

# 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  
32nd Legislative Day  
Tuesday, April 23, 2013

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

Prayer by Father Renald Labarre, Biddeford (retired).

National Anthem by Elaine Michaud, Mexico.

Pledge of Allegiance.

Doctor of the day, Honorable Ann E. Dorney, M.D., Norridgewock.

The Journal of Wednesday, April 10, 2013 was read and approved.

**SENATE PAPERS**

The following Joint Resolution: (S.P. 503)

**JOINT RESOLUTION RECOGNIZING THE BOY SCOUTS OF AMERICA FOR ITS PUBLIC SERVICE AND ITS CONTRIBUTIONS TO THE LIVES OF THE NATION'S BOYS AND YOUNG MEN**

WHEREAS, scouting is the largest voluntary youth movement in the world, with a membership totaling more than 25 million; and

WHEREAS, the Boy Scouts of America is an organization that was incorporated on February 8, 1910, and recognized by federal charter on June 15, 1916, to provide an educational program for boys and young men to build strong moral character, learn the responsibilities of participatory citizenship and develop personal fitness; and

WHEREAS, the Boy Scouts of America teaches the core values of duty to God and country, personal honor, respect for the beliefs of others, volunteerism and interdependence with the environment, values that are conducive to good character, citizenship and health; and

WHEREAS, since 1910, more than 111,000,000 people have been members of the Boy Scouts of America; and

WHEREAS, the Boy Scouts of America has enhanced the lives of millions of boys and young men from every ethnic, religious and economic background, including those with disabilities and special needs, participating in scouting programs across the United States; and

WHEREAS, each local Boy Scout Council charges each Boy Scout with performing 12 hours of community service yearly, for a total of 30,000,000 community service hours each year; and

WHEREAS, more than 1,000,000 adult volunteer leaders selflessly serve young people in their communities through organizations chartered by the Boy Scouts of America; and

WHEREAS, the Boy Scouts of America has always affirmed faith in God as foundational and essential to its purpose and mission, animated by Lord Baden-Powell's insight that "God has given us...the great Book of Nature to read"; and

WHEREAS, the Boy Scouts of America enjoys a sustained record of proven success in producing leaders for our nation who are trustworthy, loyal, helpful, friendly, courteous, kind, obedient, cheerful, thrifty, brave, clean and reverent; 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 recognize the Boy Scouts of America and express our appreciation for the public service it performs through its contributions to the lives of the nation's boys and young men.

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

**READ** and **ADOPTED** in concurrence.

Bill "An Act To Create the Aging in Place Program"

(S.P. 473) (L.D. 1354)

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.

**Non-Concurrent Matter**

Bill "An Act To Provide a Sales Tax Exemption to Incorporated Nonprofit Performing Arts Organizations"

(S.P. 47) (L.D. 126)

Majority (8) **OUGHT NOT TO PASS** Report of the Committee on **TAXATION READ** and **ACCEPTED** in the House on April 9, 2013.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Minority (5) **OUGHT TO PASS AS AMENDED** Report of the Committee on **TAXATION** was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-12)** and **ASKED** for a Committee of Conference in **NON-CONCURRENCE**.

On motion of Representative GOODE of Bangor, the House voted to **INSIST** and **JOIN** in a **COMMITTEE OF CONFERENCE**.

**COMMUNICATIONS**

The Following Communication: (H.P. 1014)

**CITY OF LEWISTON MAINE  
27 PINE STREET  
LEWISTON, MAINE 04240  
CITY COUNCIL RESOLVE  
JANUARY 22, 2013**

Resolve, Expressing the Opposition of the City Council of the City of Lewiston to Proposals to Shift the Burden of Funding State Government to the Property Tax and Property Tax Payer.

Whereas, the State Administration has submitted a proposed budget for the coming biennium that will dramatically shift the burden of funding state government to the property tax by eliminating or significantly modifying long-standing property tax relief programs; and

Whereas, the proposal to suspend municipal revenue sharing would result in a \$4 million revenue loss to the City of Lewiston, representing 12.5% of the City's general fund operating budget and \$2.18 on the property tax rate; and

Whereas, the proposal to redirect the excise tax on tractor trailers will reduce the City's revenues by an additional \$370,000 or 20 cents on the tax rate; and

Whereas, eliminating the homestead exemption in FY 15 for those under 65 will increase taxes for no longer qualifying residents by \$227 in that year if the City's tax rate remains unchanged; this represents a tax increase of over 10% for most of those losing the exemption; and

Whereas, low and moderate income residents under the age of 65 who now qualify for the state property tax circuit breaker program will no longer qualify for it in the coming budget year; and

Whereas, starting in the second year of the biennium, the business equipment tax reimbursement program, under which businesses are fully reimbursed for property taxes they pay on certain business equipment, will be eliminated with most qualifying property transferred to the business equipment tax

exemption program; under this program, the City will only be reimbursed by the state for 60% of the taxes due, reducing City revenues by an estimated \$897,000 in FY 15, or 49 cents on the tax rate; and

Whereas, if enacted, these changes will reduce City revenues by at least \$4,370,000 in FY 14 and \$5,267,500 in FY 15, excluding certain impacts on the school budget; and

Whereas, to replace these revenues through property taxation, the City's tax rate would have to increase by approximately \$2.38 in FY 14 and an additional \$0.49 in FY 15 before considering any other expenditure increases that may be required; and

Whereas, alternatively, reducing expenditures by this amount would require eliminating all capital expenditures and dramatically reducing staff over and above the almost 20% reductions that have been implemented since 2002; and

Whereas, further staffing and expenditure reductions of this magnitude would undermine our ability to provide basic public services; and

Whereas, even a balance between tax increases and spending cuts would result in much higher property taxes in return for services that would no longer meet resident expectations or needs;

Now, therefore, be It Resolved by the City Council of the City of Lewiston that the City Council hereby expresses its strong opposition to provisions included in the recently proposed state budget that would significantly shift the burden of funding state government to the property tax and property tax payer. These proposals will dramatically increase property taxes in Lewiston, taxes which often are unrelated to the ability of property owners to pay, and will require spending reductions which will call into question our ability to protect the health and welfare of our community and provide our residents with basic government services; and

Be it Further Resolved, that

The City Clerk is directed to provide copies of this Resolve to the members of the Legislature representing the City of Lewiston, members of the Appropriations Committee, the Governor, the Speaker of the House, the President of the Senate and the Legislative leadership.

ATTEST:

I, Kathleen M. Montejo, City Clerk of Lewiston, hereby affirm and attest this Resolve was approved in public session by the Lewiston City Council on January, 22, 2013:

Motion by Councilor Cayer, second by Councilor Butler. Vote: 7-0

A TRUE COPY ATTEST:

S/Kathleen M. Montejo, City Clerk

DATE: April 9, 2013

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

Sent for concurrence.

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The Following Communication: (H.P. 1015)

**TOWN OF BETHEL**

**Resolution Expressing Opposition to the Governor's Proposed State Budget which Shifts Responsibility for Funding the State Budget Shortfall to the Property Tax and Property Taxpayers**

Whereas, the Governor has proposed a biennial budget that will shift the responsibility to fund State government by eliminating or significantly modifying Maine's primary programs that are intended to provide property tax relief; and

Whereas, the property tax is the most regressive form of taxation and by eliminating Revenue Sharing and greatly changing the

eligibility criteria of the Homestead Exemption and the Maine Residents Property Tax and Rent Refund Program (Circuit Breaker) would make the State's tax mix more regressive; and

Whereas, by eliminating the State-Municipal Revenue Sharing program, the Town of Bethel would lose approximately \$120,000 which would mean a property tax increase to both residential and business property owners, cuts to essential local services, or both; and

Whereas, the proposed budget would eliminate the Homestead Exemption program for anyone under the age of 65, which would result in an automatic property tax increase of \$115 even if the local budget had no increase; and

Whereas, the proposed budget would eliminate the Maine Residents property tax and rent relief program "Circuit Breaker" for anyone under the age of 65 and hurt the people most in need at a time they can least afford to pay higher property taxes; now

Therefore Be it Resolved, that the Bethel Select Board calls upon the Maine Legislature to reject these proposals, restore Revenue Sharing, maintain the Homestead and Circuit Breaker programs, and fund State government through an equitable tax system that prevents this unfair shift to property taxpayers.

S/Stan Howe, Chairman

S/Donald Bennett, Vice-Chairman

S/Patricia Carter

S/Peter Southam

S/Lloyd Sweetser

Attest:

S/Christen Mason, Town Clerk

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

Sent for concurrence.

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The Following Communication: (H.P. 1016)

**TOWN OF GORHAM**

**MUNICIPAL CENTER**

**75 SOUTH STREET, SUITE 1**

**GORHAM, MAINE 04038-1382**

**RESOLUTION EXPRESSING OPPOSITION TO PROPOSALS TO SHIFT THE BURDEN OF FUNDING STATE GOVERNMENT TO LOCAL PROPERTY TAX PAYERS**

Whereas, the State Administration has proposed a State Budget for the coming biennium that will dramatically shift the burden of funding state government to the property tax; and

Whereas, pursuant to Title 30-A MRSA Section 5681, the State Legislature sought to strengthen the partnership between the State and local government by providing 5% of sales tax revenue, known as State Revenue Sharing, to reduce the burden to the property tax and assist in financing municipal services; and

Whereas, the diversion of funds from the State Revenue Sharing program, as proposed in the State Budget, would cost the Town of Gorham approximately \$1,593,000 resulting in either an increase in the tax rate of \$1.21 or significant reduction in services or some combination of both; and

Whereas, the proposed biennial budget would redirect the Town of Gorham's excise tax paid on tractor trailers to fund State Government; and

Whereas, the State Legislature, pursuant to Title 36 MRSA Section 683, has previously granted a Homestead Exemption to all qualified Residents to lower the burden of property taxes, which the biennial budget now proposes to eliminate in FY 15 for all residents under the age of 65 who currently qualify; and

Whereas, starting in the second year of the biennium, the business equipment tax reimbursement program, under which businesses are fully reimbursed for property taxes they pay on

certain business equipment, will be eliminated with most qualifying property transferred to the business equipment tax exemption program; under this program, the Town will only be reimbursed by the state for 60% of the taxes due, further reducing Town revenues by an estimated \$105,000, or 19 cents on the tax rate; and

Whereas, if enacted, all of these changes would reduce revenues to the Town by at approximately \$1.9 million, not counting certain impacts on the School budget; and

Whereas, reducing Town expenditures of this magnitude would significantly undermine the Town's ability to provide basic public services; and

Now Therefore Be It Resolved, that the Gorham Town Council hereby expresses its strong opposition to provisions included in the proposed state budget that would dramatically shift the burden of funding state government to the local property tax and undermine the Town of Gorham's ability to provide basic public services to its citizens; and

Be It Further Resolved, that the Town Clerk is hereby directed to provide copies to members of the Town of Gorham's Legislative delegation, members of the Appropriations Committee and the Governor.

Adopted by a vote of the Gorham Town Council: April 2, 2013.

Gorham Town Council

S/Philip T. Gagnon, Chair

S/Michael J. Phinney, Vice Chair

S/Matthew J. Robinson

S/John A. Pressey

S/Suzanne Phillips

S/Shonn Moulton

S/Sherrie Benner

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

Sent for concurrence.

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The Following Communication: (H.P. 1017)

**TOWN OF FALMOUTH  
RESOLUTION REGARDING IMPACT  
OF PROPOSED STATE BUDGET**

WHEREAS, the Falmouth Town Council is deeply concerned about the multiple proposals in the State Budget to shift the burden of funding state government to local property taxpayers; and

WHEREAS, the Administration's proposed budget eliminates \$284 million in municipal revenue sharing despite a state law that requires 5% of state sales and income tax revenue to be returned to municipalities; and

WHEREAS, eliminating municipal revenue sharing would cost taxpayers \$121 annually in property taxes on an average Falmouth home; and

WHEREAS, eliminating \$625,000 in state aid and teacher retirement pensions to the Falmouth School District would cost taxpayers \$116 on an average Falmouth home; and

WHEREAS, the State Budget would eliminate and significantly modify multiple property tax relief programs, such as the Circuit Breaker and Homestead Exemption, hurting those, in particular, with low incomes under the age of 65; and

WHEREAS, eliminating the Homestead Exemption would add an average of \$134 to the property tax of Falmouth homeowners receiving the exemption; and

WHEREAS, eliminating the Circuit Breaker program, would cost program participants in Falmouth an average of \$712;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF FALMOUTH, that the Town

Council hereby calls upon the Maine Legislature to reject these proposals and work in a collaborative manner to avoid a regressive tax shift to municipalities.

Approved this 8th day of April 2013.

Attest:

S/Ellen Planer

Town Clerk

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

Sent for concurrence.

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The Following Communication: (H.P. 1018)

**RESOLUTION  
TOWN OF DAMARISCOTTA, MAINE**

**A resolution urging the Maine State Legislature to reject any Biennial State Budget that forces cities and towns to either increase property taxes or reduce essential municipal services.**

WHEREAS, the Governor's proposed biennial budget places towns and cities in an untenable and uncertain fiscal position during its budget planning for Fiscal Year 2014; and

WHEREAS, under this proposed budget, the Town of Damariscotta would lose \$115,000 in revenue sharing; \$3,600 in Commercial Excise Tax and an estimated \$85,000 with the shift from BETR to BETE exemption criteria for total impact is \$203,600 not including any tax increases due to changes in the State funding for education and the loss of the Homestead exemption for many of our residents; and

WHEREAS, this tax burden represents .59 mils or 4.1 % of the Town's current 14.375 mil rate not including the Homestead Exemption that currently allows 563 homeowners to save \$143.75 on their annual tax bills and not including the expected increases for school funding; and

WHEREAS, The Town budget is comprised mainly of expenditures for police, the County assessment, public works, administrative duties required by the State Constitution and Statutes, solid waste disposal, fire hydrant fees, the volunteer fire department and street and traffic light charges, and, as a regional service center, any reduction in these services will have a direct impact on residents and visitors alike; and

WHEREAS, Holding the line on Town budgets has been a high priority for the Town's Board of Selectmen for many years as shown by the fact that the Town shares employees and services with other entities in the following areas: public safety, public works, code enforcement, harbor management, shellfish law enforcement, and general assistance;

NOW THEREFORE, BE IT RESOLVED that the Board of Selectmen of the Town of Damariscotta hereby urges the Maine State Legislature to craft a biennial budget that takes into account the already high property tax burden on homeowners in Maine, and calls upon the Maine Legislature to reject the Governor's budget proposal, identify less harmful cost savings, and raise State-generated revenues in an equitable fashion in order to avoid a regressive tax shift to municipalities.

Adopted this 3rd day of April, 2013,

The Board of Selectmen:

S/Joshua Pinkham

S/Ronn Orenstein

S/Vicki Pinkham

S/Robin Mayer

Attest: A True Copy

S/Cheryl Pinkham

Date: 4/9/2013

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

The Following Communication: (H.P. 1019)

**TOWN OF LUBEC  
40 SCHOOL STREET  
LUBEC, MAINE 04652**

Date March 14, 2013

WHEREAS, the people of the Town of Lubec, situated in the easternmost edge of Washington County, Maine with a population of 1,359, with 56% above the age of 50 years, with a median household income of \$32,563 and 25% living below the poverty rate; and

WHEREAS, the Governor's unprecedented biennial budget proposal places Lubec, Washington County and a majority of Maine towns in an untenable and uncertain fiscal position during their budget planning; and

WHEREAS, the proposal includes the elimination of \$283 million in municipal revenue sharing; falls \$200 million short of funding local schools at the 55% level passed in referendum; would cut the state's reimbursement for General Assistance by an estimated \$6.7 million; 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 tax revenue from towns; and would create a corporate tax exemption for large amounts of currently taxable property, resulting in significant losses of local tax revenue; Lubec is comprised of 24,500 acres, of those 2,257.02 acres are non-taxable due to ownership by the State of Maine, churches and nonprofits, and plus an additional 2,670.36 acres in open space benefiting land trusts and private land owners plus an additional 3,379 acres in tree growth. This is a total of 8,325.18 acres representing a total of over one-third of Lubec's total land mass; and

WHEREAS, the Governor's proposal also contains cuts to health and human services such as prescription drugs for the elderly and disabled, Washington County has the highest percentage of children in poverty, children who receive free/reduce lunch, uninsured residents, current smokers, reports of high blood pressure, diabetes, heart disease and cancer mortality rate, individuals with substance abuse problems, domestic violence, and youth binge drinking; to all funding for clean elections; to the wages and benefits of public workers; while also rejecting federal funds to make health care affordable for over 44,000 Mainers; and

WHEREAS, all of the above shifts cost to towns, cost sharing with our two closest communities would not be cost effective, being that Machias is 28 miles and Eastport is 38 miles in one-way travel from Lubec; whose only major means of raising revenue is property taxes; now, therefore, be it

RESOLVED, that the Town of Lubec calls upon the Maine Legislature to reject these proposals, identify less harmful cost savings, and raise revenue in an equitable fashion to avoid this regressive tax shift which will be devastating to Lubec, Washington County and Maine.

This Resolve is signed and supported by the Lubec Board of Selectmen.

S/Maureen Glidden, Chairman  
S/Michael Scrivani, Vice Chairman  
S/Justin Doran, Selectman  
S/Sara McConnell, Selectman  
S/James Jones, Selectman

Attested: This is the original copy of the Town of Lubec's Resolution.

S/Betty L. Case, Town Clerk of Lubec  
April 8, 2013

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

The Following Communication: (H.P. 1021)

**TOWN OF SOUTH BERWICK  
180 MAIN STREET  
SOUTH BERWICK, MAINE 03908-1535**

March 26, 2013

**RESOLVE, EXPRESSING THE OPPOSITION OF THE CITY COUNCIL OF THE TOWN OF SOUTH BERWICK TO PROPOSALS TO SHIFT THE BURDEN OF FUNDING STATE GOVERNMENT TO PROPERTY TAX AND THE PROPERTY TAX PAYER**

WHEREAS, the Governor's unprecedented biennial budget proposal places towns in an untenable and uncertain fiscal position during their budget planning; and

WHEREAS, the proposal includes the elimination of \$283 million in municipal revenue sharing; falls \$200 million short of funding local schools at the 55% level passed in referendum; would cut the state's reimbursement for General Assistance by an estimated \$6.7 million; 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 tax revenue from towns; and would create a corporate tax exemption for large amounts of currently taxable property, resulting in significant losses of local tax revenue; and

WHEREAS, the proposal to suspend municipal revenue sharing would result in the loss of \$539,245 in revenues, which would increase property taxes by \$215.65 on the average residential property value of \$227,000; and

WHEREAS, the proposal to eliminate the FY 2015 Homestead Exemption for those under 65 will increase taxes for those residents by \$185.00 if the towns tax rate stays the same; and

WHEREAS, the Governor's proposal also contains cuts to health and human services such as prescription drugs for the elderly and disabled; to all funding for clean elections; to the wages and benefits of public workers; while also rejecting federal funds to make healthcare affordable for over 44,000 Mainers; and

WHEREAS, all of the above shifts costs to towns, whose only major means of raising revenue is property taxes; now, therefore, be it

RESOLVED, The South Berwick Town Council calls upon the Maine State Legislature to reject these proposals, identify harmful cost savings, and raise revenue in an equitable fashion to avoid this regressive tax shift.

S/Gerald W. MacPherson

S/David H. Webster

S/Russell Abell

S/Jean Demetrocopoulos

S/Jack Kareckas

April 17, 2013 Attest to be a true copy.

S/Barbara Bennett

Town Clerk

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

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The Following Communication: (H.P. 1027)

**TOWN OF NORTH BERWICK  
21 MAIN STREET, PO BOX 422  
NORTH BERWICK, MAINE 03906**

**Resolution adopted by the Selectmen of the Town of North Berwick**

Whereas, the Governor's unprecedented biennial budget proposal places towns in an untenable and uncertain position during their budget planning; and

Whereas, the proposal includes the elimination of \$283 million in municipal revenue sharing; falls \$200 million short in funding local schools at the 55% level passed in referendum; would cut the states reimbursement for General Assistance by an estimated \$6.7 million; would eliminate the Homestead Exemption and Circuit Breaker Program for anyone under the age of 65; would take \$8 million in truck excise tax revenue from towns; and would change BETE to exempt large amounts of currently taxable property, resulting in significant losses of local tax revenue; and

Whereas, the loss of revenue to the Town of North Berwick is expected to be \$354,300.00 forcing an increase of \$274.50 in property taxes to the average taxpayer; and further that the loss of income to the school district is estimated to cost the average taxpayer an additional \$25; and resulting in a property tax increase to the citizens of North Berwick of approximately 10%; and

Whereas, all of the above shifts costs to towns, whose only major means of raising revenue is property taxes; now, therefore, be it RESOLVED, that the Selectmen of the Town of North Berwick calls upon the Maine Legislature to reject these proposals, identify less harmful cost savings; and raise revenue in an equitable fashion to avoid this regressive tax shift.

Date: March 19, 2013

North Berwick Board of Selectmen

S/Lawrence Hart

S/Elaine Folsom

S/Charles Galemmo

S/Paul Danforth

S/Gregg Drew

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

Sent for concurrence.

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The Following Communication: (H.P. 1028)

**TOWN OF BOWDOINHAM  
13 SCHOOL STREET  
BOWDOINHAM, MAINE 04008**

March 26, 2013

WHEREAS, Governor LePage has proposed a biennial budget which would have a significant and negative impact on local municipal services and property taxes; and

WHEREAS, this biennial budget proposal calls for redirecting that portion of sales and income tax revenues normally distributed to municipalities under the Revenue Sharing Program toward balancing the State Budget; and

WHEREAS, this biennial budget proposal calls for redirecting commercial vehicle excise tax revenues away from municipalities toward balancing the State Budget; and

WHEREAS, this biennial budget proposal dramatically curtails the Homestead and Circuit Breaker programs designed to reduce local resident property tax burdens for the purpose of balancing the State Budget; and

WHEREAS, this biennial budget proposal calls for the elimination of the BETR program that reimburses municipalities for lost

personal property taxes for the purpose of balancing the State Budget; and

WHEREAS, this biennial budget proposal calls for drastically reducing funding to local schools (again failing to meet the Citizen Referendum mandate to provide 55% support) for the purpose of balancing the State Budget; now, therefore, be it RESOLVED, that the Select Board of the Town of Bowdoinham calls upon the Maine Legislature and Senator Seth Goodall and Representative Seth Berry to reject these proposals and restore revenue sharing to municipalities, retain full funding of General Assistance reimbursements, maintain the homestead exemption and circuit breaker tax relief programs, restore excise taxes to previous levels, retain the BETR program and support to schools in order to avoid this regressive tax shift.

S/Brian Hobart, Chair

S/M. Theresa Turgeon, Vice Chair

S/Kathleen Gallant

S/Kathy Tome

"ATTEST": A true certified copy.

S/Pamela C. Ross, Town Clerk

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

Sent for concurrence.

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The Following Communication: (H.P. 1029)

**TOWN OF PARIS RESOLUTION**

March 25, 2013

Whereas, the Governor's biennial budget proposal places towns in an uncertain fiscal situation; 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; and would create a corporate tax exemption for large amounts of currently taxable property; all resulting in significant losses of revenue for Paris; and

Whereas, all the above would shift part of the costs to the Town of Paris, approximately \$454,760, whose only major means of raising revenue is property taxes; now, therefore, be it Resolved, that the Paris Select Board calls upon the Maine Legislature to reject these proposals, identify less harmful cost savings, and raise revenue in an equitable fashion to avoid this added revenue burden on the Town.

S/Samuel Elliot

S/Robert Kirchherr

S/Gerald Kilgore, Jr.

S/Robert Wessels

A TRUE COPY:

ATTESTED BY:

S/Elizabeth J. Knox

Town Clerk, Paris, Maine

Date April 8, 2013

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

Sent for concurrence.

The Following Communication: (H.C. 129)  
**STATE OF MAINE**  
**OFFICE OF THE GOVERNOR**  
**1 STATE HOUSE STATION**  
**AUGUSTA, MAINE 04333-0001**

April 19, 2013  
 Honorable Mark W. Eves  
 Speaker of the House  
 2 State House Station  
 Augusta, Maine 04333  
 Dear Speaker Eves:

This is to inform you that I am today nominating Amy R. Fowler of Palermo for appointment to the State Board of Corrections. Pursuant to Title 34-A, MRSA §1802, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Criminal Justice and Public Safety. Sincerely,  
 S/Paul R. LePage  
 Governor

**READ and ORDERED PLACED ON FILE.**

The Following Communication: (H.C. 130)  
**STATE OF MAINE**  
**OFFICE OF THE GOVERNOR**  
**1 STATE HOUSE STATION**  
**AUGUSTA, MAINE 04333-0001**

April 19, 2013  
 Honorable Mark W. Eves  
 Speaker of the House  
 2 State House Station  
 Augusta, Maine 04333  
 Dear Speaker Eves:

This is to inform you that I am today nominating Honorable Susan E. Morissette of Winslow for appointment to the State Board of Corrections. Pursuant to Title 34-A, MRSA §1802, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Criminal Justice and Public Safety. Sincerely,  
 S/Paul R. LePage  
 Governor

**READ and ORDERED PLACED ON FILE.**

The Following Communication: (H.C. 127)  
**STATE OF MAINE**  
**CLERK'S OFFICE**  
**2 STATE HOUSE STATION**  
**AUGUSTA, MAINE 04333-0002**

April 23, 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. 478 An Act To Require a Local Permit for the Use of Fireworks  
 L.D. 526 An Act To Allow for the Disposition of Certain Items Confiscated from Criminals Convicted of Sexual Exploitation of Minors

L.D. 663 An Act To Change the Time Restriction on the Use of Fireworks  
 L.D. 926 An Act To Increase the Penalty for an Adult Who Provides Alcohol to a Minor Involved in a Fatal Accident  
 Education and Cultural Affairs  
 L.D. 533 An Act To Eliminate the Requirement That Local Funding Follow a Pupil to a Charter School  
 L.D. 889 An Act To Adjust Funding Forwarded from School Districts to Charter Schools  
 L.D. 1056 An Act To Require Local Voter Approval for Charter Schools  
 Energy, Utilities and Technology  
 L.D. 774 Resolve, Regarding a Fire and Police Protocols Pilot Program for E-9-1-1 Call Processing  
 Environment and Natural Resources  
 L.D. 261 An Act To Provide That a Distributor, Blender or Retail Dealer of Motor Fuel May Not Be Required To Sell, Consign or Distribute Motor Fuel Containing Ten Percent or More Ethanol  
 Insurance and Financial Services  
 L.D. 83 An Act To Protect Health Insurance Ratepayers from Undocumented Rate Increases  
 L.D. 102 An Act To Improve Health Insurance Transparency  
 L.D. 393 An Act To Cap Interest Rates and Finance Charges on Credit and Loans  
 L.D. 776 An Act To Amend the Laws Related to Rate and Form Filings  
 L.D. 1176 An Act To Require Health Insurers To Use One Geographic Area as Permitted by the Federal Patient Protection and Affordable Care Act  
 Judiciary  
 L.D. 425 An Act To Change the Membership of the Family Law Advisory Commission  
 Labor, Commerce, Research and Economic Development  
 L.D. 263 An Act To Require Dealers of Secondhand Precious Metals To Keep Records To Aid Law Enforcement  
 L.D. 722 Resolve, To Establish a Task Force To Review Section 8 Housing Construction Standards  
 L.D. 747 An Act To Protect Doctors Who Prescribe a Complementary Course of Treatment and To Provide Insurance Coverage for That Treatment  
 L.D. 914 An Act To Certify Nuclear Medicine Technologists in Computed Tomography  
 L.D. 993 Resolve, To Amend Maine Board of Pharmacy Rules Regarding Automated Pharmacy Systems in Hospitals  
 L.D. 1035 An Act To Report Certain Information in Response to Growing Financial Inequality  
 L.D. 1041 An Act To Modify the Mandatory Enforcement of the Maine Uniform Building and Energy Code for a Municipality without a Building Code  
 L.D. 1071 An Act Regarding Qualifications for Real Estate Licensees  
 L.D. 1072 An Act To Provide Accountability in the Handling of Affordable Housing Tenants' Security Deposits  
 L.D. 1087 An Act Concerning Workers' Compensation and Short-term Disability Insurance in Maine



LEGISLATIVE RECORD - HOUSE, April 23, 2013

- L.D. 1108 An Act To Modify the Qualifications for a Person To Be Able To Teach Driver's Education
- L.D. 1202 An Act To Update the Maine Veterinary Practice Act
- L.D. 1221 An Act To Preserve the Dynamic Status Quo Pending Expiration of Collective Bargaining Agreements
- Maine's Workforce and Economic Future
- L.D. 578 An Act To Award Academic Credit to Service Members for Military Education, Experience and Training
- L.D. 960 Resolve, To Direct Eastern Maine Community College To Create Industry-specific Workplace Transition Educational Programming
- Marine Resources
- L.D. 557 An Act To Change the Age at Which a Person Qualifies for a Fee Reduction for a Lobster and Crab Fishing License
- L.D. 584 An Act To Provide for Passage of River Herring on the St. Croix River in Accordance with an Adaptive Management Plan
- L.D. 643 An Act To Create a Tax Incentive Program To Improve the Maine Lobster Industry (EMERGENCY)
- L.D. 748 An Act Regarding the Passage of River Herring on the St. Croix River (EMERGENCY)
- State and Local Government
- L.D. 787 An Act To Encourage Municipal Infrastructure Improvement
- Taxation
- L.D. 614 An Act To Adjust Fuel Taxes To Improve Sustainability
- L.D. 693 An Act To Provide Solar Energy Tax Credits to Maine Homeowners
- L.D. 698 An Act To Provide an Exemption from Fuel and Sales Taxes to Persons Engaged in Snowmobile Trail Grooming (EMERGENCY)
- L.D. 866 An Act To Create an Income Tax Credit for Educational Supplies Purchased by Public School Employees
- Transportation
- L.D. 270 An Act To Improve the Motor Vehicle Inspection System
- L.D. 403 Resolve, To Establish a Task Force on the Establishment of So-called Complete Streets Design Guidelines
- L.D. 473 Resolve, To Widen the Shoulders of Highways
- L.D. 565 Resolve, To Establish a Task Force To Study the Feasibility of Imposing Tolls on Interstate 95
- L.D. 582 An Act To Enhance and Encourage Economic Development of the Lower Penobscot River Basin by Creating a Niche Port Plan
- L.D. 763 Resolve, Directing the Department of Transportation and the Maine Turnpike Authority To Conduct a Study Regarding the Need for a Passenger Transit Service Linking Municipalities from Portland North to Lewiston and Auburn
- L.D. 764 Resolve, Directing the Department of Transportation To Conduct a Traffic Study To Consider Whether To Open Water Street in Augusta to 2-way Traffic

- L.D. 765 An Act To Amend the Law Regarding Motorcycle Registration Expiration Dates
- L.D. 780 An Act To Reduce Conflicts of Interest in the Motor Vehicle Inspection Program
- L.D. 937 An Act To Amend the Laws Governing Disability Parking Spaces
- L.D. 945 An Act To Amend Provisions of Law Pertaining to Motor Vehicles
- Veterans and Legal Affairs
- L.D. 69 An Act To Strengthen Financial Disclosure Laws for the Legislative and Executive Branches of State Government
- L.D. 344 An Act To Amend the Licensing Requirements for Beano Halls Leased by Veterans' Organizations
- L.D. 349 An Act To Strengthen Maine's Ethics Laws and Improve Public Access to Information

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. 128)

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

April 23, 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 Education and Cultural Affairs has approved the request by the sponsor, Senator Millett of Cumberland, to report the following "Leave to Withdraw":

L.D. 233 An Act To Require the Department of Education To Report on the Costs and Sources of Funding of Charter Schools

Pursuant to Joint Rule 310, the Committee on Education and Cultural Affairs has approved the request by the sponsor, Representative Parry of Arundel, to report the following "Leave to Withdraw":

L.D. 1027 An Act To Provide an Improved Process for Voter Approval of Withdrawal from a Regional School Unit (EMERGENCY)

L.D. 1347 An Act To Improve the School Administrative Unit Consolidation Laws by Allowing a Regional School Unit To Dissolve Itself

Pursuant to Joint Rule 310, the Committee on Education and Cultural Affairs has approved the request by the sponsor, Senator Patrick of Oxford, to report the following "Leave to Withdraw":

L.D. 1098 An Act To Encourage Teacher Input in Education Policy

Sincerely,  
S/Millicent M. MacFarland  
Clerk of the House

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

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The Following Communication: (S.C. 225)

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

April 10, 2013

Honorable Millicent M. MacFarland  
Clerk of the House  
2 State House Station  
Augusta, Maine 04333

Dear Clerk MacFarland:

Please be advised the Senate today adhered to its previous action whereby it accepted the Majority Ought Not to Pass Report from the Committee on Transportation 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), in non-concurrence.

Best Regards,

S/Darek M. Grant

Secretary of the Senate

**READ and ORDERED PLACED ON FILE.**

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**PETITIONS, BILLS AND RESOLVES REQUIRING  
REFERENCE**

The following Bills and Resolve 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:

**APPROPRIATIONS AND FINANCIAL AFFAIRS**

Bill "An Act To Authorize a Matching General Fund Bond Issue for Improvements to the Seven Community College Campuses"

(H.P. 1006) (L.D. 1418)

Sponsored by Representative CAMPBELL of Orrington.

Cosponsored by Representatives: GOODE of Bangor, HOBBS of Saco, REED of Carmel, Senator: YOUNGBLOOD of Penobscot.

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**CRIMINAL JUSTICE AND PUBLIC SAFETY**

Bill "An Act To Allow a Setoff of a Third-party Bailor's Property under Certain Conditions"

(H.P. 1007) (L.D. 1419)

Sponsored by Representative DION of Portland.

Cosponsored by Senator GERZOFKY of Cumberland and Representatives: FREDETTE of Newport, FREY of Bangor, MARKS of Pittston, PLANTE of Berwick.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Bill "An Act To Amend the Laws Governing Mental Responsibility for Criminal Conduct"

(H.P. 1022) (L.D. 1433)

Sponsored by Representative SANDERSON of Chelsea.

Cosponsored by Senator HAMPER of Oxford.

Submitted by the Department of Health and Human Services pursuant to Joint Rule 204.

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**ENERGY, UTILITIES AND TECHNOLOGY**

Resolve, To Require the Public Utilities Commission To Amend Its Rules Regarding Net Energy Billing

(H.P. 999) (L.D. 1403)

Sponsored by Representative WELSH of Rockport.

Cosponsored by Senator GERZOFKY of Cumberland and Representatives: HOBBS of Saco, PRIEST of Brunswick, RYKERSON of Kittery.

Bill "An Act To Create Affordable Heating Options for Maine Residents and Reduce Business Energy Costs"

(H.P. 1013) (L.D. 1425)

Sponsored by Representative DUNPHY of Embden. (GOVERNOR'S BILL)

Cosponsored by Representatives: FREDETTE of Newport, GIDEON of Freeport, Senators: CLEVELAND of Androscoggin, KATZ of Kennebec, SAVIELLO of Franklin, THIBODEAU of Waldo, YOUNGBLOOD of Penobscot.

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Bill "An Act To Clarify the Laws Governing Noise from Wind Turbines"

(H.P. 1023) (L.D. 1434)

Sponsored by Representative JONES of Freedom.

Committee on **ENERGY, UTILITIES AND TECHNOLOGY** suggested.

On motion of Representative HOBBS of Saco, **TABLED** pending **REFERENCE** and later today assigned.

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**HEALTH AND HUMAN SERVICES**

Bill "An Act To Ensure the Integrity of Maine's Medical Marijuana Program" (EMERGENCY)

(H.P. 1000) (L.D. 1404)

Sponsored by Representative GILBERT of Jay.

Cosponsored by Senator LACHOWICZ of Kennebec and Representatives: BLACK of Wilton, CASSIDY of Lubec, CHIPMAN of Portland, DION of Portland, HARVELL of Farmington, KRUGER of Thomaston, SANDERSON of Chelsea, Senator: WHITTEMORE of Somerset.

Bill "An Act To Increase Access to Postsecondary Education for Maine's Children" (EMERGENCY)

(H.P. 1003) (L.D. 1407)

Sponsored by Representative HAYES of Buckfield.

Cosponsored by Senator CRAVEN of Androscoggin and Representatives: FARNSWORTH of Portland, JONES of Freedom, KUMIEGA of Deer Isle, MALABY of Hancock, NUTTING of Oakland, VOLK of Scarborough, Senator: MASON of Androscoggin.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Bill "An Act To Amend the Medical Marijuana Law Regarding Excess Harvested Marijuana"

(H.P. 1011) (L.D. 1423)

Sponsored by Representative HICKMAN of Winthrop. (BY REQUEST)

Cosponsored by Representative: DION of Portland, Senator: GERZOFKY of Cumberland.

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**INLAND FISHERIES AND WILDLIFE**

Bill "An Act To Amend Certain Provisions of the Fish and Wildlife Laws"

(H.P. 1024) (L.D. 1435)

Sponsored by Representative SHAW of Standish.

Cosponsored by Senator HASKELL of Cumberland and Representatives: BRIGGS of Mexico, ESPLING of New Gloucester, KUSIAK of Fairfield, Senator: DUTREMBLE of York. Submitted by the Department of Inland Fisheries and Wildlife pursuant to Joint Rule 204.

**JUDICIARY**

Bill "An Act To Increase Mileage Reimbursement and Compensation for Jurors"

(H.P. 1012) (L.D. 1424)

Sponsored by Representative BROOKS of Winterport.  
Cosponsored by President ALFOND of Cumberland and Representatives: BERRY of Bowdoinham, EVANGELOS of Friendship, Speaker EVES of North Berwick, FREDETTE of Newport, McCABE of Skowhegan, Senators: GOODALL of Sagadahoc, JACKSON of Aroostook, THIBODEAU of Waldo.  
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

**LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT**

Bill "An Act To Return to Building Code Requirements in Effect Prior to the Adoption of the Maine Uniform Building and Energy Code"

(H.P. 1008) (L.D. 1420)

Sponsored by Representative CAMPBELL of Orrington.  
Cosponsored by Senator THOMAS of Somerset and Representatives: CRAY of Palmyra, GIFFORD of Lincoln, JOHNSON of Eddington, Senator: SHERMAN of Aroostook.

Bill "An Act To Avoid Conflicts of Interest in State Government Labor Relations"

(H.P. 1025) (L.D. 1436)

Sponsored by Representative VOLK of Scarborough.  
Submitted by the Department of Administrative and Financial Services pursuant to Joint Rule 204.

Bill "An Act To Amend the Laws Regarding Licensure of Physicians and Physician Assistants"

(H.P. 1026) (L.D. 1437)

Sponsored by Representative VOLK of Scarborough.  
Cosponsored by Senator PATRICK of Oxford and Representative: MASON of Topsham.  
Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 204.

**STATE AND LOCAL GOVERNMENT**

Bill "An Act To Repeal the Laws Establishing the Cumberland County Recreation Center and Transfer Authority to Cumberland County"

(H.P. 1001) (L.D. 1405)

Sponsored by Representative VILLA of Harrison.  
Cosponsored by Senator GERZOFKY of Cumberland and Representatives: DICKERSON of Rockland, GIDEON of Freeport, GRAHAM of North Yarmouth, McCABE of Skowhegan, McCLELLAN of Raymond, POWERS of Naples, WILSON of Augusta, Senator: DUTREMBLE of York.  
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Bill "An Act To Amend the Laws Relating to Secession by a Municipality from a County" (EMERGENCY)

(H.P. 1004) (L.D. 1408)

Sponsored by Representative KNIGHT of Livermore Falls.  
Cosponsored by Senator LACHOWICZ of Kennebec and Representatives: CHENETTE of Saco, COTTA of China, GRAHAM of North Yarmouth, HAYES of Buckfield, MacDONALD of Old Orchard Beach, NADEAU of Fort Kent, PEASE of Morrill, Senator: MASON of Androscoggin.  
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

**TAXATION**

Bill "An Act To Reduce Youth Smoking and Improve Public Health by Increasing Revenue from the Cigarette Tax to the Fund for a Healthy Maine and To Pay Debts Owed to Health Care Providers" (EMERGENCY)

(H.P. 1002) (L.D. 1406)

Sponsored by Representative FARNSWORTH of Portland.  
Cosponsored by Representatives: BEAVERS of South Berwick, BERRY of Bowdoinham, BRIGGS of Mexico, BROOKS of Winterport, EVANGELOS of Friendship, GRAHAM of North Yarmouth, HAMANN of South Portland, HUBBELL of Bar Harbor, KNIGHT of Livermore Falls, MASTRACCIO of Sanford, RYKERSON of Kittery, SANBORN of Gorham, STUCKEY of Portland, TREAT of Hallowell, WELSH of Rockport.

Bill "An Act To Promote Tourism and Foster Economic Development" (EMERGENCY)

(H.P. 1005) (L.D. 1409)

Sponsored by Representative HAMANN of South Portland.  
Cosponsored by Senator VALENTINO of York and Representatives: BEAR of the Houlton Band of Maliseet Indians, DAUGHTRY of Brunswick, GILBERT of Jay, GOODE of Bangor, HARVELL of Farmington, JORGENSEN of Portland, KUSIAK of Fairfield, McLEAN of Gorham.

Bill "An Act To Permit a Student Holding a Degree from a Non-Maine Institution To Participate in the Job Creation Through Educational Opportunity Program"

(H.P. 1009) (L.D. 1421)

Sponsored by Representative NADEAU of Winslow.  
Cosponsored by Senator THIBODEAU of Waldo and Representatives: BECK of Waterville, BERRY of Bowdoinham, CHENETTE of Saco, KAENRATH of South Portland, KORNFIELD of Bangor, LONGSTAFF of Waterville, MacDONALD of Boothbay, POULIOT of Augusta.  
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

**VETERANS AND LEGAL AFFAIRS**

Bill "An Act To Establish a Nonpartisan Primary and a Presidential Primary Election System and Instant Run-off Voting for State and Federal Candidates"

(H.P. 1010) (L.D. 1422)

Sponsored by Representative RYKERSON of Kittery.  
Cosponsored by Representative BEAVERS of South Berwick, Senator WOODBURY of Cumberland and Representatives: BROOKS of Winterport, CASSIDY of Lubec, CHAPMAN of Brooksville, CHENETTE of Saco, EVANGELOS of Friendship, FARNSWORTH of Portland, McGOWAN of York, SCHNECK of Bangor.

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

**ORDERS**

On motion of Representative KESCHL of Belgrade, the following Joint Resolution: (H.P. 1020) (Cosponsored by Senator SAVIELLO of Franklin and Representatives: AYOTTE of Caswell, BEAR of the Houlton Band of Maliseet Indians, BEAUDOIN of Biddeford, BEAULIEU of Auburn, BEAVERS of South Berwick, BECK of Waterville, BENNETT of Kennebunk, BERRY of Bowdoinham, BLACK of Wilton, BOLAND of Sanford, BOLDUC

of Auburn, BRIGGS of Mexico, BROOKS of Winterport, CAMPBELL of Newfield, CAMPBELL of Orrington, CAREY of Lewiston, CASAVANT of Biddeford, CASSIDY of Lubec, CHAPMAN of Brooksville, CHASE of Wells, CHENETTE of Saco, CHIPMAN of Portland, CLARK of Easton, COOPER of Yarmouth, COTTA of China, CRAFTS of Lisbon, CRAY of Palmyra, CROCKETT of Bethel, DAUGHTRY of Brunswick, DAVIS of Sangerville, DeCHANT of Bath, DEVIN of Newcastle, DICKERSON of Rockland, DILL of Old Town, DION of Portland, DOAK of Columbia Falls, DORNEY of Norridgewock, DUNPHY of Embden, DUPREY of Hampden, ESPLING of New Gloucester, EVANGELOS of Friendship, Speaker EVES of North Berwick, FARNSWORTH of Portland, FITZPATRICK of Houlton, FOWLE of Vassalboro, FREDETTE of Newport, FREY of Bangor, GATTINE of Westbrook, GIDEON of Freeport, GIFFORD of Lincoln, GILBERT of Jay, GILLWAY of Searsport, GOODE of Bangor, GRAHAM of North Yarmouth, GRANT of Gardiner, GUERIN of Glenburn, HAMANN of South Portland, HARLOW of Portland, HARVELL of Farmington, HAYES of Buckfield, HERBIG of Belfast, HICKMAN of Winthrop, HOBBS of Saco, HUBBELL of Bar Harbor, JACKSON of Oxford, JOHNSON of Eddington, JOHNSON of Greenville, JONES of Freedom, JORGENSEN of Portland, KAENRATH of South Portland, KENT of Woolwich, KINNEY of Limington, KNIGHT of Livermore Falls, KORNFIELD of Bangor, KRUGER of Thomaston, KUMIEGA of Deer Isle, KUSIAK of Fairfield, LAJOIE of Lewiston, LIBBY of Waterboro, LIBBY of Lewiston, LOCKMAN of Amherst, LONG of Sherman, LONGSTAFF of Waterville, LUCHINI of Ellsworth, MacDONALD of Old Orchard Beach, MacDONALD of Boothbay, MAKER of Calais, MALABY of Hancock, MAREAN of Hollis, MARKS of Pittston, MASON of Topsham, MASTRACCIO of Sanford, McCABE of Skowhegan, McCLELLAN of Raymond, McELWEE of Caribou, McGOWAN of York, McLEAN of Gorham, MITCHELL of the Penobscot Nation, MONAGHAN-DERRIG of Cape Elizabeth, MOONEN of Portland, MORIARTY of Cumberland, MORRISON of South Portland, NADEAU of Fort Kent, NADEAU of Winslow, NELSON of Falmouth, NEWENDYKE of Litchfield, NOON of Sanford, NUTTING of Oakland, PARRY of Arundel, PEASE of Morrill, PEAVEY HASKELL of Milford, PEOPLES of Westbrook, PETERSON of Rumford, PLANTE of Berwick, POULIOT of Augusta, POWERS of Naples, PRIEST of Brunswick, PRINGLE of Windham, RANKIN of Hiram, REED of Carmel, ROCHELO of Biddeford, ROTUNDO of Lewiston, RUSSELL of Portland, RYKERSON of Kittery, SANBORN of Gorham, SANDERSON of Chelsea, SAUCIER of Presque Isle, SAXTON of Harpswell, SCHNECK of Bangor, SHAW of Standish, SHORT of Pittsfield, SIROCKI of Scarborough, SOCTOMAH of the Passamaquoddy Tribe, STANLEY of Medway, STUCKEY of Portland, THERIAULT of Madawaska, TIMBERLAKE of Turner, TIPPING-SPITZ of Orono, TREAT of Hallowell, TURNER of Burlington, TYLER of Windham, VEROW of Brewer, VILLA of Harrison, VOLK of Scarborough, WALLACE of Dexter, WEAVER of York, WELSH of Rockport, WERTS of Auburn, WILLETTE of Mapleton, WILSON of Augusta, WINCHENBACH of Waldoboro, WINSOR of Norway, WOOD of Sabattus, Senators: President ALFOND of Cumberland, BOYLE of Cumberland, BURNS of Washington, CAIN of Penobscot, CLEVELAND of Androscoggin, COLLINS of York, CRAVEN of Androscoggin, CUSHING of Penobscot, DUTREMBLE of York, FLOOD of Kennebec, GERZOFSKY of Cumberland, GOODALL of Sagadahoc, GRATWICK of Penobscot, HAMPER of Oxford, HASKELL of Cumberland, HILL of York, JACKSON of Aroostook, JOHNSON of Lincoln, KATZ of Kennebec, LACHOWICZ of Kennebec, LANGLEY of Hancock, MASON of Androscoggin, MAZUREK of Knox, MILLETT of Cumberland, PATRICK of

Oxford, PLUMMER of Cumberland, SHERMAN of Aroostook, THIBODEAU of Waldo, THOMAS of Somerset, TUTTLE of York, VALENTINO of York, WHITTEMORE of Somerset, WOODBURY of Cumberland, YOUNGBLOOD of Penobscot) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 214)

**JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO PROTECT THE CLEAN AIR ACT AND FUND THE INFRASTRUCTURE THAT ENSURES HEALTHY AIR FOR MAINE FAMILIES AND BUSINESSES**

WE, your Memorialists, the Members of the One Hundred and Twenty-sixth Legislature of the State of Maine now assembled in the First Regular Session, most respectfully present and petition the President of the United States and the United States Congress as follows:

WHEREAS, Maine families and businesses need healthy air to grow and succeed because when people are healthy, children do better in school, workers are more productive and businesses can add jobs because their health care costs are lower; and

WHEREAS, air pollution does not respect state borders, and Maine's geographic location puts us on the receiving end of life-threatening air pollution produced in states to the south and west of us; and

WHEREAS, air pollution can lead to asthma attacks, heart attacks, strokes, diabetes, cancer, reproductive and developmental harm and even premature death; and

WHEREAS, dangerous air pollution levels can increase hospital admissions and emergency room visits as well as missed days of school and work; and

WHEREAS, unhealthy air can be particularly dangerous for children, the elderly and people with chronic diseases, including the more than 22,700 children and 92,700 adults with asthma and other lung diseases, who may require expensive medical care on unhealthy air days in the State; and

WHEREAS, air pollution can cause serious health effects at levels once deemed safe and almost half of the people in Maine live in counties with fair to poor air quality; and

WHEREAS, for more than 4 decades the federal Clean Air Act has protected public health by reducing levels of smog, soot and other air toxins; and

WHEREAS, the Clean Air Act is a Maine tradition, having been established and subsequently updated and improved under the leadership of Senator Edmund S. Muskie, Senator George J. Mitchell and Senator William S. Cohen; and

WHEREAS, nationally the Clean Air Act has prevented an estimated 160,000 premature deaths, more than 130,000 heart attacks and over 1.7 million asthma attacks in 2010 alone; and

WHEREAS, reducing air pollution through the Clean Air Act will provide the United States with \$2 trillion in benefits and prevent 230,000 deaths in 2020; and

WHEREAS, it is not necessary to choose between improving public health and helping our economy innovate and grow, as evidenced by data showing that between 1970 and 2009 total emissions of the 6 principal air pollutants fell by 63%, while private sector jobs and our nation's gross domestic product increased by 86% and 210%, respectively; and

WHEREAS, the United States Environmental Protection Agency has concluded that the Clean Air Act has produced economic benefits valued at 30 times the cost of regulation; and

WHEREAS, the Clean Air Act is continually threatened by attempts to weaken, block, delay or underfund its important public health safeguards; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge and request that the President of the United States and the

United States Congress support the Clean Air Act and fund its enforcement and fund the infrastructure that reduces the dangerous air pollution that crosses into Maine and that ensures the air is safe to breathe for Maine children and adults; and be it further

**RESOLVED:** That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable Barack H. Obama, President of the United States, the President of the United States Senate and the Speaker of the United States House of Representatives and to each Member of the Maine Congressional Delegation.

**READ and ADOPTED.**

Sent for concurrence.

On motion of Representative CHIPMAN of Portland, the following Joint Resolution: (H.P. 1030) (Cosponsored by Senator: President ALFOND of Cumberland)

**JOINT RESOLUTION RECOGNIZING THE DAY OF GENOCIDE OF AZERBAIJANIS**

WHEREAS, the internationally recognized area of the Republic of Azerbaijan is 33,440 square miles, including the Karabakh and Nakhichevan regions, but used to include Zangezur and other regions and comprised 44,016 square miles until Joseph Stalin's soviet government's interference in the 1920s; and

WHEREAS, a series of large-scale massacres occurred in March 1918 in Baku, Shemakha, Guba, Shusha, Nakhichevan, Irevan, Urmia, Salmas, Maku, Khoy and other Azerbaijani-populated towns and hundreds of thousands of Azerbaijani civilians, as well as other Muslims and Jews, were slaughtered by the Armenian Dashnak and Bolshevik armed forces; and

WHEREAS, this genocidal crime has been duly investigated and commemorated by the official decree of the government of the Democratic Republic of Azerbaijan since March 31, 1919 as the Day of Genocide of Azerbaijanis; and

WHEREAS, this action marked the first-ever genuine attempt to give a political and legal assessment of the policy of genocide by any government in the world; and

WHEREAS, the annual commemoration of the Day of Genocide of Azerbaijanis was suppressed after the Bolshevik takeover on April 28, 1920 and restarted only in the 1990s after the breakup of the Soviet Union and Azerbaijan's reestablishing its independence and freedom; and

WHEREAS, in 1998, in light of all of the assaults against Azerbaijan's territorial integrity and sovereignty and of the up to one million Azerbaijanis and other Turkic and Muslim civilians killed from 1813 to 1994 and due to the continued Armenian aggression, March 31st was officially designated a national observance, the Day of Genocide of Azerbaijanis; and

WHEREAS, every year since 1918, Azerbaijanis and many people around the globe, including Azerbaijani-Americans and the United States Azeris Network, observe March 31st as the Day of Genocide of Azerbaijanis to honor the victims of the catastrophic tragedy; and

WHEREAS, the 95th anniversary commemoration of the Day of Genocide of Azerbaijanis provides an opportunity to reflect on the terrible loss of life that can result from conflicts between peoples of different ethnicities, religions and political viewpoints and the enduring need to resolve disputes through dialogue and negotiation rather than bloodshed; now, therefore, be it

**RESOLVED:** That We, the Members of the One Hundred and Twenty-sixth Legislature now assembled in the First Regular Session, take this opportunity to recognize the anniversary of the

Day of Genocide of Azerbaijanis and to urge that it be commemorated in solemn observance of those horrific events.

**READ.**

On motion of Representative BERRY of Bowdoinham, **TABLED** pending **ADOPTION** and later today assigned.

**SPECIAL SENTIMENT CALENDAR**

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

**Recognizing:**

the Cosmopolitan Club of Bath, on its 100th anniversary. The club was organized on April 11, 1913 by its founder, Miss Elizabeth Webber, and the mission of the club was to bring together, for educational, philanthropic and social purposes, the numerous young women who desired to work together for the welfare of each other and the community at large. The club has had an immense positive and diverse impact on the community. During World War I, members provided aid to French victims of the war, including adopting an orphan, and sponsored the first public health nurse. During World War II, members conducted a street fair, bought defense bonds and sent clothing to our Russian allies. In 1927, the club was inducted into the General Federation of Women's Clubs and the Maine Federation of Women's Clubs. It has supported projects like Maine Youth Leadership, Domestic Violence Awareness, Operation Smile, the Good Shepherd Food Bank and the Maine Women's Fund. While maintaining the same purpose incorporated in 1913, the club continues to maintain the historical and architectural integrity of its clubhouse, a Greek Revival structure on the National Register of Historic Places in the historic business district of Bath. The women of the Cosmopolitan Club of Bath continue to gather in fellowship, raise awareness of the needs of the community, serve that community and open their homes to those in need and to those who serve. We extend our appreciation and congratulations to the Cosmopolitan Club of Bath on its centennial celebration;

(SLS 174)

On **OBJECTION** of Representative DeCHANT of Bath, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

The **SPEAKER:** The Chair recognizes the Representative from Bath, Representative DeChant.

**Representative DeCHANT:** Thank you, Mr. Speaker. Mr. Speaker, Women and Men of the House. I wish to speak in honor of the 100th celebration of the Cosmopolitan Club located in Bath. We suspended the reading of the Sentiment, but I encourage you to spend your quality time now to make yourself familiar with these accomplishments. In the spirit of full disclosure, I need to say that I am a member of the Cosmopolitan Club and very proud to be a member. It is my intention to make my comments short and sweet, but first I would like to underscore that just last week we celebrated the accomplishment, in addition to those listed in the Sentiment, of bringing the 100 years since we brought Helen Keller and her teacher Annie Sullivan Macy to the City of Ships to speak before a crowd of 600 people. I don't care in what generation you're in, 600 people in Bath is a lot of people.

So now on to the sweet and short part of my comments. I want to tell you all about the Cosmopolitan Club's largest fundraiser of the year. It's the Strawberry Shortcake Festival on July 4th. In preparation of this extravaganza, I have shucked bushels and bushels and pecks and pecks of strawberries, sweet strawberries, in order to be topped on homemade shortcake. So I encourage you all to celebrate the 100th anniversary of the

Cosmopolitan Club this July. Come to Bath so that you can watch the largest parade on the Fourth of July with 100 or more unique, quirky and extravagant and modest, yet, entries, and come celebrate with your very own strawberry shortcake at the Cosmopolitan Club located on Washington Street, and if indeed you want to know the strategy, how to best position yourself along the parade route and be first in line in the Cosmopolitan Club, see me. Thank you.

Subsequently, the Sentiment was **PASSED** in concurrence.

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**REPORTS OF COMMITTEE**  
**Divided Report**

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass** on Bill "An Act To Create a Permanent Wabanaki Law Enforcement Seat on the Board of Trustees of the Maine Criminal Justice Academy" (H.P. 115) (L.D. 140)

Signed:

Senator:

DUTREMBLE of York

Representatives:

DION of Portland

CASAVANT of Biddeford

KAENRATH of South Portland

LAJOIE of Lewiston

LONG of Sherman

PLANTE of Berwick

TYLER of Windham

WILSON of Augusta

Minority Report of the same Committee reporting **Ought Not to Pass** on same Bill.

Signed:

Senators:

GERZOFSKY of Cumberland

PLUMMER of Cumberland

Representatives:

MARKS of Pittston

PEASE of Morrill

**READ.**

On motion of Representative DION of Portland, the Majority **Ought to Pass** Report was **ACCEPTED**.

The Bill was **READ ONCE** and was assigned for **SECOND READING** Wednesday, April 24, 2013.

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Majority Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought Not to Pass** on Bill "An Act To Ensure Increased Wages for Wabanaki Tribal Members" (H.P. 665) (L.D. 952)

Signed:

Senators:

PATRICK of Oxford

CLEVELAND of Androscoggin

CUSHING of Penobscot

Representatives:

HERBIG of Belfast

CAMPBELL of Newfield

GILBERT of Jay

HAMANN of South Portland

LOCKMAN of Amherst

MASON of Topsham

MASTRACCIO of Sanford

VOLK of Scarborough

WINCHENBACH of Waldoboro

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

Signed:

Representative:

DUPREY of Hampden

**READ.**

Representative HERBIG of Belfast 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. 38**

YEA - Beaulieu, Beck, Bennett, Berry, Black, Bolduc, Briggs, Brooks, Campbell J, Carey, Casavant, Cassidy, Chase, Chenette, Chipman, Clark, Cooper, Cray, Crockett, Daughtry, Davis, DeChant, Devin, Dickerson, Dill, Dion, Doak, Dorney, Dunphy, Espling, Evangelos, Farnsworth, Fitzpatrick, Fowle, Fredette, Frey, Gattine, Gideon, Gifford, Gilbert, Gillway, Goode, Graham, Grant, Guerin, Hamann, Harvell, Hayes, Herbig, Hickman, Hobbins, Hubbell, Jackson, Johnson D, Johnson P, Jones, Jorgensen, Kaenrath, Kent, Keschl, Kinney, Knight, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby A, Libby N, Lockman, Long, Longstaff, Luchini, 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, Pringle, Rankin, Reed, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Sanderson, Saucier, Schneck, Shaw, Short, Sirocki, Stanley, Stuckey, Theriault, Timberlake, Tipping-Spitz, Treat, Turner, Tyler, Verow, Villa, Volk, Wallace, Welsh, Werts, Willette, Wilson, Winchenbach, Winsor, Wood, Mr. Speaker.

NAY - Ayotte, Beavers, Chapman, Duprey, Harlow, MacDonald S, Weaver.

ABSENT - Beaudoin, Boland, Campbell R, Cotta, Crafts, Peterson, Saxton.

Yes, 137; No, 7; Absent, 7; Excused, 0.

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

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**CONSENT CALENDAR**  
**First Day**

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

(H.P. 56) (L.D. 64) Bill "An Act To Place Land in Centerville in Trust for the Passamaquoddy Tribe" Committee on **JUDICIARY** reporting **Ought to Pass**

(H.P. 117) (L.D. 142) Bill "An Act To Add Using an All-terrain Vehicle to the List of Activities Included in the Definition of 'Guide' in the Inland Fisheries and Wildlife Laws" Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass**

(H.P. 269) (L.D. 394) Bill "An Act To Add Members of the Aroostook Band of Micmacs to the Maine Indian Tribal-State Commission and Add Corresponding Members for the State" Committee on **JUDICIARY** reporting **Ought to Pass**

(H.P. 386) (L.D. 567) Bill "An Act To Amend the Definition of 'Special Mobile Equipment' in the Motor Vehicle Laws" Committee on **TRANSPORTATION** reporting **Ought to Pass**

(H.P. 393) (L.D. 574) Bill "An Act To Amend the Laws Governing Reapportionment To Conform to the Constitution of Maine" Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass**

(H.P. 410) (L.D. 591) Bill "An Act To Amend the Laws Governing Motorcycle and Moped Permits" Committee on **TRANSPORTATION** reporting **Ought to Pass**

(H.P. 642) (L.D. 918) Bill "An Act To Remove the Provision That a Motorcycle Operator May Prove a Motorcycle Muffler Does Not Exceed Specific Noise Standards" Committee on **TRANSPORTATION** reporting **Ought to Pass**

(H.P. 12) (L.D. 8) Resolve, Directing the Department of Health and Human Services To Provide Coverage under the MaineCare Program for Home Life Skills Services for Adults with Intellectual Disabilities or Autistic Disorder Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-68)**

(H.P. 30) (L.D. 35) Bill "An Act To Amend the Law Concerning the Membership of the Maine Economic Growth Council" Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-72)**

(H.P. 41) (L.D. 46) Bill "An Act To Protect Maine Business Names" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-60)**

(H.P. 61) (L.D. 78) Bill "An Act To Expand Transitional Assistance for Families" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-69)**

(H.P. 77) (L.D. 95) Resolve, To Create the Task Force on the Prevention of Sexual Abuse of Children (EMERGENCY) Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-79)**

(H.P. 111) (L.D. 136) Bill "An Act To Connect Benefits Provided under the Circuitbreaker Program with the Payment of Property Taxes" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-82)**

(H.P. 120) (L.D. 145) Bill "An Act To Ensure Adequate Child Protective Services throughout the State" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-70)**

(H.P. 123) (L.D. 148) Bill "An Act To Amend the Laws Governing Drugs and Vaccines Administered by Pharmacists" Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-83)**

(H.P. 135) (L.D. 160) Bill "An Act To Amend the Laws Pertaining to Archaeological Sites" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-62)**

(H.P. 192) (L.D. 231) Bill "An Act To Support the Permanent Commission on the Status of Women" (EMERGENCY) Committee on **STATE AND LOCAL GOVERNMENT** reporting

**Ought to Pass as Amended by Committee Amendment "A" (H-80)**

(H.P. 228) (L.D. 319) Bill "An Act To Provide Tax Fairness to Small Businesses in the State" (EMERGENCY) Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-81)**

(H.P. 263) (L.D. 388) Bill "An Act To Amend the Controlled Substances Prescription Monitoring Program Participation Requirements" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-71)**

(H.P. 286) (L.D. 411) Bill "An Act To Amend the Health Care Practitioner Licensing, Disciplinary and Reporting Laws Regarding Alcohol and Drug Abuse" Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-84)**

(H.P. 343) (L.D. 524) Bill "An Act To Increase the Membership of the Land for Maine's Future Board" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-59)**

(H.P. 351) (L.D. 532) Bill "An Act To Amend the Laws Governing the Maine State Library" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-73)**

(H.P. 360) (L.D. 541) Bill "An Act To Amend the Laws Governing Complimentary Hunting, Trapping and Fishing Licenses for Disabled Veterans" Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-74)**

(H.P. 375) (L.D. 556) Bill "An Act To Modernize the Statutes Governing Physician Assistants" Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-85)**

(H.P. 446) (L.D. 654) Bill "An Act To Raise the Speed Limit on Interstate 295" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-64)**

(H.P. 460) (L.D. 668) Bill "An Act To Make Agriculture Studies a Part of the Maine Curriculum" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-88)**

(H.P. 481) (L.D. 689) Bill "An Act To Clarify Compensation for the Panel of Mediators" Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-93)**

(H.P. 512) (L.D. 761) Bill "An Act To Clarify the Agricultural Exemption to the Workers' Compensation Laws" Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-92)**

(H.P. 573) (L.D. 822) Bill "An Act To Establish a Program To Invite Legislators To Visit Public School Classrooms" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-87)**

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

(H.P. 428) (L.D. 609) Bill "An Act To Increase Suicide Awareness and Prevention in Maine Public Schools" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-86)**

On motion of Representative MacDONALD of Boothbay, was **REMOVED** from the First Day Consent Calendar.

The Unanimous Committee Report was **READ** and **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-86)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

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

**CONSENT CALENDAR  
Second Day**

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

(S.P. 193) (L.D. 503) Bill "An Act To Amend the Limited Liability Company Laws" (C. "A" S-22)

(H.P. 74) (L.D. 92) Bill "An Act Relating to Private School Student Participation in Public School Cocurricular, Interscholastic and Extracurricular Activities" (C. "A" H-53)

(H.P. 201) (L.D. 292) Bill "An Act To Protect the Public Health from Mosquito-borne Diseases" (C. "A" H-54)

(H.P. 211) (L.D. 302) Resolve, Directing the Public Utilities Commission To Review Certain Electricity Distribution Charges Assessed on Businesses (C. "A" H-58)

(H.P. 287) (L.D. 414) Bill "An Act To Restructure the Licensing and Regulation of Boilers and Pressure Vessels and Elevators and Tramways" (C. "A" H-55)

(H.P. 303) (L.D. 453) Bill "An Act To Prohibit the Sale of Gasoline That Contains Ethanol as an Additive at a Level Greater than 10 Percent by Volume" (C. "A" H-56)

(H.P. 778) (L.D. 1109) Bill "An Act To Clarify the Maine New Markets Capital Investment Program Tax Credit" (EMERGENCY) (C. "A" H-57)

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

**BILLS IN THE SECOND READING  
House**

Bill "An Act To Remove the Statement of Oral Condition as a Requirement for Denturists Making Partial Dentures" (H.P. 372) (L.D. 553)

**House as Amended**

Bill "An Act To Prohibit the Use of Rubber Lures for Fishing" (H.P. 37) (L.D. 42) (C. "A" H-47)

Bill "An Act To Authorize the Public Advocate To Publish and Distribute Consumer Information" (H.P. 212) (L.D. 303) (C. "A" H-46)

Bill "An Act To Eliminate Sales Tax Exemptions for Snowmobiles and All-terrain Vehicles Purchased by Nonresidents for Use in the State"

(H.P. 492) (L.D. 720) (C. "A" H-42)

Reported by the Committee on **Bills in the Second Reading**, read the second time, the House Papers were **PASSED TO BE ENGROSSED** or **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

**ENACTORS  
Emergency Measure**

An Act To Allow Vehicles Engaged in Snow Removal or Sanding Operations on Public Ways To Use Preemptive Traffic Light Devices

(H.P. 15) (L.D. 11) (C. "A" H-33)

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. 138 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.

**Acts**

An Act To Amend Standards for Participation in Certain Public School Services by Students Who Are Homeschooled (H.P. 53) (L.D. 61) (C. "A" H-30)

An Act Relating to Vehicles Delivering Home Heating Fuel (H.P. 91) (L.D. 109) (C. "A" H-24)

An Act To Amend the Anson and Madison Water District Charter (H.P. 139) (L.D. 179) (C. "A" H-22)

An Act To Exempt Free Clinics from Licensing under the Charitable Solicitations Act (H.P. 166) (L.D. 205) (C. "A" H-26)

An Act Regarding the Membership of the Emergency Medical Services' Board (H.P. 207) (L.D. 298) (C. "A" H-35)

An Act To Waive Driver's License and Nondriver Identification Card Fees for Current and Recently Discharged Members of the Armed Forces (H.P. 247) (L.D. 342) (C. "A" H-34)

An Act To Provide Funding to Soil and Water Conservation Districts (H.P. 252) (L.D. 377) (C. "A" H-21)

An Act To Increase Municipal Agent Fees for Licensing and Registration of Motor Vehicles (H.P. 280) (L.D. 405)

An Act Relating to Health Care Provider Liability Claims Reports (H.P. 304) (L.D. 454) (C. "A" H-25)

An Act To Increase the State Earned Income Credit (H.P. 305) (L.D. 455) (C. "A" H-15)



An Act To Repeal an Insurance Reporting Requirement  
(H.P. 422) (L.D. 603)

An Act To Amend the Laws Governing the Licensing of  
Technicians Involved in a Display of Fireworks or Special Effects  
(H.P. 590) (L.D. 839)

An Act To Amend the Law Regulating the Use of Explosives  
(H.P. 591) (L.D. 840)  
(C. "A" H-27)

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

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An Act To Support the Maine Lobster Industry  
(H.P. 142) (L.D. 182)  
(C. "A" H-29)

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

On motion of Representative KUMIEGA of Deer Isle, 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. 39**

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

NAY - Davis, Dunphy, Espling, Guerin, Johnson D, Keschl,  
Libby A, Malaby, Peavey Haskell, Sanderson, Sirocki, Turner.

ABSENT - Beaudoin, Cotta, Crafts, Peterson, Saxton.

Yes, 134; No, 12; Absent, 5; Excused, 0.

134 having voted in the affirmative and 12 voted in the  
negative, with 5 being absent, and accordingly the Bill was  
**PASSED TO BE ENACTED**, signed by the Speaker and sent to  
the Senate.

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On motion of Representative FREDETTE of Newport, the  
House **RECONSIDERED** its action whereby Bill " An Act To  
Increase Municipal Agent Fees for Licensing and Registration of  
Motor Vehicles "

(H.P. 280) (L.D. 405)

Was **PASSED TO BE ENACTED**.

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. 40**

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

NAY - Ayotte, Bennett, Black, Briggs, Campbell J,  
Campbell R, Chase, Chenette, Clark, Cray, Crockett, Davis,  
Doak, Dorney, Dunphy, Duprey, Espling, Fitzpatrick, Fredette,  
Gifford, Guerin, Harvell, Jackson, Johnson D, Johnson P,  
Kaenrath, Kinney, Knight, Libby A, Lockman, Long, Maker,  
Malaby, Marean, McClellan, McElwee, Morrison, Nadeau A,  
Nadeau C, Nutting, Parry, Pease, Peavey Haskell, Reed,  
Sanderson, Sirocki, Timberlake, Turner, Tyler, Villa, Volk,  
Wallace, Weaver, Willette, Wilson, Winchenbach, Winsor.

ABSENT - Beaudoin, Cotta, Crafts, Peterson, Saxton.

Yes, 89; No, 57; Absent, 5; Excused, 0.

89 having voted in the affirmative and 57 voted in the  
negative, with 5 being absent, and accordingly the Bill was  
**PASSED TO BE ENACTED**, signed by the Speaker and sent to  
the Senate.

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

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

**REPORTS OF COMMITTEE**

**Divided Report**

Majority Report of the Committee on **JUDICIARY** reporting  
**Ought to Pass as Amended by Committee Amendment "A"**  
**(H-89)** on Bill "An Act To Ensure the Confidentiality of Concealed  
Weapons Permit Holder Information" (EMERGENCY)

(H.P. 250) (L.D. 345)

Signed:

Senators:

VALENTINO of York  
BURNS of Washington  
TUTTLE of York

Representatives:

BEAULIEU of Auburn  
CROCKETT of Bethel  
DeCHANT of Bath  
GUERIN of Glenburn  
MORIARTY of Cumberland  
PEAVEY HASKELL of Milford  
VILLA of Harrison

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-90)** on same Bill.

Signed:

Representatives:

PRIEST of Brunswick

MONAGHAN-DERRIG of Cape Elizabeth

MOONEN of Portland

**READ.**

Representative PRIEST of Brunswick moved that the House **ACCEPT** the Minority **Ought to Pass as Amended** Report.

The SPEAKER: The Chair recognizes the Representative from Brunswick, Representative Priest.

Representative **PRIEST**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. You might wonder "Why the Minority Report?" when there are only three of us on the Minority Report, and I think you need to look at the history of concealed weapons permits to be able to understand why the three of us felt so strongly about this. The Second Amendment to the U.S. Constitution guarantees the right to possess a firearm, protect yourself, your family, and your home. The *Heller* decision of the U.S. Supreme Court in 2008 made that clear, but no decision of the U.S. Supreme Court or of the Maine Supreme Court has said that there is a constitutional right to a concealed weapons permit. Indeed there is a decision of the First Circuit Federal Court, the court right under the U.S. Supreme Court, which applies to Maine, which says "Under our analysis of *Heller*...[the state] may regulate the carrying of concealed weapons outside of the home.", *Hightower v. City of Boston, 2012*. There is a similar decision, *Peterson v. Martinez, 2013*, in the Tenth Circuit, which covers the area around Colorado. If you look at the history, in fact in the first half of the 19th century, some southern and border states and Indiana banned the carrying of concealed weapons, and those prohibitions were generally upheld by their courts. So it's clear that states in main can regulate concealed weapons permits. There is no right to a concealed weapons permit. It is a privilege, which the state can regulate.

So let's look briefly at the history of concealed weapons permits in Maine. They were first issued in 1917. At that time, no part of the law talked about whether the permits were public or secret. The Legislature continued to enact small changes to the concealed weapons permit until 1981. At that time, there was a substantial revision to the concealed weapons law, which stated at the end "The issuing authority shall make a permanent record of each [license]...in a suitable book or file kept for that purpose. The record [shall] include the [date of issuance, the name, age, sex, and street address of the licensee] and [shall] be available for public inspection." Until this year, over 30 years, that law has been the law in Maine. So why is there a need to change this law which has worked so well since 1981? First, you have to note that this proposal was not unique to Maine. There is, at present, a concerted effort throughout the United States to make concealed weapons permits secret. Virginia, for example, is a good example of that.

So why is making concealed weapons permits secret necessary in Maine? At the hearing, with a large number of people testifying in favor of the bill, no one could point to the harm they had suffered because of the permits being public in this state. A lot of the testimony revolved around publication in a suburban New York newspaper of the location of handgun permits holders in two New York counties. This was done by putting a dot on a map for each permit holder, and if you clicked on it, you got the name and address of the holder. Many of those

testifying said this could happen in Maine, and if it did, they would be exposed to burglaries to get their guns. However, there was no proof that the New York publication caused any harm to the permit holders and the local New York police said that they could not find any. Nevertheless, there was great fear by those who testified that this could happen. So, in an effort to alleviate these fears, the Minority Report exempts from the public records law the following classes of people who hold concealed weapons permits: Those whose life or safety may be endangered by disclosure including active or retired law enforcement officers, active or retired magistrate judges, prosecuting attorneys, those protected by a valid protection from abuse order, witnesses in a criminal proceeding and jurors in a criminal proceeding. As well, if a person files an affidavit that they have reason to believe their life or safety may be endangered by disclosure, their permit will be secret. If a person says they may be subject to unwanted harassment because of disclosure, their concealed weapons permit will be secret. As well, the Minority Report provides that the issuing authority may provide information upon request that a permit has been issued to a named individual or an individual at a specific address and that the requester is limited to one answer per day. This will prevent publication of mass list of permit holders, which was the great fear at the hearing.

Now this report is clearly a compromise. It upholds Maine's Right to Know law. You can still get the name and address of a person who has a concealed weapons permit provided they are not in one of these protected classes, but it still protects anyone who can show that disclosure might harm them. To make all concealed weapons permits secret means you can never find out if a convicted felon has gotten his permit revoked, or that a person who has just had a protection from harassment order issued against them has their concealed weapons permit revoked. To make all concealed weapons permits secret means you place all your trust in the police and the issuing authorities, and maybe municipal officers, with no ability to verify. To put all your trust in government without verifying through public records puts absolute power in the hands of government. It goes against conservative principles and is neither good for the government or its citizens. As Lord Acton said, power corrupts; absolute power corrupts absolutely. I ask you to support the Minority Report. Thank you.

The SPEAKER: The Chair recognizes the Representative from Yarmouth, Representative Cooper.

Representative **COOPER**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of the Minority Report for a number of reasons. This, as Chairman Priest has indicated, is part of the sunshine law, which Maine has proudly been a supporter of for many decades. It's about public access to government records and the purpose of that is a check on government, a check that otherwise we have to abandon. Now we're talking not only about a check on whether or not permits should have been issued, but also a check on whether they were wrongfully denied. Without this openness, there is no way for an aggrieved permit seeker to find out whether other similarly situated persons were given different treatment. There is a lot of misconception about concealed weapons permits. Let us understand something. There is no list. When you apply for a concealed weapons permit, you go to your local police department or town clerk and you fill out an application. It's up to those entities to decide whether or not you have satisfied the rules in order to get it. That includes the kind of information you would normally provide in a background check. It also includes questions about your moral character, frankly, and those records are kept at the local level, so permit applications and permits are spread throughout the hundreds of

towns of Maine. There is no central repository. There is no master list. So the idea of using this list inappropriately is farfetched at best. You'd have to know where to go and you'd have to go to the office of that particular municipality in order to find out whether a particular person has a concealed weapons permit. Note also that the judgment of whether or not to issue a permit has subjective aspects to it. In my town, for example, I spoke to the police chief and he indicated to me that he used the moral character aspect of the requirements as a way of keeping permits from people he just knew, from past experience, were a danger to the community if they had a concealed weapon. Now other towns may or may not do the same thing, but I suspect that there is no universal rule about when to issue permits. Frankly, I am pleased that my police chief takes that kind of attitude towards the issuance.

One of the things that the Majority bill does not do is protect our law enforcement personnel. As it stands now a policeman, any law enforcement agent, stopping a car, for example, has absolutely no way of knowing whether that driver has a gun in his pocket. No way. He can find out if there is a warrant for his arrest. He can find out if he owes back taxes. He can find out lots of things, but he does not know whether or not there is a gun in that man's pocket. I say that is a disgraceful way to treat our law enforcement personnel. One of the things that the Minority Report does is take the first steps towards allowing the state police to get a better handle on who has concealed weapons permits and provide that information, ultimately, to officers on the beat. It doesn't create a list, but it takes the first steps in that direction and I think that that is something that we owe our law enforcement personnel.

Some worry that there are legitimate reasons for making all gun permit applications and permits public because the people who came before their committee came with great fear of being exposed in this way, and I do not doubt the sincerity of their worries nor do I doubt the sincerity of the committee members who took that to heart. However, we cannot make legislative decisions based on speculation. None of these people have been harmed. None of the people in New York have been harmed. That's not to say it's not possible, but we cannot protect against every threat that may or may not arise. We have to legislate based on facts and what is a reasonable threat. I say the Minority bill does just that. It identifies the kinds of people who have a legitimate reason to be afraid – judges, prosecutors, jurors, people under abuse orders, and so on and so forth. These are people who have a legitimate fear of others coming to their home or elsewhere with an intent to harm them. We know that from news reports from around the country and we know that in our own lives. So the protection of people who need protection is covered by the Minority Report. The people who came with speculative fears, I believe, have come to that position based out of fear, a paranoia that has been fueled by the gun advocacy groups that is not based on reality. It is based on a need to build up their own membership and to sell guns, and that is not a way to legislate. We have a duty to base our legislative decisions on facts, not on fear, not on fear of our own political future, and not on speculative fear of the witnesses who appear before the committee, who I would say were brought to those hearings by gun advocacy groups. Here's a fact we do know: Since 2007, over 500 people have been killed unjustifiably by people with concealed weapons permits. Fourteen of those people were law enforcement officials. We know that only because of newspaper reports, because there are no records in any state that would allow us to compile the full extent of aggravated injury that has resulted because people carry concealed weapons. The lesson that I draw from these statistics is that, in many incidences,

having a concealed weapon does not prevent injury. It aggravates the likelihood of injury, grievous injury and even death, at least 500 of them in the last five years. That's a fact.

One other point that I would like to make. One of the requirements for getting a concealed weapon is that you be trained in the use of "a" firearm. There is no requirement that you be trained in the use of the particular firearm that's in your pocket, nor is there any requirement that you be trained in the use of a firearm in a crowded situation where bystanders may be injured, and that is the fear that police and other law enforcement officials have used in the context of whether or not to arm people in schools or other situations, that more harm can be expected from the use of untrained personnel with guns than from a trained police officer. It's not a step to be lightly taken. It's a dangerous step. You know, we can't be safe all the time. Dictatorships are safer than democracies, but we don't want to live that way. We live in a democracy and we have to take some risk in order to live in a free society, and I think that this, that the Majority Report goes too far, both in closing us off from the ability to know who is carrying a concealed weapon and in setting a precedent for what kinds of records will be made available to the public. There are lots of lists that are public. If you want to find somebody, it's not hard. There is driver's licenses. There is fishing licenses. There is hunting licenses. You want to find that person, you can easily do so. There is also a way that's already on the books of concealing your address in case you feel that your whereabouts poses a threat to your safety. This is an issue, as well as the bills that will come before us later in the next few days, that is not about putting up a sign. It's not about building a bridge. It's about life and death. I think that we have been elected to serve our citizens, not only to reflect their views, which is important, but also to stand on principle, and if you believe that this is the right thing to do, you should vote for the Minority Report and take the consequences. That is why we are here. We are here to be strong. Thank you.

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

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The SPEAKER: The Chair recognizes the Representative from Newport, Representative Fredette.

Representative **FREDETTE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I'd like to briefly speak to how this bill got to be before us. This bill was brought forward as a result of an initial request by a newspaper here in the State of Maine, a newspaper that I read daily and I respect the work that they do, but this was sort of a global request for information on concealed weapon permit holders. As a result of that request, leadership in both parties, in both houses, worked together to create a moratorium so that we would have time to work through this process, a moratorium which runs out at the end of this month. I think it was appropriate that both Democrats and Republicans worked together to create that moratorium so that we could have this debate, this discussion, this conversation in Maine on this very difficult issue. It is an issue which intermingles the right to privacy, a right that I believe is incorporated into the Constitution and another constitutional right, the right to have a firearm. That right was specifically cited and amended in our State Constitution back in 1987 when the good Representative from Eagle Lake, Representative John Martin, submitted a constitutional amendment which identified that specific right to be a personal right, a right to bear arms.

In this body, we have to draw lines. That's our business. We

draw lines on whether or not health information should be public or private, and as a Legislature and as a society, we've determined that health information should be kept private for various policy reasons and for good policy reasons. We live in a society today that is unlike the society that our children or that we grew up as when we were children. We need to look no further back than a week ago Monday and the events in Boston at the Boston Marathon to recognize that we live in a different society, a society where terrorism, both international and domestic, is present. We saw a major American city on lockdown because of a search for an individual, and I am certain there were many individuals that were aware of the moment and were aware of whether or not they themselves locked in their homes had access to a firearm to protect themselves in the event that someone came there. This bill today looks at the privacy right that you or I or any citizen in this state has to have a concealed weapon permit and not have that to be public information. A hunting license, a driver's license, we have made the determination that those should be public information. Those rights are not guaranteed under the Constitution of our state or our federal Constitution. This is different. A similar bill to this one was just voted on, I believe and I can stand corrected, in our United States Senate where I believe there was a vote of 67-30 to support a bill very similar to this bill.

Now not too long ago we had a controversy over whether or not to override a gubernatorial veto and I stated at that time that I believed that it was important to recognize the work of the committee, the committee that had reported out a unanimous Committee Report, and in this instance I believe the committee did good work. They listened. They had people come before it. They worked the three months that we gave them time to work, and they came back with a 10-3 Committee Report, a majority Committee Report. We stand here today debating the Minority Report where only three people voted for the work out of that committee, and I believe that is inconsistent with the work that we've done so far in this building this session. I am going to support the work of the committee, not to give the committee absolute deference but certainly to give the committee deference on the work that they have done. I believe it's appropriate that we vote down the Minority Report, support the work of the majority on this committee. Mr. Speaker, I ask for a roll call, and Mr. Speaker, I request that the Speaker read the Committee Report. Thank you.

The same Representative **REQUESTED** a roll call on the motion to **ACCEPT** the Minority **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 same Representative **REQUESTED** that the Clerk **READ** the Committee Report.

The Clerk **READ** the Committee Report in its entirety.

The **SPEAKER**: The Chair recognizes the Representative from Buckfield, Representative Hayes.

Representative **HAYES**: Thank you, Mr. Speaker. Mr. Speaker, Women and Men of the House. LD 345 is not a gun bill, it's a public access bill and I'm going to read very briefly for you from an editorial because it was written by a constituent of mine, and I think it really hits the nail on the head and I'd like you to consider this information before making your decision. To frame that up for you, Maine is an open carry state. You can openly carry a gun and you won't be on anybody's list. That's the way the law works. Now we might debate at some point whether we should be an open carry state or not, but that's not the debate we have today. The debate we have today is whether the law on the books about concealed weapons permits is adequate or

whether it needs to be changed. I rise in opposition to both reports, but I'll speak to the Minority Report at this point because that's what's before us.

I believe the current law is adequate. Here's what the current law says. So that you can read it yourself, it's in Title 25, Part 5, Chapter 252, subsection 2006. "The issuing authority shall make a permanent record of each permit to carry concealed handguns in a suitable book or file kept for that purpose. The record must include the information contained in the permit itself and must be available for public inspection." Now if we enforce the law on the books, we don't even have a problem responding to the *Bangor Daily News* when they ask for a copy, because all we have to do to meet the letter of the law is make that book available for inspection. We don't hand over, we don't change ownership of the list, we make it available by the issuing authority and the law currently allows a variety of authorities to issue these permits so there is no one database. Maybe there should be. There isn't one. They exist community by community and then the State Police have a list. It depends on the issuing authority. That's what the law says. I would suggest to you that that law is adequate.

Right now and what we're being asked to do is to create an exception in public access for which only one currently exists, and I'll read from, this is from an editorial written by Judy Meyer who happens to be a constituent of mine and employee at the *Sun Journal*. If passed by the full Legislature, LD 345 or either of the reports would create a special shield of a government required, government regulated and government enforced permit. It would be the first secret permit issued to individual citizens in the State of Maine. This is significant precedent setting. Be aware of that when you push your light. Under current law, there is only one permit shielded under Title 7 protecting trade secrets of livestock nutrition plans noted on a commercial agricultural permit. There are a host of secret trade shields in Maine law that ensure fair competition, but none to conceal a government issued permit for personal use. Is this really a door we want to open at this point in time? Will this improve circumstances for Mainers? Will it prevent anyone from being harmed? I've not heard any information prior to this particular floor debate or during this debate on any harm that has come to a Maine citizen because of the existing law on the books. Again, I respectfully disagree with my colleagues on the committee. I ask that you weigh carefully the significant precedent in this vote and I urge you to vote no. Thank you, Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Harrison, Representative Villa.

Representative **VILLA**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to the Minority Report. This bill is not about the right to own or carry a weapon. This bill is before the Judiciary Committee because it has to do with access to public information under Maine's Freedom of Access Act. Maine's Freedom of Access Act is intended to maximize transparency in government. FOAA was not intended to allow for the collection and publication of information of our law-abiding citizens. The FOAA public records exemption checklist states "Whether public disclosure jeopardizes the safety of a member of the public or the public in general and, if so, whether that safety interest substantially outweighs the public interest in the disclosure of records." The Minority Report does not address concerns about victims of domestic violence. Every member of the Judiciary Committee voted to change Maine's law regarding confidentiality of these permits and many voted based on concerns about vulnerable persons potentially exposed to violence or harassment because of information contained in these records. Yet despite the urging

for protections by the Maine Coalition to End Domestic Violence and others, the Minority Report is not being put forward as emergency legislation. If passed into law, there will be a significant gap in time during which all permit holders, including the most vulnerable, will be subject to exposure. Therefore, we recommend Ought Not to Pass on the Minority Report. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Augusta, Representative Wilson.

Representative **WILSON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. As the bill's sponsor, I rise today to speak in opposition to the Minority Report.

LD 345's intent was to ensure the confidentiality of all concealed handgun permit holders, whereas failing to keep their information confidential poses a serious threat to their life and safety. The intent was to protect everyone, including victims of rape and domestic violence, police officers, and judges – and with all due to respect the good Representative from Brunswick, the proposed amendment does none of that.

The proposed amendment will cost the taxpayers an incredible amount of money, while protecting very few people; meanwhile there are other options which protect all citizens and cost the taxpayers far less money which will be discussed later.

The Minority Report will require an individual to file an affidavit to keep their name confidential – this will be processed by someone and at some cost. It will require an appeal process which will inherently have an additional cost.

Furthermore, the Minority Report is not supported by the groups that the author of the amendment aims to protect. The Maine Coalition to End Domestic Violence cited the following concerns with the amendment: Given that there is no central permitting authority, they have concerns about the consistent management of the affidavit/statement procedures. They are not clear on the processes for notification of existing permit holders that they would have a process for keeping their identifying information confidential. There would be a cost for developing, instituting and managing these additional components of the permit process. There is already a 6-month waiting period. This is important. There is already a 6-month waiting period to obtain a concealed handgun permit through the state police and that is due to their limited staff, and it can go without saying that placing an additional burden on them will most certainly increase that time to exceed the 6 months that we're already at. This amendment would carry a fiscal note and it will place an unfunded mandate on municipalities. This amendment does not move forward as an emergency bill – and this is extremely important – that will allow for a window of vulnerability for 90 days which the temporary bill that we have already passed as a Legislature will expire. It is for these reasons, and for many more, that I oppose this amendment and I urge the other members of this body to follow my lead in opposing. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Cape Elizabeth, Representative Monaghan-Derrig.

Representative **MONAGHAN-DERRIG**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I'll repeat again, like other lawmakers have said, this bill is not about concealed weapon permit holders rights. This bill is about public access and the right to know. I'm leery about any restrictions on public records; however, Representative Priest's amendment is a good compromise that addresses privacy concerns and still holds public agencies accountable for the decisions they make in issuing concealed carry permits. The Majority Report alternative sets a bad precedent by poking another hole into the Right to Know laws.

During committee deliberations, I often heard the comments "Well, there's so many exceptions to the Right to Know laws that this just should be another one." Yes, there are a lot of exceptions, but there are absolutely no Right to Know records exceptions that involve a deadly weapon. Another comment I would often hear would be "Well, things have changed. The internet has grown significantly." and "Facebook and database hacking have become serious problems." Well, other things have changed as well. Gun rights organizations have increased in membership ten to twentyfold. The manufacturing and type of style of guns have increased significantly, for me, to the point of horrific. I also heard "No law-abiding citizen should have to have their gun permit information public." If you are a law-abiding citizen, then you should have nothing to fear. If you've had a concealed weapons permit for the past 32 years and if you have not experienced any invasion of privacy or serious threat to your life and safety, it is likely you will not experience any invasion of privacy for the next 32 years. Might I just add that there are current structures in place where victims of violence or abuse are protected? The Minority Report does strengthen these current structures. This bill, if passed, with the Majority Report, will face further hurdles down the road given the current lack of a structured state gun permit database. Also, there are several other gun related bills that, if passed, could very well reverse the intentions of the Majority Report.

Finally, I just want to say gun right groups can galvanize their members all they want by sending out alerts, sending scripted emails to legislators. But please, Ladies and Gentlemen of the House, keep in mind that a committee room full of gun right advocates may give the appearance that all people in Maine are in support of making concealed weapon permit holders becoming private, when in fact most people, particularly those living in urban areas, including my constituents, support keeping the permits public. I ask for your vote for the Minority Ought to Pass. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Glenburn, Representative Guerin.

Representative **GUERIN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I stand today as a member of the Judiciary Committee's majority which does not support this Minority Report. This amended report does not protect the privacy of concealed permit holders. I have received a mountain of support from Mainers all over our state asking us to protect our citizens' privacy. Please join me in voting no on this Minority Report that does not protect the privacy of Maine citizens and does not reflect the opinion of the majority of the people that we represent.

The **SPEAKER**: The Chair recognizes the Representative from Newfield, Representative Campbell.

Representative **CAMPBELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. My previous eight years up here, I spoke against any new gun laws and I am speaking against any laws now. I support Representative Wilson's bill as he originally wrote that bill. Maine is one of the safest states in this country to live in. The most safest state is Vermont. Vermont gun laws I've spoke about so many times, I check to make sure they are still the same. State permit to purchase a long gun, no requirement. A handgun, no requirement. Firearm registration, long guns, no; handguns, no. Assault weapon law, no for the long guns, no for the handguns. Owner's license required, long guns, no; handguns, no. Carry permits issued, long guns, no; handguns, no. State preemption of local restrictions, yes, long guns, yes. The term, the word "carry," is widely used by gun rights advocates that refer to allowing citizens to carry a firearm, concealed or openly, without

any sort of permit requirement. However, this term is being replaced by the term "constitutional carry." Vermont law does not distinguish between residents and nonresidents of the state. Both have the same right to carry while in Vermont. The purchase, there is no permit required to purchase, and there is no permit for possession and no permit for carrying. I remember one Sunday morning when I was watching "Meet the Press" and Howard Dean was on, a former surgeon, a former doctor, a former Governor of Vermont, a former presidential candidate and a former leader of the Democratic National Party. Tim Russert looked him in the eye and asked him "Is it true that you have no gun laws in Vermont" and his answer was "That's correct and we intend to keep it that way." Now if the people who want to know if I have a permit to carry in the State of Maine, I do in Maine and Vermont and New Hampshire. I don't need one in Vermont. If they want to know so seriously, who carries and don't carry, maybe we should adopt Vermont's laws and have no permit to carry concealed. I understand we've got 23 gun bills coming. I'm not going to stand up and speak against 23 of them, so I am making my initial speech now that I will not be supporting any of the new gun laws. I will be supporting less. I support Representative Wilson's bill in its original form. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from York, Representative McGowan.

Representative **McGOWAN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise to support this Minority amendment and from a very simple point of view. I am told we live in a world in our country today where we have over 300 million guns, and I am told that we have 30,000 people in Maine who have concealed weapons permit carries, and the question behind this issue for me is what is the belief or assumption that says we need 30,000 people to have secret guns, that they should be able to walk in our communities and go in our schools and be in our stores but to keep it secret about whether they have this kind of permit? It feels to me like it is a request based upon fear, that we must live our lives in fear that somehow people might know that we have guns. I reject that fear. I reject a future that says we have to have 30,000 people in the State of Maine to have secret permits, and, by the way, 5,000 of those people are out of states. I reject this fear and I reject this future for our state. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Moonen.

Representative **MOONEN**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I also rise as a member of the Judiciary Committee and I've heard a lot of misleading information about victims of domestic violence for weeks and months and here on the floor today, and I want to let everybody know that victims of domestic violence already have protection because the state has what is called the Address Confidentiality Program. What this means is if you are a victim and you fear for your personal safety, the state will help you in arranging for you to have a fake address. So then, if you go get a concealed weapons permit, your fake address would be on your permit. So it is ridiculously misleading to imply that this is about victims. Victims have avenues to protect themselves. We've provided those for a very long time and I'm glad that we have those avenues for them. This is not about the victims who are a tiny, tiny slice of the more than 30,000 concealed weapons permits holders. This is about everybody else.

We did hear a lot of testimony about this bill at the public hearing. There were about 100 people who turned out in support of this bill. I had the privilege about four years of being part of what I consider the greatest legislative campaign team ever

assembled, and when we had to do a public hearing, we turned out more than 4,000 to a public hearing so 100 doesn't really impress me very much. We also had 100 people come out to a public hearing and tell us that we should abandon Agenda 21, we had 100 people come out and tell us we should completely cease to operate eminent domain, and I'm sure two or three weeks from now we're going to have 100 people come out and tell us that we should ban abortion in this state. Just because we have 100 people come to a hearing does not mean they are the majority, in any of those cases or in this one, and the public polling on this one has been very clear. The majority of people asked in polling want this to be public information, so 100 people is just not going to do it. I'm not going to give in to the hysteria. The only concern that I feel like is legitimate with this bill is the mass publication of an entire list of everyone who has these permits. I share that concern and the Minority Report addresses that by making it virtually impossible to publish the list, a complete list. So I think the Minority Report is the way to go and I will be supporting that. I cannot support the Majority Report and ask that everyone else vote with me. Thank you very much.

The SPEAKER: At this time, we have several more in the queue for debate. We do not restrict debate, but I do want to remind members to keep your remarks to the report that is before us and that is the Minority Report.

The Chair recognizes the Representative from Skowhegan, Representative McCabe.

Representative **McCABE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. First off, I want to thank the committee. I thank the committee for their hard work and for coming forward with two reports that are both Ought to Pass, so that, to me, says there is obviously something wrong with the situation we currently have. We have a Minority Report that is before us now and a Majority Report that's sort of waiting in the wings, you could say. You know, there is a lot of discussion right now in regards to this bill, that it's an attempt to skirt Maine's public access laws, to serve the interests of the gun advocates, but it's important that we recognize the work that the committee did do to recognize the issues that people did bring forward, where there was a majority of those folks that came forward and testified or a minority, it's really clear that there is obviously something with the current situation and system that is an issue. Furthermore, a lot of discussion has been about this Minority Report and the information that would be available to the general public. It seems to me that there is sort of a sense of false security with this Minority Report because all someone would have to do to remain off of this list or out of the file is to actually fill out an affidavit. So if you were looking for someone and they had filled out an affidavit, they actually wouldn't be on this list anyway, so there is that sense of false security.

I think, for me, it's recognizing the effort that this committee did to come up with a bipartisan compromise which is not actually before us now but maybe we'll get to in the Majority Report. I think, furthermore, a lot of discussion has been focused on issues not relating to this bill and not actually relating to Freedom of Information, and sort of protecting individual rights and individual privacy, which this bill is really about. So I wanted to read to you, if you'll bear with me while I paraphrase, but Maine Right to Know laws are not designed to reveal personal information about members of the public who do not serve in government to the broader society. In an age of identity theft, aggressive and coercive marketing and sales tactics, a significant invasion of personal privacy, it is more important than ever that the government safeguard any personal information of citizens that falls into government hands and that includes email addresses. I read that to you because it's from the American Civil Liberties

Union of Maine and it's not from this bill, but it's for another bill, LD 104, which is "An Act To Amend the Laws Governing Public Records." So I say that to you now as just a reference to another situation and just to really think about this. Is this information that we want sort of spread wide, spread far, put on the internet? I don't think so and I will be supporting the Majority Report.

The SPEAKER: The Chair recognizes the Representative from Bethel, Representative Crockett.

Representative **CROCKETT**: Mr. Speaker, Distinguished Members of the House and the rest of us. I have the privilege of sitting on the Judiciary Committee with the good Representative from Brunswick, Representative Priest. In fact, in my first year here in 2008, he taught me the skills in analyzing good legislation. It doesn't come with a political label. Instead it's just well written laws. So it is with that thought in mind that I went through the amendment thoroughly this weekend, and I was out cutting firewood and some guy stopped as I was thinking through it and he asked me what was going on in the Legislature this week and so I tried to explain the Minority Report's amendment, knowing that it would be the one that we would debate. Because for those who don't know, we cannot debate the bipartisan Majority Report that hopefully we'll have a chance to, not that that's been reiterated today already. So as I'm explaining to this guy over the woodpile the merits of this Minority Report, he uses a funny analogy. He goes "It's kind of like cheese. It's like Swiss cheese." I was like "What do you mean?" He says, "Well, it has a whole lot of holes and it smells funny." That caught me by surprise, but it was a good analogy from a regular guy out there working. So let me talk about those holes.

First off, you've got your issuing authority. We've heard earlier the talk of each town is its own issuing authority. Well, as many of you know, the Department of Public Safety does the examinations on 409 municipalities, so that's why when *Bangor Daily* submitted their FOAA request to Public Safety, 409 municipalities' information would have been out in a single swoop. But the next question is in the Minority Report. It says, and it was a stroke of genius followed from a D.C. law, and it says that the requestor can only request one name per day, and the question remains is that from any issuing authority? Can the Town of Bethel authorize one and then the Town of South Paris authorize another for the same person, or are all the municipalities supposed to get together and determine who is introducing it and whether that's one person can go to just anywhere in the state for that one name or can they go to each individual issuing authority in all the municipalities independently? It's unclear, and that's the problem. It's not necessarily poorly crafted. The intent was good, but it's unclear. The next question is and perhaps the biggest problem is not what's in the bill but what's not. The emergency preamble is missing, okay? That's a two-thirds vote in order to take effect when this moratorium ends. But the next problem is the mandate language. This is a mandate and that is distinctly different because you are requiring towns to do something. We recognize that there is another report that has a mandate, but this one doesn't have the mandate language so whether it's even valid is a question, because I think the Maine Municipal Association issued, on April 23, their opinion of the Minority Report and it suggests there is a mandate. It's missing from this amendment, so that alone would sink it as a poorly crafted bill.

The second question is one of qualifications. Now there is exemptions. If I'm applying for a concealed weapon under this amendment, well, I can exempt myself by claiming I'm harassed, I'm a judge, a former prosecutor, a lot of well thought out exceptions. The problem is if you already own a concealed weapon and you fall under one of those categories, including

your life is in danger, you're going to have to, the way it's drafted, it appears you're going to have to wait until the next time you apply for a permit before you can get that exemption. That, I don't think, was the intent of the legislation but that's what it says. So I'm not going to ramble on and on about the virtues of whether this should be private and I'm not going to go in great depth on the fact that domestic violence, it was mentioned earlier, that people already have an avenue of protecting themselves if they are victims of domestic violence. Well, that's true, but only if it's already been adjudicated and you've already went to court. That does nothing for you if you haven't made that step yet, so the women who is in danger today and who hasn't gone to court, the Majority Report would protect her. The Minority Report wouldn't. That was one of the key distinctions. But I'm not going to go into any more detail on it. I'm just going to kind of finish with what my neighbor said at the woodpile on Sunday. He said, "It just doesn't make sense and it's nobody's business whether I have a weapon or not." And that's just common sense and it seemed to make sense to me, so I'll be voting against the Minority Report and hopefully we'll have a chance to engage the Majority Report. Thank you.

The SPEAKER: The Chair recognizes the Representative from Brunswick, Representative Priest.

Representative **PRIEST**: Thank you, Mr. Speaker. Just a few comments. I'm always glad to hear from the good Representative from Bethel. It's a pleasure to hear his concerns, but I think some of them are unwarranted and I will deal with them shortly. First, I'd like to say that there is no right to privacy for a concealed weapons permit. No court that I'm aware of has recognized such a right. Certainly no Maine court has recognized such a right. If there's going to be a right to privacy, it's only going to be a right that we, the Legislature, confer statutorily. But there is no constitutional right to privacy for a concealed weapons permit, so that argument does not hold water. Now, let's talk a little bit about personal information because we heard recently that in fact we would be exposing personal information to the public. In fact, that's not true. The only thing in the concealed weapons permit is the name and address of the person, but all of the application information is confidential, has been since 1981, continues to be confidential. That's this law. This proposal does not change that. So personal information, including your email address, is not going to be revealed.

Now, we heard that we were concerned that there is a six-month waiting period and this might interfere with this. Well, that six-month waiting period might make you wonder if a felon's permit has been revoked, if there's a six-month waiting period. So that would be a six-month period presumably while this person who is a convicted felon has a concealed weapons permit and you won't be able to know whether that's been given or not unless you have some ability to check the name and address. Is this a mandate? Well, let's read the fiscal note. This is done by the financial office of the Legislature, and it says "Fiscal Detail and Notes. Additional costs to the Department of Public Safety associated with manually redacting concealed handgun permit information, preparing the required plan and reporting the results can be absorbed within existing budgeted resources." There is no mandate on this Minority Report. Ask yourself the same question if and when the Majority Report comes up.

We talked about domestic violence. Once again, I would point you to the provision in the law which we are proposing, which says you have a confidential concealed weapons permit, if the applicant has a reason to believe that the applicant may be subject to unwarranted harassment upon disclosure of such information. That takes care of the argument that you've got to

go to court. That takes care of the argument that you're in fear. So that objection doesn't hold much water. Finally, the concern about not having an emergency preamble. Well, ladies and gentlemen, if this passes, I would be delighted to put an emergency preamble on it by an amendment. Thank you.

The SPEAKER: The Chair recognizes the Representative from Bath, Representative DeChant.

Representative **DeCHANT**: Thank you, Mr. Speaker. Good afternoon, Women and Men of the House. While the affidavit process as created by the Minority Report does give Mainers an opportunity to shield their records and future applications, it concerns me as a member of the Judiciary Committee that it does not provide a mechanism for notifying existing current permit holders for the availability to request confidentiality. So it leaves thousands of people right now vulnerable to not being able to or not be aware of being able to perceive that. Nor does it create a process for people who may become victims of stalking or domestic violence since their permits were granted.

Furthermore, a concern that I have, that we have on the exemptions of the Minority Report, it is because they are so broad that it is problematic. In addition to witnesses and jurors in criminal proceedings, current and former law enforcement officers, are those with protection from the abuse orders. Literally, anyone who fears unwanted harassment can trigger a FOAA exception. Now, I'm not sure exactly what that means, I'm not an attorney, but I do guarantee that that exemption is one that you could drive a truck through, which leads to further concerns about the reliability of the information for those that actually do seek FOAA requests. Now, consider for a moment if someone was to ask if a person lives at 22 Spring Street in Bath, if they actually had a concealed weapons permit and then that person actually filled out an affidavit in one of these broad gestures, then what would the requestor, what sort of information and quality of information would that person receive? The exemptions proposed in the Minority Report would arguably cover every single person, in one way or another, but it corrupts the data and the information left behind as incomplete, at best, and dangerous, at worst. So considering the subjectivity of the exemptions of the Minority Report, those seeking this information for legitimate safety interests may have misleading information, and instead it provides inaccurate data and creates a dangerous sense of false security and so I urge to vote against the Minority Report. Thank you.

The SPEAKER: The Chair recognizes the Representative from Cumberland, Representative Moriarty.

Representative **MORIARTY**: Thank you, Mr. Speaker. Fellow Members of the House. I am also a member of the Judiciary Committee and I rise to speak this afternoon in opposition to the motion made by my colleague, Mr. Priest, and to the Minority Report itself, and I do so respectfully, having been through all of our hearings, having heard my colleagues express their concerns, and of course having heard the testimony of the witnesses who have appeared before us. There is and always has been a tension between the Freedom of Access Act and the individual right to privacy. That tension exists today. There is no question about the public's right to understand and appreciate and to observe and scrutinize the operations of government and everyone's elected officials at every level. But overriding all of that is a sincere and genuine concern about the preservation of personal privacy, which today, perhaps more so than ever, is under attack from a variety of sources and origins, and it seems to me that any issue which potentially acts in derogation of personal privacy ought to be seriously scrutinized and scrutinized in detail before it continues on or is allowed to continue or is created. Bearing the fact in mind that this is a Freedom of

Access issue, it came to the Judiciary Committee. It is not fundamentally a firearms issue at all, otherwise it would have gone to a different committee altogether.

A number of good points have already been made. I won't repeat them. I will point out the criteria that exists in the Minority Report and the deficiencies that I perceive in those criteria. First of all, they apply to those who may be seeking a concealed handgun permit in the first place, but not to those who already hold such a handgun permit, and it's unclear whether those current holders would be subject or eligible for the various protections set forth in the Minority Report. It provides that if one is currently protected by a protection from abuse order, one's identity may be concealed; however, that order typically is of short duration. If it expires, the danger and the threat doesn't necessarily expire with it. It imposes a new bureaucratic burden upon the applicant to prepare an affidavit, but doesn't suggest who was to read the affidavit, who was to determine whether the affidavit was accurate, who was to determine whether or not to approve the affidavit. It doesn't tell us whether the affidavit needs to be renewed periodically or is of indefinite duration, so the protection of the affidavit may not be as extensive as it might appear to be at first blush. It also proposes that if someone is subject to unwarranted harassment, they can seek protection. The point I want to make is this: It isn't necessarily speculation or paranoia that one may be in fear of one's life or bodily health, or whether they be in fear of undue harassment. Only the individual, him or herself, is in the best possible position to know whether or not those factors exist and we ought to defer to the judgment of those individuals. Secondly, if disclosure is made, the harassment, the threats and so forth, may only then begin to develop, and once the cat is out of the bag, there is no going back, there is no unringing of the bell. Harassment may follow disclosure, the fact that one owns or holds a permit, and that, I think, is a significant privacy and safety related issue. I will tell you that we went through the criteria set forth in FOAA to determine line by line in each applicable instance, whether or not the person's privacy outweighed the general public interest in disclosure and knowledge, and by the same vote, the committee found in each applicable instance that the privacy concerns outweighed those of disclosure. For these reasons, I urge the House this afternoon to vote against the Minority Report and the pending motion.

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

Representative **KESCHL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise to make one point. That is your concerns should not be directed at the 30,000 people or so who have concealed weapons permits. These people have undergone a confidential background check. Rather your concerns should be directed at those many thousands who carry without a permit. No public access requirement will resolve this problem. Therefore, I urge you to follow my light and vote against the Minority Report.

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

#### ROLL CALL NO. 41

YEA - Beavers, Beck, Carey, Casavant, Cooper, Daughtry, Devin, Dickerson, Dill, Gideon, Goode, Hamann, Herbig, Hubbell, Jorgensen, Kent, Kumiega, Kusiak, Longstaff, Mason, Mastraccio, McGowan, McLean, Monaghan-Derrig, Moonen, Nelson, Priest, Rankin, Rochelo, Rotundo, Rykerson, Stuckey, Tipping-Spitz, Treat, Welsh.



NAY - Ayotte, Beaulieu, Bennett, Berry, Black, Boland, Bolduc, Briggs, Brooks, Campbell J, Campbell R, Cassidy, Chapman, Chase, Chenette, Chipman, Clark, Cray, Crockett, Davis, DeChant, Dion, Doak, Dorney, Dunphy, Duprey, Espling, Evangelos, Farnsworth, Fitzpatrick, Fowle, Fredette, Frey, Gattine, Gifford, Gilbert, Gillway, Graham, Grant, Guerin, Harlow, Harvell, Hayes, Hickman, Hobbins, Jackson, Johnson D, Johnson P, Jones, Kaenrath, Keschl, Kinney, Knight, Kornfield, Kruger, Lajoie, Libby A, Libby N, Lockman, Long, Luchini, MacDonald S, MacDonald W, Maker, Malaby, Marean, Marks, McCabe, McClellan, McElwee, Moriarty, Morrison, Nadeau A, Nadeau C, Newendyke, Noon, Nutting, Parry, Pease, Peavey Haskell, Peoples, Plante, Pouliot, Powers, Pringle, Reed, Russell, Sanborn, Sanderson, Saucier, Schneck, Shaw, Short, Sirocki, Stanley, Theriault, Timberlake, Turner, Tyler, Verow, Villa, Volk, Wallace, Weaver, Werts, Willette, Wilson, Winchenbach, Winsor, Wood, Mr. Speaker.

ABSENT - Beaudoin, Cotta, Crafts, Peterson, Saxton.

Yes, 35; No, 111; Absent, 5; Excused, 0.

35 having voted in the affirmative and 111 voted in the negative, with 5 being absent, and accordingly the Minority **Ought to Pass as Amended Report was NOT ACCEPTED.**

Subsequently, Representative MORIARTY of Cumberland moved that the House **ACCEPT** the Majority **Ought to Pass as Amended Report.**

The SPEAKER: The Chair recognizes the Representative from Cumberland, Representative Moriarty.

Representative **MORIARTY**: Thank you again, Mr. Speaker. Just a few short weeks ago, the House, in an overwhelming number, voted to adopt a moratorium on the disclosure of concealed handgun weapon permit holders. That moratorium expires in a few short days, hence our action here this morning. We've heard a good deal of argument on the merits in discussing the Minority Report, but in passing the moratorium and turning this back to the Judiciary, the vast majority of the House placed its confidence in the committee system and in this committee in particular. We have done our due diligence and then some, if I may say so, and we have come out with a vote of 10-3 as everyone knows. Not a lot has changed since our February vote. Again, the personal interests in safety and privacy are preeminent in this debate and the fundamental purposes of FOAA, in my judgment, are not compromised or shortchanged, so I urge a vote in favor of the committee's Ought to Pass recommendation. Thank you.

Representative FREDETTE of Newport **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: 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. 42**

YEA - Ayotte, Beaulieu, Bennett, Berry, Black, Bolduc, Briggs, Campbell J, Campbell R, Cassidy, Chase, Chenette, Clark, Cray, Crockett, Davis, DeChant, Dill, Dion, Doak, Dorney, Dunphy, Duprey, Espling, Evangelos, Fitzpatrick, Fowle, Fredette, Frey, Gattine, Gifford, Gilbert, Gillway, Goode, Graham, Grant, Guerin, Harvell, Herbig, Hickman, Hobbins, Jackson, Johnson D, Johnson P, Jones, Kaenrath, Keschl, Kinney, Knight, Kornfield, Lajoie, Libby A, Libby N, Lockman, Long, Longstaff, Luchini, MacDonald S, MacDonald W, Maker, Malaby, Marean, Marks, Mason, McCabe, McClellan, McElwee, Moriarty, Nadeau A, Nadeau C, Newendyke, Noon, Nutting, Parry, Pease,

Peavey Haskell, Peoples, Plante, Pouliot, Powers, Reed, Russell, Sanderson, Saucier, Schneck, Shaw, Short, Sirocki, Stanley, Theriault, Timberlake, Tipping-Spitz, Turner, Tyler, Verow, Villa, Volk, Wallace, Weaver, Werts, Willette, Wilson, Winchenbach, Winsor, Wood, Mr. Speaker.

NAY - Beavers, Beck, Boland, Brooks, Carey, Casavant, Chapman, Chipman, Cooper, Daughtry, Devin, Dickerson, Farnsworth, Gideon, Hamann, Harlow, Hayes, Hubbell, Jorgensen, Kent, Kruger, Kumiega, Kusiak, Mastraccio, McGowan, McLean, Monaghan-Derrig, Moonen, Morrison, Nelson, Priest, Pringle, Rankin, Rochelo, Rotundo, Rykerson, Sanborn, Stuckey, Treat, Welsh.

ABSENT - Beaudoin, Cotta, Crafts, Peterson, Saxton.

Yes, 106; No, 40; Absent, 5; Excused, 0.

106 having voted in the affirmative and 40 voted in the negative, with 5 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (H-89) was READ** by the Clerk and **ADOPTED.**

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-89)** and sent for concurrence.

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

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**SENATE PAPERS**

Bill "An Act To Revise the Laws of the Maine Criminal Justice Academy"

(S.P. 518) (L.D. 1432)

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.

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Bill "An Act To Support School Nutrition and Expand the Local Foods Economy" (EMERGENCY)

(S.P. 517) (L.D. 1431)

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

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

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Bill "An Act To Improve Maine's Economy and Lower Energy Costs through Energy Efficiency"

(S.P. 512) (L.D. 1426)

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.

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Bill "An Act To Establish a Resource and Development Coordinating Council"

(S.P. 513) (L.D. 1427)

Bill "An Act To Clarify the Permitted Use of Aquatic Pesticides"

(S.P. 516) (L.D. 1430)

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.

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Resolve, To Require the Department of Health and Human Services To Request a Waiver To Prohibit the Use of Food Supplement Benefits for the Purchase of Taxable Food Items (EMERGENCY)

(S.P. 505) (L.D. 1411)

Bill "An Act Regarding Responsibility of General Assistance for a Person Who Is Released from Prison"

(S.P. 510) (L.D. 1416)

Bill "An Act To Amend the Laws Governing Certain Human Services Licensing and Certification Requirements"

(S.P. 511) (L.D. 1417)

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.

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Bill "An Act To Update the Fair Credit Reporting Act Consistent with Federal Law"

(S.P. 504) (L.D. 1410)

Bill "An Act To Clarify Limitations on Homeowner's Insurance Policies Regarding Claims on Vacant Properties"

(S.P. 507) (L.D. 1413)

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

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

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Bill "An Act To Protect Religious Freedom"

(S.P. 514) (L.D. 1428)

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

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

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Resolve, Authorizing the State Tax Assessor To Convey the Interest of the State in Certain Real Estate in the Unorganized Territory

(S.P. 508) (L.D. 1414)

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

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

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Resolve, To Allow Licensed Clubs To Allow Their Members To Purchase Tickets to a Scheduled Function at the Time of the Function

(S.P. 509) (L.D. 1415)

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.

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The following Joint Resolution: (S.P. 526)

**JOINT RESOLUTION RECOGNIZING THE 50TH ANNIVERSARY OF THE FOUNDING OF THE MAINE BETA CHAPTER OF ALPHA DELTA KAPPA**

WHEREAS, Alpha Delta Kappa was founded in 1947 as an international honorary organization of women educators dedicated to educational excellence, altruism and world understanding; and

WHEREAS, Alpha Delta Kappa was founded by Agnes Shipman Robertson, Marie Neal, Marion Southall and Hattie Poppino, 4 visionary women who sought to recognize and support the professional efforts of outstanding women educators; and

WHEREAS, the Maine Beta Chapter of Alpha Delta Kappa was established in January 1963 and provides opportunities for leadership development through workshops, conferences and conventions; and

WHEREAS, the Maine Beta Chapter members of Alpha Delta Kappa combine their energies and talents toward enriching their lives and the lives of others through participation in community-based altruistic projects; and

WHEREAS, local organizations have benefited from the Maine Beta Chapter's monetary contributions and service, which have included funding a yearly high school scholarship, aiding other community members, organizations and veterans and sponsoring families at Christmas; and

WHEREAS, the Maine Beta Chapter also supports the local food pantry in Gorham and gives book donations to Camp Sunshine in Casco, a retreat for children with life-threatening illnesses and their parents, and sends gifts to needy children through Samaritan's Purse's Operation Christmas Child; and

WHEREAS, the Maine Beta Chapter of Alpha Delta Kappa is celebrating its 50th Anniversary with a ceremony on Tuesday, April 23, 2013; 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 recognize the 50th anniversary of the founding of the Maine Beta Chapter of Alpha Delta Kappa and send the Maine Beta Chapter of Alpha Delta Kappa our appreciation for its 50 years of service; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Maine Beta Chapter of Alpha Delta Kappa.

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

**READ** and **ADOPTED** in concurrence.

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Reference was made to Bill "An Act To Provide a Sales Tax Exemption to Incorporated Nonprofit Performing Arts Organizations"

(S.P. 47) (L.D. 126)

In reference to the action of the House on April 23, 2013 whereby it Insisted and Joined in a Committee of Conference, the Chair appointed the following members on the part of the House as Conferees:

Representative GOODE of Bangor

Representative LIBBY of Lewiston

Representative KNIGHT of Livermore Falls

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**REPORTS OF COMMITTEE**

**Divided Reports**

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought Not to Pass** on Bill "An Act To Provide Assistance to Municipalities Recovering from a Municipally Significant Disaster"

(H.P. 104) (L.D. 122)

Signed:

Senators:

GERZOFSKY of Cumberland  
DUTREMBLE of York  
PLUMMER of Cumberland

Representatives:

DION of Portland  
CASAVANT of Biddeford  
KAENRATH of South Portland  
LAJOIE of Lewiston  
MARKS of Pittston  
PEASE of Morrill  
PLANTE of Berwick  
TYLER of Windham  
WILSON of Augusta

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-61)** on same Bill.

Signed:

Representative:

LONG of Sherman

**READ.**

On motion of Representative DION of Portland, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **TRANSPORTATION** reporting **Ought Not to Pass** on Resolve, To Equalize Tolls on Highways in the State

(H.P. 570) (L.D. 819)

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  
TURNER of Burlington  
VEROW of Brewer

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-66)** on same Resolve.

Signed:

Representative:

WERTS of Auburn

**READ.**

On motion of Representative THERIAULT of Madawaska, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought Not to Pass** on Bill "An Act To Prevent Offensive Touching of a Person Seeking Access to Public Facilities"

(H.P. 592) (L.D. 841)

Signed:

Senators:

GERZOFSKY of Cumberland  
DUTREMBLE of York  
PLUMMER of Cumberland

Representatives:

DION of Portland  
CASAVANT of Biddeford  
KAENRATH of South Portland  
LAJOIE of Lewiston  
LONG of Sherman  
MARKS of Pittston  
PEASE of Morrill  
PLANTE of Berwick  
TYLER of Windham

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

Signed:

Representative:

WILSON of Augusta

**READ.**

On motion of Representative DION of Portland, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-75)** on Bill "An Act To Permit Nurse Practitioners To Perform the Functions of School Physicians"

(H.P. 158) (L.D. 197)

Signed:

Senators:

CRAVEN of Androscoggin  
HAMPER of Oxford  
LACHOWICZ of Kennebec

Representatives:

FARNSWORTH of Portland  
CASSIDY of Lubec  
GATTINE of Westbrook  
MALABY of Hancock  
McELWEE of Caribou  
SANDERSON of Chelsea  
SIROCKI of Scarborough  
STUCKEY of Portland

Minority Report of the same Committee reporting **Ought Not to Pass** on same Bill.

Signed:

Representative:  
DORNEY of Norridgewock

Representative BEAR of the Houlton Band of Maliseet Indians - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (H-75)** Report.

**READ.**

On motion of Representative FARNSWORTH of Portland, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-75)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-75)** and sent for concurrence.

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Majority Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought Not to Pass** on Bill "An Act To Prohibit Enforcement of Federal Laws Regulating Commerce in Violation of the Constitution of the United States"

(H.P. 483) (L.D. 691)

Signed:

Senators:

PATRICK of Oxford  
CLEVELAND of Androscoggin  
CUSHING of Penobscot

Representatives:

HERBIG of Belfast  
CAMPBELL of Newfield  
DUPREY of Hampden  
GILBERT of Jay  
HAMANN of South Portland  
MASON of Topsham  
MASTRACCIO of Sanford  
VOLK of Scarborough  
WINCHENBACH of Waldoboro

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

Signed:

Representative:

LOCKMAN of Amherst

**READ.**

On motion of Representative HERBIG of Belfast, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

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

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On motion of Representative LIBBY of Waterboro, the House adjourned at 12:35 p.m., until 10:00 a.m., Wednesday, April 24, 2013 in honor and lasting tribute to Fire Chief George S. Davis, of Lyman, Stephen J. Longley, of Solon and Timothy J. Vrabel, of Bath.