the State of Maine, the Justices of the Supreme Judicial Court and members of the Judiciary, and inform them that the two branches of the Legislature are in Convention assembled, ready to receive such communication as pleases the Chief Justice.

The Order was READ and PASSED.

The Chair will appoint the following:

The Senator from York, Senator Valentino
 The Senator from York, Senator Tuttle
 The Senator from Washington, Senator Burns
 The Representative from Brunswick, Representative Priest
 The Representative from Cape Elizabeth, Representative Monaghan-Derrig
 The Representative from Bath, Representative DeChant
 The Representative from Portland, Representative Moonen
 The Representative from Cumberland, Representative Moriarty
 The Representative from Harrison, Representative Villa
 The Representative from Bethel, Representative Crockett
 The Representative from Auburn, Representative Beaulieu
 The Representative from Milford, Representative Peavey Haskell
 The Representative from Glenburn, Representative Guerin
 The Representative from the Penobscot Nation, Representative Mitchell

Subsequently, Senator VALENTINO of York, for the Committee, reported that the Honorable Leigh Ingalls Saufley, Chief Justice of the Maine Supreme Judicial Court, and the Honorable members of the Judiciary would attend forthwith.

The Chair welcomed to the Convention the Honorable members of the Judiciary.

The Chair recognized the Justices of the Maine Supreme Judicial Court: Associate Justice Jon D. Levy, Associate Justice Ellen A. Gorman, Associate Justice Joseph M. Jabar, Associate Justice Donald Alexander, Associate Justice Warren Silver, and Associate Justice Andrew Mead. The Chair also recognized the Chief Justice of the Superior Court, the Honorable Thomas E. Humphrey; the Chief Judge of the District Court, the Honorable Charles C. LaVerdiere; and Deputy Chief Judge of the District Court, the Honorable Robert E. Mullen.

The Chair welcomed to the Convention the Honorable Leigh Ingalls Saufley, Chief Justice of the Maine Supreme Judicial Court, accompanied by Governor Paul R. LePage.

The Chair recognized in the House Gallery William E. Saufley, Esq., husband of Chief Justice Saufley; Probate Judge Joseph Mazziotti, President of the Maine Probate Judges Assembly; Chief Judge Eric M. Mehnert, Penobscot Tribal Court; James T. Glessner, State Court Administrator; and Mary Ann Lynch, Director of Information. The Chair also recognized in the House Gallery the Honorable Janet T. Mills, Attorney General; and Linda Pistner, Chief Deputy Attorney General.

The Chair requested the Honorable Leigh Ingalls Saufley, Chief Justice of the Maine Supreme Judicial Court, to please step forward and address the Joint Convention.

Chief Justice **SAUFLEY**: Thank you President Alford. Good morning. Good Morning, Governor LePage, Speaker Eves, Members of the 126th Maine Legislature, and citizens of the State of Maine. I am pleased to be joined here by my colleagues from the Supreme Judicial Court and the Trial Court Chiefs. And I want to say good morning to Attorney General Janet Mills, who was the first and second woman to serve in that role. In the gallery also are judges from Maine's Tribal and Probate Courts. It is always a pleasure to have so many of my judicial colleagues with us. Today, I am not joined by my parents, Jan and Dick Ingalls, without whose support and occasional nudging when I was younger I would not be here today, but I know, thanks to Capitol Connections, they are watching from home. So I want to do something very unjudicial and say "Hi, Mom and Dad. Thanks for your support." And as always, in the audience, my husband, Bill Saufley, who is the funniest and most patient human being on the face of the earth, who my colleagues refer to as "The long suffering Bill Saufley," is here to support me and I appreciate that.

It is a privilege to have the opportunity to report to the Maine Legislature on the State of Maine's Judiciary.

Today, as we address the continued challenges facing Maine people, it is more important than ever that we work together for a better future. My message today is this: Collaboration works. Our collective efforts are, in fact, making a difference, and I will lay out a plan for continuing that forward progress.

First, let me give you some context. The Maine Judicial Branch consumes less than two cents of every dollar of the General Fund. In fiscal year 2012, the statewide Judicial Branch, which includes 38 courthouses and 491 people—you'll want to jot that down, there will be a quiz at the end of the speech—491 people, provided a solid system of justice for less than \$54

million—that's just 1.7% of the State budget. In fiscal year 2012, more than 140,000 new cases were filed, along with over 101,000 new traffic infractions. Excluding uncontested traffic infractions, that means that more than 3,000 new cases were filed in our courts every single week.

These large caseloads, the aging physical plants, the antiquated technological infrastructure, and the expanding needs of the public present real challenges. But as all of us who work in the public and private sectors know, significant challenges present real opportunities.

Without the consistent hard work, dedication, and creativity of all of the employees in the Judicial Branch, we could not have acted on these opportunities. Similar to all State employees, the employees of the Judicial Branch have been without any increase in compensation for over four years. Every successful organization recognizes that its success depends on productive people. People need to know that their hard work is valued. So I begin my presentation today by sending my personal gratitude to the clerks, judges, marshals, and administrators who continue to give their very best in these difficult times. Our ability to make a difference depends on your hard work, and you have not let us down, even in the toughest of times.

With that support, the courts have met the challenges of our times with a number of innovations that have successfully improved public service and created greater efficiencies. Here are just a few.

The unification of criminal dockets, which began in 2009 as a pilot project in Cumberland County, was expanded in 2010 to Penobscot County. This streamlined approach to criminal proceedings eliminates the duplication of clerical work, ends the unnecessary and frustrating repeated appearances on the part of witnesses and victims, and substantially shortens the time to resolution of criminal charges. In the process, both public confidence in the system and public safety are improved. The time from initial charges to final resolution of some of the most serious cases has been cut in half, and I am very pleased to report that, with the hard work and persistent efforts of the Judges, the District Attorneys, the Clerks and the Bar, Unified Criminal Dockets will be implemented in Somerset, Franklin, Piscataquis, and Sagadahoc Counties this year.

In a similar effort, the Business and Consumer Docket, which was established in June of 2007, continues to provide greatly improved and prompt dispute resolution to businesses and consumers throughout the State, and brings much needed judicial resources to rural counties.

In 2012, 117 new cases were accepted into the Business Docket. These are cases that have an average of five represented businesses and can have as many as twenty businesses involved in complex business disputes. Previously, those cases could take three to four years to resolve. Most are now resolved in less than a year, with many resolved in six to nine months. Chief Justice Humphrey has led that Docket to great success, and we are very proud of this judicial resource for Maine businesses and consumers.

In 2012, we launched another innovation, which we call the Service Center. A little background is helpful here. If you think about the work in a clerk's office, you will understand that the clerks, who really are the backbone of the court system, are called upon to do far too many tasks that compete for their attention at the same time.

Among other tasks, they must answer the phones, attend to people at the public counters, open and docket mail, get orders out to parties who are waiting for them, assure that bail is appropriately credited, issue warrants accurately and promptly, make sure protective orders are correct and are pushed out into

the electronic stream, and staff courtrooms.

People calling the clerks' offices too often find themselves transferred from one line to another, or confused by automated call attendants, or waiting far too long for a clerk to be able to talk to them.

To improve public service and address competing demands on the clerks, we experimented this last year by creating a Service Center in Lewiston, which responds to all incoming calls that would otherwise have gone to clerks' offices in Androscoggin, Franklin, and Oxford Counties. We did so by realigning existing positions, so that no new funding was required. The result was a resounding success. The members of the public calling into that region received an immediate human response to their calls, and in 70% of those phone calls, the people calling received a complete and immediate answer to their questions within minutes.

As a result, the public is better served, and the clerks in the courthouses are freed up to work directly with the public in those courthouses. We hope to expand the Service Center to other regions this year.

The success of the Service Center has caused us to look at centralizing a number of other public service components when we have the technology to do so.

I am grateful for the innovative efforts of John Smith, who directs the Service Center and the Violations Bureau, along with Rick Record and Deb Carson of the Administrative Office of the Courts who worked so hard to make the Service Center a success.

Another area where we together have made a difference in the lives of Maine people has been the Mortgage Foreclosure Diversion Program.

The 124th Maine Legislature established that Program in 2009. It affords an opportunity through mediation for parties in residential foreclosure to consider alternatives that might allow the homeowner to retain their home and the lender to maintain a performing loan.

Over the last three years, mediation sessions were held in more than 3,700 cases, representing 26% of the more than 14,000 foreclosure cases filed just between 2010 and 2012. The rate of participation in the Program has increased since its inception. By 2012, parties in 43% of the foreclosure cases requested mediation.

Mediation has achieved positive results in many cases. An increasing number of foreclosure cases in the Program have been resolved through a dismissal, which usually means that both the home ownership and the loan were maintained. Including 2012 data, 40% of all mediated foreclosure cases have been resolved by dismissal so far. For the homeowners and financial businesses that were able to renegotiate loans and establish stability, the Program provides meaningful assistance. As we move forward, the Program may need fine-tuning, but it has certainly provided real assistance in the midst of a foreclosure crisis that affected the entire nation. Again, your efforts in enacting legislation have made a real difference.

Another area where you have made a lasting difference is in safer and more accessible courthouses. In recent years, with the support of the Legislature and the Governors, courthouse renovations have been completed in Houlton and Dover Foxcroft and a new, consolidated courthouse was built in Bangor. These projects brought hundreds of construction jobs to local Maine communities, and resulted in safer, more accessible justice for Maine people. Where once those courtrooms were scattered in six separate buildings, there are now three consolidated courthouses, resulting in more efficient clerks' offices and reduced funding needs for entry screening.

Right now, with the support of the Governor and the Legislature, we are building a new courthouse in Augusta that will replace the cramped and dangerous courtrooms in the District Court and in the office park across the river; it will connect with the beautiful old—I feel like I am talking about myself, but I remember I once was the youngest Chief Justice—it will connect the beautiful old Kennebec County Courthouse, and provide a modern, safe, accessible center for justice, consolidating three court locations into a single courthouse. Again, this project is providing construction related jobs for several years, and the result will be a safe, modern courthouse that will stand for justice in Maine's capital for the next hundred years.

Most important, in the making-a-difference column, is courthouse safety. Those of you who have so patiently listened to my previous presentations know that one of my primary focuses has been to assure that the public is safe in our courthouses. In 2001, when I first had the honor of undertaking this job, no routine entry screening existed in any of Maine's courthouses. Maine was among the last states in the nation to recognize the serious threat to safety in court buildings where guns and other weapons were not screened out.

Thanks to the support of the Legislature and the Governor over the last two fiscal years, we have now reached the point where entry screening is done approximately 50% of the time, up from 20% two years ago.

As you know, from your efforts to assure safety in this building, entry screening is not inexpensive. However, if a single tragedy, a single horrible event is avoided, it will have been worth it.

The National Center for State Courts recently noted that we live in a time when "acts of violence in courthouses and in courtrooms are occurring throughout the country with greater frequency than ever before."

Just about a week ago, in a bitter child custody dispute, the father of a litigant shot and killed two people in a Delaware courthouse and wounded two police officers; one of the victims was his daughter-in-law. As we understand it, he began shooting before reaching the entry screening equipment, but court security prevented further catastrophe. Had he made it all the way into a busy courtroom, the tragedy could have been even greater.

Although we have seen significant improvement in the last two years, we must get to the point of providing entry screening in every courthouse, on every open day. Governor LePage has once again placed additional dollars in the proposed Judicial Branch budget sufficient to provide almost 70% entry screening in the next biennium. Governor, on behalf of all of the people who deserve safety in Maine's courts, you have my gratitude. Thank you.

I also want to talk to you about other ways of making a difference in the delivery of justice.

Of particular interest are the Specialty Dockets, that is, the Alcohol and Drug Treatment Courts. As you know, they exist in only a few of our courts, and expansion is made almost impossible because of the limits of judicial resources and the number of cases demanding attention. The Specialty Dockets are only able to work with a small number of defendants, while the problems generated by drug and alcohol use permeate the criminal justice system.

One aspect of these problems shows up in this heart-breaking statistic. The Attorney General reports that in 2012, 779 drug-affected babies were born in Maine—779.

When Drug Courts are available, with adequate resources, and are run effectively, they can make a real difference in individual defendants' lives. One such group that is making a real difference is the Kennebec County Co-occurring Disorders

Court, presided over by Justice Nancy Mills. In 2011, with her direction, the project was expanded to include a Veterans' Court.

After its first full year of operation in 2012, the Veterans' Court now has nine active participants. Justice Mills reports that all branches of the service are represented in some way in the Veterans' Court. Each participant has been connected to a mentor, a retired military person. The Veterans' Court will have its first graduate soon. Justice Mills says this: "I am very proud that we can give back to those who have given so much."

I also want to talk with you about how Maine Lawyers are making a difference. Now lawyers sometimes get a bad rap. We're actually very nice people and I just want you to keep that in mind. And in a system based on the Rule of Law—which is the very reason you are here working so hard—lawyers provide a critically important service.

Lawyers help with Drug Courts; they provide representation in criminal cases in a system that is constantly struggling to pay for those services; they provide free legal services in civil cases at a level far beyond lawyers in most other states. Last year, Maine lawyers provided thousands of hours of free civil legal services. In the Katahdin Counsel program created by the Supreme Judicial Court, 127 lawyers gave over 13,000 hours of free legal services, an average of 108 hours per attorney of free services to help low income and elderly Maine people. The value of those services at a conservative \$100 per hour is over \$1.3 million dollars.

Lawyers also dig deep into their own pockets to support the Campaign for Justice, which provides support for people who can't afford lawyers in cases involving families, children, housing, and domestic violence. Last year, Maine lawyers and judges donated over \$410,000 to the fund that helps provide lawyers for those most in need.

This spring, lawyers will team up with local libraries to provide seminars and sessions of legal assistance in communities across Maine. I am also grateful to Maine's librarians, who themselves have stepped up to help in so many ways. Watch for the information about Lawyers in Libraries coming to your communities soon.

Another group that is making a difference in Maine gets little fanfare and yet deserves our recognition. Here, I am talking about Maine's jurors. On average every year, nearly *ten thousand* Maine citizens, your constituents, are called into courthouses throughout the State for jury duty. They provide one of the most important constitutionally established protections for a citizenry: a trial by a jury of one's peers.

Thomas Jefferson said, "I consider trial by jury as the only anchor ever yet imagined by man, by which a government can be held to the principles of its constitution."

Jurors sit on civil cases, felonies, misdemeanors, and murders. Some cases take a morning, some three or four weeks. We ask our citizens to disrupt their own lives, to leave their jobs and families, and to come to court with an open mind ready to assure that justice is done. And they do so week after week, and year after year...I would be remiss if I didn't tell you that jurors are reimbursed for their mileage at fifteen cents a mile. You and I are reimbursed at forty-four cents a mile. We must find a way to be more respectful of their critical importance to the delivery of justice in Maine. We owe them all a debt of gratitude.

Representing those jurors today in the gallery is Eva Green, who served recently on a jury in Kennebec County. Along with Ms. Green, I am going to ask anybody, including legislators, who have served on a jury, if you would stand and accept our applause. Jurors. Thank you for being here, Ms. Green, and my thanks to all of you who have served jury duty in the State of Maine.

Next, I turn to a topic where we must all work together to make a difference—and that is the Maine court's antiquated paper-based records system. In a world where records and communications are now routinely in digital format, our paper based records are frankly out of step, and this affects public safety, public access, the costs of litigation, and the availability of important data.

In short, this challenge affects every aspect of justice. I have presented technological proposals to you in the past. Today I am here to tell you that the move from paper records to the digital era is no longer a luxury.

You have recently seen the concerns raised by the FBI relating to information that relates to mental illness informing the safe ownership of guns. Maine lags behind many states in this area.

This absence of a solid database and an electronic filing system ripples into every aspect of the courts.

The Judicial Branch cannot: Centralize fine payments and collection efforts; Centralize bail services; Quickly transmit data to the Maine Commission on Indigent Legal Services; Respond to press inquiries for data or records on criminal or civil cases; and this will be of interest to you when you have felt this frustration, we cannot respond comprehensively to your requests on particular case types.

More important, we can't provide the kind of public service that people have come to expect from their government.

Litigants can't go online to: Find their trial dates; to find something as simple as the amount of the fine they still owe; or to look at documents in their cases.

And one of the biggest complaints we receive each year relates to record checks for job applicants. We have been told by some of the large employers' organizations that Maine courts are one of the slowest courts in the nation to respond to these inquiries. This puts Maine employees at a serious disadvantage and slows down the pursuit of jobs and the return to financial stability.

In short, the persistence of paper files in Maine courts is no longer quaint; it is a serious impediment to the delivery of justice.

The time has come to change all of that. Last year, the Appropriations Committee asked the Judicial Branch to provide a roadmap for creating electronic filing in the Maine courts. With the review and assistance of the National Center for State Courts, we have provided a full plan of action. We are on the first step of that path, and with your assistance, we will launch the planning phase in fiscal year 2014 without the need for a new General Fund allocation.

To be clear, there is no doubt that achieving e-filing in Maine's courts will cost millions of dollars. But we want to spend it right, and we want to spend it once. Next year, after the initial careful design phase, I will be working with you and the Governor to find a way to fund this critical investment. Your support will get us on the road to the new world.

And finally, as did the Governor, I present a continuing call to action regarding domestic violence. Just in the last year, with your efforts and with the support of the Governor, we have made a real difference. Felony domestic violence bail is now set by judges; When bail commissioners do set bail, they have much better information about the criminal history of the alleged perpetrator available to make careful bail decisions; The electronic arrest warrant repository is now online, providing law enforcement with instant access to arrest warrants; And, in the latest innovation, the Judicial Branch is working closely with the Department of Public Safety, to create yet another technological work around by which protection from abuse orders will soon be available electronically in law enforcement officers' cars and can

be served immediately, in the community, on the offender. I want to thank Commissioner Morris for his dedication to making these improvements and his success in encouraging collaboration across branches of government to achieve this important improvement.

There is still much to be done, but there is some positive news out there.

We now know that a comprehensive community approach to combatting domestic violence works best. Governor LePage has taken a leading role in raising awareness and helping *everyone* understand the gravity of the problem and the importance of attention to solutions. You, the Maine Legislature, acting in a bipartisan manner, have taken very specific actions over the last several years to improve the statutes and provide meaningful ways to assure that convicted batterers are held responsible for their behavior. The new High Risk Response Teams that are being formed in each region will add to the toolbox, as do the programs that provide prompt follow-up after initial police intervention. Risk assessments, education programs, proven intervention programs, and broad-based community efforts all make a difference.

Although, particularly after tragedies, we can all be overwhelmed by a sense of helplessness, it is important to understand that what you have done did, in fact, make a difference and it is now making a difference. It is possible, if we all work together, to substantially reduce the times people in Maine are hurt by someone close to them. Recent statistics demonstrate that these strategies work. The United States Department of Justice reports that all of these efforts are making a difference. Intimate Partner Violence in the United States declined 64% between 1994 and 2010.

That does not mean, however, that we can cease to be vigilant. The Attorney General reports that in 2012 there were 25 unlawful homicides in Maine. Of those, the AG classifies eleven as domestic violence related.

It will be a good year when I can stand here and report that the Attorney General says no lives were taken as a result of domestic violence in the State of Maine. I encourage you all to work together to fine-tune the laws that address this terrible problem, and to work across branches to make the very best use of resources to prevent violence and intervene before it escalates.

Before I leave, and my husband tells me that I use "finally" so often that people get very hopeful that I am done, and yet I'm not, so just a couple more things I'd like to say. I want to present you with one more piece of good news.

We have worked together for several years to address a concern about the increasing incarceration of our youth in Maine. The Juvenile Justice Task Force, and now its Implementation Council have focused on intervention and prevention strategies that keep our kids in school and out of institutions. Several of you took leading roles in presenting legislation designed to help our youth.

All of those efforts are, in fact, making a difference. The percentage of students graduating from high school is up; the overall arrest rate of youth in Maine is down; violent crime among youth is down; and drug arrest of youth decreased by 33% between 2001 and 2010.

And perhaps most important, the average daily population of Maine youth in detention fell by 37% between 2006 and 2011. Your work is making a real difference.

So, if, like me, you occasionally feel overwhelmed by the challenges of the day, remember, this is Maine. Working together, we have made a difference—in combatting domestic violence, improving public safety, expediting business and

criminal cases, working with our youth, and addressing foreclosure challenges.

We still have miles to go, and we in the courts will be focusing our attention in the next year on family court process. Many improvements are underway, but family process needs greater attention.

But in the end, we must never lose sight of the fact that our efforts, your efforts, truly do make a difference in the lives of Maine people.

So here is what you can do to continue to work collaboratively across branches of government to make a difference: Come to the courts and see what it's really like for your constituents to be litigants in a court proceeding. I am grateful to those of you who have already responded to our invitation to shadow a judge. In the Biennial Budget, please support the Governor's proposed increase in courthouse security. You will be improving the safety of thousands of your constituents: litigants, jurors, and witnesses, as well as those who work in and have business in our courthouses. Support our proposal to bring the Maine courts into the digital age. Talk to us. Share your concerns. Work with your local high schools to invite us to hold real appellate arguments in the school. Last year, at the invitation of Representatives Rochelo and Casavant, Representative Priest and Senator Gerzofsky, and Senator Rosen and Representative Rosen, the Supreme Judicial Court sat at, this will be easier to remember, Brunswick, Biddeford, and Bucksport, purely coincidental, but it was a wonderful week. In October this year, we will sit, at the invitation of Senator Cain in Orono, Representative Fredette at Nokomis in Newport, and Representative Monaghan-Derrig in Cape Elizabeth.

Finally, remember that all of the hard work that you put into crafting thoughtful and fair laws requires a robust judiciary to enforce those laws.

I leave you with the words of Martin Luther King Jr., "Human progress is neither automatic nor inevitable...Every step toward the goal of justice requires sacrifice, suffering, and struggle; the tireless exertions and passionate concerns of dedicated individuals."

I thank you for your sacrifice, exertions, and passionate concerns, as Legislators in the 126th Legislature. I look forward to working with you to improve the delivery of justice for Maine people. Thank you.

The Chief Justice withdrew amid the applause of the Convention, the audience rising.

The purpose for which the Convention was assembled having been accomplished, the Chair declared the same dissolved.

The Senate then retired to its Chamber amid the applause of the House, the audience rising.

(After the Joint Convention)

The House was called to order by the Speaker.

SPECIAL SENTIMENT CALENDAR

In accordance with House Rule 519 and Joint Rule 213, the following item:

Recognizing:

Deputy Randy Staples, of North Yarmouth, on the occasion of his retirement from the Cumberland County Sheriff's Office. Deputy Staples began his career with the Cumberland County Sheriff's Office in 1976 as a bailiff for the Portland District Court and then as a Corrections Officer at the Cumberland County Jail. In January of 1977, he attended the Maine Criminal Justice Academy in Waterville and in March Deputy Staples was hired by Sheriff Charles Thayer as a patrol deputy. During his long career, Deputy Staples served in many capacities, including as a criminal investigator with the Criminal Investigations Division. He was the first detective assigned to the Cumberland County District Attorney's Office as a Domestic Violence Investigator. In 2004, Deputy Staples transferred back to the Patrol Division where he served as School Resource Officer for 4 years, for School Administrative District No. 6 and then for School Administrative District No. 5. Deputy Staples completed his career working as a Patrol Deputy, primarily in the Gray area, until his retirement on January 6, 2013. We send him our appreciation for his many years of dedicated service to the people of Cumberland County and to the State. We extend our congratulations and best wishes to him on his well-deserved retirement;

(HLS 56)

Presented by Representative DION of Portland.

Cosponsored by Senator WOODBURY of Cumberland, Senator PLUMMER of Cumberland, Representative GRAHAM of North Yarmouth, Representative MORIARTY of Cumberland.

On **OBJECTION** of Representative GRAHAM of North Yarmouth, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER**: The Chair recognizes the Representative from North Yarmouth, Representative Graham.

Representative **GRAHAM**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I stand to recognize Deputy Sheriff Randy Staples of, actually Gray, North Yarmouth. I really would like him to be in my backyard and he really is, but he is actually a resident of Gray. He is a neighbor, in my opinion, and a friend. I represent the majority of the community of Gray. Gray is the largest town in Maine without an actual police department. Recently, we have gotten a part-time sheriff from Cumberland County, and Randy did patrol much of Gray during the time, in his 35 years of service, which I think is absolutely awesome. I have to say that I believe a sheriff should be a neighbor, should be a friend. Quite honestly, before I ran for office and became a legislator, police officers are not probably my favorite people. I don't know why. Now they are people that I look to. They drive by, the sheriff's car goes by, a state police officer goes by, I smile because I know they are there for us. I know Randy has been there for his community and for the people of Cumberland County for 35 years. So, with that, I wish Randy and his family all the best, and I have asked him fervently never to move and to stay in our community, and I hope he will always be my neighbor and my friend. Thank you, Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Portland, Representative Dion.

Representative **DION**: Thank you, Mr. Speaker. I think it is fitting to rise today, Ladies and Gentlemen of the House, given the message we received about justice. Justice does not occur in institutions. It occurs as the consequence of the best intentions and the decisions of the men and women who are out

there today on that thin blue line. That line has no stars. It is a solid blue line of anonymous faces who get the job done every day in our best interest. Deputy Randy Staples represents the best of that line and what it has to offer. Deputy Staples has served five sheriffs, I being just one of them. Today, the sheriff of Cumberland County was one of Deputy Staples's trainees when he was a field-training officer, and this says something about leadership. Leadership does not exist at the top of the organization by itself. Leadership of an organization can only exist by the unsung leadership of those below, who consent to be led and who inform the leader when he is right and, more importantly, when he might be wrong. It is a credit to Deputy Staples that his counsel has been sought and respected and heard by the five men who have occupied the office of sheriff, for we have come and gone and he has stayed to ensure the continuity and the consistency of the service that the citizens of Cumberland County expect. I have been a greater sheriff, not for my effort but for what Deputy Staples has contributed to my individual growth and I will always appreciate it, Randy. Thank you. Thank you, Mr. Speaker.

Subsequently, the Sentiment was **PASSED** and sent for concurrence.

The following item was taken up out of order by unanimous consent:

**REPORTS OF COMMITTEE
Ought to Pass as Amended**

Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2013" (EMERGENCY)

(S.P. 86) (L.D. 250)

Reporting **Ought to Pass as Amended by Committee Amendment "A" (S-1)**.

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-1) AS AMENDED BY SENATE AMENDMENT "A" (S-3)** thereto.

Report was **READ** and **ACCEPTED**. The Bill was **READ ONCE**. **Committee Amendment "A" (S-1)** was **READ** by the Clerk. **Senate Amendment "A" (S-3) to Committee Amendment "A" (S-1)** was **READ** by the Clerk and **ADOPTED**.

Representative **STUCKEY** of Portland **PRESENTED House Amendment "A" (H-2) to Committee Amendment "A" (S-1)**, which was **READ** by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative from Portland, Representative Stuckey.

Representative **STUCKEY**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I want to thank all of the members of the Appropriations and Financial Affairs Committee, and especially Representative Rotundo, for the incredible work they have done to bring the unanimous report before us today. I have watched it. It is hard work. It is work most of us could not do. However, some serious problems remain. Dozens of community organizations, hundreds of their employees and thousands of consumers and their families will be hurt by reductions to mental health services, family and child supports, substance abuse treatments, all cuts still in the budget. The problems that these lost services have been addressing will not simply go away. Many, if not most, will resurface in less appropriate and more expensive venues like our child welfare system, hospitals, jails and homeless shelters. Costlier

treatments, poorer outcomes and big cost shifts to more regressive revenue sources. It's a lose, lose, lose.

There are two lines in this budget we should learn from. Those lines propose over \$4 million in new spending for child welfare due to a huge increase in children being taken into state custody. After over a decade of steady decline in our child welfare rolls, we are confronted with this sudden and dramatic increase. We are told the reason is the rise in substance abuse, especially bath salts. Mr. Speaker, I respectfully disagree. The increase is much more the direct consequence of cuts to programs like Home Visiting, Substance Abuse Treatment, Family Reunification, and the Alternative Response Program that were made in the Biennial Budget, this Supplemental Budget before us today is trying to rebalance. Let me be perfectly clear. We have made damaging cuts to programs and services that supported communities, strengthened families, and protected children. It was a mistake. The unsupported families in trouble have fallen apart. The real victims of this poor policy and fiscal decision are the children and families, and all the rest of us will now pay more for poorer outcomes. In this Supplemental Budget, there is real potential for producing more of these shortsighted and not well-vetted and fiscally irresponsible outcomes.

But here is my biggest problem, Mr. Speaker. The original proposed Supplemental and the Biennial Budget it purported to fix were designed to radically shrink the role and responsibility of government in our state and in our towns. It is that simple. Cut, cut, cut, and see what sticks. It's really quite clever. Shrink state government by cutting spending on state finance services, cut state supports to municipalities forcing them to cut services or raise revenues through our most regressive and unpopular tax, the property tax, and, as a finishing touch, cut the Circuit Breaker property tax relief program. Then comes the big distraction, Mr. Speaker. Give tax cuts to everyone. Big ones to the wealthy and little ones to the rest of us, and for most folks, most, if not all, of their income tax cut will get wiped by losses in their Circuit Breaker rebates and increases in their property taxes. Mr. Speaker, we've allowed ourselves to get lost in the weeds. Although the AFA Committee's amendment is a big improvement, it still does not address a very real and imposing contributor to our crisis, the revenue lines that were so radically reduced in the Biennial Budget. Those same revenue lines must be reconsidered to help us fix the problem they helped cause.

I offer my amendment, Mr. Speaker, in the spirit of shared sacrifice. I am asking those Mainers who are faring the best amongst us to bear a little extra responsibility for supporting the way life should be for all Mainers. I am proposing to add a 2 percent surcharge on the 2012 income taxes paid by single filers with a Maine adjusted gross income of over \$200,000 and by joint filers with an adjusted gross income over \$250,000. That will generate just under \$7 million and I am proposing to restore almost \$4 million in cuts to community based services within the Department of Health and Human Services section of the budget, and to return almost \$1.5 million to the Fund for a Healthy Maine. The remaining revenues would be carried forward to the next biennium. Mr. Speaker, I can see you trying to do the math, so let me illustrate. I am asking the Maine taxpayer with a taxable income – that is the gross income minus adjustments, minus deductions, minus exemptions – a taxable income of \$200,000 to pay an extra \$320 to help us out this year. That is about 10 percent of the tax cut she is scheduled to get.

Men and Women of the House, I ask you to join me today in rejecting the notion that government should be starved to death and in reaffirming our belief that we are all in this together, all of

us, and that we have a shared responsibility to and for each other. Thank you, Mr. Speaker. Mr. Speaker, I request a roll call.

The same Representative **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-2) to Committee Amendment "A" (S-1)**.

Representative ROTUNDO of Lewiston moved that **House Amendment "A" (H-2) to Committee Amendment "A" (S-1) be INDEFINITELY POSTPONED**.

Representative BERRY of Bowdoinham **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "A" (H-2) to Committee Amendment "A" (S-1)**.

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 Indefinite Postponement of House Amendment "A" (H-2) to Committee Amendment "A" (S-1). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 4

YEA - Ayotte, Beaudoin, Beaulieu, Beavers, Beck, Bennett, Berry, Black, Boland, Briggs, Campbell J, Carey, Cassidy, Chase, Chenette, Clark, Cooper, Cotta, Crafts, Cray, Crockett, Davis, DeChant, Dill, Dion, Doak, Dorney, Dunphy, Duprey, Espling, Farnsworth, Fitzpatrick, Fowle, Fredette, Frey, Gattine, Gideon, Gifford, Gilbert, Gillway, Goode, Graham, Grant, Guerin, Harvell, Herbig, Hobbins, Hubbell, Jackson, Johnson D, Johnson P, Jorgensen, Kaenrath, Keschl, Kinney, Knight, Kornfield, Kruger, Kusiak, Lajoie, Libby A, Libby N, Lockman, Longstaff, Luchini, MacDonald S, MacDonald W, Maker, Malaby, Marean, Marks, Mason, Mastraccio, McCabe, McClellan, McElwee, McLean, Moriarty, Nadeau A, Nadeau C, Nelson, Newendyke, Nutting, Parry, Pease, Peavey Haskell, Plante, Pouliot, Powers, Priest, Pringle, Rankin, Reed, Rochelo, Rotundo, Sanborn, Sanderson, Saxton, Schneck, Shaw, Short, Sirocki, Stanley, Theriault, Timberlake, Treat, Turner, Tyler, Verow, Villa, Volk, Wallace, Weaver, Welsh, Werts, Willette, Wilson, Winchenbach, Winsor, Wood, Mr. Speaker.

NAY - Brooks, Casavant, Chapman, Chipman, Daughtry, Dickerson, Evangelos, Hamann, Harlow, Hayes, Hickman, Jones, Monaghan-Derrig, Moonen, Morrison, Noon, Peoples, Peterson, Rykerson, Saucier, Stuckey, Tipping-Spitz.

ABSENT - Bolduc, Campbell R, Devin, Kent, Kumiega, Long, McGowan, Russell.

Yes, 121; No, 22; Absent, 8; Excused, 0.

121 having voted in the affirmative and 22 voted in the negative, with 8 being absent, and accordingly **House Amendment "A" (H-2) to Committee Amendment "A" (S-1) was INDEFINITELY POSTPONED**.

Subsequently, **Committee Amendment "A" (S-1) as Amended by Senate Amendment "A" (S-3) thereto was ADOPTED**.

Under further suspension of the rules, the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-1) as Amended by Senate Amendment "A" (S-3) thereto in concurrence. ORDERED SENT FORTHWITH**.

CONSENT CALENDAR First Day

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

(S.P. 21) (L.D. 32) Bill "An Act To Expand the Types of Vaccines That May Be Administered by Pharmacists" Committee

on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass**

(H.P. 13) (L.D. 9) Bill "An Act To Allow the Maine Potato Board To Have Access to Information Regarding the Potato Tax" (EMERGENCY) Committee on **TAXATION** reporting **Ought to Pass**

(H.P. 88) (L.D. 106) Bill "An Act To Abolish the Trustees of Public Cemeteries for the City of Waterville" (EMERGENCY) Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass**

There being no objections, the above items were ordered to appear on the Consent Calendar tomorrow under the listing of Second Day.

CONSENT CALENDAR

Second Day

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

(H.P. 85) (L.D. 103) Bill "An Act To Correct an Inconsistency in Maine's Apprenticeship Laws"

(H.P. 94) (L.D. 112) Bill "An Act To Make Changes to the Educators for Maine Program"

(H.P. 95) (L.D. 113) Bill "An Act To Make Changes to the Maine College Savings Program"

No objections having been noted at the end of the Second Legislative Day, the House Papers were **PASSED TO BE ENGROSSED** and sent for concurrence.

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

SENATE PAPERS

The following Joint Order: (S.P. 235)

ORDERED, the House concurring, that when the House and Senate adjourn they do so until Tuesday, February 26, 2013, at 10:00 in the morning.

Came from the Senate, **READ** and **PASSED**.

READ and **PASSED** in concurrence.

Bill "An Act To Reserve Ten Percent of Campsites at State Parks for Maine Residents"

(S.P. 220) (L.D. 630)

Bill "An Act To Require Payment Quotes in Service Contracts for the Harvesting and Hauling of Wood"

(S.P. 229) (L.D. 639)

Came from the Senate, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed.

REFERRED to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** in concurrence.

Bill "An Act To Authorize a General Fund Bond Issue To Support Public Higher Educational Facilities"

(S.P. 226) (L.D. 636)

Came from the Senate, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed.

REFERRED to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** in concurrence.

Bill "An Act To Remove the Mandatory Minimum Jail Sentence in Certain Cases"

(S.P. 216) (L.D. 626)

Came from the Senate, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed.

REFERRED to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** in concurrence.

Bill "An Act To Require That School Budget Referenda Be Held on the Same Day as Primary Elections"

(S.P. 228) (L.D. 638)

Came from the Senate, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed.

REFERRED to the Committee on **EDUCATION AND CULTURAL AFFAIRS** in concurrence.

Bill "An Act To Exempt Farmers from Certain Oversight in Shoreland Areas"

(S.P. 231) (L.D. 641)

Bill "An Act To Exempt All-terrain Vehicle Trail Management from Storm Water Management Requirements"

(S.P. 232) (L.D. 642)

Came from the Senate, **REFERRED** to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** and ordered printed.

REFERRED to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** in concurrence.

Bill "An Act To Exempt Certain Businesses from Being Considered Campgrounds" (EMERGENCY)

(S.P. 215) (L.D. 625)

Bill "An Act To Restore Eligibility and Funding for Drug Programs for the Elderly and Disabled"

(S.P. 219) (L.D. 629)

Bill "An Act To Grant the Commissioner of Health and Human Services and the Commissioner's Designees the Independent Authority To Issue Adjudicatory Subpoenas"

(S.P. 223) (L.D. 633)

Bill "An Act Regarding Permits for Final Disposition of Dead Human Bodies"

(S.P. 224) (L.D. 634)

Came from the Senate, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.

REFERRED to the Committee on **HEALTH AND HUMAN SERVICES** in concurrence.

Bill "An Act Relating to Orally Administered Cancer Therapy"

(S.P. 217) (L.D. 627)

Bill "An Act To Clarify Uninsured Vehicle Coverage for Multiple Claimants"

(S.P. 218) (L.D. 628)

Bill "An Act To Prohibit Consideration of Preexisting Conditions in Short-term Disability Insurance"

(S.P. 227) (L.D. 637)

Came from the Senate, **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES** and ordered printed.

REFERRED to the Committee on **INSURANCE AND FINANCIAL SERVICES** in concurrence.

Bill "An Act Regarding Legal Representation in Certain Eviction Actions"

(S.P. 230) (L.D. 640)

Came from the Senate, **REFERRED** to the Committee on **JUDICIARY** and ordered printed.

REFERRED to the Committee on **JUDICIARY** in concurrence.

Bill "An Act To Improve Enforcement Mechanisms to the Elver Industry and To Make Technical Changes to Maine's Marine Resources Laws"

(S.P. 222) (L.D. 632)

Bill "An Act To Create a Tax Incentive Program To Improve the Maine Lobster Industry" (EMERGENCY)

(S.P. 233) (L.D. 643)

Came from the Senate, **REFERRED** to the Committee on **MARINE RESOURCES** and ordered printed.

REFERRED to the Committee on **MARINE RESOURCES** in concurrence.

Bill "An Act To Change the Taxes on Fuel Purchased for Use Other Than on the Highways"

(S.P. 221) (L.D. 631)

Came from the Senate, **REFERRED** to the Committee on **TAXATION** and ordered printed.

REFERRED to the Committee on **TAXATION** in concurrence.

Resolve, Authorizing the Estate of Mitchell A. Kessler To Bring Suit against the Department of Health and Human Services

(S.P. 225) (L.D. 635)

Bill "An Act To Strengthen the State's Wholesale Liquor Business" (EMERGENCY)

(S.P. 234) (L.D. 644)

Came from the Senate, **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS** and ordered printed.

REFERRED to the Committee on **VETERANS AND LEGAL AFFAIRS** in concurrence.

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

ENACTORS Emergency Measure

An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2013

(S.P. 86) (L.D. 250)

(S. "A" S-3 to C. "A" S-1)

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

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Rotundo.

Representative **ROTUNDO**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise today in support of our budget and in support of the dedicated work of the Appropriations Committee. As a veteran member of the committee, I can say with experience that no budget, especially in tough economic times, is ever easy. Yet our team of talented

and tireless lawmakers never balked, never hesitated and never stopped working for the people of Maine, the veterans, the seniors, the families that depend on us to do our jobs so that they can do theirs. I am deeply grateful to the work of all of our Appropriations members. I would like to give a special thanks to my co-chair, the Senator from York, Senator Hill, and to my lead Republican counterparts, the Representative from Wells, Representative Chase, and the Senator from Kennebec, Senator Flood, for their commitment to bipartisanship and civility. It is this commitment that held our team together and kept us working to find common ground, even when we seemed far apart. I also want to thank the wonderful staff of the Office of Fiscal and Program Review, especially our amazing lead analyst Maureen Dawson. I would like to thank the Revisor's Office as well as the members of the administration who worked with us to get us to where we are today.

As with any unanimous budget, no one gets everything that he or she wants. Our committee worked late into the night and around the clock to find savings so that we could restore cuts to the programs like Drugs for the Elderly, that helps seniors pay for their medicine, and to ensure that the Meals on Wheels program that feeds so many struggling Mainers could continue. We have worked to make sure that teachers who have worked for decades in our school system didn't lose their only source of retirement in the cost of living adjustments, and we made sure that cuts to the hospitals were restored. While we were disappointed that we fell short of restoring cuts to our schools, it only strengthens our resolve to do better the next time.

While this budget gap represents 2.4 percent of the total two-year budget, each dollar has tremendous significance to the lives of the Maine families, schools, seniors and veterans who depend on them. It is also a reminder that we must put an end to a cycle of budget gaps that have plagued our state and so many others during these tough economic times. We must strengthen our economy and rebuild our middle class. Again, I thank all of the Appropriations Committee members for their hard work on this Supplemental Budget and I ask for your support for the budget that is before you today. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Wells, Representative Chase.

Representative **CHASE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in favor of LD 250. Simply put, we have a constitutional mandate to keep our budget balanced. As a supplemental budget, that is the vehicle used to make corrections during a biennium to adjust any imbalance that may have occurred and that is what LD 250, a supplemental budget proposal, does today. It brings us back in balance. The Appropriations Committee worked well together in a bipartisan effort to arrive at a budget that our committee could vote out unanimously. I especially want to thank our good chairs, Representative Rotundo and Senator Hill, and all the members of Appropriations for their good work.

As in any budget proposal, there are things you like and things you don't like. Overall, however, LD 250 gets the job done, balances the budget, and was done with input and agreement from both sides of the aisle. I ask that we all vote to Accept the motion in front of us and support a good effort by many. Thank you.

The SPEAKER: The Chair recognizes the Representative from Bowdoinham, Representative Berry.

Representative **BERRY**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise too in favor of the pending motion. The budget before us is a result of hard work by the Appropriations Committee. I want to express our thanks to them, to all of them. They were dealt a difficult hand.

Their tireless work, determined negotiations and willingness to make the tough – but necessary – decisions got them to a unanimous decision on this budget. Their demonstrated dedication bodes well for all of us as their focus turns to the even larger task of the Biennial Budget. I believe Maine people have high hopes for their work on the Biennial – and that it will be a budget that finds efficiencies, is based on a fair tax system and it takes a balanced approach rather than being built on tax shifts. We cannot afford to continue down the path of short-term cuts that do not address our fundamental, ongoing budget problems and can only lead to longer term cuts in the future. We need an approach that helps us grow our economy and our middle class.

Today, however, we must be both resolute about the future and realistic about the present. It's time to honor the hard work of our Appropriations and Financial Affairs Committee and to approve their unanimous Committee Amendment. Mr. Speaker, when the vote is taken, I request that it be by the yeas and nays.

The same Representative **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**: The Chair recognizes the Representative from Newport, Representative Fredette.

Representative **FREDETTE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I'd like to, first of all, thank the members of the Appropriations Committee who worked many long hours, nights, evenings, weekends to work out a compromise which is not a perfect solution, but it's a solution that does achieve what that is required by the Constitution. We have much work ahead in the committee and I think this bodes well for the work that needs to get done for the upcoming Biennial Budget and I ask members to follow my light in supporting the budget.

The **SPEAKER**: The Chair recognizes the Representative from Boothbay, Representative MacDonald.

Representative **MacDONALD**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise in support of the motion before us. We had some important wins in this Supplemental Budget, however, from the point of view of education, we weren't able to correct the Chief Executive's \$12.5 million cut to General Purpose Aid or correct the fundamental unfairness of exempting charter schools from that curtailment. We are also concerned that \$14 million in money from Oxford Casino profits were diverted from education to cover this budget shortfall. In the next budget, we have to do better than this. We have to build up our public education system rather than seeing it curtailed, and I say this in full recognition of the fact that it's our public education system, which will be the engine of growth for us, that will help us build a strong economy and a stronger middle class. Thank you, Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Berwick, Representative Plante.

Representative **PLANTE**: Thank you, Mr. Speaker. I rise to say I also support the bill and I thank the work of the Appropriations Committee and all other committees involved in the process, but I wish to speak at one particular thing that I find a bit of a bother. Yourself, Representative Noon and I, we share a school district, Noble High School and all the subgroups in North Berwick, Berwick and Lebanon. I have been informed that, as part of the cuts, what we see are an expiration of the EXCEL program, which includes 15 positions for teachers, more than 185 students affected by this. I, myself, when I was younger, was not part of the EXCEL program due to, unfortunately, a hole within the system that let me go, but I was fortunate enough to have a teacher who had a forward-looking objective in saying that maybe

I should be able to work in advance of the class. Thankfully, that teacher gave me that opportunity. But at the higher levels, with so many students in greater sized schools, those opportunities do not exist and when we make these decisions, yes, hard and needed, for a balanced budget, what we're doing is we're taking away opportunity from these students who could benefit greatly from the advancement that programs such as EXCEL offer. We also see the cancelling of all school intramurals at our schools, mostly middle and elementary, come this spring. Begrudgingly I will vote in favor of this bill because it is the necessary duty that I hold, but I wish that the opportunity voters gave us should not lead to the limitations of their opportunities at our dispense. I thank you.

The **SPEAKER**: The Chair recognizes the Representative from Winterport, Representative Brooks.

Representative **BROOKS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. That took my mind off track. I totally agree with the good Representative who spoke before me. My concern is education. My concern is GPA. But I have an overriding concern and that's what I told the voters when I came down. I came down here with the hopes, as an Independent, to be able to watch and recognize when people from both sides of the aisle work together to present us with a good document. I intend to vote yes on this and that is the reason why, is that I see some good working relationships, both sides of the aisle, and I credit both leaders. Thank you, Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Bangor, Representative Goode.

Representative **GOODE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise to support the pending motion. I am glad that the Appropriations Committee was able to send us this budget, one that vastly improved from what the Chief Executive originally proposed. The committee was faced with a daunting task of addressing a \$153 million shortfall. The difficulties posed by the Supplemental underscore fundamental problems that need to be addressed. We have ongoing budget problems in the state, problems that simply cannot be fixed with short-term cuts that will only result in additional costs for us down the road. We need a balanced approach. We need to look hard for efficiencies, and we need a fair tax system that doesn't stymie our efforts to rebuild the middleclass, the key to growing our economy. Thank you, Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Belgrade, Representative Keschl.

Representative **KESCHL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This budget is, as all budgets are, a compromised budget. It represents the best agreement we could obtain on the difficult issues that were presented before us. Unfortunately, we are unable to constrain the growth of many of the expenditures in programs in DHHS that are taking much needed money away from other important programs, as other Representatives have addressed. Nonetheless, as a member of the Appropriations Committee, I stand in full support of the budget and urge people to follow my light. Thank you.

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. 5

YEA - Ayotte, Beaudoin, Beaulieu, Beavers, Beck, Bennett, Berry, Black, Boland, Briggs, Brooks, Campbell J, Carey, Casavant, Cassidy, Chase, Chenette, Clark, Cooper, Cotta, Crafts, Cray, Crockett, Daughtry, Davis, DeChant, Dill, Dion, Doak, Dorney, Dunphy, Duprey, Espling, Farnsworth, Fitzpatrick, Fowle, Fredette, Frey, Gattine, Gideon, Gifford, Gilbert, Gillway, Goode, Graham, Grant, Guerin, Hamann, Harvell, Hayes, Herbig, Hobbins, Hubbell, Jackson, Johnson D, Johnson P, Jorgensen, Keschl, Kinney, Knight, Kornfield, Kruger, Kusiak, Lajoie, Libby A, Libby N, Lockman, Longstaff, Luchini, MacDonald S, MacDonald W, Maker, Malaby, Marean, Marks, Mason, Mastraccio, McCabe, McClellan, McElwee, McLean, Monaghan-Derrig, Moonen, Moriarty, Nadeau A, Nadeau C, Nelson, Newendyke, Noon, Nutting, Parry, Pease, Peavey Haskell, Peoples, Plante, Pouliot, Priest, Pringle, Rankin, Reed, Rochelo, Rotundo, Rykerson, Sanborn, Sanderson, Saxton, Schneck, Shaw, Short, Sirocki, Stanley, Theriault, Timberlake, Treat, Turner, Tyler, Verow, Villa, Volk, Wallace, Weaver, Welsh, Werts, Willette, Wilson, Winchenbach, Winsor, Wood, Mr. Speaker.

NAY - Chapman, Chipman, Dickerson, Evangelos, Harlow, Hickman, Jones, Kaenrath, Morrison, Peterson, Powers, Saucier, Stuckey, Tipping-Spitz.

ABSENT - Bolduc, Campbell R, Devin, Kent, Kumiega, Long, McGowan, Russell.

Yes, 129; No, 14; Absent, 8; Excused, 0.

129 having voted in the affirmative and 14 voted in the negative, with 8 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

On motion of Representative ROTUNDO of Lewiston, the House adjourned at 1:21 p.m., until 10:00 a.m., Tuesday, February 26, 2013 pursuant to the Joint Order (S.P. 235) and in honor and lasting tribute to Mabel-Roxie Moore Smith, of Farmington and the Honorable Elaine Fuller, of Manchester.