

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
27th Legislative Day
Tuesday, April 2, 2013

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

Prayer by Reverend Scott Wilson, Rangeley Free Baptist Church.

National Anthem by Stephanie Bellwood, Rumford.

Pledge of Allegiance.

Doctor of the day, David Andrews, M.D., Falmouth.

The Journal of Thursday, March 28, 2013 was read and approved.

SENATE PAPERS

Bill "An Act Regarding Cyberbullying"

(S.P. 427) (L.D. 1233)

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

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.

Non-Concurrent Matter

Bill "An Act Related to Appeals of Disciplinary Proceedings Affecting County Employees"

(H.P. 803) (L.D. 1138)

REFERRED to the Committee on **STATE AND LOCAL GOVERNMENT** in the House on March 21, 2013.

Came from the Senate **REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

COMMUNICATIONS

The Following Communication: (H.P. 927)

**TOWN OF BAR HARBOR
TOWN CLERK'S OFFICE
93 COTTAGE STREET, SUITE 1
BAR HARBOR, MAINE 04609-1400**

Resolution

By The Bar Harbor Town Council

Support LD 401 - An Act to Provide Local Sales Tax Increment Disbursements

Whereas, An Act to Provide Local Sales Tax Increment Disbursements encourages local economic development and provides increased State support for those communities that contribute to the State's economic growth,

Therefore, be it resolved that, by unanimous vote, the Bar Harbor Town Council urges the Legislature to pass LD 401, and requests the Town Clerk to send a copy of this resolution to the full Legislature.

Given under our hands and seal this twenty-sixth day of March 2013.

Municipal Officers of the Town of Bar Harbor

S/Ruth A. Eveland, Chair

S/Robert E. Garland, Vice-Chair

S/David Bowden

S/Gary Friedmann

S/Paul A. Paradis
S/Peter St. Germain
S/Christopher Walsh

READ and **REFERRED** to the Committee on **TAXATION**.

Sent for concurrence.

The Following Communication: (H.P. 932)

**GRAY TOWN COUNCIL
RESOLUTION**

WHEREAS, the Governor's biennial State budget proposal places municipalities in an uncertain fiscal situation as they plan their budgets; and

WHEREAS, the proposal includes elimination of \$283 million in municipal revenue sharing and falls \$200 million short of funding local schools at the 55% level passed in referendum; would eliminate the Homestead Exemption for anyone under the age of 65; would eliminate the "circuit breaker" property tax and rent relief program for anyone under the age of 65; would take \$8 million in truck excise revenue from towns; would shift responsibility for funding half of teacher retirement from the State to the municipalities; and would create a corporate tax exemption for large amounts of currently taxable property; all resulting in significant losses of revenue for the Town of Gray; and

WHEREAS, the only major means of raising municipal revenue is property taxes, all of the above reductions in the State budget would, through a tax shift, cause an increase for the costs of current municipal services to the Town of Gray; now, therefore, **BE IT RESOLVED**, the Gray Town Council calls upon the Maine Legislature to reject these proposals, identify cost savings and improved efficiencies in state government, and raise revenue in an equitable fashion to avoid this added revenue burden on the property tax payers of our Town.

IN WITNESS WHEREOF, the Inhabitants of the Town of Gray have caused this instrument to be signed by its municipal officers, Matthew Sturgis, Richard Barter, Matthew Doughty, Lynn Gallagher, and Lewis Mancini, this 19th day of March, 2013.

By:

S/Matthew Sturgis, Chairman, Gray Town Council

S/Richard Barter, Gray Town Council

S/Matthew Doughty, Gray Town Council

S/Lynn Gallagher, Gray Town Council

S/Lewis Mancini, Gray Town Council

READ and **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**.

Sent for concurrence.

The Following Communication: (H.P. 935)

**CUMBERLAND COUNTY SUPERINTENDENTS ASSOCIATION
YORK COUNTY SUPERINTENDENTS ASSOCIATION**

March 25, 2013

Dear Legislators,

Please be advised that Governor Paul LePage's budget proposals to address the State's financial challenges would have a critical impact on the public school districts of Cumberland and York counties. This is the sixth consecutive year that public school districts have had to make incredibly difficult decisions with respect to reducing expenditures while trying to protect the classroom, the heart and soul of teaching and learning.

As you may imagine, that challenge has been made exponentially more difficult with each year of the State's continuing budget issues. Federal funds such as ARRA (American Recovery Reinvestment Act) provided some temporary relief to the public schools during the period 2009-

2012. These funds enabled some districts to avoid the modifications and reductions that they would otherwise have been forced to make in an effort to present annual budgets that would meet the litmus test of reason and responsibility. Most school districts used ARRA funds wisely and judiciously by not applying them to core programs and human resources, knowing that doing so would have obligated them to increased operational costs once those funds were expended.

Throughout the communities of Cumberland and York counties school districts and municipal government have worked diligently to present fiscally responsible budgets, while addressing the various needs of their respective constituencies and meeting their respective responsibilities to the students and to the general citizenry.

The development of the FY14 budget for each school district and municipality presents the most significant challenge in recent memory. The Governor's budget proposal to shift certain responsibilities from the State to the municipalities and the schools threatens the core of essential programs and services provided by them.

We most respectfully urge you to work with your legislative colleagues in a bipartisan manner to strenuously oppose the Governor's proposals. We do not believe these proposals are well reasoned or in the best interest of the people of Maine. We ask that you seek alternative measures that will address the State's financial challenges without shifting heretofore State financial responsibilities to public education and to our communities.

On behalf our Cumberland County and York County colleagues,

S/Ted Sharp, President

Cumberland County Superintendents Association

S/Frank Sherburne, President

York County Superintendents Association

Attest a true and exact copy.

S/Rhonda Warren

Notary Public State of Maine

My Commission Expires

November 1, 2019

READ and REFERRED to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS.**

Sent for concurrence.

The Following Communication: (H.P. 936)

**RESOLUTION OF THE SOUTHWEST HARBOR SCHOOL COMMITTEE
IN SUPPORT OF FULLY FUNDING MAINE'S PUBLIC SCHOOLS**

Whereas, public education is integral to the democratic viability and economic future of Maine by directly and indirectly contributing to the intellectual and physical development of the children and young adults of our great state; and
Whereas, recognizing the essential need of a strong public school system the voters of Maine in 2004 overwhelmingly approved a referendum requiring the State of Maine to fully fund 55% of the cost of public education; and
Whereas, since 2008, the state has short-changed its share of funding for public education by over \$500 million in flagrant violation of the letter and spirit of the 2004 referendum; and
Whereas, as the state has abandoned its commitment to fund our public schools property owners throughout the state have often been asked to shoulder more of the responsibility for funding our schools, often through increases in local property taxes; and
Whereas, the Governor has proposed in his budget moving the funding for our schools backwards by reducing GPA to local

school districts by \$12.56 million from 2012-13 levels and shifting an additional \$14 million in retirement costs from the state to the local school districts for each of the next two years; and
Whereas, if the Governor's proposed budget is adopted in its current form, our school district will be forced to take drastic actions to balance their budgets by laying off educators, reducing personnel, cutting programs and services, and asking local middle class families to pay even more in property taxes to make up for the shortfall from the state;

Now Therefore, be it resolved that:

The Southwest Harbor School Committee calls on the legislators of both parties to fully fund our public schools as expressed by the will of the citizens of Maine in the 2004 referendum by providing the required 55% of the cost of public education in Maine; and

The Southwest Harbor School Committee calls upon the legislators of both parties to reject the Governor's proposal to shift pension payments onto local cities and towns; and

Therefore be it finally resolved, the Southwest Harbor School Committee calls upon the Maine Legislature to raise additional state revenue in an equitable fashion in order to avoid regressive tax shifts to municipalities.

Signed this 13th day of March, 2013.

S/Prentice Strong

S/Ingrid Kachmar

S/Eric Henry

S/Erika Lindquist

S/Susan Allen

State of Maine

County of Hancock

I, Selena V. Dunbar, a notary public, do certify that on this 28th day of March, 2013, I carefully compared the attached copy of the Resolution of the Southwest Harbor School Committee in Support of Fully Funding Maine's Public Schools with the original. It is a complete and true copy of the original document.

S/Selena V. Dunbar, Notary Public, State of Maine

My Commission Expires 2/23/2018

READ and REFERRED to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS.**

Sent for concurrence.

The Following Communication: (H.P. 937)

RESOLUTION OF THE TREMONT SCHOOL COMMITTEE IN SUPPORT OF FULLY FUNDING MAINE'S PUBLIC SCHOOLS

Whereas, public education is integral to the democratic viability and economic future of Maine by directly and indirectly contributing to the intellectual and physical development of the children and young adults of our great state; and
Whereas, recognizing the essential need of a strong public school system the voters of Maine in 2004 overwhelmingly approved a referendum requiring the State of Maine to fully fund 55% of the cost of public education; and
Whereas, since 2008, the state has short-changed its share of funding for public education by over \$500 million in flagrant violation of the letter and spirit of the 2004 referendum; and
Whereas, as the state has abandoned its commitment to fund our public schools property owners throughout the state have often been asked to shoulder more of the responsibility for funding our schools, often through increases in local property taxes; and
Whereas, the Governor has proposed in his budget moving the funding for our schools backwards by reducing GPA to local school districts by \$12.56 million from 2012-13 levels and shifting an additional \$14 million in retirement costs from the state to the local school districts for each of the next two years; and

Whereas, if the Governor's proposed budget is adopted in its current form, our school district will be forced to take drastic actions to balance their budgets by laying off educators, reducing personnel, cutting programs and services, and asking local middle class families to pay even more in property taxes to make up for the shortfall from the state;

Now Therefore, be it resolved that:

The Tremont School Committee calls on the legislators of both parties to fully fund our public schools as expressed by the will of the citizens of Maine in the 2004 referendum by providing the required 55% of the cost of public education in Maine; and

The Tremont School Committee calls upon the legislators of both parties to reject the Governor's proposal to shift pension payments onto local cities and towns; and

Therefore be it finally resolved, the Tremont School Committee calls upon the Maine Legislature to raise additional state revenue in an equitable fashion in order to avoid regressive tax shifts to municipalities.

Signed this 14th day of March, 2013.

S/Amy A. Murphy

S/Kate McMullin

S/Christina Butler

S/Jennifer Gott

State of Maine

County of Hancock

I, Selena V. Dunbar, a notary public, do certify that on this 28th day of March, 2013, I carefully compared the attached copy of the Resolution of the Tremont School Committee in Support of Fully Funding Maine's Public Schools with the original. It is a complete and true copy of the original document.

S/Selena V. Dunbar, Notary Public, State of Maine

My Commission Expires 2/23/2018

READ and REFERRED to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS.**

Sent for concurrence.

The Following Communication: (H.P. 938)

RESOLUTION OF THE TREMONT SCHOOL COMMITTEE IN SUPPORT OF FULLY FUNDING MAINE'S PUBLIC SCHOOLS

Whereas, public education is integral to the democratic viability and economic future of Maine by directly and indirectly contributing to the intellectual and physical development of the children and young adults of our great state; and

Whereas, recognizing the essential need of a strong public school system the voters of Maine in 2004 overwhelmingly approved a referendum requiring the State of Maine to fully fund 55% of the cost of public education; and

Whereas, since 2008, the state has short-changed its share of funding for public education by over \$500 million in flagrant violation of the letter and spirit of the 2004 referendum; and

Whereas, as the state has abandoned its commitment to fund our public schools property owners throughout the state have often been asked to shoulder more of the responsibility for funding our schools, often through increases in local property taxes; and

Whereas, the Governor has proposed in his budget moving the funding for our schools backwards by reducing GPA to local school districts by \$12.56 million from 2012-13 levels and shifting an additional \$14 million in retirement costs from the state to the local school districts for each of the next two years; and

Whereas, if the Governor's proposed budget is adopted in its current form, our school district will be forced to take drastic actions to balance their budgets by laying off educators, reducing personnel, cutting programs and services, and asking local

middle class families to pay even more in property taxes to make up for the shortfall from the state;

Now Therefore, be it resolved that:

The Trenton School Committee calls on the legislators of both parties to fully fund our public schools as expressed by the will of the citizens of Maine in the 2004 referendum by providing the required 55% of the cost of public education in Maine; and

The Trenton School Committee calls upon the legislators of both parties to reject the Governor's proposal to shift pension payments onto local cities and towns; and

Therefore be it finally resolved, the Trenton School Committee calls upon the Maine Legislature to raise additional state revenue in an equitable fashion in order to avoid regressive tax shifts to municipalities.

S/Jennifer Bonilla

S/Judy Sproule

S/Susan Sargent

S/Elizabeth Hudson

State of Maine

County of Hancock

I, Selena V. Dunbar, a notary public, do certify that on this 28th day of March, 2013, I carefully compared the attached copy of the Resolution of the Trenton School Committee in Support of Fully Funding Maine's Public Schools with the original. It is a complete and true copy of the original document.

S/Selena V. Dunbar, Notary Public, State of Maine

My Commission Expires 2/23/2018

READ and REFERRED to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS.**

Sent for concurrence.

The Following Communication: (H.P. 939)

RESOLUTION OF THE MOUNT DESERT ISLAND REGIONAL SCHOOL SYSTEM IN SUPPORT OF FULLY FUNDING MAINE'S PUBLIC SCHOOLS

Whereas, public education is integral to the democratic viability and economic future of Maine by directly and indirectly contributing to the intellectual and physical development of the children and young adults of our great state; and

Whereas, recognizing the essential need of a strong public school system the voters of Maine in 2004 overwhelmingly approved a referendum requiring the State of Maine to fully fund 55% of the cost of public education; and

Whereas, since 2008, the state has short-changed its share of funding for public education by over \$500 million in flagrant violation of the letter and spirit of the 2004 referendum; and

Whereas, as the state has abandoned its commitment to fund our public schools property owners throughout the state have often been asked to shoulder more of the responsibility for funding our schools, often through increases in local property taxes; and

Whereas, the Governor has proposed in his budget moving the funding for our schools backwards by reducing GPA to local school districts by \$12.56 million from 2012-13 levels an shifting an additional \$14 million in retirement costs from the state to the local school districts for each of the next two years; and

Whereas, if the Governor's proposed budget is adopted in its current form, our school district will be forced to take drastic actions to balance their budgets by laying off educators, reducing personnel, cutting programs and services, and asking local middle class families to pay even more in property taxes to make up for the shortfall from the state;

Now Therefore, be it resolved that:

The Mount Desert Island Regional School System calls on the

legislators of both parties to fully fund our public schools as expressed by the will of the citizens of Maine in the 2004 referendum by providing the required 55% of the cost of public education in Maine; and

The Mount Desert Island Regional School System calls upon the legislators of both parties to reject the Governor's proposal to shift pension payments onto local cities and towns; and Therefore be it finally resolved, the Mount Desert Island Regional School System calls upon the Maine Legislature to raise additional state revenue in an equitable fashion in order to avoid regressive tax shifts to municipalities.

S/Joseph T. Burton III

S/Susan Allen

S/Caroline Pryor

S/Brian Hubbell

S/Ingrid Kachmar

S/Heather Jones

S/Melisa Rowland

S/Charles Wray

S/Claire Sasner

S/Prentice Strong

S/Erika Lindquist

S/Christina Butler

S/Laura Hendricks

State of Maine

County of Hancock

I, Selena V. Dunbar, a notary public, do certify that on this 28th day of March, 2013, I carefully compared the attached copy of the Resolution of the Mount Desert Island Regional School System in Support of Fully Funding Maine's Public Schools with the original. It is a complete and true copy of the original document.

S/Selena V. Dunbar, Notary Public, State of Maine

My Commission Expires 2/23/2018

READ and **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS.**

Sent for concurrence.

The Following Communication: (H.C. 112)

STATE OF MAINE
HOUSE OF REPRESENTATIVES
2 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0002

March 27, 2013

Honorable Millicent M. MacFarland

Clerk of the House

2 State House Station

Augusta, Maine 04333

Dear Clerk MacFarland:

Pursuant to my authority under Title 34-A, Chapter 9, §9922 of the Maine Revised Statutes, I have appointed Representative Joshua R. Plante of Berwick to the State Council for Juvenile Supervision.

If you have any questions regarding this appointment, please do not hesitate to contact me.

Sincerely,

S/Rep. Mark Dion, House Chair

Joint Standing Committee on Criminal Justice and Public Safety

READ and **ORDERED PLACED ON FILE.**

The Following Communication: (H.C. 116)

STATE OF MAINE
HOUSE OF REPRESENTATIVES

SPEAKER'S OFFICE
AUGUSTA, MAINE 04333-0002

April 1, 2013

Honorable Millicent M. MacFarland

Clerk of the House

2 State House Station

Augusta, Maine 04333

Dear Clerk MacFarland:

Pursuant to my authority under House Rule 201.1 (l) (a) and Joint Rule 371, I have temporarily appointed Representative Jeff M. McCabe of Skowhegan as a member of the Government Oversight Committee for the duration of the absence of Representative Matthew J. Peterson of Rumford effective immediately.

Should you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,

S/Mark W. Eves

Speaker of the House

READ and **ORDERED PLACED ON FILE.**

The Following Communication: (H.C. 113)

STATE OF MAINE
CLERK'S OFFICE
2 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0002

April 2, 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 Committee on Energy, Utilities and Technology has approved the request by the sponsor, Representative Dunphy of Embden, to report the following "Leave to Withdraw":

L.D. 1242 An Act To Dissolve the Anson Water District

Sincerely,

S/Millicent M. MacFarland

Clerk of the House

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

The Following Communication: (H.C. 114)

STATE OF MAINE
CLERK'S OFFICE
2 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0002

April 2, 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 and Joint Select Committee have voted unanimously to report the following bills out "Ought Not to Pass:"

Criminal Justice and Public Safety

L.D. 382

An Act Regarding the Period of Time for Which an Incarcerated Person Is Eligible To Earn Good Time

LEGISLATIVE RECORD - HOUSE, April 2, 2013

Education and Cultural Affairs
 L.D. 417 An Act To Ensure That All Voters Are Able To Vote in Regional School Unit Budget Elections
 L.D. 462 An Act To Dedicate Funds for Emergency Back-up Power for Schools
 L.D. 528 An Act To Require Parental Consent for a School To Conduct Mental Health or Behavioral Screening on a Student
 L.D. 531 An Act To Allow Students To Audit Classes at University of Maine System Campuses
 L.D. 595 An Act To Exempt School Administrative Units That Do Not Directly Serve Children with Disabilities from Certain Reporting Requirements
 L.D. 669 An Act Requiring School Administrative Units To Adopt School Volunteer Policies
 L.D. 709 An Act To Require Students To Receive Instruction in Cardiopulmonary Resuscitation and the Use of an Automated External Defibrillator prior to Graduation
 Health and Human Services
 L.D. 520 An Act To Protect Maine Consumers from Predatory Medical Pricing
 L.D. 539 An Act To Ensure Parity in the Ability To Counsel Patients
 Insurance and Financial Services
 L.D. 580 An Act To Prohibit Denial of Insurance Coverage When a Building Contains a Wood Stove
 L.D. 683 An Act To Assist Homeowners with Wood Stoves in Obtaining Property Insurance
 Maine's Workforce and Economic Future
 L.D. 516 An Act To Create the Integrated Manufacturing Program Fund
 L.D. 737 An Act To Promote Workforce Development and Training in the Heating, Ventilation, Air Conditioning and Energy Efficiency and Conservation Trades
 Marine Resources
 L.D. 469 An Act To Allow the Commissioner of Marine Resources To Investigate Price Fixing of Lobster (EMERGENCY)
 State and Local Government
 L.D. 856 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Require State Officers To Be Elected by a Majority of Voters
 L.D. 858 An Act To Partially Fund Tax Breaks for the Wealthy by Eliminating Certain Gubernatorial Benefits
 Taxation
 L.D. 762 An Act To Facilitate Collection of Property Taxes on Personal Property
 Transportation
 L.D. 12 Resolve, Directing the Department of Transportation To Add a Reference to the Katahdin Trail to the Sign for the First Newport Exit on Interstate 95 North
 L.D. 13 Resolve, Directing the Maine Turnpike Authority To Place Signs Directing Motorists to Berwick Academy
 L.D. 363 An Act To Improve Safety on Railroad Rights-of-way
 L.D. 404 An Act To Exempt Snowmobile Clubs from Certain Department of Transportation Sign Requirements

L.D. 446 Resolve, Directing the Department of Transportation To Develop a Less Corrosive Road Deicing Strategy
 L.D. 571 Resolve, To Require Signs Recognizing the 45th Parallel North in Maine
 L.D. 590 Resolve, To Include Questions about Texting on the State's Written Driver's License Examination
 L.D. 620 An Act To Expand the Authorized Operation of All-terrain Vehicles on Roads
 L.D. 712 Resolve, Directing the Department of Transportation To Place Signs on Interstate 295 Directing Motorists to the Town of Harpswell
 L.D. 817 Resolve, To Require That a Sign Directing Motorists To Gould Academy Be Placed on the Maine Turnpike
 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.**

The Following Communication: (H.C. 115)

**STATE OF MAINE
 DEPARTMENT OF AUDIT
 66 STATE HOUSE STATION
 AUGUSTA, MAINE 04333-0066**

Letter of Transmittal

Honorable Justin L. Alford
 President of the Senate
 Honorable Mark W. Eves
 Speaker of the House
 Honorable Paul R. LePage
 Governor of Maine

I am pleased to submit the Single Audit of the State of Maine for the fiscal year ended June 30, 2012. This audit was conducted in accordance with Government Auditing Standards, issued by the Comptroller General of the United States; the requirements of the Single Audit Act Amendments of 1996; and the Office of Management and Budget Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations. Our audit complies with 5 MRSA §243 and is a prerequisite for the receipt of federal financial assistance, which was \$3.2 billion during fiscal year 2012.

This document contains the following reports and schedules:

- Independent Auditor's Report
- Basic Financial Statements, Management's Discussion and Analysis, Notes to Financial Statements, and Required Supplementary Information
- Independent Auditor's Report on Internal Control over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance With Government Auditing Standards
- Independent Auditor's Report on Compliance With Requirements That Could Have a Direct and Material Effect on Each Major Program and on Internal Control Over Compliance in Accordance With OMB Circular A-133
- Schedule of Expenditures of Federal Awards
- Schedule of Findings and Questioned Costs

- Financial Statement Findings
- Indexes to Federal Program Findings
- Federal Findings, Questioned Costs and Corrective Action Plan
- Summary Schedule of Prior Audit Findings

On behalf of the Maine Department of Audit, I thank employees throughout Maine government who have assisted us during our audit. I know that we all work to improve financial reporting and accountability for our citizens and our State.

Please contact me if you have questions or comments about the 2012 Single Audit of the State of Maine.

Respectfully submitted,

S/Pola A. Buckley

State Auditor

March 28, 2013

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

The Following Communication: (S.C. 179)

**MAINE SENATE
126TH LEGISLATURE
OFFICE OF THE SECRETARY**

March 28, 2013

Honorable Mark W. Eves

Speaker of the House

2 State House Station

Augusta, Maine 04333

Dear Speaker Eves:

Please be advised that the Senate today accepted the Committee recommendations and the following nominations were denied:

Upon the recommendation of the Committee on Agriculture, Conservation and Forestry, the nomination of Honorable Duane R. Lander of Harford's Point for appointment to the Land Use Planning Commission.

Upon the recommendation of the Committee on Agriculture, Conservation and Forestry, the nomination of Lloyd K. Trafton of West Forks for appointment to the Land Use Planning Commission.

Sincerely,

S/Darek M. Grant

Secretary of the Senate

READ and **ORDERED PLACED ON FILE.**

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

The following Bills, Resolve and Resolution 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 Allow Law Enforcement Agencies Access to Animal Licensing Information"

(H.P. 912) (L.D. 1285)

Sponsored by Representative BOLAND of Sanford.

Cosponsored by Senator LACHOWICZ of Kennebec and Representatives: CHENETTE of Saco, HARLOW of Portland, KUMIEGA of Deer Isle, KUSIAK of Fairfield, Senator: GERZOFKY of Cumberland.

Bill "An Act To Protect Maine Communities by Prohibiting Horse Slaughter for Human Consumption and the Transport of Horses for Slaughter"

(H.P. 913) (L.D. 1286)

Sponsored by Representative KNIGHT of Livermore Falls.

Cosponsored by Representative DICKERSON of Rockland, Senator KATZ of Kennebec and Representatives: CASAVANT of Biddeford, ESPLING of New Gloucester, KENT of Woolwich, MacDONALD of Old Orchard Beach, SIROCKI of Scarborough, VOLK of Scarborough, WEAVER of York, Senator: JACKSON of Aroostook.

Bill "An Act To Deregulate Face-to-face Transactions between the People and Small Farms and Small Food Producers"

(H.P. 914) (L.D. 1287)

Sponsored by Representative HICKMAN of Winthrop.

Cosponsored by Representative LOCKMAN of Amherst, Senator SAVIELLO of Franklin and Representatives: CHAPMAN of Brooksville, EVANGELOS of Friendship, JONES of Freedom, KUMIEGA of Deer Isle, LIBBY of Waterboro, MAREAN of Hollis, TURNER of Burlington, Senator: WHITTEMORE of Somerset.

Bill "An Act Regarding Impairment of Health of a Correctional Employee Caused by Infectious Disease"

(H.P. 915) (L.D. 1288)

Sponsored by Representative DeCHANT of Bath.

Cosponsored by Representatives: GILBERT of Jay, SHORT of Pittsfield.

Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested.

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

CRIMINAL JUSTICE AND PUBLIC SAFETY

Bill "An Act To Create an Animal Abuser Registry"

(H.P. 916) (L.D. 1289)

Sponsored by Representative DICKERSON of Rockland.

Cosponsored by Senator MAZUREK of Knox and Representatives: BEAVERS of South Berwick, HARVELL of Farmington, JORGENSEN of Portland, KNIGHT of Livermore Falls, MASTRACCIO of Sanford, MONAGHAN-DERRIG of Cape Elizabeth, Senator: HILL of York.

Bill "An Act Regarding Computers Used To Commit a Crime or Facilitate the Commission of a Crime"

(H.P. 941) (L.D. 1316)

Sponsored by Representative TYLER of Windham.

Cosponsored by Senator PLUMMER of Cumberland and Representatives: LAJOIE of Lewiston, LONG of Sherman, MARKS of Pittston, PEASE of Morrill, PLANTE of Berwick, Senators: DUTREMBLE of York, GERZOFKY of Cumberland.

Submitted by the Department of Public Safety pursuant to Joint Rule 204.

EDUCATION AND CULTURAL AFFAIRS

Bill "An Act To Require High School Students To Complete Community Service"

(H.P. 917) (L.D. 1290)

Sponsored by Representative CHENETTE of Saco.

Cosponsored by Senator VALENTINO of York and Representatives: BEAUDOIN of Biddeford, BEAVERS of South Berwick, BOLAND of Sanford, FOWLE of Vassalboro, GIDEON of Freeport, GILBERT of Jay, NADEAU of Fort Kent, NADEAU of Winslow, PEASE of Morrill, PLANTE of Berwick, STUCKEY of Portland.

Bill "An Act Regarding the Effect on Collective Bargaining Agreements of Failure To Validate a School Budget"

(H.P. 918) (L.D. 1291)

Sponsored by Representative NEWENDYKE of Litchfield.

Cosponsored by Representatives: CRAFTS of Lisbon, DAVIS of Sangerville, GUERIN of Glenburn, LOCKMAN of Amherst, WALLACE of Dexter.

Bill "An Act To Create the Maine Education Investment Board"

(H.P. 928) (L.D. 1301)

Sponsored by Representative NELSON of Falmouth.

Cosponsored by Senator LANGLEY of Hancock and Representatives: DAUGHTRY of Brunswick, KUSIAK of Fairfield, MacDONALD of Boothbay, RANKIN of Hiram, Senator: JOHNSON of Lincoln.

ENERGY, UTILITIES AND TECHNOLOGY

Bill "An Act To Create the Presque Isle Utilities District"

(H.P. 920) (L.D. 1293)

Sponsored by Representative WILLETTE of Mapleton.

Cosponsored by Representative SAUCIER of Presque Isle, Senator SHERMAN of Aroostook.

ENVIRONMENT AND NATURAL RESOURCES

Bill "An Act To Minimize the Use of Plastic Bags"

(H.P. 919) (L.D. 1292)

Sponsored by Representative McGOWAN of York.

Cosponsored by Representatives: BEAVERS of South Berwick, DEVIN of Newcastle and Representatives: CASSIDY of Lubec, EVANGELOS of Friendship, HARLOW of Portland, NOON of Sanford, WELSH of Rockport, Senator: JOHNSON of Lincoln.

Bill "An Act To Amend the Maine Metallic Mineral Mining Act To Protect Water Quality"

(H.P. 929) (L.D. 1302)

Sponsored by Representative McCABE of Skowhegan.

Cosponsored by Senator WOODBURY of Cumberland and Representatives: COTTA of China, DUNPHY of Embden, ESPLING of New Gloucester, MAKER of Calais, MALABY of Hancock, SANDERSON of Chelsea, SHAW of Standish.

HEALTH AND HUMAN SERVICES

Bill "An Act To Increase the Penalty for Smoking in a Motor Vehicle When a Child Is Present"

(H.P. 921) (L.D. 1294)

Sponsored by Representative HAMANN of South Portland.

Cosponsored by Representatives: GIDEON of Freeport, STUCKEY of Portland, WILSON of Augusta.

INLAND FISHERIES AND WILDLIFE

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Establish the Right To Hunt and Fish

(H.P. 930) (L.D. 1303)

Sponsored by Representative FREDETTE of Newport.

Cosponsored by Senator GOODALL of Sagadahoc and Representatives: DAVIS of Sangerville, GUERIN of Glenburn, McCABE of Skowhegan, REED of Carmel, SHORT of Pittsfield, TYLER of Windham, WOOD of Sabattus, Senator: JACKSON of Aroostook.

LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT

Bill "An Act To Ensure the Safety of Compounded Drugs"

(H.P. 934) (L.D. 1315)

Sponsored by Representative TREAT of Hallowell.

Cosponsored by Senator CRAVEN of Androscoggin and Representatives: FARNSWORTH of Portland, GATTINE of Westbrook, GRAHAM of North Yarmouth, PRINGLE of Windham, SANBORN of Gorham.

STATE AND LOCAL GOVERNMENT

Bill "An Act To Require the Use of Preapproved Subcontractors for Publicly Funded Construction Projects"

(H.P. 922) (L.D. 1295)

Sponsored by Representative DeCHANT of Bath.

Cosponsored by Representatives: GILBERT of Jay, SHORT of Pittsfield.

TAXATION

Bill "An Act To Provide Funding for Public Education by Increasing the Sales Tax"

(H.P. 924) (L.D. 1297)

Sponsored by Representative CHENETTE of Saco.

Cosponsored by Representatives: GOODE of Bangor, NOON of Sanford, PLANTE of Berwick, RYKERSON of Kittery.

Bill "An Act To Allow a Local Option Tax on Meals and Lodging"

(H.P. 933) (L.D. 1314)

Sponsored by Representative MOONEN of Portland.

TRANSPORTATION

Bill "An Act To Require the Secretary of State To Suspend a Person's License in Certain Instances Regardless of whether an Accident Report Has Been Filed"

(H.P. 923) (L.D. 1296)

Sponsored by Representative WILLETTE of Mapleton.

Resolve, Establishing the East-west Highway Study Commission To Oversee Further Study or Planning for an East-west Highway

(H.P. 931) (L.D. 1304)

Sponsored by Representative McCABE of Skowhegan.

Cosponsored by Senator JACKSON of Aroostook and Representative: CAREY of Lewiston.

VETERANS AND LEGAL AFFAIRS

Bill "An Act To Authorize the Houlton Band of Maliseet Indians To Operate a Casino in Aroostook County"

(H.P. 925) (L.D. 1298)

Sponsored by Representative BEAR of the Houlton Band of Maliseet Indians.

Bill "An Act Related to Rent Escrow"

(H.P. 940) (L.D. 1317)

Sponsored by Representative SCHNECK of Bangor. (BY REQUEST)

Cosponsored by Representatives: NADEAU of Winslow, VEROW of Brewer.

Bill "An Act To Authorize a Federally Recognized Indian Tribe in the State To Benefit from the Operation of an Existing Casino"

(H.P. 942) (L.D. 1319)

Sponsored by Representative BEAR of the Houlton Band of Maliseet Indians.

Cosponsored by Senator TUTTLE of York and Representatives: EVANGELOS of Friendship, KINNEY of Limington.

MAINE'S WORKFORCE AND ECONOMIC FUTURE

Bill "An Act To Promote and Expand Awareness of the Educational Opportunity Tax Credit"

(H.P. 926) (L.D. 1300)

Sponsored by Representative GRANT of Gardiner.

Cosponsored by President ALFOND of Cumberland and Representatives: BERRY of Bowdoinham, FREDETTE of Newport, KESCHL of Belgrade, KNIGHT of Livermore Falls, MacDONALD of Boothbay, RUSSELL of Portland, Senators: FLOOD of Kennebec, MILLETT of Cumberland.

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

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Azad Jalali, of Falmouth, who is the 2013 Class B 800-meter Boys Track Champion. We extend our congratulations and best wishes to Azad on his achievement;

(HLS 106)

Presented by Representative NELSON of Falmouth.

Cosponsored by Senator WOODBURY of Cumberland, Representative DION of Portland.

On **OBJECTION** of Representative NELSON of Falmouth, was **REMOVED** from the Special Sentiment Calendar.

READ.

Recognizing:

Charlotte Janelle, of Falmouth, who is the 2013 Girls Class B State Diving Champion. We extend our congratulations and best wishes to Charlotte on her achievement;

(HLS 107)

Presented by Representative NELSON of Falmouth.

Cosponsored by Senator WOODBURY of Cumberland, Representative DION of Portland.

On **OBJECTION** of Representative NELSON of Falmouth, was **REMOVED** from the Special Sentiment Calendar.

READ.

Recognizing:

the following members of the Falmouth High School Boys Basketball Team, who won the 2013 Class B State Championship: Grant Burfeind, Nick Burton, Thomas Coyne, Charlie Faye, Addison Foltmer, Jake Horning, Jacob LaPlante, Justin Rogers, Jack Simonds, I.V. Stucker, Andrew Thornton, Matthew Tseng and Tom Wilberg. We congratulate the members of the team on their achievement and we send them our best wishes;

(HLS 108)

Presented by Representative NELSON of Falmouth.

Cosponsored by Senator WOODBURY of Cumberland, Representative DION of Portland.

On **OBJECTION** of Representative NELSON of Falmouth, was **REMOVED** from the Special Sentiment Calendar.

READ.

Recognizing:

the following members of the Falmouth High School Alpine Ski Team, who won the 2013 Class A State Championship: Margaret Coster, Krysia Lesniak, Alexandra Shapiro, Alexander Gowen, Benjamin Hilfrank, Joseph Lesniak, Thomas Lesniak, John Cooper Lycan and Devereux Thomas. We extend our congratulations and best wishes to the members of the team on this achievement;

(HLS 109)

Presented by Representative NELSON of Falmouth.

Cosponsored by Senator WOODBURY of Cumberland, Representative DION of Portland.

On **OBJECTION** of Representative NELSON of Falmouth, was **REMOVED** from the Special Sentiment Calendar.

READ.

Recognizing:

the following members of the Falmouth High School Nordic Ski Team, on their winning the 2013 Class A State Championship: Jessica Abramson, London Bernier, Dana Bloch, Caitlin Bucksbaum, Ava Demer, Camille Dunwoody, Anna Morin, Emily Rioux, Ethan Cantlin, Iain Kurry, Scott Lambert, Jay Lesser, Gabriel Mahoney and Samuel Pratico. We extend our congratulations to the Girls and the Boys Nordic Ski Team on this achievement;

(HLS 110)

Presented by Representative NELSON of Falmouth.

Cosponsored by Senator WOODBURY of Cumberland, Representative DION of Portland.

On **OBJECTION** of Representative NELSON of Falmouth, was **REMOVED** from the Special Sentiment Calendar.

READ.

Recognizing:

the following members of the Falmouth High School Boys Ice Hockey Team, who won the 2013 Class A State Championship: Alden Bohrmann, Ryan Bonnvie, Kelvin Cho, Andre Clement, Matthew Edmonds, Andrew Emple, Jake Grade, Hugh Grygiel, Tyler Jordan, Ethan Low, Hunter Low, Connor MacDowell, William Mullin, Isac Nordstrom, Dane Pauls, Brandon Peters, Jack Pike, Kris Samaras, Alden Weller and JP White. We congratulate the members of the team on their winning the Class A State Championship;

(HLS 111)

Presented by Representative NELSON of Falmouth.

Cosponsored by Senator WOODBURY of Cumberland, Representative DION of Portland.

On **OBJECTION** of Representative NELSON of Falmouth, was **REMOVED** from the Special Sentiment Calendar.

READ.

Recognizing:

Jacob Buhelt, of Falmouth, who is the 2013 Class B 200-meter Boys Track Champion. We extend our congratulations and best wishes to Jacob on his achievement;

(HLS 112)

Presented by Representative NELSON of Falmouth.

Cosponsored by Senator WOODBURY of Cumberland, Representative DION of Portland.

On **OBJECTION** of Representative NELSON of Falmouth, was **REMOVED** from the Special Sentiment Calendar.

READ.

Recognizing:

Jake Perron, of Falmouth, who is the 2013 Boys Class B State Swim Champion in the 500 freestyle. We extend our congratulations and best wishes to Jake on his achievement;

(HLS 113)

Presented by Representative NELSON of Falmouth.
Cosponsored by Senator WOODBURY of Cumberland,
Representative DION of Portland.

On **OBJECTION** of Representative NELSON of Falmouth, was **REMOVED** from the Special Sentiment Calendar.

READ.

The SPEAKER: The Chair recognizes the Representative from Falmouth, Representative Nelson.

Representative **NELSON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am actually objecting to items 5-3 through 5-10 and I would ask you to look at the Special Sentiment Calendar. It has been a remarkable season for Falmouth High School athletes. They have won the State Class B Boys Basketball Championship, the Class A Boys Ice Hockey Championship, Nordic Skiing Championship, if you look through, Alpine Ski Team Championship, and individual awards of a number of students. I invited them to come up here today for these Special Sentiments and the principal and superintendent of the high school indicated that that would be just too many children leaving the high school and it would leave too few kids still in high school, so we are honoring them in Falmouth. But I want to particularly recognize the high achievement and the hard work that these state championships recognize for Falmouth High School athletes. Thank you, Mr. Speaker.

Subsequently, the Sentiments were **PASSED** and sent for concurrence.

In Memory of:

Daniel W. Bates, of Gardiner, a successful employment lawyer and former Assistant District Attorney, with appellate success in the United States Court of Appeals for the First Circuit and the Supreme Court of the United States, who, at his untimely death, was a candidate for the Maine House of Representatives for District 59, Gardiner and Randolph. Mr. Bates lectured on a variety of subjects, including sexual harassment prevention and investigation. He was a valued member of the Gardiner Library Association, serving as vice president. In addition to his successful legal career and community service, Mr. Bates was also an ardent Red Sox Fan, who wrote a number of sports ballads. Inspired by the rampant euphoria all over Red Sox Nation at the instant of its team's 2004 World Series victory, he wrote and published *The Ballad of the Beantowne Bosox*. He will be greatly missed and long remembered by his beloved wife, Beth, his family, friends and community;

(HLS 103)

Presented by Representative GRANT of Gardiner.
Cosponsored by Senator FLOOD of Kennebec, Representative
TIMBERLAKE of Turner.

On **OBJECTION** of Representative GRANT of Gardiner, was **REMOVED** from the Special Sentiment Calendar.

READ.

The SPEAKER: The Chair recognizes the Representative from Gardiner, Representative Grant.

Representative **GRANT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. On Saturday, September 29, 2012, I arrived home from putting up my campaign signs with my team, to see my husband, fresh back

from his own sign duties, on the telephone. From the look on his face, I knew it was bad news.

The caller was a neighbor who thought I should know that my Republican opponent, Daniel Bates, had died that morning of an apparent heart attack. He was just 61.

I immediately thought of Dan's wife, and I felt sick that we had just covered the town with my purple campaign signs. How awful for her to look at those now, I thought.

The next few days were a bit of a blur. It felt as though I had been in an intense tug of war, to suddenly find myself sitting on the ground holding a slack piece of rope. I consulted my team and we suspended our campaign out of respect. I responded to press questions. What do you say under those circumstances? What was the protocol? I had no idea.

I only knew that a member of my community, a man who, like me, was on the Gardiner Library Board and who, like me, aspired to serve in the Maine House, and he was suddenly gone. The family, friends and community who knew Dan were truly at a loss, and though we only knew each other through our library work, I also felt his loss keenly.

I did eventually have another Republican opponent and we finished the campaign. But I was changed by Dan's death, and I wanted to be sure of one thing. If I was able to serve in this House, I wanted to somehow complete the race for Dan and his family. This sentiment is my way of honoring Dan's contributions to my community, his aspirations to serve the people of Maine, and to bring some closure of unfinished business for his wife, Beth, and their family, and for our community.

Participating in our democracy in this way makes us all winners, no matter who is elected.

At his memorial service, listening to people recount the contributions he had made to their lives, I was reminded in a deep way – just when I needed the reminder the most – that no matter how deeply we feel about issues, people always come first.

We all feel passionately about the issues facing our state and nation, otherwise we wouldn't aspire to serve here in the first place. I realized that if I could remember how I felt, sitting at Dan Bates's funeral, my public service would be the better for it. Time will tell how well I learned that lesson.

Dan Bates was a true gentleman, who loved his wife and his family, friends, community and state. He will continue to be missed by all those who knew him. Of all his many accomplishments, those closest to Dan tell me that the book that has been placed on your desks this morning was one of his personal bests. After the Red Sox won the World Series, finally breaking the Curse of the Babe, Dan wrote and published "The Ballad of the Beantowne Bosox," a clever and unabashedly proud ode to that stunning victory. This book and the CD recording of our mutual friend, Gary Crocker, reading that ballad, are gifts to you all from Dan's wife, Beth. The win over the Yankees in the season opener yesterday was sweet coincidence.

Thank you, Mr. Speaker, and Ladies and Gentlemen of the House, for joining the people of Gardiner in not just our grief at a friend's passing, but in the celebration and remembrance of a life well lived. Thank you.

The SPEAKER: The Chair recognizes the Representative from Turner, Representative Timberlake.

Representative **TIMBERLAKE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I regret having to rise to speak today on the passing of Daniel Bates but I am honored to pay tribute to a close friend and cousin, Danny.

He and I grew up together and over the summers, we formed a long friendship. I met Danny when his parents would travel

from Illinois and bring their family to spend their summers in the cottage up the road from where I lived in Turner.

At first, I didn't know what to make of the skinny kid that could run like a deer and kick a ball between his feet with such speed and agility. He tried to teach me about this game called soccer. And I, being a farm boy, had never played soccer. I didn't even know what it was. All I had ever played was football.

Once in college, he decided to spend one of those summers working on our farm in Turner, Maine. To my surprise, by that fall the city slicker that had come from Illinois had turned out to be a fairly competent farmer. Over those months, I developed nothing but respect for him and Dan became the best friend a man could ever ask for. Over the years, we stayed in touch. I continued on with farming and running a business and Dan went on to study law.

I can remember when he first told me about his wife, Beth, and how he knew that I would like her because she liked NASCAR racing. She was the love of his life. Dan had two sons and I always accused him of naming one of them after me because his name was Jefferson. He didn't really, but he was so proud of Jefferson and Peter. He always talked about his boys. He did his best at being a great brother, son, father and husband. I believe he succeeded in everything he tried.

He will always be remembered as a down-to-earth man. Honest and thoughtful in all of his dealings. He deeply loved his family and his love for Maine is why he chose to stay in the State of Maine and settle here.

I would have looked forward to serving with Dan and regret the fact that I will never get that opportunity. He would have made a fine legislator, just as he was a tremendous friend. Dan, we all miss you and may you rest in peace.

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought Not to Pass** on Resolve, Directing the Department of Health and Human Services To Amend Its Rules To Improve the Oral Health Education of Children

(S.P. 197) (L.D. 507)

Signed:

Senators:

CRAVEN of Androscoggin

HAMPER of Oxford

LACHOWICZ of Kennebec

Representatives:

FARNSWORTH of Portland

CASSIDY of Lubec

DORNEY of Norridgewock

GATTINE of Westbrook

MALABY of Hancock

McELWEE of Caribou

SANDERSON of Chelsea

SIROCKI of Scarborough

Minority Report of the same Committee reporting **Ought to Pass** on same Resolve.

Signed:

Representative:

STUCKEY of Portland

Representative BEAR of the Houlton Band of Maliseet Indians - of the House - supports the Minority **Ought to Pass** Report.

Came from the Senate with the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

READ.

Representative FARNSWORTH of Portland moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

Representative FREDETTE of Newport **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

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 Acceptance of the Majority Ought Not to Pass Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 15

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

NAY - Campbell J, Chipman, Evangelos, Harlow, Jones, Kaenrath, Stuckey.

ABSENT - Bennett, Bolduc, Chapman, Dion, Gideon, Gilbert, Hamann, Knight, Peterson, Pringle.

Yes, 134; No, 7; Absent, 10; Excused, 0.

134 having voted in the affirmative and 7 voted in the negative, with 10 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

Majority Report of the Committee on **TRANSPORTATION** reporting **Ought Not to Pass** on Bill "An Act To Require That Motorcyclists Wear Helmets"

(H.P. 69) (L.D. 66)

Signed:

Senators:

MAZUREK of Knox

COLLINS of York

Representatives:

THERIAULT of Madawaska

GILLWAY of Searsport

NUTTING of Oakland

PARRY of Arundel

PEOPLES of Westbrook

TURNER of Burlington

VEROW of Brewer

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-20)** on same Bill.

Signed:
Senator:
VALENTINO of York

Representatives:
McLEAN of Gorham
POWERS of Naples
WERTS of Auburn

READ.

Representative THERIAULT of Madawaska moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

On further motion of the same Representative, **TABLED** pending his motion to **ACCEPT** the Majority **Ought Not to Pass** Report and later today assigned.

Majority Report of the Committee on **TRANSPORTATION** reporting **Ought Not to Pass** on Bill "An Act To Prohibit the Use of a Handheld Mobile Telephone while Operating a Motor Vehicle"

(H.P. 71) (L.D. 68)

Signed:
Senators:
MAZUREK of Knox
COLLINS of York

Representatives:
THERIAULT of Madawaska
GILLWAY of Searsport
NUTTING of Oakland
PARRY of Arundel
POWERS of Naples
TURNER of Burlington
VEROW of Brewer
WERTS of Auburn

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-19)** on same Bill.

Signed:
Senator:
VALENTINO of York

Representatives:
McLEAN of Gorham
PEOPLES of Westbrook

READ.

Representative THERIAULT of Madawaska moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

On further motion of the same Representative, **TABLED** pending his motion to **ACCEPT** the Majority **Ought Not to Pass** Report and later today assigned.

Majority Report of the Committee on **TRANSPORTATION** reporting **Ought Not to Pass** on Resolve, Directing the Department of Transportation To Place a Sign on Northbound Interstate 95 Directing Motorists to Lee Academy

(H.P. 67) (L.D. 74)

Signed:

Senators:
MAZUREK of Knox
COLLINS of York
VALENTINO of York

Representatives:
THERIAULT of Madawaska
GILLWAY of Searsport
McLEAN of Gorham
NUTTING of Oakland
PARRY of Arundel
PEOPLES of Westbrook
POWERS of Naples
WERTS of Auburn

Minority Report of the same Committee reporting **Ought to Pass** on same Resolve.

Signed:
Representatives:
TURNER of Burlington
VEROW of Brewer

READ.

Representative THERIAULT of Madawaska moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

Representative FREDETTE of Newport **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

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 Burlington, Representative Turner.

Representative **TURNER**: Thank you, Mr. Speaker. I oppose this motion and request permission to speak. Mr. Speaker, Men and Women of the House, the current motion denies a directional sign to Lee Academy.

Coming north on I-95 from Old Town (mile marker 194) to the Lincoln exit, which is exit 227, there are very few signs. As a matter of fact, in those 33 miles, there is only 17 signs. So you can see that in my part of the state, we don't have a signage problem that there is in the southern part of the state.

The direct route to Lee from the interstate is to take the Lincoln exit, which there is no reference to Lee on that sign. If you miss the Lincoln exit, you will have to travel another 17 miles to the Medway exit. After exiting Medway, you will have to travel another 24 miles of country roads to get to Lee. So you can see that it is very important that motorists not miss the Lincoln exit.

Lee Academy is more than just a 9-13 college preparatory school; it has become an economic engine for the area. Total enrollment is 288 students, of which 131 students board at Lee Academy. They come from 19 Maine towns, 7 states and 16 countries. So when parents come from all over the country and the world, a sign in rural Maine would provide valuable information to the traveler. Not everyone has a GPS and some drivers use their cellphones for GPS assistance. In rural Maine, not all cell phones have service north of Orono.

While the MUTCD guidelines, which the Maine Department of Transportation follows, say "grade schools and high schools (public or private), do not normally warrant signing." I would like to point out that one of its principles for guide signs on the freeway and expressway is to "provide other information of value to the road users." This is exactly what that sign will do, especially considering its rural setting. Lee Academy is nestled in the heart of the village of Lee, which is located approximately 60 miles northeast of Bangor. Lee Academy is a great school

and a wonderful opportunity for students. I am both proud and honored to represent them here today.

I would like to give you further information. In the 124th, MCI Academy was granted two signs and Hebron Academy was granted two signs in the 125th. Lee Academy is asking for one sign on the northbound side and shall assume all costs associated with this directional sign. I ask you to follow my light and oppose this motion. Thank you, Mr. Speaker, and Men and Women of the House.

The SPEAKER: The Chair recognizes the Representative from Madawaska, Representative Theriault.

Representative **Theriault**: Thank you, Mr. Speaker. With all due respect to the Representative Turner from Bridgton, who is a Transportation Committee member and a very good one, what has happened here with this situation with signage, we had appointed a subcommittee from Transportation, a bipartisan committee, and looked at this situation with signage. What has happened, yes, we did, at one time, allow a sign for MCI and, from there, the avalanche came down. I understand people wanting signs, but at this time it is not a good idea, simply because there will be some work that will be done by the federal people here on signage along interstates and so on. At this time, I ask you to support the motion as it is. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Acceptance of the Majority Ought Not to Pass Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 16

YEA - Beaudoin, Beaulieu, Beck, Brooks, Campbell J, Carey, Casavant, Chipman, Cooper, Crockett, Duprey, Farnsworth, Fowle, Frey, Gattine, Gideon, Gilbert, Gillway, Goode, Graham, Grant, Hamann, Herbig, Hickman, Hobbins, Hubbell, Kornfield, Kruger, Kumiega, Kusiak, Libby N, Longstaff, Luchini, MacDonald W, Marks, Mastraccio, McCabe, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Nelson, Noon, Nutting, Parry, Peoples, Plante, Pouliot, Powers, Priest, Rankin, Rochelo, Rotundo, Sanborn, Saucier, Schneck, Shaw, Short, Stuckey, Theriault, Treat, Welsh, Werts, Mr. Speaker.

NAY - Ayotte, Beavers, Bennett, Berry, Black, Boland, Briggs, Campbell R, Cassidy, Chapman, Chase, Chenette, Clark, Cotta, Crafts, Cray, Daughtry, Davis, DeChant, Devin, Dickerson, Dill, Doak, Dorney, Dunphy, Espling, Evangelos, Fitzpatrick, Fredette, Gifford, Guerin, Harlow, Harvell, Hayes, Jackson, Johnson D, Johnson P, Jones, Jorgensen, Kaenrath, Kent, Keschl, Kinney, Lajoie, Libby A, Lockman, Long, MacDonald S, Maker, Malaby, Marean, Mason, McClellan, McElwee, Morrison, Nadeau A, Nadeau C, Newendyke, Pease, Peavey Haskell, Reed, Russell, Rykerson, Sanderson, Saxton, Sirocki, Stanley, Timberlake, Turner, Tyler, Villa, Volk, Wallace, Weaver, Willette, Wilson, Winchenbach, Winsor, Wood.

ABSENT - Bolduc, Dion, Knight, Peterson, Pringle.

Yes, 65; No, 81; Absent, 5; Excused, 0.

65 having voted in the affirmative and 81 voted in the negative, with 5 being absent, and accordingly the Majority **Ought Not to Pass Report was NOT ACCEPTED.**

Representative BERRY of Bowdoinham moved that the House **RECONSIDER** its action whereby the Majority **Ought Not to Pass Report was NOT ACCEPTED.**

The same Representative moved that the Resolve be **TABLED** until later in today's session pending his motion to **RECONSIDER** whereby the Majority **Ought Not to Pass Report was NOT ACCEPTED.**

Representative FREDETTE of Newport **REQUESTED** a roll call on the motion to **TABLE** until later in today's session pending the motion of Representative BERRY of Bowdoinham to

RECONSIDER whereby the Majority **Ought Not to Pass Report was NOT ACCEPTED.**

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 to Table until later in today's session pending the motion of Representative Berry of Bowdoinham to Reconsider whereby the Majority Ought Not to Pass Report was Not Accepted. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 17

YEA - Beaudoin, Beavers, Beck, Berry, Briggs, Brooks, Campbell J, Carey, Casavant, Cassidy, Chipman, DeChant, Devin, Dill, Dion, Duprey, Farnsworth, Fowle, Frey, Gattine, Gideon, Gilbert, Goode, Graham, Grant, Hamann, Herbig, Hickman, Hobbins, Hubbell, Kornfield, Kruger, Kumiega, Lajoie, Libby N, Longstaff, Luchini, MacDonald W, Marks, Mastraccio, McCabe, McGowan, McLean, Moonen, Moriarty, Noon, Parry, Peoples, Plante, Powers, Priest, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Saucier, Schneck, Shaw, Stuckey, Theriault, Tipping-Spitz, Treat, Verow, Welsh, Werts, Mr. Speaker.

NAY - Ayotte, Beaulieu, Bennett, Black, Boland, Campbell R, Chapman, Chase, Chenette, Clark, Cooper, Cotta, Crafts, Cray, Crockett, Daughtry, Davis, Dickerson, Doak, Dorney, Dunphy, Espling, Evangelos, Fitzpatrick, Fredette, Gifford, Gillway, Guerin, Harlow, Harvell, Hayes, Jackson, Johnson D, Johnson P, Jones, Jorgensen, Kaenrath, Kent, Keschl, Kinney, Kusiak, Libby A, Lockman, Long, MacDonald S, Maker, Malaby, Marean, Mason, McClellan, McElwee, Monaghan-Derrig, Morrison, Nadeau A, Nadeau C, Nelson, Newendyke, Nutting, Pease, Peavey Haskell, Pouliot, Reed, Sanderson, Saxton, Short, Sirocki, Stanley, Timberlake, Turner, Tyler, Villa, Volk, Wallace, Weaver, Willette, Wilson, Winchenbach, Winsor, Wood.

ABSENT - Bolduc, Knight, Peterson, Pringle.

Yes, 68; No, 79; Absent, 4; Excused, 0.

68 having voted in the affirmative and 79 voted in the negative, with 4 being absent, and accordingly the motion to **TABLE** until later in today's session pending the motion of Representative BERRY of Bowdoinham to **RECONSIDER** whereby the Majority **Ought Not to Pass Report was NOT ACCEPTED.**

Subsequently, Representative BERRY of Bowdoinham **WITHDREW** his motion to **RECONSIDER** whereby the Majority **Ought Not to Pass Report was NOT ACCEPTED.**

Subsequently, on further motion of the same Representative, the Minority **Ought to Pass Report was ACCEPTED.**

The Resolve was **READ ONCE** and was assigned for **SECOND READING** Wednesday, April 3, 2013.

CONSENT CALENDAR

First Day

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

(H.P. 91) (L.D. 109) Bill "An Act To Exempt All Vehicles Delivering Home Heating Fuel, Including Wood Pellets, from Weight Limits" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-24)**

(H.P. 139) (L.D. 179) Bill "An Act To Amend the Anson and Madison Water District Charter" Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-22)**

(H.P. 166) (L.D. 205) Bill "An Act To Exempt Free Clinics from Licensing under the Charitable Solicitations Act" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-26)**

(H.P. 234) (L.D. 324)
(C. "A" H-6)

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

(H.P. 252) (L.D. 377) Bill "An Act To Provide Funding to Soil and Water Conservation Districts" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-21)**

On motion of Representative BERRY of Bowdoinham, **TABLED** pending **PASSAGE TO BE ENACTED** and later today assigned.

(H.P. 304) (L.D. 454) Bill "An Act Relating to Health Care Provider Liability Claims Reports" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-25)**

Emergency Measure

An Act To Authorize the Provision of Insurance on Student Loans

(S.P. 131) (L.D. 351)
(C. "A" S-8)

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

Representative FREDETTE of Newport **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: A roll call has been ordered. The pending question before the House is Passage to be Enacted. All those in favor will vote yes, those opposed will vote no.

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

CONSENT CALENDAR

Second Day

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

(S.P. 144) (L.D. 364) Bill "An Act To Amend the Laws Regulating Suppliers of Agricultural, Construction, Industrial and Forestry Equipment"

(S.P. 70) (L.D. 234) Bill "An Act To Provide Tax Treatment Consistency for Limited Liability Companies and S Corporations" (C. "A" S-11)

(S.P. 161) (L.D. 430) Bill "An Act To Amend the Laws Regarding Who May Appeal a Reconsideration Decision to the Maine Board of Tax Appeals" (C. "A" S-13)

(S.P. 168) (L.D. 436) Bill "An Act To Raise the Maximum 529 Plan Contribution Tax Deduction" (C. "A" S-10)

(H.P. 447) (L.D. 655) Bill "An Act To Amend or Repeal Outdated or Underutilized Laws Related to Transportation"

(H.P. 302) (L.D. 452) Bill "An Act Concerning Hurricane Deductibles" (C. "A" H-17)

(H.P. 341) (L.D. 499) Bill "An Act To Promote Dental Care for Low-income Populations" (C. "A" H-18)

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

ROLL CALL NO. 18

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

NAY - Johnson D.

ABSENT - Beavers, Bolduc, Daughtry, Knight, Nutting, Peoples, Peterson, Pringle.

Yes, 142; No, 1; Absent, 8; Excused, 0.

142 having voted in the affirmative and 1 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.

ENACTORS

Emergency Measure

An Act To Establish July 27th as Maine Korean War Veteran Recognition Day

(S.P. 91) (L.D. 255)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 144 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act To Make Supplemental Allocations from the Highway Fund and Other Funds for the Expenditures of State Government Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2013

Emergency Measure

Resolve, Regarding Legislative Review of Chapter 675: Infrastructure Surcharge and Capital Reserve Accounts, a Major Substantive Rule of the Public Utilities Commission

(H.P. 6) (L.D. 4)
(C. "A" H-7)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 140 voted in favor of the same and 1 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, To Direct the Department of Education To Amend Its Rules Regarding Restraint of Students

(S.P. 79) (L.D. 243)
(C. "A" S-6)

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

Representative BERRY of Bowdoinham **REQUESTED** a roll call on **FINAL PASSAGE**.

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 Final Passage. 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. 19

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

NAY - NONE.

ABSENT - Bolduc, Knight, Peterson, Pringle.
Yes, 147; No, 0; Absent, 4; Excused, 0.

147 having voted in the affirmative and 0 voted in the negative, with 4 being absent, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Acts

An Act To Raise the School Construction Bond Cap

(H.P. 73) (L.D. 91)
(C. "A" H-5)

An Act To Permit Temporary Operation of a Motor Vehicle with an Expired Operator's License Solely for the Purpose of Traveling Home or Renewing the License

(H.P. 148) (L.D. 187)

An Act To Allow Motor Fuel Taxable Sales Disclosure

(S.P. 76) (L.D. 240)

An Act To Provide for the 2013 and 2014 Allocations of the State Ceiling on Private Activity Bonds

(S.P. 82) (L.D. 246)

(C. "A" S-9)

An Act To Extend Funding for the Loring Job Increment Financing Fund

(S.P. 93) (L.D. 260)

(C. "A" S-7)

An Act To Amend the Duties of the Division of Forestry

(S.P. 117) (L.D. 284)

An Act Concerning Brucellosis Vaccines for Cattle

(H.P. 197) (L.D. 288)

An Act To Repeal Provisions of the Law That Apply or Refer to State Facilities for Persons with Intellectual Disabilities

(H.P. 235) (L.D. 325)

An Act To Transfer the Responsibilities of the Department of Public Safety, Maine Communications System Policy Board to the Bureau of Consolidated Emergency Communications

(S.P. 152) (L.D. 372)

An Act To Allow Complainants in Disciplinary Actions To Attend Informal Conferences Held by the State Board of Nursing in Executive Session

(S.P. 158) (L.D. 416)

An Act Regarding Permits for Final Disposition of Dead Human Bodies

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

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

Resolves

Resolve, Directing the Probate and Trust Law Advisory Commission To Review Maine's Probate Code and the Uniform Probate Code

(H.P. 230) (L.D. 321)

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

An Act To Reduce Youth Cancer Risk

(S.P. 105) (L.D. 272)

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

On motion of Representative FREDETTE of Newport, was **SET ASIDE**.

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: 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.

ROLL CALL NO. 20

YEA - Ayotte, Beaudoin, Beavers, Beck, Berry, Boland, Briggs, Brooks, Campbell J, Carey, Casavant, Cassidy, Chapman, Chenette, Chipman, Cooper, Daughtry, DeChant, Devin, Dickerson, Dill, Dion, Dorney, Evangelos, Farnsworth, Fowle, Frey, Gattine, Gideon, Gilbert, Goode, Graham, Grant, Hamann, Hayes, Herbig, Hickman, Hobbins, Hubbell, Jorgensen, Kent, Keschl, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby N, Longstaff, Luchini, MacDonald W, Maker, Marks, Mason, Mastraccio, McCabe, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, Nelson, Noon, Peavey Haskell, Peoples, Powers, Priest, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Saucier, Saxton, Schneck, Shaw, Stanley, Stuckey, Theriault, Tipping-Spitz, Treat, Turner, Verow, Villa, Volk, Welsh, Werts, Mr. Speaker.

NAY - Beaulieu, Bennett, Black, Campbell R, Chase, Clark, Cotta, Crafts, Cray, Crockett, Davis, Doak, Dunphy, Duprey, Esping, Fitzpatrick, Fredette, Gifford, Gillway, Guerin, Harlow, Harvell, Jackson, Johnson D, Johnson P, Jones, Kaenrath, Kinney, Libby A, Lockman, Long, MacDonald S, Malaby, Marean, McClellan, McElwee, Nadeau A, Newendyke, Nutting, Parry, Pease, Plante, Pouliot, Reed, Sanderson, Short, Sirocki, Timberlake, Tyler, Wallace, Weaver, Willette, Wilson, Winchenbach, Winsor, Wood.

ABSENT - Bolduc, Knight, Peterson, Pringle.

Yes, 91; No, 56; Absent, 4; Excused, 0.

91 having voted in the affirmative and 56 voted in the negative, with 4 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**.

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

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment Thursday, March 28, 2013, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

Bill "An Act To Protect the State's Property Rights in Maine State Museum Research" (EMERGENCY)

(H.P. 717) (L.D. 1019)

- In House, **REFERRED** to the Committee on **JUDICIARY** on March 14, 2013.

- In Senate, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** in **NON-CONCURRENCE**.

TABLED - March 20, 2013 (Till Later Today) by Representative BERRY of Bowdoinham.

PENDING - **FURTHER CONSIDERATION**.

The House voted to **RECEDE AND CONCUR**.

HOUSE DIVIDED REPORT - Majority (8) **Ought Not to Pass** - Minority (5) **Ought to Pass as Amended by Committee Amendment "A" (H-13)** - Committee on **TAXATION** on Bill "An Act To Reduce the Income Tax on Capital Gains"

(H.P. 57) (L.D. 65)

TABLED - March 27, 2013 (Till Later Today) by Representative TIPPING-SPITZ of Orono.

PENDING - Motion of same Representative to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

Representative GOODE of Bangor **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

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 Bangor, Representative Goode.

Representative **GOODE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. LD 65 is "An Act To Reduce the Income Tax on Capital Gains." It is one of the first bills that the Taxation Committee worked on this year. It was sponsored by the Representative from Hancock, Representative Malaby. A majority of the committee voted Ought Not to Pass on this bill. Those members of the committee were concerned that cutting the capital gains tax rate from 8% to 5%, which is what this bill does, many of the members of the committee, the majority, were concerned it would unfairly benefit those who have investment income over those whose income comes from working. This bill would definitely reduce state revenues at a time when the state is facing a major structural gap in the next biennial budget, and the committee received information from Maine Revenue Services regarding the likelihood of the amount of people who have capital gains, taking them out to the point where it would not have a negative revenue impact and Dr. Allen from Maine Revenue Services was very clear that he was not confident that that many people would take out enough money to not have a negative fiscal impact.

I'm sure that I'm not the only person in this body that's been to a number of meetings in my district and in my communities where people are concerned about budget impacts in this state. I think, due to that high level of concern, I think that it sends a negative message to be supporting a bill like this. The folks that would stand to benefit from this bill are the type of people who make their money off of buying low and selling high, and I think that the folks that we're hearing about in our districts who are concerned about pending legislation before this Legislature are not the type of people that would be benefiting through this type of reduction and a tax share. I think that's basically the major thinking of those against this bill. I expect the Representative from Hancock will make very articulate points, as he worked very hard on this, and I look forward to hearing his perspective. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Hancock, Representative Malaby.

Representative **MALABY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I do rise in opposition to the pending motion. I support the Minority Report on this bill, "An Act To Reduce the Income Tax on Capital Gains." I should note that this title is somewhat imprecise. What I sought to do, with the title and indeed with the bill, is to reduce to 3% the income tax rate on capital gains. That, you know, when you are discussing taxes, there is a distinct difference between tax rate and tax revenue, and sometimes, in this body and in the media, those two are often confused. As you are no doubt aware, an increase in the value of an asset is a capital gain. Likewise, a decline in the value of an asset is a capital gain. As asset values can vary widely over time, gains and losses are a regular occurrence. Such capital swings are not subject to taxation until the assets are sold. Technically, a capital gain is the difference between the next sale price of an asset and its historical, or what's known as book value or cost basis. Currently, the State of Maine taxes capital gains as ordinary income. This Minority Report proposes to address that inequity by reducing the tax on capital gain, or the tax rate on capital gain, to 50% of the state's

highest tax rate that that person should pay, and in so doing, I will state it out loud, we shall raise revenue for the State of Maine. This is the history of declines in the tax rate of capital gains.

There are a number of excellent reasons to reduce the tax rate. Capital gains are often overstated, due to the impact of inflation, and particularly so for long held assets. Capital gains tax rates, and I provided you with data both Wednesday and Thursday of last week, are clearly inversely related to capital gains tax revenue. That is to say, in the short run, if rates go up, revenues go down. In the short run, if rates go down, revenues go up. Furthermore, capital gains are not ordinary income and they reflect a premium for risk incurred and investments made, and the sale of a capital asset is frequently accompanied by substantial investment by a new owner in a business and that would spur growth. Very importantly, taxpayers have a choice as to when to recognize a capital gain. A decrease in the rate of taxation will induce investors to realize gains, thus leading to increased economic activity and tax collections. The rate reduction proposed in this Minority Report is meant to offset the 8.8% rate increase recently enacted at the federal level, a 5% increase in the capital gains rate, from 15 to 20%, and a 3.8% Medicare tax increase, part of the Affordable Care Act. Right now is kind of the perfect time to decrease rates and the reason for that is the stock market has never been higher; investors are very likely now to recognize gains.

As I said earlier, as Maine and most other states do not segregate out capital gains data. The best empirical source for what will happen is to take a look at what's happened at the federal level, in terms of the impact of capital gains rate changes. I should note that prior to 1976, 50% of all capital gains were excluded from income. There have been three significant capital gains tax deductions in the last 33 years. In 1981, 1997 and in 2003. During the immediate following three years, capital gains tax revenue increased by 15.8%, 17.8% and 25%. If you look at the figures that I handed out from the Congressional Budget Office, you will see that this is true. You cut the rate of capital gains, you increase the revenue. This is also documented under that Congressional Budget Office document I gave you. Notice Figure 1. If you look also, I provided you with an article from *Investor's Business Daily*, as well as those CBO reports, and it states clearly that capital gains tax rate hikes lead to holding investments and tax rate declines lead to paying more taxes and growth. So, I'll say it. You know, I am a Republican. I am looking forward to cutting this gains rate because it will increase revenue, which ostensibly I've heard the state should need. According to the American Academy of Capital Formation, Maine has the eighth highest combined tax rate for capital gains. Maine is a state of small businesses, many of which have been in existence for a sustained period of time. As a state, we suffer from a lack of sufficient investment activity, and a decrease in the capital gains rate would lead to enhanced state revenue and would spur economic activity. Maine is also the oldest state in the nation. Our elders have been punished over the last five years by declining returns on their fixed instruments, on their CDs and other investments. In addition, they are suffering from the high cost of food and fuel. The recent increase in the federal capital gains rate has our elders concerned about liquidating their investments at high costs. If we could lower the gains rate by 50%, that may well induce some seniors to sell assets and recognize gains, which would not otherwise be recognized if they were to pass without having sold these assets because, what happens from an heirship perspective, you inherit an asset, the day you inherit it, it is known as stepped up in value, so the asset value is that. So no tax revenue will ever be realized on inherited assets, if they were to be sold the next day. This is called

stepping up. I suggest, if we drop the rate, it will lead to an increase in activity.

Who are these Mainers who might recognize these capital gains? In 2010, 115,072 federal returns indicated that Mainers received about \$487 million worth of dividends and another \$691 million worth of capital gains. Forty-five percent of those filers had an adjusted gross income of less than \$50,000. Seventy-seven percent of those tax filers had adjusted gross incomes of less than \$100,000. So where does that leave us? It's clear if you look at the numbers and I also provided you on your desks today an article, however timely, from *The Wall Street Journal*, from yesterday, in which the United States Senate has finally embraced something called dynamic fiscal scoring. I will speak to that shortly. But I would be remiss were I not to address the fact that there is a substantial fiscal note on this bill, and you might ask yourself, why is it that we have such a fiscal note? How can I, in good conscience, recommend something that will drive us \$48 million further into debt ostensibly? As it happens, Maine utilizes something called static fiscal analysis, which is to say the state looks only at the impact of the decline in the rate and the accompanying loss in revenue, which is real; however, it is but partial. It does not look at the behavioral impact of the other side of the equation and what people do. Additional people selling assets, additional people making expenditures, additional people making investments. So I point out to you that the state does not employ dynamic fiscal analysis, which would look at both sides of that equation, and so behavioral changes are not recorded in that fiscal note of \$48 million. We do have the evidence of history to support dynamic fiscal analysis, particularly as it pertains to capital gains. If you read that *Wall Street Journal* article, you will note what the two economists from Harvard University said. This is clear. When it comes to capital gains income tax, a lowering of the rate leads to an increased activity, so I suggest that you read that.

As an aside, I did cosponsor a bill during the last session to have the state begin to acquire a dynamic fiscal modeling tool. That LD was turned into a Resolve and I think it's really not gotten off the ground. I think it's also somewhat ironic and shortsighted of us not to provide the tools our Legislature needs to make informed decisions. Apparently, the purchase of a dynamic fiscal modeling tool contained a substantial fiscal note. Well, duh. But what would it have done for us? It would allow us to make good decisions. That's what we need to do. The facts are really quite simple and they are neither theoretical nor in dispute. Whenever we have seen capital gain rates decline, we have witnessed capital revenue increase. Likewise, when the rates are planned to be raised, investors scramble to realize gains at the lower rate. Look at what happened. Look up your fiscal report for January 2013 that you got from Grant Pennoyer via email. It will indicate that the December activity on the income line was up by \$48 million and it's 34% over budget. Now why is that? That is because the capital gains rate was increasing and people chose to recognize it earlier, to pay the lower tax. So capital gains rates do impact behavior, as can be seen at both the federal and the state level, and Maine investors are not fools. Furthermore, I serve on the Health and Human Services Committee, where we frequently hear discussions about evidence-based practices. There are times, indeed, when the evidence is inconclusive. This is not one of those times. I have presented you with empirical evidence you have on your desk. I would call them facts. These are indisputable. If you truly want to raise the revenue, cut the rate. Like you, I've had numerous municipal officials come to me. There are a lot of people who seem to think that Maine needs additional revenue to balance the biennial budget. I think there is probably no easier or less painful

way to raise the revenue. I ask that you consider fully the Minority Report and I thank you, Mr. Speaker.

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

Representative **LIBBY**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I want to thank my good friend from Hancock for his very eloquent articulation of the issue we're talking about here. I won't speak as eloquently or for the same amount of time as my good friend from Hancock, but I do want to offer a very brief example to help illustrate this issue. Take, for example, a single person who is working full time and earning a living wage of about \$17 an hour. Their gross annual income is about \$35,000 a year and currently we tax them at a rate of 7.95%. Take another individual who earns the same amount of money in a year, realizing capital gains, who's not getting up and going to work every day, we would be taxing them at a rate of 3%, less than half. I ask the Men and Women of the House, is that fair tax policy? Thank you very much, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Arundel, Representative Parry.

Representative **PARRY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Over the last couple of weeks, last week a bill was passed through this chamber that raised the labor costs 20 percent. This week, we're looking at a bill here that's cutting the capital gains on people that risk money and employ people. In the last campaign, I bet every single one of us talked to our constituents about getting more jobs here in Maine. If we don't start helping the people that actually hire the employees, we will never have more jobs in Maine. By raising the labor costs by 20 percent and by not helping them on their capital that they are risking in this economy, we will never have more jobs in Maine. I would hope you would vote against the pending motion and support the Minority Report.

The SPEAKER: The Chair recognizes the Representative from Freedom, Representative Jones.

Representative **JONES**: Thank you, Mr. Speaker, and thanks for the high level of discussion, especially from the gentleman from Hancock. If you look at House Amendment 13, okay, the fiscal note, the lost revenue for this proposal would be \$46 million in the 2013 to 2014 fiscal year, \$43 million in the 2014 to 2015 fiscal year, for a total of \$89 million in the current biennial budget that we're considering. Where are we going to find those kinds of savings? I do respect and appreciate the notion of dynamic fiscal analysis; however, I think a tax reduction at this moment certainly couldn't fill that shortfall in the immediate term, and I doubt very much in the near term as well. So where is that money going to come from? I mean, our latest budget proposal already is going to affect our municipalities and property taxpayers by eliminating revenue sharing, the Circuit Breaker, the excise truck/tractor income to municipalities, the Homestead Exemption, and, quite frankly, this Legislature, for the past nine years, I believe, has failed to fully fund education. Quite frankly, income is income, whether it's income from labor or whether it's income earned by capital, and for our tax policies to privilege one over the other at all is fundamentally unfair. I urge the Minority Report on this. Thank you.

The SPEAKER: The Chair recognizes the Representative from Farmington, Representative Harvell.

Representative **HARVELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. When we debated the lies in the minimum wage a couple of weeks ago, the good Representative from Newport, Representative Fredette, touched upon the core of the problem and the core of the problem is one of growth. If we do not have growth, we will be

continually dividing up an ever shrinking piece of the pie. When you are talking about capital gains, you are talking about people that have taken risk for investment, and we hear all the time about investment. We need to invest in our infrastructure. We need to invest in our roads. We need to invest in education. But that investment takes capital. I don't have to tell anybody in this room that Washington is broken, that their soaring deficits are not going to, and even their declining revenue that they are sending to the state, mean that public investment is becoming smaller and smaller and smaller, and why? Because we don't have growth. Nearly 100 years ago, John Maynard Keynes pined upon a phrase called the "animal spirits," and the idea that people, if you lower their capital gains rate, are going to do nothing, and we are merely going to lose \$48 million, flies in the face not only of the evidence presented but of human nature itself. If you lower this capital gains rate, there is going to be one word resounding to investors everywhere in Maine and it will be "sell," and when you do that, the revenues will increase and you will encourage investment and, dare I say, get growth.

The SPEAKER: The Chair recognizes the Representative from Orono, Representative Tipping-Spitz.

Representative **TIPPING-SPITZ**: Thank you, Mr. Speaker. I want to make this quick. When we heard this bill in committee, members from the executive branch did speak to the issue of whether or not we'd see a positive fiscal impact and I think it was pretty clear that we'd see a very detrimental fiscal impact to the state, money that should be spent on education, money that should be spent on infrastructure, and money that should be spent on creating jobs and preparing our state for the future. The second thing I want to say is I work in a hardware store and I don't think we should tax a guy who comes into the hardware store and does plumbing for a living at a higher rate than someone who makes their money on Wall Street. That's all I'm going to say. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Hancock, Representative Malaby.

Representative **MALABY**: Thank you, Mr. Speaker. I just wanted to respond to a few items. This bill, it was originally entitled, as I said, An Act to Reduce the 3%, or should have been 3%, the tax rate on capital gains. During the course of crafting the Minority Report, Ms. Cooper, the analyst for the Taxation Department, pointed out to me that...

The SPEAKER: Will the Representative defer? Will you confine comments to the pending motion before us and that is Acceptance of the Majority Ought Not to Pass Report.

The Chair reminded Representative **MALABY** of Hancock to confine his debate to the question before the House.

Representative **MALABY**: I will, sir. We recrafted this bill to address the 50% factor because there are people who, in Maine, will receive capital gains and pay an income tax rate of 2%. Thank you.

The SPEAKER: The Chair recognizes the Representative from Amherst, Representative Lockman.

Representative **LOCKMAN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to the pending motion. I wanted to address just briefly this concept of static scoring. We have a fiscal note that says this bill is going to lose revenue because we've reduced the tax rates, and if you think about it, this isn't really complicated. Every time the federal capital gains tax rate has been reduced in the last 20 years, there was an increase in revenue. People who were sitting on assets saw the rate come down, calculated I can sell that now, pay the tax and realize my gain. If you think about it, at the level of the plumber or the person who is building something, if you reduce the capital gains tax rate and you allow

people to keep more of their investment income, static scoring assumes that they are going to stuff that money in a mattress. That's not going to happen. They are going to spend that money or invest that money. So if they build a new deck on their house, they are going to be buying stuff at the hardware store, paying sales tax. They are going to hire a local contractor who may hire somebody to help out. They may buy a car or a snowmobile or a four-wheeler. I just ask you to think carefully about the idea that static scoring tells us that we're going to lose money on this. Thank you, Mr. Speaker.

The SPEAKER: A roll call has been ordered. The pending question before the House is Acceptance of the Majority Ought Not to Pass Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 21

YEA - Beaudoin, Beavers, Beck, Berry, Boland, Briggs, Brooks, Campbell J, Carey, Casavant, Cassidy, Chapman, Chenette, Chipman, Cooper, Daughtry, DeChant, Devin, Dickerson, Dill, Dion, Dorney, Espling, Evangelos, Farnsworth, Fowle, Frey, Gattine, Gideon, Gilbert, Goode, Graham, Grant, Hamann, Harlow, Hayes, Herbig, Hickman, Hobbins, Hubbell, Jones, Jorgensen, Kent, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby N, Longstaff, Luchini, MacDonald W, Marks, Mason, Mastraccio, McCabe, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, Nelson, Noon, Peoples, Plante, Powers, Priest, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Saucier, Saxton, Schneck, Shaw, Short, Stanley, Stuckey, Theriault, Tipping-Spitz, Treat, Verow, Villa, Welsh, Werts, Wilson, Mr. Speaker.

NAY - Ayotte, Beaulieu, Bennett, Black, Campbell R, Chase, Clark, Cotta, Crafts, Cray, Crockett, Davis, Doak, Dunphy, Duprey, Fitzpatrick, Fredette, Gifford, Gillway, Guerin, Harvell, Jackson, Johnson D, Kaenrath, Keschl, Kinney, Libby A, Lockman, Long, MacDonald S, Maker, Malaby, Marean, McClellan, McElwee, Nadeau A, Newendyke, Nutting, Parry, Pease, Peavey Haskell, Pouliot, Reed, Sanderson, Sirocki, Timberlake, Turner, Tyler, Volk, Wallace, Weaver, Willette, Winchenbach, Winsor, Wood.

ABSENT - Bolduc, Johnson P, Knight, Peterson, Pringle.

Yes, 91; No, 55; Absent, 5; Excused, 0.

91 having voted in the affirmative and 55 voted in the negative, with 5 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

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

HOUSE DIVIDED REPORT - Majority (8) **Ought to Pass as Amended by Committee Amendment "A" (H-15)** - Minority (5) **Ought Not to Pass** - Committee on **TAXATION** on Bill "An Act To Increase the State Earned Income Credit"

(H.P. 305) (L.D. 455)

TABLED - March 27, 2013 (Till Later Today) by Representative TIPPING-SPITZ of Orono.

PENDING - Motion of same Representative to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

Representative GOODE of Bangor **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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 Bangor, Representative Goode.

Representative **GOODE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise to speak in favor of LD 455 and the pending motion before us. The Majority Report on this bill increases the state earned income tax credit to 10% of the federal earned income tax credit and makes that credit refundable. Currently, those who qualify for the state earned income tax credit receive 5% of the federal credit. The state credit is currently not refundable and the Majority Report makes the aforementioned changes. The earned income tax credit was passed in 1975 and has been expanded and improved on the federal level many times since, and in the mid '80s, it was seen as a way for those who oppose raising the minimum wage to provide a hand up to working families who don't make a lot of money, and it is still seen as one of the best ways to make sure that working families are able to get the money that they deserve through the hard work they put in every day. Twenty-four states have their own earned income tax credit to compliment a federal policy. Maine is one of just three states that does not allow their credit to be refundable. A wide majority of states with their own credit refund at 10% to 40% of the federal level. When you look at the states using an earned income tax credit to lift workers out of poverty, Maine is an outlier. The Committee Amendment to this bill moves Maine to the middle of the pack compared to states who have their own earned income credit.

Passing this bill will provide a targeted tax cut to families who work and have kids but aren't paid much for their jobs. Maine Revenue Services data tells us that the highest income households currently pay an average overall state and local tax rate of 10¢ per dollar. Those who work and raise kids often have to pay a much higher share of their income in taxes. For low-wage workers, state and local taxes make up 17¢ of every dollar they earn. The top 1% of income earners are only asked to pay 10¢ per dollar in state and local taxes. At the same time, one in four children under the age of 5 live in poverty. That is not right and I believe the bill before us helps us address that issue. We know that working families who make their money through earned income are likely to spend any financial boosts quickly and locally. In the testimony our committee heard, we heard, over and over again, that the people who are going to get this credit are going to buy groceries, they are going to buy gas for their car, they are going to pay their rent, and they are going to spend their money in our local stores and our local small businesses. These are people we are sure will spend this money right away. Right now, those who have the least are currently paying the most and those who have the means aren't paying close to their fair share, and this modest increase in the state earned income tax credit will allow us to help correct that imbalance. Thank you.

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. LD 455, "An Act To Increase the State Earned Income Tax Credit," is a simple and straightforward bill. As amended, it increases the state EITC from 5 to 10% of the federal credit and makes the credit fully refundable beginning this year, 2013. In 2000, when Maine enacted our earned income tax credit, only 12 other states had one. Today, 24 of the 42 states with broad-based income taxes use earned income tax credit to help low and moderate-income workers support their families. At 5% of the federal credit, we're at the bottom. At 10%, we're just below the median, and 7%, below the average. In all but three of those states, the credit is refundable. Here, Maine is currently one of the outliers. The

earned income tax credit rewards work. To be eligible, you have to have earned income and file a tax return. For tax year 2013, the federal credit for a two-parent family with three or more children will begin at \$11 and increase to a maximum of \$6,044 and then gradually back to \$11. The maximum eligibility for that family is an adjusted gross income of \$51,576. Those of you who will recall my remarks from last week about the livable wage in Maine may remember that the basic needs budget for a family of two working adults, and not three but two children, was \$55,550 and that included over \$6,000 in state and federal taxes. That's two full-time \$13.35 per hour jobs. The earned income tax credit is clearly designed to help families to meet their basic needs. The IRS has not yet published the final 2013 tables, but last year the highest federal credits went to Maine families with adjusted gross incomes between \$7,400 and \$17,100. The new Maine income tax cut for these families will be less than \$50 and that's sure to be more than offset by increased rent or property tax pass-through and cuts to the Circuit Breaker. This year, the maximum state credit for the earned income tax would be \$604. That's real tax relief for low-income working families.

Years ago, Governor Brennan used to say that the best human service program was a job. I think he was right then and I think his premise is still correct today, except for many people it would have to be changed to two, or maybe even three, jobs. For too many Mainers, the gap between their first job and a livable wage is too big. Some of us choose to take second and third paying jobs. Low-wage work is often hard. Adding a second job that's second or third or split shift is very challenging and almost always comes with additional expenses for child care and transportation, and maybe, most importantly, at the expense of other responsibilities, especially as spouses and parents. The earned income credit supports our local economy. Studies indicate that 75 to 80% of earned income tax credit refunds are spent for things like housing, food, child care, transportation, school tuitions or loans. The rest are put into savings accounts. For tax year 2011, federal earned income tax refunds to low and middle-income Maine taxpayers totaled almost \$200 million. My bet is that virtually all of that money stayed right here in Maine. If this bill becomes the law of the land, Maine taxpayers receiving the state earned income tax credit refunds will spend or invest in an additional \$17 million in our local economy next year. Today, too many Maine workers can't earn enough, even with two jobs, to meet their families' basic needs. That's just not right. Almost 25% of Maine children live in poverty and four out of five of those kids go to bed hungry and that's just not right. Increasing the state's earned income credit by 5% and making it fully refundable won't make things right, but it's a good beginning step towards closing the gap for Maine's low-wage earners between their low wages and a livable wage, and it would help many of the people we have moved off of welfare the past few years move a step closer to actually getting out of poverty. The federal earned income tax credit was enacted in 1975. Over the years, it has become arguably our country's simplest, largest, most effective and most efficient cash assistance benefit for low-income working people. Ronald Reagan expanded the program in 1986, calling it "the best antipoverty, the best pro family, the best job creation measure to come out of Congress." President Reagan and I agree the earned income tax credit is a great way to reward work, fight poverty, support families and grow our local economy. I hope you all will agree with us. Thank you, Mr. Speaker.

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 agree with the Representative from Portland in regards to President Reagan's

support of this program, and, as Republicans, we are supportive of the program. As Republicans, we are supportive of helping those most in need and helping those in poverty. I also support the comments that the good Representative from Portland made in regards to the fact that our federal government did put over \$200 million into our local Maine economy under the federal program, and I do believe that this is a program that is targeted, that in fact focuses on helping those who are the working poor, and so I do in fact support the concept behind this. The problem, however, is that we need to look at this in light of all the issues that we need to look at this session. We know that right now we have a structural gap in our budget of nearly \$900 million. We know that we will have many tough decisions to make in the upcoming eight to 10 weeks in regards to our budget decisions, and we need to prioritize. This is an additional \$35 million that this bill requests in terms of a fiscal note and when you look at the decisions before us in the next eight to 10 weeks, a \$35 million fiscal note just doesn't fit the equation at this point in time.

I want to make reference to the comment from the good Representative from Bangor in regards to targeted tax cuts. Those are the words that he used, targeted tax cuts. This body, last session, removed 70,000 people, our lowest income earners, from the tax rolls in the State of Maine. That was real relief for people at the lowest income spectrum. That was good tax policy. The policy proposed here today, in some ways, is a fairly radical departure from existing policy here in Maine. The current policy in Maine, in regards to the earned income tax credit, is not that you receive a refund check. The proposal before this body today, in Maine, would in fact make it a refundable credit and that is, in some ways, a radical departure from where we are today. So while I believe there are merits to this program, I believe the actions that we took last session, in regards to removing 70,000 people from our tax rolls, on the lowest end of the spectrum level, and our overall fiscal budget that we need to look at this session, I cannot support this measure at this time.

The SPEAKER: A roll call has been ordered. The pending question before the House is Acceptance of the Majority Ought to Pass as Amended Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 22

YEA - Beaudoin, Beavers, Beck, Berry, Boland, Briggs, Brooks, Campbell J, Carey, Casavant, Cassidy, Chapman, Chenette, Chipman, Cooper, Daughtry, DeChant, Devin, Dickerson, Dill, Dion, Dorney, Evangelos, Farnsworth, Fowle, Frey, Gattine, Gideon, Gilbert, Goode, Graham, Grant, Hamann, Harlow, Harvell, Hayes, Herbig, Hobbins, Hubbell, Jones, Jorgensen, Kaenrath, Kent, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby N, Longstaff, Luchini, MacDonald W, Marks, Mason, Mastraccio, McCabe, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, Nelson, Noon, Peoples, Plante, Pouliot, Powers, Priest, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Saucier, Saxton, Schneck, Shaw, Short, Stanley, Stuckey, Theriault, Tipping-Spitz, Treat, Verow, Villa, Welsh, Werts, Mr. Speaker.

NAY - Beaulieu, Bennett, Black, Campbell R, Chase, Clark, Cotta, Crafts, Cray, Crockett, Davis, Doak, Dunphy, Duprey, Espling, Fitzpatrick, Fredette, Gifford, Gillway, Guerin, Jackson, Johnson D, Keschl, Kinney, Libby A, Lockman, Long, MacDonald S, Maker, Malaby, Marean, McClellan, McElwee, Nadeau A, Newendyke, Nutting, Pary, Pease, Peavey Haskell, Reed, Sanderson, Sirocki, Timberlake, Turner, Tyler, Wallace, Weaver, Willette, Wilson, Winchenbach, Winsor, Wood.

ABSENT - Ayotte, Bolduc, Hickman, Johnson P, Knight, Peterson, Pringle, Volk.

Yes, 91; No, 52; Absent, 8; Excused, 0.

91 having voted in the affirmative and 52 voted in the negative, with 8 being absent, and accordingly the Majority Ought to Pass as Amended Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-15)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Wednesday, April 3, 2013.

SENATE PAPERS

Bill "An Act To Help Small Farmers in Selling Raw Milk and Homemade Food Products"

(S.P. 444) (L.D. 1282)

Bill "An Act To Amend the Laws Governing Animal Trespass"

(S.P. 445) (L.D. 1283)

Bill "An Act To Establish the Livestock Damage Compensation Fund"

(S.P. 450) (L.D. 1307)

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 Ensure Equitable Support for Long-term Energy Contracts"

(S.P. 440) (L.D. 1278)

Came from the Senate, **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** and ordered printed.

REFERRED to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** in concurrence.

Bill "An Act To Establish a Stewardship Program for Architectural Paint"

(S.P. 451) (L.D. 1308)

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 Regarding Delayed Birth Registration"

(S.P. 446) (L.D. 1284)

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 To Provide for Licensing of Recreational Therapists"

(S.P. 443) (L.D. 1281)

Bill "An Act To Improve Access to Dental Care through the Establishment of the Maine Board of Oral Health"

(S.P. 453) (L.D. 1310)

Bill "An Act To Amend the Laws Governing Unemployment Compensation To Ensure Conformity with the Federal Trade Adjustment Assistance Extension Act of 2011"

(S.P. 454) (L.D. 1311)

Bill "An Act To Amend Licensing Requirements for Professional Engineers"

(S.P. 456) (L.D. 1313)

Came from the Senate, **REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed.

REFERRED to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** in concurrence.

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Provide for the Popular Election of the Secretary of State, Attorney General and Treasurer of State

(S.P. 441) (L.D. 1279)

Bill "An Act Authorizing the Deorganization of the Town of Bancroft"

(S.P. 442) (L.D. 1280)

Bill "An Act To Create a Succession and Knowledge Transfer Plan for State Government"

(S.P. 455) (L.D. 1312)

Came from the Senate, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed.

REFERRED to the Committee on **STATE AND LOCAL GOVERNMENT** in concurrence.

Bill "An Act To Discourage Tenants from Damaging Rental Property"

(S.P. 448) (L.D. 1305)

Bill "An Act To Enhance Voter Registration for Persons with Disabilities"

(S.P. 449) (L.D. 1306)

Bill "An Act To Strengthen the Maine Clean Election Act"

(S.P. 452) (L.D. 1309)

Bill "An Act To Clarify the Law Regarding Advertising Signs outside Premises Licensed To Sell Alcohol"

(S.P. 457) (L.D. 1318)

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.

Pursuant to Statute

Commission on Governmental Ethics and Election Practices

Report of the **Commission on Governmental Ethics and Election Practices** pursuant to the Maine Revised Statutes, Title 1, section 1009 asks leave to report that the accompanying Bill "An Act To Amend Campaign Finance Laws"

(S.P. 447) (L.D. 1299)

Be **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS** and printed pursuant to Joint Rule 218.

Came from the Senate, Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS** and ordered printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS** in concurrence.

CONSENT CALENDAR

First Day

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

(H.P. 422) (L.D. 603) Bill "An Act To Repeal an Insurance Reporting Requirement" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass**

(H.P. 590) (L.D. 839) Bill "An Act To Amend the Laws Governing the Licensing of Technicians Involved in a Display of Fireworks or Special Effects" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass**

(H.P. 142) (L.D. 182) Bill "An Act To Support the Maine Lobster Industry" Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-29)**

(H.P. 591) (L.D. 840) Bill "An Act To Amend the Law Regulating the Use of Explosives" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-27)**

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

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

(H.P. 65) (L.D. 72) Bill "An Act To Open the St. Croix River to River Herring" (EMERGENCY) Committee on **MARINE RESOURCES** reporting **Ought to Pass**

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

SENATE PAPERS

The following Joint Resolution: (S.P. 433)

JOINT RESOLUTION INVITING ALL PEOPLE FROM MAINE LIVING HERE AND AWAY TO RECONNECT WITH THE STATE

WHEREAS, the State of Maine is blessed with abundant natural beauty and is known throughout the world for its scenic seacoast, its beautiful mountains, its lakes and rivers and its millions of acres of woodlands; and

WHEREAS, Maine's population currently is at 1,320,000, the most people it has ever had since Maine became a state; and

WHEREAS, Maine is the 39th largest state in the Nation, and with its population and its size can still offer miles of wilderness and space for all to enjoy; and

WHEREAS, many people move to Maine for the natural beauty the State provides and for the healthy and high quality of life and for the peaceful and friendly towns, cities and countryside; and

WHEREAS, each area of Maine is rich in history and Maine is known for its seafaring legacy, its rural culture, its logging, agriculture, paper-making and lobstering industries, its fishing heritage and its famous tradition of serving as Vacationland to an international community for boating, camping, hunting, hiking, skiing and many other activities; and

WHEREAS, many people born and raised in Maine have had to leave the State, due to job opportunities or other reasons, and most people who have had to leave Maine always remember the State of Maine with happy memories and good feelings; and

WHEREAS, those who now live out of state continue to enjoy visits and connections with those who live in Maine; 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, take this opportunity to invite all the Maine people who have moved out of state to return to Maine and enjoy what they have missed and to make the summer of 2014 a time to reconnect and rediscover the State of Maine; and be it further

RESOLVED: That We invite authors, actors, businesspersons, retirees, students and people serving in the Armed Forces who used to live in Maine to come back to Maine and celebrate their Maine heritage and to enjoy such experiences as the 2014 World Acadian Congress, the visits from tall ships, the North Atlantic Blues Festival in Rockland, the various state fairs and festivals, such as the Common Ground Fair, the Yarmouth Clam Festival, the American Folk Festival in Bangor and many other events that exemplify the good times that happen in the State; and be it further

RESOLVED: That We urge schools to reach out to alumni, families to have reunions and state and local governments to emphasize all the good that is in Maine and commit to getting all current and former residents of the State to reconnect with each other.

Came from the Senate, **READ** and **ADOPTED**.
READ and **ADOPTED** in concurrence.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Stuckey, who wishes to address the House on the record.

Representative **STUCKEY**: Thank you, Mr. Speaker.

"When we are really honest with ourselves we must admit that our lives are all that really belong to us, so it is how we use our lives that determines what kind of men we are. It is my deepest belief that only by giving life do we find life, that the truest act of courage, the strongest act of manliness is to sacrifice ourselves for others in a totally non-violent struggle for justice. To be a man is to suffer for others, God help us to be men."

Mr. Speaker, those are the words of Cesar Estrada Chavez. Sunday was his birthday. I think he was a great man and I wanted to share that with all of you. To him, I say Happy Birthday, and thank you, my brother. That's all. Thank you, Mr. Speaker.

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

On motion of Representative GRANT of Gardiner, the House adjourned at 12:35 p.m., until 10:00 a.m., Wednesday, April 3, 2013 in honor and lasting tribute to Daniel W. Bates, of Gardiner.