

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
 33rd Legislative Day
 Wednesday, April 24, 2013

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

Prayer by Reverend Matt MacDonald, Midcoast Christian Fellowship, Belfast.

National Anthem by Loranger Middle School Jazz Band, Old Orchard Beach.

Pledge of Allegiance.

Doctor of the day, Robert Anderson, M.D., Yarmouth.

The Journal of yesterday was read and approved.

SENATE PAPERS

Bill "An Act To Create the Lisbon Water District"
 (S.P. 500) (L.D. 1396)

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.

COMMUNICATIONS

The Following Communication: (H.C. 132)

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

April 24, 2013

Honorable Mark W. Eves

Speaker of the House

2 State House Station

Augusta, Maine 04333

Dear Speaker Eves:

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

Criminal Justice and Public Safety

L.D. 277 An Act To Clarify the Laws Regarding the Calculation of the Period of Imprisonment

L.D. 379 An Act To Require Institutions To Report Knowledge or Suspicion of Criminal Violations to a Law Enforcement Agency

Labor, Commerce, Research and Economic Development

L.D. 1149 An Act To Establish a Rebuttable Presumption Regarding a Corrections Employee That Contracts Hypertension or Cardiovascular Disease

L.D. 1156 An Act To Update a Reference Contained in the Maine Uniform Building and Energy Code

L.D. 1195 An Act To Protect the Privacy of Job Applicants Veterans and Legal Affairs

L.D. 213 An Act To Provide Funding for Transportation of Veterans to Medical Facilities

L.D. 343 Resolve, Regarding the Transfer of Responsibility for Veterans' Cemetery Maintenance

L.D. 607 An Act To Make an Employee Who Sells Alcoholic Beverages or Tobacco to a Minor Responsible for Paying the Fine

L.D. 923 An Act To Require Write-in Candidates To Be Listed on the Ballot Tabulation Report

L.D. 981 An Act To Allow Candidate Name Tags on Election Day

L.D. 1008 An Act To Assess a Fine on a Person Who Provides Misinformation on a Primary Candidate's Consent Form

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. 133)

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

Honorable Justin L. Alford

President of the Senate

Honorable Mark W. Eves

Speaker of the House of Representatives

Honorable Paul R. LePage

Governor of Maine

I am pleased to submit the State of Maine Management Letter for the year ended June 30, 2012. In the course of conducting the Single Audit of the State of Maine we became aware of matters that offer opportunities for our government to improve its operations. Audit findings and recommendations on these matters accompany the Management Letter as Management Letter Comments.

Please feel free to contact me with any questions that you may have. Like you, we are committed to improving our State government for the benefit of our citizens. Healthy discussion of problems found, and solutions considered are part of a dialogue that aims at improvement. I welcome your thoughts and inquiries on these matters.

Respectfully submitted,
 S/Pola A. Buckley, CPA, CISA

State Auditor

April 16, 2013

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

The Following Communication: (S.P. 519)

**TOWN OF BOWDOIN, MAINE
 23 CORNISH DRIVE
 PO BOX 35
 BOWDOIN, MAINE 04287**

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 Governor's proposal also contains cuts to health and human services such as prescription drugs for the elderly and disabled; while also rejecting federal funds to make health care 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; be it RESOLVED, Bowdoin 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.
S/Marc Bernier, Selectmen, Chair
S/Michelle Keleher, Selectmen
S/David Wienckowski, Selectmen

Came from the Senate, **READ** and **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**.
READ and **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** in concurrence.

The Following Communication: (S.P. 520)
RESOLUTION REGARDING THE GOVERNOR'S BUDGET PROPOSAL

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 municipal revenue sharing; would cut the state's reimbursement for General Assistance; 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 a portion of truck excise tax revenue from towns; and would create a corporate tax exemption for large amounts of currently taxable property; and WHEREAS, all of the above shifts costs to towns, whose only major means of raising revenue is property taxes; be it RESOLVED, that the Town of Waldoboro calls upon the Maine Legislature to reject these proposals and avoid this regressive tax shift.

Signed: Board of Selectmen, Waldoboro, Maine
S/Craig E. Cooley, Chairman
S/James Bodman, Vice-chair
S/Steve Cartwright
S/Theodore M. Wooster
S/Carl Cunningham
March 26, 2013

Came from the Senate, **READ** and **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**.
READ and **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** in concurrence.

The Following Communication: (S.P. 521)
RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BATH
OPPOSING THE GOVERNOR'S PROPOSED BIENNIAL STATE BUDGET TO THE EXTENT THAT IT SHIFTS THE BURDEN OF FUNDING STATE GOVERNMENT TO THE MUNICIPAL PROPERTY TAXPAYER

WHEREAS, the proposed Budget for the next biennium submitted by the Governor represents a significant reduction in revenues previously available to municipalities and shifts in a dramatic fashion the burden of funding State government to the municipal property taxpayer; and

WHEREAS, the reduction in revenue represents the elimination or significant modification of longstanding and legislatively approved property relief programs including, but not limited to, the following:

- The proposed Biennial Budget eliminates \$283 million dollars in municipal revenue sharing; based on the Manager's estimates, the first City of Bath Budget affected by the reduction, will see a loss of \$789,500 in revenue.
- The Biennial Budget proposes a level of school funding that is \$200 million dollars short of the 55% level passed in State referendum; this would result in an increase in the City of Bath's share of RSU 1 expenses of \$1,680,750 in the first Bath Budget year affected by the proposed Biennial Budget.
- The Biennial Budget proposes to shift \$8 million dollars in commercial excise tax revenue from the municipalities to State government; this would represent a loss to the City of Bath of \$38,735.
- The proposed Biennial Budget cuts State reimbursement for general assistance by \$6.7 million dollars, with a \$10.2 million dollar cap on reimbursement; if the cap is reached, this reduction could have a significant impact on the City of Bath.
- The shift under the proposed Biennial Budget from the Business Tax Reimbursement Program (BETR) to the Business Equipment Tax Exemption Program (BETE) potentially would cost the City of Bath \$25,234 in revenue, depending on adjustments that may have to be made in the City's Tax Increment Financing Program with Bath Iron Works.
- The proposed Biennial Budget also eliminates a significant portion of the Homestead Exemption and the Circuit Breaker Property Tax and Rent Relief Programs thus representing a shift in cost to the local taxpayers for amounts currently reimbursed by the programs; and

WHEREAS, the implementation of the Governor's Budget as proposed and without modification would result in a reduction of revenue to the City of Bath in excess of \$2,500,000 and represents an 11.4% increase in the City's tax rate during the first fiscal year that the Biennial Budget is in place; and WHEREAS, municipalities have a limited ability to react to and provide for reductions in State revenues, essentially being limited to reductions in services and/or an increase in local property taxes; and WHEREAS, local Municipal Budgets, including the City of Bath's Budgets, in recent years have been flat primarily due to prior reductions in State funding; and WHEREAS, no corresponding option for raising additional local revenue has been proposed, to offset these revenue reductions; and

WHEREAS, the State has not shown any willingness to address revenue issues and tax reform; and

WHEREAS, the proposed Biennial Budget seeks to balance the State's Budget on the backs of its municipalities without providing any additional revenue sources and would require significant tax increases, if municipalities are to maintain reasonable service levels.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Bath that the City Council opposes the implementation of the Governor's Biennial Budget and urges the State Legislature to look to a more comprehensive approach with regard to its tax policies and identifying other cost savings not designated as being passed on to the municipalities and

meaningful tax reform, in order to avoid significant increases in municipal property taxes and to protect municipal service levels.
City of Bath, Maine

In City Council: April 3, 2013

ATTEST: S/Mary J. White, City Clerk

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

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

The Following Communication: (S.P. 522)

**TOWN OF ALFRED
OFFICE OF THE SELECTMEN
PO BOX 667
ALFRED, MAINE 04002-0667**

April 9, 2013

RESOLVE, EXPRESSING THE OPPOSITION OF THE BOARD OF SELECTMEN OF THE TOWN OF ALFRED, TO PROPOSALS TO SHIFT THE BURDEN FUNDING STATE GOVERNMENT TO THE PROPERTY TAX AND THE PROPERTY TAX PAYER AND THAT LEGISLATIVE LEADERS AND MEMBERS OUTLINE A PLAN THAT PROVIDES A REASONABLE LEVEL OF PROMISE THAT MAINE STATE GOVERNMENT CAN ADDRESS AND SOLVE FUNDING ISSUES FACING THE STATE.

WHEREAS, the Governor's unprecedented biennial budget proposal places the State's cities and 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 % voter referendum approved level; would cut the State's reimbursement level to General Assistance by about \$6.7 million; would eliminate the Homestead Exemption for everyone under the age of 65; would eliminate the "circuit breaker" property tax and rent program for anyone under the age of 65; would take \$8 million in truck tractor excise tax revenues from towns; and would create a corporate tax exemption for large amounts of currently taxable property; and

WHEREAS, the proposal to suspend municipal revenue sharing to Alfred would result in the loss of \$238,521 in revenues, which would increase property taxes by \$238.00 on the average residential property value at \$250,000; and

WHEREAS, the proposal to eliminate the FY 2015 Homestead Exemption for those under 65 will increase taxes for those residents by \$132 if the town's tax rate stays the same; and

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

Resolved, The Alfred Board of Selectmen calls upon the Maine State Legislature to reject these proposals and raise revenue in an equitable fashion to avoid this regressive tax shift. Be it further resolved, that the Alfred Board of Selectmen urgently calls upon the Maine State Legislature to immediately define and communicate the draft of a plan, that at the least, outlines the philosophical approach Legislative Leadership and the Members will follow to meet the demonstrated unmet needs of our State with revenues raised by State Government; and that the Legislative Leaders and Members recognize how vitally important it is that such a draft plan be available within the near term, providing to all Maine citizens a reasonable level of hope that the huge challenges so evident can and will be successfully addressed by our elected State Officials.

S/George Donovan

Selectmen, Town of Alfred

S/John J. Sylvester

S/Glen A. Dochtermann

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

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

The Following Communication: (S.P. 523)

**SELECTMEN'S OFFICE
TOWN OF WATERBORO**

April 9, 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 the sales and income tax revenues normally distributed to municipalities under the Revenue Sharing Program toward balancing the State Budget. The proposal to suspend the State Revenue Sharing funds to Waterboro would result in a \$644,982.00 revenue loss to the Town of Waterboro presenting an estimated \$0.85 increase on the property tax rate; and

WHEREAS, this biennial budget proposal calls for redirecting commercial vehicle excise tax revenues away from municipalities toward balancing the State Budget. The proposal will result in a reduction of excise tax in the amount of \$10,073.00 revenue loss presenting an estimated \$0.13 increase on the property tax rate; 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. The proposal will result in an increase in the property taxes of \$128.00; 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. The proposal will result in an estimated \$96,740.00 representing an estimated \$0.13 in the tax rate; and

WHEREAS, this biennial budget proposal calls for drastically reducing funding to local schools (again failing to meet the Citizen Referendum mandate of 55% support) for the purpose of balancing the State Budget; and

WHEREAS, if enacted, these changes will reduce Town revenues by at least \$655,055.00; and

WHEREAS, to replace these revenues through property taxation, the Town's tax rate would have to increase by approximately \$1.12; and

BE IT RESOLVED, that the Board of Selectmen of the Town of Waterboro 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 taxes in Waterboro. Taxes that often are unrelated to the ability of property owners to pay 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.

Call upon the Maine Legislature and Senator John Tuttle and Representative Aaron Libby to reject these proposals and restore revenue sharing to municipalities, retain full funding of General Assistance reimbursements, maintain the Homestead and Circuit Breaker relief programs, restore excise taxes to previous levels, retain the BETR program and support to the schools in order to avoid this regressive tax shift.

S/Dennis G. Abbot, Chairman

S/TammyJo Girard

S/David Woodsome

S/Jon Gale
S/Gordon Littlefield
Board of Selectmen
Town of Waterboro

Came from the Senate, **READ** and **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**.
READ and **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** in concurrence.

The Following Communication: (S.P. 524)

**TOWN OF NEWFIELD
RESOLUTION**

March 28, 2013

Resolve: Express the Opposition of the Selectpeople of the town of Newfield to the 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 \$79,418.00 revenue loss to the Town of Newfield representing an estimated 4% increase on the property tax rate; and

Whereas the proposal to redirect the excise tax on tractor trailers will reduce the towns revenues by an additional \$7,418.00 or 60 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 \$77.00 (based on a home value of \$100,000.) in that year if the Town's tax rate remain 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 Town will only be reimbursed by the state for 50% of the taxes due, reducing Town revenues by an estimated \$100 in FY15 or .001 on the tax rate; and

Whereas, if enacted these changes will reduce Town revenues by at least \$100,000 FY14 excluding certain impacts on the school budget; and

Whereas, to replace these revenues through property taxation, the Town's tax rate would have to increase by approximately 5% in FY14 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

Whereas, staffing and expenditure reduction 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 need; and

Whereas, the RSU #57 School District is also proposed to received reduced funding within the next Biennial State Budget

and the impacts listed do not account for the yet determined additional burden; and

Whereas, The Selectpeople for the Town of Newfield finds that municipal and school operations have been significantly reduced, capital are not keeping pace with depreciation and need, staff and service have already been reduced to minimum levels acceptable by residents, collaborative and shared services have been incorporated into current operations. And that is not feasible to further reduce expenditures sufficiently to account for the State's withdrawal of the distributions for broad-based taxation without further increasing the tax burden upon all property tax payers; and

Now, therefore, be it resolved by the Selectpeople of the Town of Newfield that the Town Selectpeople express their 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 Newfield. Taxes that often is unrelated to the ability of property owner 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 Secretary to the Selectpeople of the Town of Newfield is directed to provide copies of this resolve to the members of the Legislature representing the Town of Newfield, members of the Appropriations Committee, the Taxation Committee, the Speaker of the House, the President of the Senate and the Legislative Leadership.

S/Bruce Colwell

S/Wanda Neville

S/Jeffrey Cuevas

Selectpeople – Town of Newfield

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

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

The Following Communication: (S.C. 260)

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

April 10, 2013

Millicent M. MacFarland

Clerk of the House

2 State House Station

Augusta, Maine 04333

Dear Clerk MacFarland:

The President appointed the following conferees to the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act To Provide a Sales Tax Exemption to Incorporated Nonprofit Performing Arts Organizations" (S.P. 47) (L.D. 126):

Senator HASKELL of Cumberland

Senator GERZOFKY of Cumberland

Senator KATZ of Kennebec

Sincerely,

S/Darek M. Grant

Secretary of the Senate

READ and **ORDERED PLACED ON FILE**.

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

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

The following Bills 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 Amend the Retirement Laws Pertaining to Participating Local Districts"

(H.P. 1034) (L.D. 1440)

Sponsored by Representative ROTUNDO of Lewiston.

EDUCATION AND CULTURAL AFFAIRS

Bill "An Act To Align the Formation of Governing Boards of Career and Technical Education Regions with That of Other Public Schools"

(H.P. 1035) (L.D. 1441)

Sponsored by Representative CHAPMAN of Brooksville.

Cosponsored by Senator GRATWICK of Penobscot.

ENERGY, UTILITIES AND TECHNOLOGY

Bill "An Act To Establish a Pilot Natural Gas Utility District in Maine" (EMERGENCY)

(H.P. 1036) (L.D. 1442)

Sponsored by Representative NADEAU of Winslow.

Cosponsored by Senator LACHOWICZ of Kennebec and Representatives: BECK of Waterville, COTTA of China, FOWLE of Vassalboro, HOBBS of Saco, LONGSTAFF of Waterville, McCABE of Skowhegan, NUTTING of Oakland, POULIOT of Augusta.

HEALTH AND HUMAN SERVICES

Bill "An Act To Make Convicted Drug Felons Ineligible for TANF Assistance"

(H.P. 1037) (L.D. 1443)

Sponsored by Representative SANDERSON of Chelsea.

Cosponsored by Senator HAMPER of Oxford and Representatives: SIROCKI of Scarborough, TURNER of Burlington.

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

INSURANCE AND FINANCIAL SERVICES

Bill "An Act Relating to Title Insurers Issuing Closing or Settlement Protection"

(H.P. 1038) (L.D. 1444)

Sponsored by Representative BECK of Waterville.

Cosponsored by Senator LACHOWICZ of Kennebec and Representatives: CAREY of Lewiston, CROCKETT of Bethel, MORRISON of South Portland.

JUDICIARY

Bill "An Act To Facilitate Children's Testimony"

(H.P. 1039) (L.D. 1445)

Sponsored by Representative TYLER of Windham.

Cosponsored by Senator BURNS of Washington and Representatives: KAENRATH of South Portland, KINNEY of Limington, MORIARTY of Cumberland, Senators: MASON of Androscoggin, PLUMMER of Cumberland.

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

Pursuant to Statute

Criminal Law Advisory Commission

Representative DION for the **Criminal Law Advisory Commission** pursuant to the Maine Revised Statutes, Title 17-A, section 1354, subsection 2 asks leave to report that the accompanying Bill "An Act To Implement Certain Recommendations of the Criminal Law Advisory Commission Relative to the Maine Bail Code, Statutory Post-conviction Review, the Maine Criminal Code and a Related Statute"

(H.P. 1032) (L.D. 1438)

Be **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

Pursuant to Statute

Criminal Law Advisory Commission

Representative DION for the **Criminal Law Advisory Commission** pursuant to the Maine Revised Statutes, Title 17-A, section 1354, subsection 2 asks leave to report that the accompanying Bill "An Act To Repeal Certain Maine Criminal Code Provisions Addressing So-called Bath Salts Containing Synthetic Hallucinogenic Drugs and Instead To Define Them as Schedule W Drugs"

(H.P. 1033) (L.D. 1439)

Be **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

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

ORDERS

On motion of Representative HAMANN of South Portland, the following Joint Resolution: (H.P. 1031) (Cosponsored by Senator BOYLE of Cumberland and Representatives: SIROCKI of Scarborough, VOLK of Scarborough)

JOINT RESOLUTION DESIGNATING OCTOBER 27, 2013

AS KYLE ST. CLAIR DAY

WHEREAS, Kyle St. Clair, a happy and brave 8-year-old boy from Scarborough, lived an inspirational life of resilience against tremendous adversity and was loved and admired by thousands throughout the community; and

WHEREAS, Kyle was born prematurely on October 27, 2004 with a lung disease and severe dysmotility, a disease that prevented his digestive system from functioning properly and spent his first 9 months of life in the Neonatal Intensive Care Unit at Maine Medical Center; and

WHEREAS, Kyle endured more than 50 painful surgeries and invasive tests and procedures to improve the quality of his life, and his courage and loving spirit captured the hearts of the Scarborough area; and

WHEREAS, Kyle attended kindergarten and first grade at Blue Point Primary School and drew strong support from people in all walks of life, including the Scarborough High School football team and its boosters, who befriended him and held numerous fund-raisers for him; and

WHEREAS, Kyle, with his family, organized multiple charity efforts to benefit institutions such as the Barbara Bush Children's Hospital at Maine Medical Center and he had his own original project of sending out "Live for Today" cards and urging people to do something nice for someone else before passing the card along; and

WHEREAS, Kyle passed away on January 8, 2013 at home and surrounded by his loving family; 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 honor the life of a little boy who inspired so many people by declaring that October 27, 2013 is Kyle St. Clair Day in the State; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the family of Kyle St. Clair in his memory.

READ.

The SPEAKER: The Chair recognizes the Representative from South Portland, Representative Hamann.

Representative **HAMANN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I was drawn to Kyle's story not because of the suffering he endured, but because of the hope he inspired in his 8 years. I chose to sponsor Kyle St. Clair Day not just to memorialize his life – we have sentiments for that – but because I hope that the message he lived will transcend the years he spent courageously fighting his disease with inspirational resilience.

Last night I scrolled through the Team Kyle Facebook page and read comments from people who were inspired by his story and his perseverance. In one early post, Kyle's family was astonished to reach 700 likes. Today Team Kyle has well over 13,000 fans. On Kyle's page, which is titled "Live life for today," there are messages of inspiration and frustration, love and sadness, anger and gratefulness. In 2010, Kyle wrote: "It's a beautiful Saturday, do something nice for someone today. It's amazing how something small can totally change someone's entire day. Tell someone you love them, pay someone's toll, bring a friend a coffee. Small things make a big difference. There are so many things going on outside of ourselves.... Love, Kyle."

I know we sometimes may lose sight of what's important as we go through our daily grind. But if Kyle St. Clair can endure everything he went through and then deliver a message that has nothing to do with his own self-interest and everything to do with humanity then who are we to make excuses that we're too busy to bring a friend a coffee, or too cheap to pay someone else's toll in a random act of kindness? Kyle had every right to be angry with the hand he was dealt and instead he said "There are so many things going on outside of ourselves." Live life for today. Do random acts of kindness for other people and pay it forward. Kyle St. Clair Day will be on October 27th. On Kyle St. Clair Day, I urge all Mainers to simply do something nice for someone else, and ask them to pay it forward in memory of Kyle St. Clair. Thank you.

Subsequently, the Joint Resolution was **ADOPTED**.

Sent for concurrence.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

the Friends of the Maine Wildlife Park, Gray, which has received a 2013 Governor's Award for Service and Volunteerism. Since 1987, this award has celebrated and recognized the exemplary volunteer work of Maine's most dedicated citizens and sought to inspire others. The award program is managed on behalf of the Office of the Governor by the Maine Commission for Community Service. The Friends of the Maine Wildlife Park received the Outstanding Nonprofit Volunteer Program Award. Its role is to solicit funds for the Maine Wildlife Park and to help increase public awareness of and participation in the park's exhibits and programs. The Friends of the Maine Wildlife Park has 150 volunteers who contribute 8,600 hours of service. We send the volunteers our appreciation for their commitment to the park and to the community and congratulate the organization on its receiving this award;

(HLS 151)

Presented by Representative GRAHAM of North Yarmouth. Cosponsored by Senator WOODBURY of Cumberland, Representative TYLER of Windham.

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

READ.

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

Representative **GRAHAM**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. You're having a bad day, a crummy awful rainy day, or even a sunny day, and you're hanging around the area where I represent, which is Gray, you find a remedy to your bad mood and that is the Maine Wildlife Park. It's nestled across this road from Crystal Lake on Route 26. Many of you may pass it on your way to Sunday River in the winter. There you will find moose, bear, deer, but what you'll find more than that, is some of the happiest people you'll find around. People who are so committed to the Wildlife Park and to celebrate what we call Maine. I have had the honor to represent the area the Maine Wildlife Park lives in and I must say I am always so happy to be there. Often I find that when I go to places like that, I should have a child in tow, but my kids are getting a little older and don't want to be dragged and I don't have grandkids yet. But you know what, go be a child, go experience it. It's one of the most wonderful things you can do for yourself, and I want to thank the Friends of the Wildlife Park. They are amazing, wonderful, giving people. Thank you, Mr. Speaker.

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

In Memory of:

Albert Moulton, of York, former police chief for the Town of York and longtime community supporter. Mr. Moulton served as chief of police from 1965 to 1976. One of his biggest goals was to see a new police station built for the town, and he recently served on the Municipal Building Committee for that purpose. Mr. Moulton was a veteran of the United States Armed Forces. He attended the FBI National Academy, graduating with the last class under J. Edgar Hoover. He co-owned, with his father, Moulton Engineering Company and was employed by Cianbro Construction, retiring in 1991. He again retired this past year

from Eldredge Lumber. Mr. Moulton was a dedicated and valuable member of the Boardman-Ellis VFW Post No. 6977, and he was the youngest person to be elected to the position of state commander of the VFW when he was 29 years old. He will be greatly missed and long remembered by his loving family and many friends;

(SLS 220)

On **OBJECTION** of Representative McGOWAN of York, was **REMOVED** from the Special Sentiment Calendar.

READ.

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 acknowledge and recognize the passing of Albert Moulton, a lifelong resident of the Town of York. He served our town for a number of years as the Chief of Police. One of his great dreams was to build a new police station in York and the last time I spoke with him and saw him, he was a member of the building committee and they are underway in creating a new police station in our town. He also was a veteran of the United States Army and was a dedicated and valuable member of the Boardman-Ellis VFW Post No. 6977. He will be greatly missed and long remembered by his loving family and friends. Thank you, Mr. Speaker.

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

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 Improve the Law Regarding Bail Commissioners"

(S.P. 99) (L.D. 266)

Signed:

Senator:

PLUMMER of Cumberland

Representatives:

DION of Portland
 KAENRATH of South Portland
 LAJOIE of Lewiston
 LONG of Sherman
 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" (S-29)** on same Bill.

Signed:

Senators:

GERZOFSKY of Cumberland
 DUTREMBLE of York

Representative:

CASAVANT of Biddeford

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

READ.

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

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought Not to Pass** on Bill "An Act To Remove the Mandatory Minimum Jail Sentence in Certain Cases"

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

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 as Amended by Committee Amendment "A" (S-30)** on same Bill.

Signed:

Representative:

WILSON of Augusta

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

READ.

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

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Allow Public Schools To Offer Classes Limited to Students of a Single Gender"

(S.P. 248) (L.D. 699)

Signed:

Senators:

MILLETT of Cumberland
 JOHNSON of Lincoln
 LANGLEY of Hancock

Representatives:

MacDONALD of Boothbay
 DAUGHTRY of Brunswick
 HUBBELL of Bar Harbor
 JOHNSON of Greenville
 KORNFIELD of Bangor
 MAKER of Calais
 NELSON of Falmouth
 POULIOT of Augusta
 RANKIN of Hiram

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-27)** on same Bill.

Signed:

Representative:
McCLELLAN of Raymond

Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports the Majority **Ought Not to Pass** Report.

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

On motion of Representative BERRY of Bowdoinham the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought Not to Pass** on Bill "An Act To Promote Equity in Business Opportunity for Tobacco Specialty Stores"

(S.P. 14) (L.D. 22)

Signed:
Senators:
CRAVEN of Androscoggin
LACHOWICZ of Kennebec

Representatives:
FARNSWORTH of Portland
CASSIDY of Lubec
DORNEY of Norridgewock
GATTINE of Westbrook
STUCKEY of Portland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-34)** on same Bill.

Signed:
Senator:
HAMPER of Oxford

Representatives:
MALABY of Hancock
McELWEE of Caribou
SANDERSON of Chelsea
SIROCKI of Scarborough

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

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

The same Representative **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

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

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

Representative **FARNSWORTH**: Thank you, Mr. Speaker. In relationship to this particular bill, the committee was feeling, at least the Majority Report, felt very strongly that the position we've taken is consistent with longstanding state policy around trying to reduce the amount of tobacco influence in our air and breathing. We are also concerned about that this particular bill would represent a step in the direction of expanding nonsmoking aspects of the operation of these particular kinds of facilities, thereby encouraging people to be in the presence of smoke for longer periods of time, which would basically prolong exposure to

an unhealthy environment. We would urge you to vote with the committee majority position of Ought Not to Pass.

The SPEAKER: The Chair recognizes the Representative from Chelsea, Representative Sanderson.

Representative **SANDERSON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This bill addressed in statute what we have – actually, what we have in the State of Maine is we have two businesses in the State of Maine who allow patrons to consume high-end cigars on the premises. These businesses exist. Right now, under current statute, it would be illegal for you to drink water or even chew gum while you were in the premises. This is what this legislation was actually asked to do, was to make it not illegal to chew gum or have a glass of water or maybe even bring in a cup of coffee with you. That's what this legislation was meant to do. This is a pro-business bill. It's allowing our business that is already in place to continue doing business for the comfort of their patrons. It does not expand smoking into other areas. It does not expand cigarette smoking. The cigarette smoking is not allowed on the premises. This is only high-end cigars. Thank you.

The SPEAKER: The Chair recognizes the Representative from Norridgewock, Representative Dorney.

Representative **DORNEY**: Thank you, Mr. Speaker. We've had lots of discussions about this bill and the problem with this bill is that it basically would allow a tobacco specialty store to sell food or alcohol. This is not allowed currently with restaurants, so you are essentially allowing a tobacco specialty store to become a smoking restaurant or a smoking bar, and that really undermines the other businesses in the area that are not allowed to do that. I would urge you to vote with the Majority Ought Not to Pass. Thank you very much.

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

Representative **MALABY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen. With all due respect to the previous speaker, this bill would not permit a tobacco specialty store to have a liquor license. That would have to be separately attained. There would be public hearings. I thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Chelsea, Representative Sanderson.

Representative **SANDERSON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Thank you for indulging me one more time to speak in front of you. This would also not allow smoking in a restaurant, any restaurant, regardless if they are a – they still have to follow state statute. There is no smoking allowed in restaurants. This would just be to allow a beverage, a consumer to have a beverage in an already established high-end cigar lounge where patrons consume on the property. This does not expand smoking. Thank you.

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

Representative **MALABY**: Thank you again, Mr. Speaker. Ladies and Gentlemen, the gentleman who brought this bill forth had sought originally, at least in private discussions, to add what's called a Keurig machine which was deemed illegal under current law. I think that's inappropriate, but I thank you for your time and for indulging me yet again.

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. 43

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

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

ABSENT - Beaudoin, Carey, Chase, Crafts, Peterson, Villa, Wallace.

Yes, 82; No, 62; Absent, 7; Excused, 0.

82 having voted in the affirmative and 62 voted in the negative, with 7 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Restrict the Use of Eminent Domain

(S.P. 25) (L.D. 58)

Signed:

Senators:

VALENTINO of York
BURNS of Washington
TUTTLE of York

Representatives:

PRIEST of Brunswick
BEAULIEU of Auburn
CROCKETT of Bethel
DeCHANT of Bath
MONAGHAN-DERRIG of Cape Elizabeth
MOONEN of Portland
MORIARTY of Cumberland
VILLA of Harrison

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-35)** on same RESOLUTION.

Signed:

Representatives:

GUERIN of Glenburn
PEAVEY HASKELL of Milford

Representative MITCHELL of the Penobscot Nation - of the House - supports the Majority **Ought Not to Pass** Report.

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

On motion of Representative PRIEST of Brunswick, the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

Majority Report of the Committee on **TAXATION** reporting **Ought Not to Pass** on Bill "An Act To Change the Taxes on Fuel Purchased for Use Other Than on the Highways"

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

Signed:

Senators:

HASKELL of Cumberland
MILLETT of Cumberland

Representatives:

GOODE of Bangor
LIBBY of Lewiston
MAREAN of Hollis
MOONEN of Portland
TIPPING-SPITZ of Orono

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

Signed:

Senator:

THOMAS of Somerset

Representatives:

BENNETT of Kennebunk
BROOKS of Winterport
JACKSON of Oxford
KNIGHT of Livermore Falls
STANLEY of Medway

Came from the Senate with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-20)**.

READ.

Representative GOODE of Bangor moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

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

The **SPEAKER**: The Chair recognizes the Representative from Medway, Representative Stanley.

Representative **STANLEY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise here on this bill because this is an important bill for the rural parts of this state. This is the logging industry that we all have a lot of people that are employed by. This is about jobs. What I've seen, we ought to be doing, is doing away with the motion that is in front of us and do the Ought to Pass motion as Amended. The reason why is because these jobs, this industry, the logging industry, creates an awful lot of jobs in the rural parts of this state. Right now, we have unemployment figures of over 50,000 people and a lot of them are in the rural parts of this state. This is an opportunity to create jobs, an opportunity to enhance an industry that might need a little bit of help because, I'll tell you what, I serve on

Taxation and the thing that I think we ought to be doing is a tax policy that is going to create jobs, because that's what we've got to have in this state, some jobs. Jobs are the key. What happens when you put a person to work is you take them on and you take away some of the social issues that are associated with the unemployed when people are not working. We as a state have to start looking at the way we're conducting business and put people to work. Jobs is the name of the game. It ought to bring this economy around. We've got to help some of these businesses out so they can employ people and put people to work because, I'll tell you what, a job does two things for people. It will give you a little bit of income, but it gives you some place to go for eight or 12 hours, it keeps you out of trouble. Some of the problems that we have in this state are people getting in trouble. You look at the police reports every day and you see what's going on in some of our cities and I'll tell you what, it's time for the State of Maine to take action, create some jobs and do the right thing. This is what we're here for, people. We're here to create jobs and put people to work. That's why I ran for office and that's why I said what I was going to do when I came here and that's what I plan on doing. With that, I'm going to sit down and let what happen happens.

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

Representative **GOODE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I just want to rise and state that I appreciate the passion and drive that my colleague from Medway has for the folks in his community and from his district. The middle of the committee was divided on this bill and appreciate being able to learn about all the different areas in our state that are represented on the Taxation Committee. I just also want to remind folks before we vote, this bill does have a \$1.5 million fiscal note. Any time that we carve out taxes for one group, it is going to require that the rest of the folks in our district pick up the tab in some way. This bill, in particular, might be exciting for some people, it might be something that is enticing for people to vote for, but I just want to remind people that there is many decisions before the Appropriations Committee and before this Legislature that we're being faced with that will very likely raise property taxes, that will very likely have an impact on jobs and the economy. I think that despite the compelling arguments made in favor of this bill, I didn't want to lead folks on by sending another \$1.5 million to the table when we have a lot of other issues that we're trying to fix. I just wanted to say that before we vote. Thank you.

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

Representative **BROOKS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. With all due respect to the Chair of the committee, I think that my good friend from Medway, Representative Stanley, makes a very good point. Those of you who were here last term, not me, but some of you might remember a bill that we passed that exempted lobster fishermen from such taxes. Here we are. The inland folks who make their money in the woods, they want the same kind of treatment. I told the loggers in my area, which really isn't a very big logging area, in Winterport, just south of Bangor, but there are a couple of families who survive this way, that I would support this. Here I am supporting it after having received a call on my cell phone, which may be vibrating right now, I don't know if they're listening live, but I urge you to vote against the pending motion so that we can get on to the other motion of which I am very much a part. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Sangerville, Representative Davis.

Representative **DAVIS**: Thank you very much, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen, Colleagues in the House of Representatives. I rise to agree with my good friend from Medway, the good Representative Stanley. Any help that we can give the forest industry. They create good clean jobs and lots of them, and we need lots of them. If you don't think so, take a ride up through Piscataquis County or rural Penobscot County and go to Medway where he lives. The only industry that is booming is the industry that makes "For Sale" signs. You will see them all over the lawns, everywhere. Everything is for sale. Sadly, Mr. Speaker, what this whole scenario has caused is for our biggest export to be our children. Thank you.

The SPEAKER: The Chair recognizes the Representative from Deer Isle, Representative Kumiega.

Representative **KUMIEGA**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. This bill is a symptom of our broken tax code. Last session, as the good Representative from Winterport mentioned, we exempted commercial fishing vessels from the use tax. Agricultural uses, off road uses are already exempt. Our tax code is like a block of Swiss cheese. There is more holes in it than there is cheese. I actually don't know how I'm going to vote on this because in fairness to the people who are paying the tax, we've carved out so many exemptions that it's just not fair. But at the same time, how do we justify creating another one and a half million dollar hole in our budget? Thank you, Mr. Speaker.

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

Representative **MacDONALD**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. Just briefly, I was the sponsor of the bill providing a tax break on the fuel surcharge, the 5% for commercial fishermen that happened last year in the House. It was passed. The Chief Executive also put it into the budget. As the sponsor of that motion or that bill rather I rise in support or I rise against the pending motion and urge that, like Representative Stanley, that you support the Minority Report. I think that giving tax breaks to the working people of Maine is the right way to go. I think this bill will do that just as it did last year to the commercial fishermen who are also working people in the State of Maine. Thank you, Mr. Speaker.

The SPEAKER: The Chair will remind members that in terms of debate, to keep the debate to what is properly before us and not refer to prior or future bills.

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. 44

YEA - Beck, Berry, Briggs, Casavant, Chapman, Chipman, Daughtry, Dill, Dorney, Farnsworth, Frey, Gideon, Goode, Hamann, Harlow, Jorgensen, Kornfield, Libby N, McGowan, Monaghan-Derrig, Moonen, Nelson, Priest, Rochelo, Rotundo, Sanborn, Tipping-Spitz, Treat, Welsh, Mr. Speaker.

NAY - Ayotte, Beaulieu, Beavers, Bennett, Black, Boland, Bolduc, Brooks, Campbell J, Campbell R, Cassidy, Chenette, Clark, Cooper, Cotta, Cray, Crockett, Davis, DeChant, Devin, Dickerson, Dion, Doak, Dunphy, Duprey, Espling, Evangelos, Fitzpatrick, Fowle, Fredette, Gattine, Gifford, Gilbert, Gillway, Graham, Grant, Guerin, Harvell, Hayes, Herbig, Hickman, Hobbins, Hubbell, Jackson, Johnson D, Johnson P, Jones, Kaenrath, Kent, Keschl, Kinney, Knight, Kruger, Kumiega, Kusiak, Lajoie, Libby A, Lockman, Long, Longstaff, Luchini, MacDonald S, MacDonald W, Maker, Malaby, Marean, Marks, Mason, Mastraccio, McCabe, McClellan, McElwee, McLean, Moriarty, Morrison, Nadeau A, Nadeau C, Newendyke, Noon, Nutting, Parry, Pease, Peavey Haskell, Peoples, Plante, Pouliot,

Powers, Pringle, Rankin, Reed, Russell, Rykerson, Sanderson, Saucier, Saxton, Schneck, Shaw, Short, Sirocki, Stanley, Theriault, Timberlake, Turner, Tyler, Verow, Volk, Weaver, Werts, Willette, Wilson, Winchenbach, Winsor, Wood.

ABSENT - Beaudoin, Carey, Chase, Crafts, Peterson, Stuckey, Villa, Wallace.

Yes, 30; No, 113; Absent, 8; Excused, 0.

30 having voted in the affirmative and 113 voted in the negative, with 8 being absent, and accordingly the Majority **Ought Not to Pass** Report was **NOT ACCEPTED**.

Subsequently, Representative GOODE of Bangor moved that the House **ACCEPT** the Minority **Ought to Pass as Amended** Report.

Representative FREDETTE of Newport **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 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. 45

YEA - Ayotte, Beaulieu, Beavers, Bennett, Black, Boland, Bolduc, Briggs, Brooks, Campbell J, Campbell R, Cassidy, Chenette, Clark, Cooper, Cotta, Cray, Crockett, Daughtry, Davis, DeChant, Devin, Dickerson, Dion, Doak, Dorney, Dunphy, Duprey, Espling, Evangelos, Fitzpatrick, Fowle, Fredette, Frey, Gattine, Gideon, Gifford, Gilbert, Gillway, Graham, Grant, Guerin, 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, Lockman, Long, Longstaff, Luchini, MacDonald S, MacDonald W, Maker, Malaby, Marean, Marks, Mason, Mastraccio, McCabe, McClellan, McElwee, McLean, Monaghan-Derrig, Moriarty, Morrison, Nadeau A, Nadeau C, Newendyke, Noon, Nutting, Parry, Pease, Peavey Haskell, Peoples, Plante, Pouliot, Powers, Pringle, Rankin, Reed, Rochelo, Rotundo, Russell, Sanderson, Saucier, Saxton, Schneck, Shaw, Short, Sirocki, Stanley, Theriault, Timberlake, Treat, Turner, Tyler, Verow, Volk, Weaver, Werts, Willette, Wilson, Winchenbach, Winsor, Wood.

NAY - Beck, Berry, Casavant, Chapman, Chipman, Dill, Farnsworth, Goode, Hamann, Harlow, Libby N, McGowan, Moonen, Nelson, Priest, Rykerson, Sanborn, Stuckey, Tipping-Spitz, Welsh, Mr. Speaker.

ABSENT - Beaudoin, Carey, Chase, Crafts, Peterson, Villa, Wallace.

Yes, 123; No, 21; Absent, 7; Excused, 0.

123 having voted in the affirmative and 21 voted in the negative, with 7 being absent, and accordingly the Minority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-20)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Thursday, April 25, 2013.

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-76)** on Bill "An Act To Establish the Commission on Health Care Cost and Quality"

(H.P. 191) (L.D. 230)

Signed:

Senators:

CRAVEN of Androscoggin

LACHOWICZ of Kennebec

Representatives:

FARNSWORTH of Portland

CASSIDY of Lubec

DORNEY of Norridgewock

GATTINE of Westbrook

STUCKEY of Portland

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

Signed:

Senator:

HAMPER of Oxford

Representatives:

MALABY of Hancock

McELWEE of Caribou

SANDERSON of Chelsea

SIROCKI of Scarborough

READ.

Representative FARNSWORTH of Portland moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

The same Representative **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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

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

Representative **FARNSWORTH**: Thank you, Mr. Speaker. It is allergy season, I apologize to everybody. Mr. Speaker, currently the State of Maine, and in fact the nation, is at a crossroads in regards to the whole health care industry. Major changes are occurring. We're looking at the Affordable Health Care Act being implemented and so we're looking at a variety of multiple changes that are going to be occurring. Along with those in the State of Maine, we already see things such as care management being talked about, hospital accountability, accountable care organizations. There are just a whole range of new things that are occurring. In the past, we have had a state health planning process that has helped to guide the direction in which our health care system is going, and that has been extremely valuable. It was made up of stakeholders in the field as well as government officials who have helped to take a look and see if we can't develop something that really represents what the people in the State of Maine need. We need to restore that process because it has gone away. With the last legislative session, the funding, the appropriations, as well as the legislative authority, has disappeared, and we need to restore that primarily because with all of the changes that are occurring, we need to have some guidance and direction. We need to restore the process that helps us to move forward in a direction that is consistent and meets the needs of all of our citizens. That is going to be the critical challenge. I believe that this particular bill will help to restore that particular process, will give us the direction that we need in order to ensure that the quality of service is there as well as meeting the needs of the vast majority of our citizens. Thank you, Mr. Speaker and Ladies and Gentlemen of the House.

The SPEAKER: The Chair recognizes the Representative from Chelsea, Representative Sanderson.

Representative **SANDERSON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise to speak in opposition to the current motion of Ought to Pass as Amended. The intent of this legislation is to create a commission to establish a state plan focusing on health care costs and quality. Certainly an important tool for Maine, however, what LD 230 does is essentially duplicate what is already being done through the Maine Center for Disease Control and the Office of MaineCare Services payment reform initiatives at this time. DHHS is already in the process of creating a state health improvement plan, which is part of the national accreditation for public health agencies the Maine CDC will be applying for in the next year. This legislation overlaps many of the areas being addressed in the plan yet at the same time falls short and does not cover the scope that the Department has already made progress on to fully satisfy the accreditation standards required. Input into the plan currently being crafted is incredibly inclusive of a broad range of stakeholders. Representatives from each of our nine health districts including: healthcare systems, municipal and county governments, hospitals, community coalitions, educational institutions, agencies serving elders, and tribal reps. Also, the Maine Hospital Association and the Maine Primary Care Association has also been invited to provide input. As you can see, the organizations working hand in hand with the department are many and offer a wide spectrum of information to ensure the inclusion of all Maine citizens' needs.

DHHS, along with a statewide multi-stakeholder group, have already taken up the responsibility for planning and implementing a multi-payer reform initiative. Creating another commission to address the same strategies is again a duplication of the work currently being done and also has the very real potential of stressing the DHHS staff, for in this legislation as written, individual staffing resources are not allocated for the tremendous amount of data collection that will be required. Instead it looks to the Department to provide the man-hours for data collection and at a time when less resource are available, it is imperative that we not limit it even further by obligating them to non-department work.

The following is taken directly from testimony delivered by the DHHS itself: "Healthcare systems and payment expertise are fully obligated to existing initiatives including payment reform development. Data analysis resources...are very scarce" – and here's the important part – "and often funded via federal grants that limit the flexibility of these personnel to redirect toward other efforts." Essentially, additional staffing would be needed to fulfill the data analysis needed. "...Requirements to develop a state health plan as described in LD 230 are unduly burdensome and duplicate work of various state organizations and partners. Many of the activities outlined in the requirements of a state health plan are dependent upon significant resources that the state does not have. The last time a cost driver analysis was performed for a similar purpose the cost was over \$300,000." In their summary, they concluded: There would be significant costs generated to produce the deliverables and the staff to the commission with no allocation in the bill to pay for these costs.

Since the public hearing, the original bill has been amended and allocations from the SIMs grant that the state was recently awarded has been named as a potential funding stream. Ladies and gentlemen, the SIMs grant was awarded to Maine for a very specific purpose. The dollar award for this grant already has a home which is to enhance the work already being done by the Department which this very bill duplicates. To shift funding from the SIMs grant to the commission in order to pay for the exact same work being done is not the intended purpose of the grant, nor an efficient use of the grant. I also would like to ask, is it an

appropriate use of grant money which has been awarded to the Department for that Department to then have to give up some of that for an independent agency? I don't believe that is. At a time when we are reporting back on the biennial budget from each of our individual committees and weighing difficult choices to close budget shortfalls, incurring duplicative costs for duplicative work is not the right place to be spending our precious resources. If the Department were not already engaged – not already engaged – with multiple stakeholders and dedicated to the accreditation process and to bringing cost efficient, quality healthcare to our citizens, I would probably be in favor of this bill; however, they are, and because they are, I urge you to vote no on the pending motion. Thank you.

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

Representative **MALABY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I, too, rise in opposition to the pending motion. I rise for a couple of small reasons and then perhaps a more global one. I am concerned about the unwieldy size of the commission, 20 individuals. We frequently find it difficult to get consensus among 13. I would find it even more so among 20. I am also concerned about the fiscal note that would be attached to this. I am less optimistic that a grant would be received. But a little more, if you will, global issue among this legislation, in Item 7-D they are going to collect and report a systemic review of our cost drivers. I would just note that if we look since the creation of Medicare/Medicaid in 1965, back when the cost per person or per capita was about \$300 a person, the rate of inflation since then, our current health care costs, should be about \$2,100 per capita. In point of fact, it's about \$8,600. The issue really, the driver of our health care dilemma is our cost issue and our quality issue. I don't think either of these are being addressed in this bill. If you think about it from the perspective of say a MaineCare recipient, and look at their incentives, they have very little incentive to purchase health care based on quality or price. In point of fact, they probably know nothing of quality and for them the price is zero, so they can't even ascertain quality. If we look at it from the perspective of a provider, the providers often do not compete on the basis of price. In point of fact, the providers don't always worry about cost. What we find is, you know, we have consequently, now we have a \$484 million cost settlement adjustment for two years to our MaineCare system, and why do we have that? Because we don't have incentives within this system to control costs. Those incentives are often called "like a marketplace," but here you've people who pay nothing and people who know nothing of quality because we have very little competition. I am opposed to this bill. We need to design a health care system that aligns individual incentives with society's goals and this legislation does not come close to that. I thank you, Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Westbrook, Representative Gattine.

Representative **GATTINE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I urge you to support the Majority Ought to Pass Report as Amended. I agree with many of the background comments by the previous speakers and I think we all agree that these are truly important times in Maine health care. As has been alluded to earlier, Maine has received from the Federal Government a State Innovation Model grant, \$33 million from the Federal Government that will drive the redesign of Maine's health care system. Maine was one of only six states to receive one of these grants. Now there is a lot of talk, both inside and outside of this building, about how our health care system is broken, that it is difficult to navigate, that it doesn't incent the right behavior, and that it wastes money, that it

lacks coordination. Most importantly, that it doesn't do an adequate job keeping people healthy. Over the next three and half years, the funding provided by the SIM grant will provide the best opportunity for the public and the private sector to work together to develop and test new models for payment and delivery of health care in Maine.

Now this redesign will impact the way that services are delivered and paid for all Mainers, not just those who receive services under MaineCare and Medicare but also services paid for by private health insurance. The results of this effort will impact the bottom line of health care businesses in all of our districts, as well as the health care costs of private businesses that provide health care insurance for their employees. It will encourage accountability across the system, including incentives for healthy behaviors and health care treatments that result in successful outcomes. This is not "nibbling around the edges" or incremental change – if done correctly, this is a transformational effort that will bend the curve – including the cost curve. The State's proposal to CMS that resulted in this grant predicts that the over \$1.2 billion in savings will be achieved over three years – \$472 million in MaineCare, \$554 million in the commercially insured population and \$248 million in Medicare. There is a lot at stake in doing this right and we will only get one bite at the apple.

Now the current implementation plan engages stakeholders across the entire spectrum of healthcare – DHHS, including Maine CDC, large and small providers, employers, insurers and educational institutions. What is obviously missing from this equation is any participation by the Legislature or other direct representatives of the people of Maine. This is a glaring weakness. Undoubtedly, the implementation of the fundamental redesign contemplated by SIMs will not only benefit from but will require input from the people's representatives to have any chance of being successful. The kind of foundational changes in the public and private sector funding and delivery of health care will ultimately require the oversight of the various committees with jurisdiction over health care delivery and payment as well as legislative approval for the major structural changes contemplated. We as legislators are ultimately accountable for establishing an environment where this initiative will be successful and meet the needs of our constituents. This process is by design a public/private partnership and the public is woefully under-represented without an appropriate level of legislative participation.

The creation of the Health Care Cost and Quality Commission will require and ensure that the people's point of view is represented in this process. It requires that the work of the Commission coordinate closely with the implementation of the SIM grant to make sure that effort is successful. An effort this important and this transformational cannot be successful unless all stakeholders are at the table and should not move forward behind closed doors. I urge you to support the Majority Ought to Pass Report to ensure that the people are in the room and at the table when our health care system is redesigned. Thank you, Mr. Speaker.

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

Representative **GRAHAM**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I stand in strong support of the Majority Ought to Pass Report on LD 230, "An Act To Establish the Commission on Health Care Cost and Quality." We all come here for many reasons. I come here to serve and to care for the people of my community and of my state. I believe the Commission on Health Care Cost and Quality is an excellent way to serve and care. I served on the Advisory Council on

Health Systems Development from 2006 to 2010. I worked with small businesses, hospital administrators, psychologists, physicians, insurance executives, nurses and legislators. We wrote the state health plan. We worked on understanding high inappropriate ER use and health insurance payment reform. We worked to help Maine be one of the healthiest states in the country. The Health Care Cost and Quality Commission will do that and then some. The Commission will be the boots on the ground and the voice of the people as we shape what we want health care to be in Maine. This is not duplicative. This is complementary. We have offered to work, this Commission to work with DHHS and they have said no.

Congratulations to the Department of Health and Human Services for obtaining the \$33 million State Innovation grant, also known as SIM, from the Federal Government. This SIM grant was awarded to Maine by the Health Resources and Services Administration of the United States Department of Health and Human Services in February. On the very day that it was announced was when I was before Health and Human Services presenting this bill. According to Mary Wakefield, Ph.D., R.N., the Chief Administrator of HRSA, the grant stipulates that all work is to be directed to innovate health care systems along with the Legislature as the Affordable Care Act is adopted and health care reform advances. Here is the dilemma. The Legislature has no voice in this grant, none. The Maine Medical Association, the Maine Social Work Association, the Maine Nurse Practitioner Association, Maine Center for Economic Policy, Consumers for Affordable Health Care, to name just a few, spoke in support of this bill. Only one spoke in opposition, the Department of Health and Human Services.

The Commission on Health Care Cost and Quality would be an excellent vehicle to have a legislative and a public voice in a SIM grant, and, quite honestly, my fellow colleagues in the House, \$33 million. I do think that a small percentage of the \$33 million would help this Commission work and work with the Department, again to complement the work. The expertise and the experience that the Commission will bring is an invaluable tool to the success of a smart, cost-effective quality health care system. A leading member of the Maine Health Management Coalition said it best. Health care is too important to fall to partisanship and ideology. I ask that we come together, find common ground and follow my light and support the Majority Report. It is too important for the people of Maine. I thank you, Mr. Speaker, and I thank my esteemed colleagues of the House.

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

Representative **HARVELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Complementary, duplicative, that will require some contemplation. Let's suppose that you had a plumber already hired to do a job. Well, in the name of creating work, let's not use him, let's hire another plumber. Oh, wait a minute, that must be LD 230. When the statement is made that the Department can offer experience, I really have to wonder if what they can really offer is the potential access to \$33 million.

The SPEAKER: The Chair recognizes the Representative from Scarborough, Representative Sirocki.

Representative **SIROCKI**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to the establishment of this Commission. I am concerned about taking some of the money that was identified for the SIM grant and putting it into an independent Commission and jeopardizing the grant in any way. The grant is dedicated for a specific purpose and this was not part of that negotiation. I want to also say that I think all members here run for office to serve

and care, and as we look at the budget, I am very concerned about certain people on waiting lists. We have a large number of individuals and we need to prioritize our limited resources and not duplicate efforts. Thank you.

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

Representative **GRAHAM**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I wish to correct one comment from the good member from Hancock. Only 13 individuals will be part of this Commission. These individuals will work again in collaboration and in fact will not be paid. The legislators who I think rightly should be on this Commission will get paid a very small amount as you well know. I have to stand again and speak up. This is not duplicative. This is our voice. Our voice is not being heard. The Legislature's voice is not being heard. Mary Wakefield, the Director of HRSA, spoke at a conference that I was at this last week and specifically said, and I spoke with her, that the Legislature is to be involved in innovation grants, period. We are not. We are not. In the model that exists right now, with this Commission, we will have a voice and this bill does not require that we take that money, the \$33 million tiny piece that I think would be reasonable, but that would be a place where we would be able to have some funding without taking it away from those people who need services. So I ask, again, that you follow my light and I thank you for your indulgence, Mr. Speaker and Members of the House.

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. 46

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

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

ABSENT - Beaudoin, Crafts, Peterson, Villa.

Yes, 90; No, 57; Absent, 4; Excused, 0.

90 having voted in the affirmative and 57 voted in the negative, with 4 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (H-76) was READ** by the Clerk.

On motion of Representative FARNSWORTH of Portland, **TABLED** pending **ADOPTION** of **Committee Amendment "A" (H-76)** and later today assigned.

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-77)** on Bill "An Act To Protect Public Health at Public Institutions of Higher Education"

(H.P. 318) (L.D. 468)

Signed:

Senators:

CRAVEN of Androscoggin
LACHOWICZ of Kennebec

Representatives:

FARNSWORTH of Portland
CASSIDY of Lubec
DORNEY of Norridgewock
GATTINE of Westbrook
MALABY of Hancock
McELWEE of Caribou
STUCKEY of Portland

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

Signed:

Senator:

HAMPER of Oxford

Representatives:

SANDERSON of Chelsea
SIROCKI of Scarborough

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-77)** Report.

READ.

Representative FARNSWORTH of Portland moved that the House **ACCEPT** the Majority **Ought to Pass as Amended Report.**

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

Representative **FARNSWORTH**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This is consistent with the previous motion that we talked about in regards to smoking. It is consistent with state policy to take a look or to work toward nonsmoking environments. Certainly, we have adopted that within the State House campus. We have adopted it in a variety of other areas in terms of restaurants and things that are actually public. This particular bill would move in the direction of bringing smoking on campus down to an absolute minimum and by banning it on the campuses of the University of Maine, the Community College System, and also the Maine Maritime Academy.

Subsequently, the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (H-77) was READ** by the Clerk and **ADOPTED.** The Bill was assigned for **SECOND READING** Thursday, April 25, 2013.

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

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

Majority Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought Not to Pass** on Bill "An Act To Prohibit Mandatory Membership in a Union or Payment of Agency Fees as a Condition of Employment"

(H.P. 582) (L.D. 831)

Signed:

Senators:

PATRICK of Oxford

CLEVELAND of Androscoggin

Representatives:

HERBIG of Belfast

CAMPBELL of Newfield

GILBERT of Jay

HAMANN of South Portland

MASON of Topsham

MASTRACCIO of Sanford

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-94)** on same Bill.

Signed:

Senator:

CUSHING of Penobscot

Representatives:

DUPREY of Hampden

LOCKMAN of Amherst

VOLK of Scarborough

WINCHENBACH of Waldoboro

READ.

Representative HERBIG of Belfast moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

The SPEAKER: The Chair recognizes the Representative from Belfast, Representative Herbig.

Representative **HERBIG**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise in strong opposition to LD 831 and urge you to support the Majority Ought Not to Pass Report. As we will inevitably hear in today's debate, proponents of LD 831 say that this legislation will grow our economy, create jobs, increase household incomes and lower unemployment. Wow, if this bill had the potential to do all of these things, I think we would all support it. But that is not the case because the most rigorous scientific analysis shows these assertions are simply untrue. Proponents of LD 831 will also say that this legislation will attract business to Maine, that this is an essentially "Maine is open for business" bill. Again, this is absolutely false. Companies locate in a state for many reasons: access to markets, the materials, transportation infrastructure and the availability of skilled workers. It simply does not pass the straight-face test that a business would base its decision about whether or not to come to Maine based on whether or not it's legally permissible to negotiate a union security clause in a private sector union contract. That just doesn't pass the straight-face test. To say that LD 831 will do any of these things for our economy is just as misleading as its title. This bill has nothing to do with the right to work. It does just the opposite. It undermines workers' rights. What this bill would afford is an opportunity for low road employers to offer even lower wages and fewer benefits to their employees. Sacrificing Mainers' wages and benefits to increase corporate profits, supposedly to attract business, is not

good for our workforce. Maine workers deserve better than becoming part of this misguided race to the bottom. This bill is part of a divisive agenda that would lower Maine's wages, benefits and working conditions. This bill is a distraction from the real issues at hand. This bill does nothing to create jobs or rebuild our economy. It simply undermines the right of all Maine workers. Undermining the right of Maine workers is not a point of economic stimulus. It is for these reasons I urge you to vote Ought Not to Pass on LD 831. Additionally, Mr. Speaker, I would like to request a roll call.

The same Representative **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

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

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

Representative **LOCKMAN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to the pending motion. This bill was inspired both by principle and by economics. The principle is liberty, the bedrock of our uniquely American heritage of limited government and individual freedom. Simply put, workers should not be coerced into paying for services they don't want and didn't ask for. The economic justification for ending compulsory unionism is being proven again and again across the country as states that embrace it experience growth through more jobs and more opportunity. The political and economic landscape is changing dramatically. All across America, states are choosing economic liberty over the forced unionism of the past by granting employees the right to work without paying tribute to labor unions.

This bill will allow Maine workers to choose for themselves whether or not they wish to financially support labor unions. Indiana passed similar legislation just over a year ago, and Michigan, long a stronghold of forced unionism, followed suit last December to stop the bleeding of manufacturing jobs across the border to neighboring Indiana. The right-to-work states are emerging from the Great Recession much faster than states with compulsory unionism. And they're doing it with good-paying jobs. Adjusted for cost of living, wages in the 24 right-to-work states are higher than wages in heavily unionized non-right-to-work states. Maine needs to get on the right side of this economic renaissance, or we will be left behind to pick up the scraps. I say Maine needs more solutions and fewer excuses. The renaissance is knocking on Maine's door. We all need to face the reality that compulsory unionism is a relic of a bygone era. Let's give Mainers the right to work and join the states that are seeing more jobs and more opportunity. Let's give the next generation a better Maine than we inherited. I urge you to follow my light and vote no on the pending motion. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Pittsfield, Representative Short.

Representative **SHORT**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I would just like to read to you what Martin Luther King thought about right to work. He said, "In our glorious fight for civil rights, we must guard against being fooled by false slogans, such as 'right-to-work.' Its purpose is to destroy labor unions and the freedom of collective bargaining. We demand this fraud be stopped."

The SPEAKER: The Chair recognizes the Representative from Scarborough, Representative Volk.

Representative **VOLK**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of LD 831. Several of my colleagues have been talking about

how Right to Work is just the right thing to do, and I agree with them. But it's also the case that, as with so many other things, more freedom leads to greater prosperity. I think it's telling that, in over 65 years since the Taft-Hartley Act was passed specifically authorizing states to pass Right to Work, no state with a Right to Work law in effect for all workers has ever repealed that law. That's because Right to Work laws work. And that's as true as ever as it is now.

According to the Bureau of Labor Statistics, between 2002 and 2012, private-sector job growth was at 6.4% in Right to Work states, but just 0.4% in non-Right to Work states. Maine saw -1.4% job growth during that same period. And this prosperity reaches people at all levels economically. That's the reason why Right to Work states see nearly 50% fewer welfare recipients per capita, while per-capita income in Right to Work states is over \$6,000 higher than it is in Maine when cost of living is accounted for. Some might wonder why this is. Well just last December, a national survey of site selection consultants – these are the people who decide where businesses are going to expand or move to – found that half of companies considering relocation or expansion automatically rule out states that don't have Right to Work laws. Why would Maine want to cross itself off the list for all those jobs? Mr. Speaker, we can't control our geography, we can't control our aging population and energy costs are really tough to rein in, as we've experienced, but we can control this.

The fact is, we're losing the next generation. Over the last decade, Maine has seen a 7% drop in the number of young workers between ages 25 and 34. Meanwhile, what's happened in Right to Work states? Well, they've seen a rise of 11% of young workers. The lack of young, skilled workers threatens the long-term health of our economy. We all know that without a good workforce, things will become even worse for attracting new investment. The fact is, over the last decade, manufacturing growth has come nearly three times faster in Right to Work areas compared to Maine. Three times faster. Just yesterday in my committee, Labor, Commerce, Research and Economic Development, we were discussing how we could inject economic energy into Maine's rural areas. This is the answer.

When 2011 disposable personal income data, as reported by the U.S. Commerce Department's Bureau of Economic Analysis, are adjusted for differences in living costs, the results show that all of the seven states with the lowest real, spendable disposable incomes per capita – Alaska, California, Hawaii, Maine, Oregon, Vermont and West Virginia – lack Right to Work laws. Of the nine states with the highest cost of living adjusted disposable incomes in 2011 – disposable income is a good thing – Iowa, Kansas, Nebraska, North Dakota, South Dakota, Texas, Virginia and Wyoming all have Right to Work laws. Are these all southern states, which is the thing that we always hear about Right to Work? I don't consider North Dakota, South Dakota, Nebraska, or Iowa, or, well, I guess Virginia could be considered a southern state. The sole exception among the nine is Illinois. While the prairie state's relatively high spendable average income is a positive, it should be noted that the state is at the same time plagued by high out-migration of families with children and extraordinarily poor job creation. I don't think we want to look like Illinois.

Overall, the cost of living adjusted disposable income per capita for Right to Work states in 2011 was more than \$36,800 or roughly \$2,200 higher than the average for non-Right to Work states. I believe it should be clear to all of you by now that there's nothing in the economic experience of the 24, that's nearly half of the states in this country, Right to Work states that would prevent you from trusting in the individual worker's intelligence and good will. That's why I hope you'll join me in

voting against the Majority Report and for Maine to become America's 25th Right to Work state. Let's not leave our workers behind. Thank you.

The SPEAKER: The Chair recognizes the Representative from Jay, Representative Gilbert.

Representative **GILBERT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. LD 831 is a private sector Right to Work for Less bill. To understand why this kind of legislation is bad for Maine, it is useful to lay out the current system of law that defines labor relations and collective bargaining in the public and private sector. The context is essential to understand the debate of so-called Right to Work bills.

One, union membership is voluntary in Maine and every state in the country. I will repeat that. Union membership is voluntary in Maine and every state in the country. For the last seven decades, no employee can be required to be a union member and any union member can resign his or her membership at any time for any reason.

Two, under federal law, all unions are bound by "a Duty of Fair Representation." That means that unions are required to represent members and non-members alike and do it equally. This means a union cannot discriminate or act arbitrarily toward any employee due to the nature of his or her membership with the union, and all employees are equally entitled to the union's fair and vigorous representation. Moreover, everyone, regardless of their payment of union dues, is entitled to the fruits of the union's bargaining – wages, benefits and all other rights and protections – and enjoy full access to the grievance and arbitration process. So, if a non-member is unfairly disciplined or has their contractual rights violated, the union must give them full representation. Unions can be sued for failing to do.

Three, if union and employer can agree, non-members can be required to pay their fair share of only the costs of representation. Right now, unions and employers can agree to negotiate a "union security clause" or a "fair share clause," which states that all workers, whether or not they choose to join the union, share in the cost that is limited to the costs of bargaining and contract enforcement activities and not the union's political, charitable or other community involvement.

Four, this "Right to Work" bill would make it illegal for employers and employees to agree that all workers who benefit from a collective bargaining agreement share the cost of bargaining and representation. This law and bills like it would make it a crime to negotiate a security clause or a fair share agreement into a union contract. I urge you to support LCRED's majority on this and vote Ought Not to Pass on LD 831.

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

Representative **PLANTE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I guess I don't understand why we don't trust the workers at a private or a public group to be able to hold a vote and say whether or not they want to have a union. What this legislation proposes to say, whether or not we have this vote, it doesn't really matter if you are in the majority and support a union and want to have one, your vote doesn't matter. I think it should matter and I trust that the people at a public or private group will be able to vote in favor or in opposition to the creation and formation of a union. I support that. I believe that the people at these companies, for these public companies, private, public, whatever they may be, will support or oppose the union and that vote will represent the actual beliefs of that company as a whole.

I also did a quick little check. There are seven states in the top 10 with the lowest number of provided health care insurers.

We're talking Nevada, Mississippi, Texas, Florida, Georgia, Nevada and Wyoming. They are in the bottom 10 for health care coverage and insurance in the country and they are all Right to Work states. Now if Right to Work is supposed to be in favor of the people and the workers, why is it that these companies who have relocated to these states not provided better benefits and better pay for their workers? I would like to trust that if that system would have worked, these workers would be better compensated and have better benefits and actually be insured. But I don't see that happening in these states and, for that reason, I cannot support this bill.

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

Representative **BERRY**: Thank you, Mr. Speaker. I rise also in support of the pending motion and I do so with a great deal of respect for everyone in this room who comes here wanting the best for Maine. But the truth is, Mr. Speaker, Men and Women of the House, that these so-called Right to Work measures are fundamentally an assault on Maine's workers and economy. I prefer to call them Right to Work for Less bills because they drive down workers' pay.

There is currently nothing in state law that requires nonunion members to pay union dues. I am going to say that again. There is nothing in state law that requires nonunion members to pay union dues. We've rejected measures like this in the past because we refused to join a race to the bottom. In Right to Work for Less states, the average worker currently makes \$1,540 less than they would elsewhere. We've heard other statistics today. These come from the Economic Policy Institute. In Right to Work for Less states, nearly 27 percent of jobs are in the low-wage occupations compared with 19.5 percent elsewhere. Twenty-seven percent versus 19.5 percent. We've rejected these measures time and again in this body, even in the previous Republican-controlled Legislature. We did so because reason and fact prevailed. I hope the same will be said of us here today and so I urge you to join me in defeating this harmful proposal and voting in favor of the pending motion. Thank you, Mr. Speaker.

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

Representative **PARRY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am standing up in opposition to the pending motion, but I had to respond to the comments of this bill being a Right to Work for Less. I think the 50,000 Mainers that don't have jobs would rather work for less than not work at all. If we continue down the road that we're going, we won't have jobs for those 50,000 people that are unemployed. When big manufacturers come to Maine and look at Maine and they ask "Are you Right to Work?" and we say "No," they say "Goodbye" and they go to a Right to Work state. I think it's time in this body we all talk to our constituents about helping job growth in Maine. If we do not make this change like Michigan did, I don't think Michigan is a big anti-union state, but I believe if we don't start making changes in Maine's structure from the Right to Work, from the tax code, there is many things that we need to do, if we don't make some of these changes, we are going to continue to have 50,000 people with no job. I think they would just as soon have a job. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Calais, Representative Maker.

Representative **MAKER**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I was a union member. I was a union member when it was not required to pay the fees. I paid the fees because I got a benefit from that union. What I object to is someone having to be forced to have the

membership. I believe in unions. I believe in the bargaining rights. I believe in all that. But no person should be made to join a union and I'm not sure why that they get less money. That's their choice. If they decide that they don't want representation, and, to me, if unions are doing their job and they are offering services to their people, people are going to join. I joined because of the income protection, just so you know. That's why I joined. I don't even like the Right to Work or Not Right to Work. I think it's the fact of choice, whether you believe in the union process or not. I happen to believe in it. I do not believe in this bill, however, because I was there when we weren't forced to join. As I said before, I joined because I thought that they gave me a benefit. I'm afraid that the unions have lost their way. They are not representing us as members anymore. They are doing other matters. So that's why I am going to be voting against this. Not because I'm against unions, because I certainly am not, but I just wanted to give my point of view. Thank you very much, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Chelsea, Representative Sanderson.

Representative **SANDERSON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would also like to agree with the good Representative who is seated next to me in his regard that it's not work for less, it's to either have a job or to keep working. I would like to point out a parallel for you. We have a very good example of the difference between a union shop and a nonunion shop right here in the State of Maine, and both, we have two paper mills both owned by one company. The difference between those paper mills is one is union and one shop is nonunion. Another difference between those two shops is the one that is nonunion is getting investment, they are growing, they are building, they are providing long-term stable jobs with great benefits to their employees. The one that is union is right now teetering on extinction. Now I wonder if the folks who had a choice between a union job or a nonunion job would vote "Do I have the opportunity to keep my job?" or "Am I going to lose my job because we can't afford to stay in business in Maine anymore?" Thank you, ladies and gentlemen, Mr. Speaker.

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

Representative **CAMPBELL**: Thank you, Mr. Speaker. In the eight years I was up here before and the two years that I took sabbatical nothing has changed. It's the same people with the same ideas against the working middle class in the State of Maine. You watch when we vote on minimum wage, the same ones vote against minimum wage. If they had their way, they'd still be paying \$0.75 an hour like I got when I was working at the school years and years ago. The Right to Work, the unions, if we didn't have the unions, these people would just trample, trample over the middle class and the working people of this state as they have across the country. I will support this bill 150 percent and I hope everybody in the chamber will follow my light.

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. 47

YEA - Beavers, Beck, Berry, Boland, Bolduc, Briggs, Brooks, Campbell J, Campbell R, Carey, Casavant, Cassidy, Chapman, Chenette, Chipman, Cooper, Daughtry, DeChant, Devin, Dickerson, Dill, Dion, Dorney, Evangelos, Farnsworth, Fowle, Frey, Gattine, Gideon, Gilbert, Goode, Graham, Grant, Hamann, Harlow, Hayes, Herbig, Hickman, Hobbins, Hubbell, Jones, Jorgensen, Kaenrath, Kent, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby N, Longstaff, Luchini, MacDonald W, Marks, Mason,

Mastraccio, McCabe, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, Nelson, Noon, Peoples, Plante, Powers, Priest, Pringle, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Saucier, Saxton, Schneck, Shaw, Short, Stanley, Stuckey, Theriault, Tipping-Spitz, Treat, Verow, Welsh, Werts, Wilson, Mr. Speaker.

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

ABSENT - Beaudoin, Cotta, Crafts, Peterson, Pouliot, Villa.

Yes, 92; No, 53; Absent, 6; Excused, 0.

92 having voted in the affirmative and 53 voted in the negative, with 6 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought Not to Pass** on Bill "An Act To Ensure the Voluntary Membership of Public Employees in Unions"

(H.P. 537) (L.D. 786)

Signed:

Senators:

PATRICK of Oxford

CLEVELAND of Androscoggin

Representatives:

HERBIG of Belfast

CAMPBELL of Newfield

GILBERT of Jay

HAMANN of South Portland

MASON of Topsham

MASTRACCIO of Sanford

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-91)** on same Bill.

Signed:

Senator:

CUSHING of Penobscot

Representatives:

DUPREY of Hampden

LOCKMAN of Amherst

VOLK of Scarborough

WINCHENBACH of Waldoboro

READ.

Representative HERBIG of Belfast moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

The SPEAKER: The Chair recognizes the Representative from Belfast, Representative Herbig.

Representative **HERBIG**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise in strong opposition to LD 786 and urge you to support the Majority Report. I am going to repeat what was mentioned earlier by the fine Representative from Jay. Union membership is voluntary in Maine, union membership is voluntary in both the public and private sector, and union membership cannot be a requirement of

employment. To suggest that current Maine law supports forced unionization or compulsory unionism is simply not true. LD 786 seeks to strike an agreement that those on both sides of the debate long agreed to. This measure was passed with bipartisan support. It is important to understand that under federal law, all unions are bound by the duty of fair representation. This means unions are required to represent member and nonmembers equally. In Maine, if a union and employer can agree, nonmembers can be required to pay their fair share of only the costs of representation. This means that it is limited to the cost of bargaining and contract enforcement activities and not for the union's political, charitable or other community involvement. It is for these reasons that I ask you to vote in opposition to LD 786 and urge you to support the Majority Report. I ask for a roll call, Mr. Speaker.

The same Representative **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

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

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

Representative **HARVELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Money and politics go back a long time. Suppose for a minute that we get H.G. Wells's time machine and we bring "Boss" Tweed back from the 19th century and we drop him off on the corner, as he walks along this road watching these horseless carriages, it's strange about these cameras and these communication devices that they are holding next to their heads or these electronic typewriters that we have in this body, he would be very, very confused about what a strange world he was in. But we could walk him into this body and he would look up and someone could hand him a copy of 786 and a smile would cross his face and he'd say "I know all about how this works." The idea that you take money compulsorily from public employees and you use that to retain power and maintain power would have been understood by every single political boss, regardless of their stripes, in the 19th century. They would implicitly understand how this works and I urge you to consider that when you vote.

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

Representative **LOCKMAN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to the pending motion. I also rise to speak on behalf of the thousands of state workers who were conscripted into paying financial tribute to labor unions by a previous administration and Legislature. Simply put, if the unions were doing their job and offering services that workers are willing to pay for, the unions wouldn't need to have state government act as their forced collection agent. LD 786 is about choice. Right now, state workers who exercise their constitutional right not to join a union have no choice but to pay for something they don't want and didn't ask for. Let's take a brief look at the history of state union conscription in Maine. Public-sector labor law in Maine has always contained an implicit provision that allows labor unions to collect bargaining fees from employees who exercise their constitutional right not to join the union. But that provision is there because that's what organized labor has demanded from the beginning: monopoly bargaining power in the workplace.

It's also important to remember that labor unions are private corporations. They are creatures of the state, they are artificial persons, and the Legislature has granted them a corporate monopoly to negotiate the terms and conditions of employment for public-sector employees. The state even collects revenue for

them. So when you hear union bosses complain that employees who choose not to join are free riders who unfairly benefit from the union's work, remember that's what the unions demanded. They demanded this monopoly. If 51 percent of the workers in a bargaining unit vote to be represented by a union, the union demands exclusive monopoly power to bargain on behalf of all employees, including the 49 percent who voted against union representation. The union then uses its monopoly status as an excuse to bully the 49 percent into paying for something they don't want and didn't ask for.

For many years, the Maine State Employees Association managed to carry out its responsibility to bargain on behalf of and represent all employees under their wing, including the 25 to 30 percent of employees who chose not to join the union. And MSEA managed to carry out that responsibility without coercing any fees from non-members. Then, in 2003, the MSEA convinced Governor Baldacci to include a provision in their contract that required all new hires to pay an agency fee whether they liked it or not. Two years later, in 2005, Governor Baldacci negotiated a contract that forced all non-members to pay agency fees to MSEA, even employees who had been hired 10 or 20 or 30 years ago, when payment of fees was not a condition of employment. Finally, in 2007, Governor Baldacci teamed up with the Legislature and the MSEA to enact a new law that made the state of Maine a collection agent for the union, with forced withholding of agency fees from all state employees covered by MSEA contracts. What a sweet deal this was. How many private corporations do you know of that have a deal that authorizes the state to take money from state employees' paychecks, against their will, and turn it over to the corporation? Forced withholding generated a \$700,000 annual windfall to the MSEA. This was and is new money, and MSEA didn't have to do a lick of extra work to get it. Did the union bosses use this windfall to lower union dues? Not a chance. This fat new revenue stream freed up other union resources that during an election year always find their way into politics. No member of this chamber can deny the pervasive influence of all that special-interest spending in our legislative districts.

LD 786 will clean up this corrupt money-laundering scheme by wiping out the forced dues provisions of state law and ensuring paycheck protection for all public sector employees. Thousands of state workers are counting on us to do the right thing today. They are pleading with us – let my people go. I urge you to join me in voting against the pending motion. Thank you, Mr. Speaker.

The SPEAKER: The Chair will remind members to keep debate limited to those things that are not inflammatory or incriminating as a reminder as we move forward. Thank you.

The Chair recognizes the Representative from Buckfield, Representative Hayes.

Representative HAYES: Thank you, Mr. Speaker. Mr. Speaker, Women and Men of the House. When I stand in this body, it's usually for one of two reasons. It's either to persuade or to inform. Yesterday I spoke seeking to persuade; today I speak seeking to inform. I will vote against the pending motion and I will do that because, in my opinion, we have overreached a relationship that exists with allies in our economy. I agree with the previous speaker. I agree with the good Representative from Calais and the good Representative from Jay in that I wholeheartedly support the collective bargaining process, wholeheartedly. What I don't support is doing an end-run around that process to come to the Legislature to get the upper hand, and there is an aspect of that that occurred in our history, back in 2008, and this is an opportunity to correct that. We're not going to act on that and I understand that because no one will change

their vote based on what I've said or anything else that they've heard here today, but I am going to vote against the pending motion because I see this as an opportunity to correct an overreach and an end-run, and I'm disappointed that we won't. Insufficient numbers of us will act on that opportunity. Thank you.

The SPEAKER: The Chair recognizes the Representative from Pittsfield, Representative Short.

Representative SHORT: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in favor of the Ought Not to Pass and I also rise as I take exception to the union boss title that is being placed on representatives of the working people. Having been a grand lodge representative for the International Association of Machinists and Aerospace Workers for eight years, I never bossed one member of that organization into doing anything. As a matter of fact, the membership told me what to do on a regular basis. This seems to be a day of false slogans. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Scarborough, Representative Volk.

Representative VOLK: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, if you'll indulge me. I've got a great idea that will benefit all of my esteemed colleagues here. This idea will increase your lifespan and it will also decrease your health care costs. Many of us like to work out. We know how great it makes us feel. Because there are so many clear benefits, I would like to propose that we all join a gym together. I've chosen the gym and I don't really care if anybody else likes the gym or not. My intention is to persuade the people of Maine to vote to take the payment for the gym membership out of everyone's paycheck here at the House of Representatives, with or without consent. This is essentially what happened when the Legislature voted to collect non-member union dues from state workers without their consent. I ask you, does this seem fair? LD 786 seeks to correct a mistake. Please do the right thing and vote down this motion. Thank you.

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 in opposition to the Majority Ought Not to Pass motion on LD 786. The question for me is a very basic one. Why should anyone working for his or her government be forced to pay a private entity for the right to work for their government? In my view, as a state worker for almost 30 years, my answer to this question is an emphatic "no"; they should not be required to do so. Therefore, please follow my light and vote no on the pending motion.

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

Representative PLANTE: Thank you, Mr. Speaker. I value looking at this from the grand scheme of things in understanding the entirety of this issue. The National Labor Relations Act requires non-forced union membership and it requires that if a union is to be allowed within a business, having been voted on by a majority of the people, to thusly then represent all the people. This works the same with the private as well as the public and here we have right to work to kill public unions as they are. Why is it that paying for the service that they have provided for you is such a bad thing? Why is it the government acting as the middleman to essentially collect the due for the union for the service they provide for the worker such as bad thing? We support this in the private sector, whether or not we want that to occur, so why is it that all of a sudden because the government is the middleman, the collection agent, why is that the wrong thing? Are we afraid of the government doing this? The private company does this for the union in a private working relationship

in a company where there is a union. I don't understand why we have to say all of a sudden government shouldn't do this, when in fact it is the employer, no different than a business's employer in a relationship with the union as well. It seems as if we're trying to look at a word and argue against that rather than the idea that if you get a service and you receive benefits from it, you should pay for it. Should I trust that if we get rid of unions and work towards their elimination, as these bills both have looked to do, that the companies will do the right thing, that the workers will be benefited and compensated appropriately? I don't believe so. We did that prior to the existence of unions and I think that history taught us that was a bad idea. Unions are not evil, they do not do work to hurt the people, they simply support a working relationship with business to better move ourselves forward. I support the Majority Report of Ought Not to Pass and I hope you follow my light. Thank you.

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

Representative **CAMPBELL**: Thank you, Mr. Speaker. I stand in support of Ought Not to Pass on this bill. You know, a few minutes ago, someone across the aisle started crucifying Governor Baldacci about what he did with the unions when he was in there. Well, all I can say is thank the dear Lord. There were the teachers and the rest of them that got unions. With this administration sitting in here now that you're all in bed with, to destroy the unions...

The SPEAKER: Would the Representative defer? The Chair will remind members to direct their comments through the Chair and debate as we move forward.

The Chair recognizes the Representative from Sanford, Representative Mastraccio.

Representative **MASTRACCIO**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise in support of the pending motion. I just would like to remind everyone that unions are required to represent all workers, even those who choose not to belong to the union. This fee that they are allowed to collect that nonmembers pay is a fraction of the dues that are paid by members of the union. This right to collect this fee, the way that it is currently being collected, it has been upheld by the U.S. Supreme Court. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Jay, Representative Gilbert.

Representative **GILBERT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I worked for the state for 23 years and I was active in the union MSEA Local 1989. I guess you could call me a union boss. My payment for that was probably a few too many pizzas, which you can probably see by my waist. I rise in support of the motion Ought Not to Pass. I support the right of workers and their right to organize. Unions are a prime force protecting Social Security and Medicare. Through unions, workers achieve and keep good wages, benefits and job security that help to sustain the middle class. Unions fight for unemployment insurance, for laid off workers, for worker's comp for injured workers. They support workplace safety and defined grievance procedures. Unions are required to represent all workers in the bargaining group, including those who choose not to join. Therefore, while not forced to join a union, a worker may be required to pay a service fee which is a fraction of the dues a union member pays. Since the State of Maine and MSEA SEIU Local 1989 legally negotiated the agency fee or fair share, the right to charge that service fee or fair share has been challenged in the courts and it has been sustained right up to and including the U.S. Supreme Court. For this reason, I am asking you to join me in voting to support the

majority decision of the LCRED Committee, which is Ought Not to Pass, LD 786.

The SPEAKER: The Chair recognizes the Representative from Pittston, Representative Marks.

Representative **MARKS**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I am a 30-year retired state employee and very proud of that. My union was the MSTA. We currently have a 100 percent voluntary membership. I always thought those union dues were a very cheap insurance for me in case I needed representation. Please vote Ought Not to Pass.

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

Representative **LOCKMAN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I wanted to clarify some of the statements that has been made here. A fraction is 65 percent. That's what nonmembers are currently forced to pay the state as the collection agent, two-thirds. I wanted to read a couple of comments from state employees who are unhappy with the current situation. Phillip Getchell is an employee of the Department of Health and Human Services. He has been a member of the MSEA for 25 years and laments the fact. "They're not for the workers, they're for the Democratic Party," said Getchell. "I don't like them taking our money and funneling it into the Democratic Party." "In my opinion, they're corrupt," he said. Daniel B. Locke has worked for the state for 27 years and is currently a hydrogeologist...

The SPEAKER: Would the Representative defer? For what purpose does the Representative from Newfield rise?

Representative **CAMPBELL**: Because I don't think that we're debating – you just got through correcting me, I believe, and now he's talking about employees and mentioning names. I don't think that has nothing to do with what we're debating.

The SPEAKER: The Chair would remind members that personalities are not appropriate, shouldn't be invoked during debate, and we should really limit the debate to things that are not inflammatory and I will reference a section of the *Mason's Manual* rule, but I think that we should limit our debate to that. Section 123, use of disorderly words in debate, in *Mason's Manual*. Section 1. No person may indulge in personalities, impugn motives of members or use indecent or profane language.

To be clear, in terms of my prior comments, to give folks a point of reference, what I was referring to was, in particular, the phrase corrupt moneymaking scheme, money laundering scheme. That is what I am reminding members of and I think moving forward, as we wrap this debate up, which I think we are about there, we make sure that we keep the debate to one that is civil and cordial and making sure that you direct your remarks through the Chair. The Representative may proceed.

The SPEAKER: For what purpose does the Representative rise?

Representative **FREDETTE**: Mr. Speaker, Point of Order. I would also indicate, in regards to the Speaker's determination, there were also disparaging comments regarding the Chief Executive and I believe that those also were out of order.

On **POINT OF ORDER**, Representative **FREDETTE** of Newport asked the Chair if the remarks about the Chief Executive were inappropriate to the pending question.

The SPEAKER: I would remind all members, moving forward, we have given wide latitude as prior speakers have done in my term here, but moving forward things will be looked at with more scrutiny and I advise all members to weigh their words wisely and carefully before speaking. I will be making rulings from the Chair on whether it is proper or not. The Representative from Amherst may proceed.

Representative **LOCKMAN**: Thank you, Mr. Speaker. I am quoting public statements of state employees and I will conclude briefly. Daniel B. Locke has worked for the state for 27 years. He is currently a hydrogeologist for the Department of Conservation. He said he left the MSEA early on in the Baldacci administration when it began collecting agency fees from new hires. "I remember at the time thinking, well, I don't want to be a member if you're going to make it mandatory," said Locke. "At that point, I was already disenchanted because of their political interactions." "The union was getting too political for my tastes." "We used to receive emails from MSEA telling us how we ought to vote," said Locke. "I remember actually going to a meeting and having [MSEA Vice President] Scott Austin basically tell us to be supportive of Chellie Pingree. And this was in a State office building." "It all seemed pretty bizarre to me." Thank you, Mr. Speaker.

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

ROLL CALL NO. 48

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

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

ABSENT - Beaudoin, Briggs, Crafts, Peterson, Pouliot, Villa.
Yes, 89; No, 56; Absent, 6; Excused, 0.

89 having voted in the affirmative and 56 voted in the negative, with 6 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

SENATE PAPERS

Bill "An Act To Amend the Composition and Duties of the Maine Children's Growth Council"

(S.P. 531) (L.D. 1449)

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

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

Bill "An Act To Connect the Citizens of the State to the State's Natural Resources by Establishing Standards for Relief from Regulatory Burdens"

(S.P. 532) (L.D. 1450)

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

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

Bill "An Act To Preserve Marine Resources Licenses for Active Duty Service Members"

(S.P. 530) (L.D. 1448)

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

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

Bill "An Act To Review Tax Expenditures on a Revolving Basis"

(S.P. 528) (L.D. 1446)

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

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

Bill "An Act To Grow the Maine Economy by Promoting Maine's Small Breweries and Wineries"

(S.P. 529) (L.D. 1447)

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.

The following Joint Resolution: (S.P. 527)

JOINT RESOLUTION HONORING THE VICTIMS OF THE BOSTON MARATHON EXPLOSIONS

WHEREAS, on April 15, 2013, multiple explosions at the finish line of the 117th Boston Marathon, a horrific act of terrorism, killed at least 3 people and injured more than 175 people; and

WHEREAS, law enforcement's unprecedented response and willingness to put their lives on the line to protect the innocent and bring those responsible to justice is an inspiration to us all; and

WHEREAS, many of the victims of this tragedy, who are both United States citizens and international visitors, are friends and family members of athletes and spectators celebrating community, sport and the intense effort and sacrifice required to qualify for the Boston Marathon; and

WHEREAS, many Americans and people of the world watched with horror as the tragedy occurred and the day progressed; and

WHEREAS, heroic emergency medical technicians, police officers, firefighters, members of the National Guard and other first responders, as well as many marathon participants, volunteers and spectators, saved lives while putting themselves at risk; and

WHEREAS, Maine and Massachusetts have a special historical, economic and cultural relationship, extending back before our Nation's founding, including our mutual celebration of Patriot's Day as a state holiday, and scores of Maine people run in the Boston Marathon every year; 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, join the people of

Maine, the City of Boston, the Commonwealth of Massachusetts and the rest of the United States in collective sorrow and anguish; and be it further

RESOLVED: That We, the Members of the One Hundred and Twenty-sixth Legislature, stand united with the people of Maine, the City of Boston, the Commonwealth of Massachusetts and the rest of the United States against violence perpetrated against innocents; 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, to the President of the United States Senate, to the Speaker of the United States House of Representatives, to the governors of the State of Maine and Commonwealth of Massachusetts, the President of the Massachusetts Senate, the Speaker of the Massachusetts House of Representatives and the Mayor of the City of Boston.

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

READ.

At this point, the Members of the House stood and joined in a moment of silence in memory and honor of the victims of the Boston Marathon bombing.

Subsequently, the Joint Resolution was **ADOPTED** in concurrence.

CONSENT CALENDAR

First Day

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

(S.P. 113) (L.D. 280) Resolve, Concerning Rights-of-way over Eastern Road in Scarborough Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass**

(S.P. 196) (L.D. 506) Resolve, Directing the Bureau of Insurance To Amend Its Rules Pertaining to Medicare Advantage Plans (EMERGENCY) Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass**

(S.P. 211) (L.D. 521) Bill "An Act To Change the Budget Approval Process for Alternative Organizational Structures" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass**

(S.P. 9) (L.D. 1) Bill "An Act To Amend the Maine Workers' Compensation Act of 1992" Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-31)**

(S.P. 120) (L.D. 287) Bill "An Act To Improve Funding of Agricultural Development Projects" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-36)**

(S.P. 150) (L.D. 370) Bill "An Act To Increase Elementary School Applied Learning Opportunities" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-37)**

(S.P. 170) (L.D. 438) Bill "An Act To Expand the Types of Vehicles on Which a Sportsman Registration Plate May Be Displayed" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-28)**

(S.P. 172) (L.D. 440) Bill "An Act To Support Community Health Centers through Tax Credits for Dentists and Primary Care Professionals Practicing in Underserved Areas" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-24)**

(S.P. 308) (L.D. 883) Bill "An Act Regarding the Sexual Assault Forensic Examiner Advisory Board" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-26)**

(H.P. 5) (L.D. 3) Resolve, Regarding Legislative Review of Portions of the MaineCare Benefits Manual, Chapter III, Section 21: Home and Community Benefits for Adults with Intellectual Disabilities or Autistic Disorder, a Major Substantive Rule of the Department of Health and Human Services (EMERGENCY) Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass**

(H.P. 296) (L.D. 424) Bill "An Act To Amend the Short Form Deeds Act" Committee on **JUDICIARY** reporting **Ought to Pass**

(H.P. 479) (L.D. 687) Bill "An Act To Amend the Law Concerning Protection from Abuse Orders To Include Pets" Committee on **JUDICIARY** reporting **Ought to Pass**

(H.P. 536) (L.D. 785) Bill "An Act To Ensure the Periodic Review and Revision of Statutory Provisions" Committee on **JUDICIARY** reporting **Ought to Pass**

(H.P. 600) (L.D. 849) Bill "An Act To Validate Certain Real Estate Transactions Entered into by a Corporation while Its Charter Was Suspended" Committee on **JUDICIARY** reporting **Ought to Pass**

(H.P. 601) (L.D. 850) Resolve, To Study the Issue of Inheritance of Digital Assets Committee on **JUDICIARY** reporting **Ought to Pass**

(H.P. 262) (L.D. 387) Resolve, To Direct the Department of Health and Human Services To Assist Individuals with Intellectual Disabilities with Home Support Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-95)**

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

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

(H.P. 327) (L.D. 477) Bill "An Act To Expand Wild Turkey Hunting" Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-96)**

On motion of Representative SHAW of Standish, 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-96)** 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** and sent for concurrence.

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

(S.P. 111) (L.D. 278) Bill "An Act To Provide Greater Access to Capital for Certain Businesses Through Advance Payment of Employment Tax Increment Financing Benefits" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-21)**

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

**CONSENT CALENDAR
Second Day**

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

(H.P. 56) (L.D. 64) Bill "An Act To Place Land in Centerville in Trust for the Passamaquoddy Tribe"

(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"

(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"

(H.P. 386) (L.D. 567) Bill "An Act To Amend the Definition of 'Special Mobile Equipment' in the Motor Vehicle Laws"

(H.P. 393) (L.D. 574) Bill "An Act To Amend the Laws Governing Reapportionment To Conform to the Constitution of Maine"

(H.P. 410) (L.D. 591) Bill "An Act To Amend the Laws Governing Motorcycle and Moped Permits"

(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"

(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 (C. "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" (C. "A" H-72)

(H.P. 41) (L.D. 46) Bill "An Act To Protect Maine Business Names" (C. "A" H-60)

(H.P. 61) (L.D. 78) Bill "An Act To Expand Transitional Assistance for Families" (C. "A" H-69)

(H.P. 77) (L.D. 95) Resolve, To Create the Task Force on the Prevention of Sexual Abuse of Children (EMERGENCY) (C. "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" (C. "A" H-82)

(H.P. 120) (L.D. 145) Bill "An Act To Ensure Adequate Child Protective Services throughout the State" (C. "A" H-70)

(H.P. 123) (L.D. 148) Bill "An Act To Amend the Laws Governing Drugs and Vaccines Administered by Pharmacists" (C. "A" H-83)

(H.P. 135) (L.D. 160) Bill "An Act To Amend the Laws Pertaining to Archaeological Sites" (C. "A" H-62)

(H.P. 192) (L.D. 231) Bill "An Act To Support the Permanent Commission on the Status of Women" (EMERGENCY) (C. "A" H-80)

(H.P. 228) (L.D. 319) Bill "An Act To Provide Tax Fairness to Small Businesses in the State" (EMERGENCY) (C. "A" H-81)

(H.P. 263) (L.D. 388) Bill "An Act To Amend the Controlled Substances Prescription Monitoring Program Participation Requirements" (C. "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" (C. "A" H-84)

(H.P. 343) (L.D. 524) Bill "An Act To Increase the Membership of the Land for Maine's Future Board" (C. "A" H-59)

(H.P. 351) (L.D. 532) Bill "An Act To Amend the Laws Governing the Maine State Library" (C. "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" (C. "A" H-74)

(H.P. 375) (L.D. 556) Bill "An Act To Modernize the Statutes Governing Physician Assistants" (C. "A" H-85)

(H.P. 446) (L.D. 654) Bill "An Act To Raise the Speed Limit on Interstate 295" (C. "A" H-64)

(H.P. 460) (L.D. 668) Bill "An Act To Make Agriculture Studies a Part of the Maine Curriculum" (C. "A" H-88)

(H.P. 481) (L.D. 689) Bill "An Act To Clarify Compensation for the Panel of Mediators" (C. "A" H-93)

(H.P. 512) (L.D. 761) Bill "An Act To Clarify the Agricultural Exemption to the Workers' Compensation Laws" (C. "A" H-92)

(H.P. 573) (L.D. 822) Bill "An Act To Establish a Program To Invite Legislators To Visit Public School Classrooms" (C. "A" H-87)

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

**BILLS IN THE SECOND READING
House**

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)

House as Amended

Bill "An Act To Permit Nurse Practitioners To Perform the Functions of School Physicians"

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

(C. "A" H-75)

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.

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

On motion of Representative HAMANN of South Portland, the House adjourned at 1:02 p.m., until 10:00 a.m., Thursday, April 25, 2013 in honor and lasting tribute to the victims of the Boston Marathon explosions and Kyle St. Clair, of Scarborough.