

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
35th Legislative Day
Tuesday, April 30, 2013

**TOWN OF FRIENDSHIP
P.O. BOX 207
FRIENDSHIP, MAINE 04547**

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

Prayer by Reverend Rick Stoops, First United Pentecostal Church of Augusta.

National Anthem by Harrison Middle School Band, Yarmouth.

Pledge of Allegiance.

Doctor of the day, Honorable Jane P. Pringle, M.D., Windham.

The Journal of Thursday, April 25, 2013 was read and approved.

Resolution Re: Citizens United

WHEREAS, in a Town Meeting held Tuesday, March 19th, 2013, citizens of the Town of Friendship voted unanimously to pass a Resolution to take action on the issue of Citizens United for the purpose of limiting the influence and controlling the political spending by corporations and unions in our elections;

NOW THEREFORE, be it resolved that the Board of Selectmen of the Town of Friendship directs the Maine Legislature and Maine's Congressional delegation to call upon Congress to pass a U.S. Constitutional amendment for the purpose of overturning the Supreme Court's "Citizens United versus the Federal Election Commission" decision made on January 21, 2010.

Given under our hand this 22 day of April, 2013.

Friendship Board of Selectman

S/David Benner

S/Elizabeth Dinsmore

S/Arthur Thompson, Jr.

Friendship, Maine

Attest: A true and exact copy.

S/Joel Fearn

Town Clerk

April 22, 2013

READ and REFERRED to the Committee on **VETERANS AND LEGAL AFFAIRS.**

Sent for concurrence.

SENATE PAPERS

Non-Concurrent Matter

JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO SUPPORT THE INDEPENDENCE OF THE NAGORNO-KARABAKH REPUBLIC

(H.P. 987)

READ and ADOPTED in the House on April 10, 2013.

Came from the Senate **READ** and **INDEFINITELY POSTPONED** in **NON-CONCURRENCE.**

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

Non-Concurrent Matter

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)

Majority (9) **OUGHT TO PASS** Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED** in the House on April 24, 2013.

Came from the Senate with the Minority (4) **OUGHT NOT TO PASS** Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY READ** and **ACCEPTED** in **NON-CONCURRENCE.**

The House voted to **INSIST.**

Non-Concurrent Matter

Resolve, To Direct the Department of Transportation To Provide Signs on Interstate 95, on Interstate 395 and in the City of Brewer for the Underground Railroad Memorial at Chamberlain Freedom Park

(H.P. 237) (L.D. 332)

Minority (3) **OUGHT TO PASS AS AMENDED** Report of the Committee on **TRANSPORTATION READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-23)** in the House on April 10, 2013.

Came from the Senate with the Majority (10) **OUGHT NOT TO PASS** Report of the Committee on **TRANSPORTATION READ** and **ACCEPTED** in **NON-CONCURRENCE.**

The House voted to **INSIST.**

COMMUNICATIONS

The Following Communication: (H.P. 1063)

The Following Communication: (H.C. 139)

**PISCATAQUIS COUNTY COMMISSIONERS
163 EAST MAIN STREET
DOVER-FOXCROFT, MAINE 04426**

April 22, 2013

Honorable Mark W. Eves

Speaker of the House

2 State House Station

Augusta, Maine 04333

Dear Speaker Eves:

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

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

The Piscataquis County Commissioners voted 2-1 on April 19, 2013 to nominate Everett Worcester of Orneville Township to the Land Use Planning Commission. The Commissioners would like to bring his name forward to the joint standing committee of the Legislature having jurisdiction over conservation matters and to the Maine Senate for confirmation.

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

Sincerely,

S/Marilyn Tourtelotte

Piscataquis County Manager

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 140)

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

April 24, 2013
Honorable Mark W. Eves
Speaker of the House
2 State House Station
Augusta, Maine 04333

Dear Speaker Eves:

This is to inform you that I am today nominating Donald F. Dudley of Patten for appointment to the Inland Fisheries and Wildlife Advisory Council.

Pursuant to Title 12, MRSA §10151, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Inland Fisheries and Wildlife.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 141)

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

April 24, 2013
Honorable Mark W. Eves
Speaker of the House
2 State House Station
Augusta, Maine 04333

Dear Speaker Eves:

This is to inform you that I am today nominating Richard A. Fortier of Caribou for appointment to the Inland Fisheries and Wildlife Advisory Council.

Pursuant to Title 12, MRSA §10151, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Inland Fisheries and Wildlife.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 142)

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

April 24, 2013
Honorable Mark W. Eves
Speaker of the House
2 State House Station
Augusta, Maine 04333

Dear Speaker Eves:

This is to inform you that I am today nominating Gunnar J. Gundersen of Walpole for appointment to the Inland Fisheries and Wildlife Advisory Council.

Pursuant to Title 12, MRSA §10151, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Inland Fisheries and Wildlife.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 135)

**STATE OF MAINE
OFFICE OF THE ATTORNEY GENERAL
6 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0006**

April 23, 2013

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

Honorable Mark W. Eves
Speaker of the House
2 State House Station
Augusta, Maine 04333

Honorable John L. Patrick, Senate Chair

Honorable Erin D. Herbig, House Chair

Committee on Labor, Commerce, Research and Economic Development

Honorable John J. Cleveland, Senate Chair

Honorable Barry J. Hobbins, House Chair

Committee on Energy, Utilities and Technology

Re: 2013 Attorney General Report to the Legislature Under the

Petroleum Market Share Act

Dear President Alford, Speaker Eves, Senators Patrick and Cleveland, and Representatives Herbig and Hobbins:

I am pleased to make this report in accordance with the Petroleum Market Share Act (P.M.S.A.), 10 M.R.S.A. §1677. The P.M.S.A. requires the Attorney General to make a report to the Legislature describing the concentration of retail outlets in the State, including a recommendation as to whether additional legislation is needed to further limit or curtail the activity of refiners operating retail outlets.

Enclosed is a report describing concentration of retail outlets in the State. The report, which is based on data collected from wholesalers of both motor fuel oil and home heating oil, includes maps depicting relative concentration in designated markets throughout the State. This report is also available on the Attorney General's website at: <http://www.maine.gov/ag/consumer/docs/2010%20PMSA%20Report.pdf>.

Since no refiners of petroleum products operate retail outlets in this State, we recommend no legislation to limit or curtail such operations.

I appreciate this opportunity to provide this information and hope it is useful.

Sincerely,

S/Janet T. Mills
Attorney General

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: (H.C. 138)

**STATE OF MAINE
OFFICE OF THE ATTORNEY GENERAL
6 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0006**

April 24, 2013

Honorable Justin L. Alford
President of the Senate
Honorable Mark W. Eves
Speaker of the House
State House

Augusta, Maine 04333

Re: Public Access Ombudsman Report

Dear President Alford and Speaker Eves:

Pursuant to 5 M.R.S.A. §200-I, the Public Access Ombudsman is pleased to submit its first report. A copy of the full report has been put on-line at the State of Maine FOAA website at www.maine.gov/foaa.

Sincerely,

S/Brenda L. Kielty

Public Access Ombudsman

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: (H.C. 143)

**MAINE DAIRY PROMOTION BOARD
333 CONY ROAD
AUGUSTA, MAINE 04330**

April 29, 2013

Honorable Mark W. Eves
Speaker of the House
2 State House Station
Augusta, Maine 04333

Dear Speaker Eves:

Enclosed for your review is the calendar year 2012 Audit Report of the Maine Dairy Promotion Board, prepared by Austin and Associates, P.A., Certified Public Accountants. We are pleased to offer it for your consideration.

If you have any questions regarding this report, please don't hesitate to contact either Austin and Associates or myself. Austin and Associates can be reached at their office in Auburn at 783-9111 and I can be reached at our office in Augusta at 287-3621.

Sincerely,

S/Cheryl L. Beyeler

CFCS Executive Director

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: (H.C. 144)

**MAINE DAIRY AND NUTRITION COUNCIL
333 CONY ROAD
AUGUSTA, MAINE 04330**

April 29, 2013

Honorable Mark W. Eves
Speaker of the House
2 State House Station
Augusta, Maine 04333

Dear Speaker Eves:

Enclosed for your review is the calendar year 2012 Audit Report of the Maine Dairy and Nutrition Council, prepared by Austin and Associates, P.A., Certified Public Accountants. We are pleased to offer it for your consideration.

If you have any questions regarding this report, please don't hesitate to contact either Austin and Associates or myself. Austin and Associates can be reached at their office in Auburn at 783-9111 and I can be reached at our office in Augusta at 287-3621.

Sincerely,

S/Cheryl L. Beyeler

CFCS Executive Director

READ and with accompanying papers 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 Create a Public Option Pension System"

(H.P. 1054) (L.D. 1473)

Sponsored by Representative RUSSELL of Portland.

CRIMINAL JUSTICE AND PUBLIC SAFETY

Bill "An Act To Develop Juvenile Assessment Centers"

(H.P. 1051) (L.D. 1470)

Sponsored by Representative MASTRACCIO of Sanford.
Cosponsored by Senator TUTTLE of York.

EDUCATION AND CULTURAL AFFAIRS

Bill "An Act To Ensure the Success of Maine Students" (EMERGENCY)

(H.P. 1062) (L.D. 1481)

Sponsored by Representative BERRY of Bowdoinham.
Cosponsored by Representatives: DAUGHTRY of Brunswick, Speaker EVES of North Berwick, KUSIAK of Fairfield, MacDONALD of Boothbay, RANKIN of Hiram, SOCTOMAH of the Passamaquoddy Tribe, Senator: JOHNSON of Lincoln.

ENERGY, UTILITIES AND TECHNOLOGY

Bill "An Act To Provide for Economic Development with Offshore Wind Power"

(H.P. 1053) (L.D. 1472)

Sponsored by Representative KRUGER of Thomaston.
Cosponsored by Senator CAIN of Penobscot and Representatives: HERBIG of Belfast, TIPPING-SPITZ of Orono, WELSH of Rockport, Senator: SAVIELLO of Franklin.

ENVIRONMENT AND NATURAL RESOURCES

Bill "An Act Authorizing the Board of Environmental Protection To Modify a License for a Wind Energy Development"

(H.P. 1052) (L.D. 1471)

Sponsored by Representative KESCHL of Belgrade.
Cosponsored by Senator LANGLEY of Hancock and Representatives: DUNPHY of Embden, HARLOW of Portland, HICKMAN of Winthrop, JONES of Freedom, LIBBY of Waterboro, LONGSTAFF of Waterville, NADEAU of Winslow, NUTTING of Oakland.

INLAND FISHERIES AND WILDLIFE

Bill "An Act To Amend the Laws Pertaining to the Hunting of Bear"

(H.P. 1055) (L.D. 1474)

Sponsored by Representative HARLOW of Portland.

Cosponsored by Representatives: BOLAND of Sanford, BOLDUC of Auburn, CHIPMAN of Portland, KAENRATH of South Portland, MORRISON of South Portland.

INSURANCE AND FINANCIAL SERVICES

Bill "An Act Relating to Insurance Company Formation and Dissolution"

(H.P. 1066) (L.D. 1485)

Sponsored by Representative FITZPATRICK of Houlton.

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

JUDICIARY

Bill "An Act To Improve Citizen Access to Legal Representation"

(H.P. 1056) (L.D. 1475)

Sponsored by Representative CASAVANT of Biddeford. (BY REQUEST)

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

Bill "An Act To Protect Local Input in Economic Development and Redevelopment Efforts"

(H.P. 1057) (L.D. 1476)

Sponsored by Representative DAUGHTRY of Brunswick.

Cosponsored by Senator MILLETT of Cumberland and Representatives: CAMPBELL of Newfield, DeCHANT of Bath, HAMANN of South Portland, MASON of Topsham, MASTRACCIO of Sanford, VOLK of Scarborough.

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

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

TAXATION

Bill "An Act To Impose a Temporary One Percent Sales Tax for Education and Revenue Sharing"

(H.P. 1058) (L.D. 1477)

Sponsored by Representative GIDEON of Freeport.

Cosponsored by Representatives: HAMANN of South Portland, RYKERSON of Kittery, TIPPING-SPITZ of Orono.

Bill "An Act To Avoid Potential Loss of Revenue by Municipalities and the Unorganized Territory from Donated Property"

(H.P. 1059) (L.D. 1478)

Sponsored by Representative JOHNSON of Eddington.

Cosponsored by Senator TUTTLE of York and Representatives: BENNETT of Kennebunk, CAMPBELL of Orrington, GIFFORD of Lincoln, LOCKMAN of Amherst, LONG of Sherman, LONGSTAFF of Waterville, PEASE of Morrill, Senator: BURNS of Washington.

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

TRANSPORTATION

Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, Highway Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2014 and June 30, 2015" (EMERGENCY)

(H.P. 1061) (L.D. 1480)

Sponsored by Representative THERIAULT of Madawaska. (GOVERNOR'S BILL)

Cosponsored by Senator COLLINS of York and Representatives: GILLWAY of Searsport, McLEAN of Gorham, NUTTING of Oakland, PARRY of Arundel, PEOPLES of Westbrook, POWERS of Naples, TURNER of Burlington, WERTS of Auburn.

Bill "An Act To Amend the Laws Governing Weight Tolerance for Certain Vehicles"

(H.P. 1065) (L.D. 1484)

Sponsored by Representative WILLETTE of Mapleton.

Cosponsored by Senator SHERMAN of Aroostook and Representatives: CLARK of Easton, FREDETTE of Newport, GILLWAY of Searsport, PARRY of Arundel, PEOPLES of Westbrook, THERIAULT of Madawaska, TIMBERLAKE of Turner.

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

ORDERS

On motion of Representative FARNSWORTH of Portland, the following Joint Resolution: (H.P. 1064) (Cosponsored by Representatives: AYOTTE of Caswell, BEAR of the Houlton Band of Maliseet Indians, BEAUDOIN of Biddeford, BEAULIEU of Auburn, BEAVERS of South Berwick, BECK of Waterville, BENNETT of Kennebunk, BERRY of Bowdoinham, BLACK of Wilton, BOLAND of Sanford, BOLDUC of Auburn, BRIGGS of Mexico, BROOKS of Winterport, CAMPBELL of Newfield, CAMPBELL of Orrington, CAREY of Lewiston, CASAVANT of Biddeford, CASSIDY of Lubec, CHAPMAN of Brooksville, CHASE of Wells, CHENETTE of Saco, CHIPMAN of Portland, CLARK of Easton, COOPER of Yarmouth, COTTA of China, CRAFTS of Lisbon, CRAY of Palmyra, CROCKETT of Bethel, DAUGHTRY of Brunswick, DAVIS of Sangerville, DeCHANT of Bath, DEVIN of Newcastle, DICKERSON of Rockland, DILL of Old Town, DION of Portland, DOAK of Columbia Falls, DORNEY of Norridgewock, DUNPHY of Embden, DUPREY of Hampden, ESPLING of New Gloucester, EVANGELOS of Friendship, Speaker EVES of North Berwick, FITZPATRICK of Houlton, FOWLE of Vassalboro, FREDETTE of Newport, FREY of Bangor, GATTINE of Westbrook, GIDEON of Freeport, GIFFORD of Lincoln, GILBERT of Jay, GILLWAY of Searsport, GOODE of Bangor, GRAHAM of North Yarmouth, GRANT of Gardiner, GUERIN of Glenburn, HAMANN of South Portland, HARLOW of Portland, HARVELL of Farmington, HAYES of Buckfield, HERBIG of Belfast, HICKMAN of Winthrop, HOBBS of Saco, HUBBELL of Bar Harbor, JACKSON of Oxford, JOHNSON of Eddington, JOHNSON of Greenville, JONES of Freedom, JORGENSEN of Portland, KAENRATH of South Portland, KENT of Woolwich, KESCHL of Belgrade, KINNEY of Limington, KNIGHT of Livermore Falls, KORNFIELD of Bangor, KRUGER of Thomaston, KUMIEGA of Deer Isle, KUSIAK of Fairfield, LAJOIE of Lewiston, LIBBY of Waterboro, LIBBY of Lewiston, LOCKMAN of Amherst, LONG of Sherman, LONGSTAFF of Waterville, LUCHINI of Ellsworth, MacDONALD of Old Orchard Beach, MacDONALD of Boothbay, MAKER of Calais, MALABY of Hancock, MAREAN of Hollis, MARKS of Pittston, MASON of

Topsham, MASTRACCIO of Sanford, McCABE of Skowhegan, McCLELLAN of Raymond, McELWEE of Caribou, McGOWAN of York, McLEAN of Gorham, MITCHELL of the Penobscot Nation, MONAGHAN-DERRIG of Cape Elizabeth, MOONEN of Portland, MORIARTY of Cumberland, MORRISON of South Portland, NADEAU of Fort Kent, NADEAU of Winslow, NELSON of Falmouth, NEWENDYKE of Litchfield, NOON of Sanford, NUTTING of Oakland, PARRY of Arundel, PEASE of Morrill, PEAVEY HASKELL of Milford, PEOPLES of Westbrook, PETERSON of Rumford, PLANTE of Berwick, POULIOT of Augusta, POWERS of Naples, PRIEST of Brunswick, PRINGLE of Windham, RANKIN of Hiram, REED of Carmel, ROCHELO of Biddeford, ROTUNDO of Lewiston, RUSSELL of Portland, RYKERSON of Kittery, SANBORN of Gorham, SANDERSON of Chelsea, SAUCIER of Presque Isle, SAXTON of Harpswell, SCHNECK of Bangor, SHAW of Standish, SHORT of Pittsfield, SIROCKI of Scarborough, SOCTOMAH of the Passamaquoddy Tribe, STANLEY of Medway, STUCKEY of Portland, THERIAULT of Madawaska, TIMBERLAKE of Turner, TIPPING-SPITZ of Orono, TREAT of Hallowell, TURNER of Burlington, TYLER of Windham, VEROW of Brewer, VILLA of Harrison, VOLK of Scarborough, WALLACE of Dexter, WEAVER of York, WELSH of Rockport, WERTS of Auburn, WILLETTE of Mapleton, WILSON of Augusta, WINCHENBACH of Waldoboro, WINSOR of Norway, WOOD of Sabattus, Senators: President ALFOND of Cumberland, BOYLE of Cumberland, BURNS of Washington, CAIN of Penobscot, CLEVELAND of Androscoggin, COLLINS of York, CRAVEN of Androscoggin, CUSHING of Penobscot, DUTREMBLE of York, FLOOD of Kennebec, GERZOFISKY of Cumberland, GOODALL of Sagadahoc, GRATWICK of Penobscot, HAMPER of Oxford, HASKELL of Cumberland, HILL of York, JACKSON of Aroostook, JOHNSON of Lincoln, KATZ of Kennebec, LACHOWICZ of Kennebec, LANGLEY of Hancock, MASON of Androscoggin, MAZUREK of Knox, MILLETT of Cumberland, PATRICK of Oxford, PLUMMER of Cumberland, SAVIELLO of Franklin, SHERMAN of Aroostook, THIBODEAU of Waldo, THOMAS of Somerset, TUTTLE of York, VALENTINO of York, WHITTEMORE of Somerset, WOODBURY of Cumberland, YOUNGBLOOD of Penobscot)

JOINT RESOLUTION RECOGNIZING APRIL 2013 AS AUTISM AWARENESS MONTH

WHEREAS, autism is a spectrum disorder, which means no 2 people with autism are affected the same way, and it is a complex developmental disability that usually appears during the first 3 years of life and results in a neurological disorder that affects the functioning of the brain; and

WHEREAS, autism affects social interaction and communication skills, and an average of 1 in 88 children are diagnosed with this spectrum disorder, and prevalence has increased 78% since the United States Centers for Disease Control and Prevention's first study in 2007; and

WHEREAS, autism knows no racial, ethnic or social boundaries and neither income, lifestyle nor education affects the occurrence, and it is estimated that 1,500,000 people live with autism spectrum disorder in the United States; and

WHEREAS, autism costs the United States \$90,000,000,000 in annual health care costs; 90% of the costs are in adult services. These costs are estimated to increase in 10 years to \$200,000,000,000 to \$400,000,000,000; and

WHEREAS, a single specific cause of autism is not known, but current research links it to biological or neurological differences in the brain, and outdated theories and myths, such as autism being a mental illness, have been proven to be false; and

WHEREAS, with support, people with autism can live full lives and make meaningful contributions to society; 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, pause in our deliberations to acknowledge that the month of April 2013 is Autism Awareness Month and to pledge our support and encouragement to the assistance of all those affected by autism; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Autism Society of Maine as a token of our respect and support.

READ.

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

Representative **FARNSWORTH**: Thank you, Mr. Speaker. Autism is a growing concern in our country and, of course, if we notice the number of the incidence of autism that is being diagnosed over the past five years, moving from 1 in 110 births down to 1 in 80, and I believe it has even become more significant with more recent counting, it becomes a serious issue in terms of not only its growing numbers but its growing impact upon our educational system and our social services system. Our nation needs to begin to recognize autism as a significant issue that needs to be addressed by designing ways to ensure that this group or part of our population is given the opportunity to be fully integrated, or included, in our society so that they can become active citizens and become productive. Otherwise, it can become a very serious drain on our resources and it's something we need to pay very close attention to. So this Resolution, hopefully, will begin the process of helping people to become aware that April is a time to take a look at autism and the seriousness of the issue and begin to figure out ways in which we can ensure that this particular group becomes a part of our society. Thank you very much.

Subsequently, the Joint Resolution was **ADOPTED**.
Sent for concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH** with the exception of matters being held.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Julia Clukey, a native of Augusta and a member of the United States National Luge Team, who won 2 Silver Medals in luge at the 2013 World Cup races in Lake Placid, New York. Ms. Clukey is in sixth place in the World Cup standings and has been competing at the Senior World Cup level since 2004. She competed at the Junior level at 13 years of age. Ms. Clukey also competed at the 2010 Olympic Winter Games in Vancouver, British Columbia. Ms. Clukey, with the Maine Beer and Wine Distributors Association and the Kennebec Valley YMCA as sponsors, is involved in supporting a statewide tour to recognize Alcohol Awareness Month in Maine. During this tour, Ms. Clukey will speak on promoting responsibility, educating young people about the consequences of underage drinking, encouraging young people to make good decisions and positive life choices and supporting initiatives that make Maine an even better place to live, work and play. Ms. Clukey will continue to reach out to

the community by hosting Julia Clukey's Camp for Girls as a place for girls 8 to 11 years of age to develop self-confidence and a healthy lifestyle. We extend our congratulations to Ms. Clukey on her many accomplishments and send our best wishes and appreciation to her, to the Maine Beer and Wine Distributors Association and to the Kennebec Valley YMCA;

(HLS 184)

Presented by Representative POULIOT of Augusta.
Cosponsored by Senator KATZ of Kennebec, Representative WILSON of Augusta, Representative FOWLE of Vassalboro.

On **OBJECTION** of Representative POULIOT of Augusta, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **POULIOT**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise today to take an opportunity to brag a little bit. I know I'm not the first to do this and I probably won't be the last, but I also know the number of you who have an Olympian living in your district is probably pretty small so I ask that I beg your indulgence for just a moment. When I was a kid, which wasn't all that long ago, growing up just around the corner from here, in fact a few streets over that way, Julia Clukey and I lived on the same street and her sister Amelia used to babysit my sister Megan and I. A lot of things have changed since then. Julia has gotten taller and faster and I've just gotten taller and fatter. So you've heard about Julia's many accomplishments in the Sentiment that was just read; however, what I admire most about Julia is not her many victories on the luge track. What I admire most about this hardworking, dedicated Olympian is that she had used her notoriety in the sports world to help Maine. Last year, in partnership with the Kennebec Valley YMCA, she developed Julia Clukey's Camp for Girls, a two-week program designed for girls ages 8 to 11, as a place to develop self-confidence and a healthy lifestyle. Clukey's camp was incredibly successful, bringing in more than 90 girls for that program alone and they are hoping for more of a turnout this summer since she is going to be competing, hopefully, in the 2014 Olympics in Sochi, Russia. In addition to this great work over the past three years, she has recorded public service announcements and appeared on local radio shows to raise awareness about the consequences of underage drinking as part of her work with the Maine Beer and Wine Distributors Association's responsibility initiative. To date, she has presented to more than 20 high schools and reached over 6,000 Maine students. Julia is a young woman that all of Maine should be proud of. It is my honor to be able to recognize her with this Legislative Sentiment for her many outstanding achievements, and I wish her the best of luck competing in the 2014 Winter Olympics and I hope that we will all keep an eye on her. Thank you very much for your time.

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

REPORTS OF COMMITTEE

Refer to the Committee on Energy, Utilities and Technology Pursuant to Public Law

Representative **HOBBINS** for the **Joint Standing Committee on Energy, Utilities and Technology** on Bill "An Act To Clarify Telecommunications Regulation Reform"

(H.P. 1060) (L.D. 1479)

Reporting that it be **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** pursuant to Public Law 2011, chapter 623, Part A, section 25 and Part D, section 7.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY**. Sent for concurrence.

Divided Reports

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-32)** on Bill "An Act To Update the Maine HIV Advisory Committee"

(S.P. 39) (L.D. 88)

Signed:

Senators:

CRAVEN of Androscoggin
HAMPER of Oxford
LACHOWICZ of Kennebec

Representatives:

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

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

Signed:

Representative:

STUCKEY of Portland

Representative **BEAR** of the Houlton Band of Maliseet Indians - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (S-32)** Report.

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-32)**.

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-32)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Wednesday, May 1, 2013.

Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on Bill "An Act To Allow Licensed Foresters To Use Mechanics Liens"

(S.P. 202) (L.D. 512)

Signed:

Senators:

VALENTINO of York
TUTTLE of York

Representatives:

PRIEST of Brunswick
BEAULIEU of Auburn
CROCKETT of Bethel
DeCHANT of Bath
GUERIN of Glenburn
MONAGHAN-DERRIG of Cape Elizabeth

MOONEN of Portland
MORIARTY of Cumberland
PEAVEY HASKELL of Milford
VILLA of Harrison

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

Signed:
Senator:
BURNS of Washington

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.

CONSENT CALENDAR
First Day

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

(H.P. 441) (L.D. 622) Bill "An Act To Amend the Laws Concerning Reciprocal Disciplinary Actions in Harness Racing and Pulling Events" (EMERGENCY) Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass**

(H.P. 450) (L.D. 658) Bill "An Act To Change the Grade Standards of the Maine Maple Syrup Industry" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass**

(H.P. 744) (L.D. 1051) Bill "An Act To Clarify the Authority and Responsibility of Forest Rangers" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass**

(H.P. 877) (L.D. 1243) Bill "An Act Regarding Next Generation 9-1-1 and Making Changes in Surcharge Remittance for Certain Telecommunications Service Providers" Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass**

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

(H.P. 816) (L.D. 1151) Bill "An Act Regarding the Administration and Financial Transparency of the Citizen Trade Policy Commission" (EMERGENCY) Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-105)**

On motion of Representative BERRY of Bowdoinham, 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-105)** was **READ** by the Clerk.

On further motion of the same Representative, **TABLED** pending **ADOPTION** of **Committee Amendment "A" (H-105)** and later today assigned.

CONSENT CALENDAR
Second Day

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

(S.P. 135) (L.D. 355) Bill "An Act To Amend Provisions Relating to the Department of Corrections To Clarify Certain Enforcement Powers" (C. "A" S-38)

(H.P. 256) (L.D. 381) Bill "An Act To Allow a Court To Order a Person Who Violates a Municipal Ordinance To Perform Community Service Work" (C. "A" H-97)

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

BILLS IN THE SECOND READING
Senate as Amended

Bill "An Act To Improve Community Mental Health Treatment" (S.P. 38) (L.D. 87)
(C. "A" S-33)

Bill "An Act To Restore Eligibility and Funding for Drug Programs for the Elderly and Disabled" (S.P. 219) (L.D. 629)
(C. "A" S-25)

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

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH** with the exception of matters being held.

ENACTORS
Emergency Measure

An Act To Allocate the Balance of Funds Not Expended by the Task Force on Franco-Americans (H.P. 572) (L.D. 821)
(C. "A" H-50)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 134 voted in favor of the same and 1 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

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

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

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 ask you all to join me in supporting LD 1109 to clarify the Maine new markets tax credit law. It will be applicable to a major and exciting project in Millinocket. This bill is consistent with our intent to apply the state's new market tax credit consistently with the federal new market tax credit law. The Maine New Markets Program will attract desperately needed financing to support capital

investments, working capital needs, and other capital needs of Maine based businesses that have not received traditional financing or have received it only as high cost debt. This program brings added flexibility to our economic development toolkit in that it provides finance for not only for capital projects but also for the operational functioning needs of new and existing businesses located in qualified low-income communities. This is something that is good not just for Millinocket but also for many other locations, and I repeat, many other locations. Thank you.

Representative McCABE of Skowhegan **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

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

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

ROLL CALL NO. 56

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

NAY - NONE.

ABSENT - Beck, Carey, Gilbert, Libby A, MacDonald W, Peterson, Rykerson.

Yes, 144; No, 0; Absent, 7; Excused, 0.

144 having voted in the affirmative and 0 voted in the negative, with 7 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, Directing the Bureau of Insurance To Amend Its Rules Pertaining to Medicare Advantage Plans

(S.P. 196) (L.D. 506)

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

**Resolve Pursuant to the Constitution
Public Land**

Resolve, Concerning Rights-of-way over Eastern Road in Scarborough

(S.P. 113) (L.D. 280)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section 23 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 140 voted in favor of the same and 1 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Acts

An Act To Amend the Maine Workers' Compensation Act of 1992

(S.P. 9) (L.D. 1)

(C. "A" S-31)

An Act Regarding Pharmacy Provider Audits

(H.P. 39) (L.D. 44)

(C. "A" H-45)

An Act Relating to Private School Student Participation in Public School Cocurricular, Interscholastic and Extracurricular Activities

(H.P. 74) (L.D. 92)

(C. "A" H-53)

An Act To Allow an Operator of a Motor Vehicle To Show Proof of Insurance by Electronic Means

(H.P. 108) (L.D. 133)

(C. "A" H-52)

An Act To Amend the Charter of St. Mark's Home for Women in Augusta

(H.P. 169) (L.D. 208)

(C. "A" H-48)

An Act To Provide Greater Access to Capital for Certain Businesses through Assignment of Benefits under the Business Equipment Tax Reimbursement Program and the Maine Employment Tax Increment Financing Program

(S.P. 111) (L.D. 278)

(C. "A" S-21)

An Act To Improve Funding of Agricultural Development Projects

(S.P. 120) (L.D. 287)

(C. "A" S-36)

An Act To Eliminate the Requirement That the Department of Agriculture, Conservation and Forestry Provide Technical Services for Direct-marketing Agricultural Products

(H.P. 198) (L.D. 289)

(C. "A" H-40)

An Act To Exempt Persons 80 Years of Age and Older from Jury Duty at Their Discretion

(H.P. 219) (L.D. 310)

(C. "A" H-49)

An Act To Restructure the Licensing and Regulation of Boilers and Pressure Vessels and Elevators and Tramways

(H.P. 287) (L.D. 414)

(C. "A" H-55)

An Act To Add Trailers to the Additional Versions or Classes of a Specialty Plate

(S.P. 170) (L.D. 438)

(C. "A" S-28)

An Act To Prohibit the Sale of Gasoline That Contains Corn-based Ethanol as an Additive at a Level Greater than 10 Percent by Volume

(H.P. 303) (L.D. 453)

(C. "A" H-56)

An Act To Change the Budget Approval Process for Alternative Organizational Structures

(S.P. 211) (L.D. 521)

An Act To Remove the Statement of Oral Condition as a Requirement for Denturists Making Partial Dentures

(H.P. 372) (L.D. 553)

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

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

(C. "A" S-20)

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

(H.P. 492) (L.D. 720)

(C. "A" H-42)

An Act Regarding Fire Escapes for Certain Buildings

(H.P. 571) (L.D. 820)

An Act Regarding the Sexual Assault Forensic Examiner Advisory Board

(S.P. 308) (L.D. 883)

(C. "A" S-26)

An Act To Repeal a Specialized Form of the Generic Crime of Theft by Unauthorized Taking or Transfer

(H.P. 614) (L.D. 887)

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

Resolves

Resolve, To Require the Department of Inland Fisheries and Wildlife To Conduct a Study on the Use of Rubber Lures and Nondegradable Fishing Hooks and Lures

(H.P. 37) (L.D. 42)

(C. "A" H-47)

Resolve, Directing the Department of Agriculture, Conservation and Forestry To Develop a Plan for the Protection of the Public Health from Mosquito-borne Diseases

(H.P. 201) (L.D. 292)

(C. "A" H-54)

Resolve, Directing the Public Utilities Commission To Review Certain Electricity Distribution Charges Assessed on Businesses

(H.P. 211) (L.D. 302)

(C. "A" H-58)

Resolve, Directing the Department of Health and Human Services To Adopt Rules Governing the Use of Certain Antipsychotic Drugs by Children Enrolled in MaineCare

(H.P. 243) (L.D. 338)

(C. "A" H-51)

Resolve, To Create a Working Group To Identify Elementary School and Middle School Applied Learning Opportunities

(S.P. 150) (L.D. 370)

(C. "A" S-37)

Resolve, Relating to Guide Signs on Highways

(H.P. 282) (L.D. 407)

(C. "A" H-39)

Resolve, Directing the Family Law Advisory Commission To Study and Report on the Uniform Parentage Act and Other Similar Laws and Proposals

(H.P. 291) (L.D. 419)

Resolve, To Establish a Working Group To Study Vision Requirements for Obtaining a Driver's License and To Review the Current Prohibition on the Use of Telescopic or Bioptic Lenses while Driving

(H.P. 383) (L.D. 564)

(C. "A" H-38)

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

An Act To Provide a Sales Tax Refund for Tobacco Sold to a Member of a Federally Recognized Indian Tribe for Cultural, Spiritual or Ceremonial Purposes

(H.P. 173) (L.D. 212)

(C. "A" H-43)

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

On motion of Representative McCABE of Skowhegan, was **SET ASIDE**.

On further motion of the same Representative, the Bill and all accompanying papers were **INDEFINITELY POSTPONED** and sent for concurrence.

An Act To Authorize the Public Advocate To Publish and Distribute Consumer Information

(H.P. 212) (L.D. 303)

(C. "A" H-46)

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

On motion of Representative McCABE of Skowhegan, was **SET ASIDE**.

The same Representative **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

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

ROLL CALL NO. 57

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

NAY - NONE.

ABSENT - Beck, Bennett, Carey, Libby A, MacDonald W, Peterson, Rykerson.

Yes, 144; No, 0; Absent, 7; Excused, 0.

144 having voted in the affirmative and 0 voted in the negative, with 7 being absent, and accordingly the Bill was

PASSED TO BE ENACTED, signed by the Speaker and sent to the Senate.

An Act To Create a Tax Credit for Primary Care Professionals Practicing in Underserved Areas

(S.P. 172) (L.D. 440)
(C. "A" S-24)

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

On motion of Representative McCABE of Skowhegan, was **SET ASIDE**.

The same Representative **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

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

ROLL CALL NO. 58

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

NAY - NONE.

ABSENT - Beck, Bennett, Carey, Doak, Libby A, MacDonald W, Peterson, Rykerson.

Yes, 143; No, 0; Absent, 8; Excused, 0.

143 having voted in the affirmative and 0 voted in the negative, with 8 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH** with the exception of matters being held.

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

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment Thursday, April 25, 2013, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

JOINT RESOLUTION RECOGNIZING THE DAY OF GENOCIDE OF AZERBAIJANIS

(H.P. 1030)

TABLED - April 23, 2013 (Till Later Today) by Representative BERRY of Bowdoinham.

PENDING - **ADOPTION**.

Subsequently, the Joint Resolution and all accompanying papers were **INDEFINITELY POSTPONED**.

Bill "An Act To Establish the Commission on Health Care Cost and Quality"

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

TABLED - April 24, 2013 (Till Later Today) by Representative FARNSWORTH of Portland.

PENDING - **ADOPTION OF COMMITTEE AMENDMENT "A" (H-76)**.

Representative BOLAND of Sanford **PRESENTED House Amendment "A" (H-98) to Committee Amendment "A" (H-76)**, which was **READ** by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative from Sanford, Representative Boland.

Representative **BOLAND**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This is a bill that makes up a well-designed Commission on Health Care Cost and Quality that essentially replaces a very similar one that we had before. The only thing about it is that it has eliminated an individual with expertise in the discipline of food science, which was on the previous commission, and that's something that I thought was probably an oversight of the committee but I find it wasn't. I think it really is something that we need to think about because we have a committee, the members are all credible types of members. Hospitals, long-term care, mental health, health care financing, insurance companies, all of that sort of thing, businesses and an individual with expertise on needs of the minorities, all good people to have on it. But in fact really the future of health care is in food science and we have a wonderful department at the University of Maine at Orono on nutrition and food science, and what they do is they work to make foods healthier and they devise what are called functional formulas to help people with particular illnesses, but they do it with nutrients, nutrition. I think of one particular item that is called lunasin. If you went to lunasin.com, you will see that the Federal Government has actually asked for this particular nutrient to be developed into a product for the military to deal with heart disease, and in the studies, they've found that it also supports cancer efforts. So that's just one item, but when we think of things like autism and it's Autism Month and we worry so much about it, I want you to understand that functional formulas like people in food science work on today are turning back autism. Because we really have such a hard time getting away from how all our issues need to be fixed with drugs and other sorts of medical procedures, this asks you to take on someone on this committee who knows how to do it in healthy ways. So as we look at autism, we look at GMO and worry about additives to our foods, we look at pesticides and all of that, think about the value of having someone looking at food science and what it does because this is what it addresses on this committee, because it's very important for the future of our children, for our whole society and really for our budget because we know how high the pharmaceutical costs are today. So I understand there is a lot of resistance to this, but I wanted to share that with you because I've been working on it ever since I've been here and it's probably my last opportunity to send that message to you. So for your health, for the health of your families, I'd like to ask you to

remember that, even though I understand this amendment will be Indefinitely Postponed. Thank you.

Representative McCABE of Skowhegan moved that **House Amendment "A" (H-98) to Committee Amendment "A" (H-76)** be **INDEFINITELY POSTPONED**.

Representative BOLAND of Sanford **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "A" (H-98) to Committee Amendment "A" (H-76)**.

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 Freedom, Representative Jones.

Representative **JONES**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I speak in favor of the good Representative from Sanford's Amendment "A." I would remind you of the words of the father of modern medicine, which is "Let your food be your medicine and your medicine be your food." There is a fiscal note of \$750 in fiscal year 2013-2014 and \$500 in 2014-2015. I think it is entirely appropriate that we're talking about a commission that is exploring the health of our fellow citizens, that someone who discusses nutrition and our food supply will be included. I urge you to support Committee Amendment "A."

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

Representative **HAYES**: Thank you, Mr. Speaker. Mr. Speaker, Women and Men of the House. I rise in support of the Representative from Sanford's proposed amendment and remind folks who were in here last term that we in fact passed this. We added this position to a group and then we eliminated the group. So if we're going to reinstate the group and the charge in the work that they're working on, I would ask that we stand by that earlier decision and then be more inclusive as opposed to exclusive in terms of the folks that we call to help us get the work done. I would ask you to vote against the pending motion to Indefinitely Postpone and then to support the proposed amendment. Thank you.

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

Representative **FARNSWORTH**: Thank you, Mr. Speaker. I would like to comment and urge you to vote in favor of the pending motion. The intent of the committee is not necessarily to exclude but was to try and reduce the size from the original 20 something down to a size that can work, which is more in terms of the 13. The addition of an additional person would complicate things because it would represent an even number and we do need to have an uneven number in order to ensure that the votes are managed efficiently. Thank you.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "A" (H-98) to Committee Amendment "A" (H-76). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 59

YEA - Beaudoin, Beaulieu, Bennett, Berry, Black, Bolduc, Brooks, Campbell J, Cassidy, Chase, Clark, Cooper, Crafts, Daughtry, Dickerson, Dill, Doak, Dorney, Duprey, Espling, Farnsworth, Fitzpatrick, Fowle, Fredette, Frey, Gattine, Gideon, Gillway, Goode, Graham, Grant, Hamann, Harvell, Herbig, Hubbell, Jackson, Jorgensen, Keschl, Kinney, Kornfield, Kruger, Kumiega, Lajoie, Libby N, Long, Longstaff, Luchini, Maker, Marean, Marks, Mason, Mastraccio, McCabe, McElwee, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Nadeau C, Nelson, Noon, Nutting, Parry, Peavey Haskell, Plante, Pouliot, Powers, Priest, Pringle, Rankin, Reed, Rochelo, Rotundo, Sanborn, Sanderson, Saucier, Saxton, Schneck, Shaw,

Short, Sirocki, Theriault, Timberlake, Tipping-Spitz, Treat, Verow, Villa, Volk, Welsh, Willette, Wilson, Winchenbach, Mr. Speaker.

NAY - Ayotte, Beavers, Boland, Briggs, Campbell R, Casavant, Chapman, Chenette, Chipman, Cotta, Cray, Crockett, Davis, DeChant, Devin, Dunphy, Evangelos, Gifford, Gilbert, Guerin, Harlow, Hayes, Hickman, Johnson D, Johnson P, Jones, Kaenrath, Kent, Knight, Kusiak, Lockman, MacDonald S, Malaby, McClellan, Morrison, Nadeau A, Newendyke, Pease, Peoples, Russell, Stanley, Stuckey, Turner, Tyler, Wallace, Weaver, Werts, Winsor, Wood.

ABSENT - Beck, Carey, Dion, Hobbins, Libby A, MacDonald W, Peterson, Rykerson.

Yes, 94; No, 49; Absent, 8; Excused, 0.

94 having voted in the affirmative and 49 voted in the negative, with 8 being absent, and accordingly **House Amendment "A" (H-98) to Committee Amendment "A" (H-76)** was **INDEFINITELY POSTPONED**.

Subsequently, **Committee Amendment "A" (H-76)** was **ADOPTED**.

Subsequently, the Bill was assigned for **SECOND READING** Wednesday, May 1, 2013.

SENATE PAPERS

Bill "An Act To Establish the High-efficiency Biomass Pellet Boiler Rebate Program and the Home Heating Conversion Fund" (S.P. 542) (L.D. 1468)

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

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

Bill "An Act To Promote and Enhance State Policy To Preserve and Support Existing Methods of Disposal of Municipal Solid Waste"

(S.P. 545) (L.D. 1483)

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

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

Bill "An Act To Ensure Ethical Standards for Court Reporters" (S.P. 543) (L.D. 1469)

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 Amend the Motor Vehicle Franchise Laws" (S.P. 544) (L.D. 1482)

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

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

Resolve, To Establish a Demonstration Project To Promote Economic Development in the Forest Products Industry

(S.P. 541) (L.D. 1467)

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

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

The following Joint Resolution: (S.P. 548)

JOINT RESOLUTION MEMORIALIZING THE UNITED STATES CONGRESS TO PASS A CONSTITUTIONAL AMENDMENT TO REVERSE THE RULING OF THE UNITED STATES SUPREME COURT IN CITIZENS UNITED V. FEDERAL ELECTION COMMISSION

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

WHEREAS, United States Supreme Court rulings, beginning with *Buckley v. Valeo* and continuing through *Citizens United v. Federal Election Commission* and others, disproportionately elevate the role of wealthy special interests in elections and diminish the voices and influence of ordinary Americans; and

WHEREAS, Maine citizens wish to develop effective tools for self-governance, including strong laws governing elections and campaign finance; and

WHEREAS, the current legal landscape severely constrains the range of options available to citizens, frustrating efforts to reduce the influence of moneyed interest in elections and in government; now, therefore, be it

RESOLVED: That We, your Memorialists, hereby declare our support for an amendment to the United States Constitution regarding campaign finance that would reaffirm the power of citizens through their government to regulate the raising and spending of money in elections; and be it further

RESOLVED: That We, your Memorialists, call upon each Member of the Maine Congressional Delegation to actively support and promote in Congress an amendment to the United States Constitution on campaign finance; and be it further

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

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

READ.

Representative **EVANGELOS** of Friendship **REQUESTED** a roll call on **ADOPTION**.

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 Friendship, Representative **Evangelos**.

Representative **EVANGELOS**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. Voting yes for this Resolution today will put our legislative bodies on record as directing our Federal Congressional Delegation to support a constitutional amendment that would overturn the Supreme Court's 2010 *Citizens United* opinion, which equated campaign spending with free speech. It's time we took action to reverse this onerous decision, which continues to deform our politics by allowing unlimited corporate spending on our elections. This decision marginalizes our democracy and unfairly elevates the role of wealthy special interests in our elections and consequently

diminishes the voices and influence of ordinary Americans. I urge you to vote yes on this measure. Thank you, Mr. Speaker.

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

Representative **RUSSELL**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. This is about an issue I've been working on for quite some time. Since *Citizens United* passed in 2010, we have seen a real "wealth" of new money being interjected into the political process. It is sad that we are at a place where the public, the vast majority of people in this country and in this state, believe that there is a reason why pro is in the middle of quid pro quo, and the reason for that is that it takes a professional in order to be able to influence change in this country and I think that's a sad, sad scenario for the future of democracy. Maine has been a real leader in campaign finance reform here in this state and it came and it bubbled up from the people. We have seen some attacks on that through the Supreme Court as well, but I think that overturning *Citizens United* will have the biggest impact overall in making sure that average everyday citizens, that their voices are heard and not drowned out simply because they do not have the money to be here to stand up for their beliefs, and that when they do come, that bigger money doesn't end up drowning out their voices. Furthermore, we have seen, just here in this state, scenarios where candidates, when their personal contribution to their own campaigns was drowned out by outside influence, that their own message could not get out because so many people were weighing in on a campaign. At that point, what really becomes real and what becomes fiction? There's no way for people to respond and I think it's unfortunate that not only do average everyday citizens feel left out of the political process right now and drowned out by the political process and by the money, but candidates also find themselves in a scenario where they can't get their message out. It's essential that we move forward...

The **SPEAKER**: Will the Representative please defer? The House is in order. I have had several notes today just saying there is a low rumble. I think there are side conversations, which is not out of character. If you're going to have a longer conversation, please go behind the glass, keep it down, and if it needs to be a louder conversation, go out in the hallway. Thank you. The Representative may proceed.

Representative **RUSSELL**: I think it's an essential that we move forward in this country with an amendment to the Constitution to make sure that there is a clear distinction between speech and money, if it were not written in the First Amendment that money is equated as speech, but it seems to have become the law of the land by default, and I think Maine has consistently been ahead of the curve on campaign finance. We have led the curve in resolutions here at the municipal level and been a real leader across the country in that regard, and now we have an opportunity today to send a message to the U.S. Congress and the U.S. Senate and to the people of the country that Maine continues to want to be a leader and that it is time that we reform our government in such a way that average everyday people can participate in it and that we can preserve our democracy for generations and generations to come as it was developed and preserved for us. Thank you, Mr. Speaker. I hope you folks will be voting in support of the Resolution.

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

Representative **LIBBY**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. A U.S. constitutional amendment is the only way to overcome the U.S. Supreme Court's rulings like *Citizens United*, rulings that have struck down

many of the options we have to push back on the role of wealthy special interests and elections. A constitutional amendment is needed to establish more effective campaign finance reforms for the future and Maine people support this move in large numbers. Our Legislature can and must add its voice to the states, calling for a U.S. constitutional amendment that ends the money arms race in our elections. Thank you, Mr. Speaker.

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. I know I'm stunned to learn this morning that money and politics have gone together for a long time. I also listened to a word and it reminds me of some of the research that I've done and that is that we are directing our Congressional Delegation to enact upon this. We are doing no such thing. If you want to direct somebody to do something, go back and read the Legislative Record from the 19th century before the 17th Amendment. Then we actually did use the phrase "directing the Senate to vote such a way," and why did we do that? We did that because when we were directing them, they were hearing for who voted for them. Since I've been here, there has been a series of resolves that have come through this body. One of your favorites is back at the time of the Iraq War. We were directing the State Department to take all measures short of war as if we had access to the CIA, the Pentagon or any other of the mechanisms that would allow us to make that decision, and as if they were not making that decision already themselves. The reality is this Resolve is a feel good thing. Pass it if you want, feel good to put your light up there, but we're directing nobody to do anything and it is little more than most of these. I mean, last year, we had a Resolve here to ask Congress to expedite the tar sands. It just happened to be put in by a guy running for Congress.

The SPEAKER: The Chair recognizes the Representative from Caswell, Representative Ayotte.

Representative **AYOTTE**: Mr. Speaker, may I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative **AYOTTE**: I am wondering if unions are considered special interest groups and that would influence the way I would vote because – well, I will allow you to answer the question first. Thank you.

The SPEAKER: The Representative from Caswell, Representative Ayotte, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Portland, Representative Russell.

Representative **RUSSELL**: Thank you, Mr. Speaker. I would be very honored to answer that question from Representative Ayotte. Under the *Citizens United*, whether it is corporations or unions, the flood of money, it doesn't matter. So both are considered appropriate uses of funding. So to answer your question, yes. But under, if we were to change the Constitution, we would be able to put limits on both sides of the equation. I hope that answers it. It's probably not as clear as you'd like, but the answer, I think, is yes.

The SPEAKER: The Chair recognizes the Representative from Caswell, Representative Ayotte.

Representative **AYOTTE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. In my last election, I spent a total of \$447.50. I ran traditional. The opponent, my opponent, was able to receive money from the unions. I felt a little at a disadvantage, although obviously it didn't hurt too bad, where the union could extract money where Maine is not a right to work state, could extract money involuntarily from union members and then use that money to support your

opponent. Of course, I'm sure there can be arguments for the other side. Thank you, Mr. Speaker.

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

Representative **KESCHL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of the Resolution because I agree, like others, that unions, corporations and other wealthy special interest groups should not be allowed to use their money to drown out the voices of the people. Thank you.

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

Representative **BERRY**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I, too, rise in support of the pending motion and only briefly to respond to the good Representative from Caswell that the situation of which he spoke, in fact, could not happen. Such an event would be illegal. It is not possible for funds deducted in the manner of which he spoke to be used in that way. This is a very important measure, a very important Resolution to strengthen our democracy and I do hope it will have resounding support in this body today. Thank you, Mr. Speaker.

The SPEAKER: A roll call has been ordered. The pending question before the House is Adoption of the Joint Resolution. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 60

YEA - Ayotte, Beaudoin, Beaulieu, Beavers, Berry, Boland, Bolduc, Briggs, Brooks, Campbell J, Casavant, Cassidy, Chapman, Chenette, Chipman, Clark, Cooper, Cotta, Daughtry, DeChant, Devin, Dickerson, Dill, Dorney, Dunphy, Duprey, Evangelos, Farnsworth, Fowle, Frey, Gattine, Gideon, Gilbert, Gillway, Goode, Graham, Grant, Hamann, Harlow, Harvell, Hayes, Herbig, Hickman, Hubbell, Jones, Jorgensen, Kaenrath, Kent, Keschl, Kinney, Knight, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby N, Longstaff, Luchini, MacDonald S, Maker, Malaby, Marean, Marks, Mason, Mastraccio, McCabe, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, Nelson, Noon, Peoples, Plante, Pouliot, Powers, Priest, Pringle, Rankin, Reed, Rochelo, Rotundo, Russell, Sanborn, Saucier, Saxton, Schneck, Shaw, Short, Stanley, Stuckey, Theriault, Tipping-Spitz, Treat, Turner, Tyler, Verow, Villa, Volk, Weaver, Welsh, Werts, Willette, Wilson, Winchenbach, Wood, Mr. Speaker.

NAY - Bennett, Black, Chase, Crafts, Cray, Crockett, Davis, Doak, Espling, Fitzpatrick, Fredette, Gifford, Guerin, Jackson, Johnson D, Johnson P, Lockman, Long, McClellan, McElwee, Nadeau A, Newendyke, Nutting, Parry, Pease, Peavey Haskell, Sanderson, Sirocki, Timberlake, Wallace, Winsor.

ABSENT - Beck, Campbell R, Carey, Dion, Hobbins, Libby A, MacDonald W, Peterson, Rykerson.

Yes, 111; No, 31; Absent, 9; Excused, 0.

111 having voted in the affirmative and 31 voted in the negative, with 9 being absent, and accordingly the Joint Resolution was **ADOPTED** in concurrence.

The following Joint Resolution: (S.P. 550)

JOINT RESOLUTION TO SUPPORT COMPREHENSIVE IMMIGRATION REFORM

WHEREAS, Maine's identity is defined by its promise of equality, esteem for diversity and commitment to innovation; and

WHEREAS, Maine and the United States have prospered because of the contributions of hardworking and aspiring citizens; and

WHEREAS, we support the value of human dignity of all Maine residents, regardless of immigration status, and recognize the importance of immigrants' many contributions to the social and economic fabric of Maine; and

WHEREAS, becoming a citizen in the United States means taking a solemn oath to uphold the United States Constitution; and

WHEREAS, citizenship is an important symbol of full membership and participation in society that should be encouraged, not barred; and

WHEREAS, keeping families together not only is the right thing to do, but also is good for the economy because families provide a base of support that increases worker productivity and spurs entrepreneurship; and

WHEREAS, immigration enforcement will be much more efficient and effective once the number of undocumented immigrants is reduced due to immigration reform; and

WHEREAS, the nation's current immigration system is dysfunctional, harms the economy and does not reflect our values as a state and nation; and

WHEREAS, overseeing immigration is a federal responsibility, and a comprehensive approach to reforming the immigration system would strengthen the economy and free aspiring citizens to make an even greater contribution to their communities; and

WHEREAS, the Federal Government's inability to enact immigration reform has created severe economic, cultural and political strains in Maine and in communities across the United States; and

WHEREAS, immigration reform must occur in a comprehensive, thoughtful manner that builds the strength and unity of working people and guarantees the same rights, obligations and basic fairness for all workers, no matter where they come from; and

WHEREAS, comprehensive immigration reform must include a realistic pathway to citizenship for all hardworking and taxpaying aspiring citizens who live in the United States if they meet reasonable requirements; and

WHEREAS, comprehensive immigration reform must provide a mechanism for those citizens who have grown up in this country to become citizens and be able to fully contribute to our joint future; and

WHEREAS, comprehensive immigration reform must update the immigration system so that the future flow of immigrant workers more realistically matches our nation's labor needs and is structured to protect the wages and working conditions of citizen and immigrant workers; and

WHEREAS, any new worker visa program must provide for strict compliance with United States labor standards and wage and hour standards, portability of visas so that workers can change jobs and the ability for workers to petition for permanent residency; and

WHEREAS, comprehensive immigration reform must limit the wait times and rules that keep families separated from their loved ones; and

WHEREAS, comprehensive immigration reform enforcement provisions must restore respect for law by promoting strict

adherence to our nation's values, including due process, civil and human rights, accountability and proportionality; and

WHEREAS, internal and border law enforcement should focus on preventing criminals, drug cartels and other negative and harmful elements from entering the United States or engaging in criminal activities; and

WHEREAS, Maine supports a comprehensive immigration reform bill that keeps families together, upholds national values, promotes economic growth and provides a long-term solution to the immigration system; and

WHEREAS, elected officials must create an immigration process that strengthens our nation's economy and lets aspiring citizens continue their contributions to their communities; 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, support comprehensive immigration reform that addresses earned legalization with a path to citizenship, updated future immigration of families and workers and improved immigration enforcement and border security that is consistent with national values.

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

READ.

Representative McCABE of Skowhegan **REQUESTED** a roll call on **ADOPTION**.

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 Eddington, Representative Johnson.

Representative **JOHNSON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I apologize. I was not prepared to speak upon this today, but I would like to just add a few things. In reading through this Joint Order, I had several problems with it. In paragraph three, where it talks about we support the value of human dignity of all Maine residents – well, that is true – regardless of immigration status – though I have a problem with – and recognize the importance of immigrants and their many contributions to the social and economic fabric of Maine, I agree with that also. But when we talk about immigration status, it seems to me that we're talking about illegal and legal immigrants, or, in this case, as it's named in here, documented and undocumented immigrants.

In paragraph five, citizenship is an important symbol of full membership and participation in society that should be encouraged, and not barred – and I agree with that. But it's not now barred. However, there is a process in place where you have to come into this country legally and gain your citizenship.

In paragraph seven, where it talks about immigration enforcement will be much more efficient and effective once the number of undocumented immigrants is reduced due to immigration reform. So we're just going to give a free pass to all these people who have come here undocumented and I have a real problem with that. I think, as I talk to my constituents around Eddington and the surrounding areas, I have one person yet to tell me that they think that undocumented immigrants or illegal immigrants ought to be afforded these passes and the things that we're looking at handing out to them. The list goes on and on through here. I just saw this as coming up and I just made a few quick notes. There is a lot more. This is just, I would think that the people of the State of Maine would overwhelmingly be against us passing this Resolution and I thank you, Mr. Speaker, for your time.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Adoption of the Joint Resolution. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 61

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

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

ABSENT - Beck, Briggs, Carey, Dion, Libby A, MacDonald W, Peterson, Rykerson.

Yes, 88; No, 55; Absent, 8; Excused, 0.

88 having voted in the affirmative and 55 voted in the negative, with 8 being absent, and accordingly the Joint Resolution was **ADOPTED** in concurrence

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

**REPORTS OF COMMITTEE
Divided Reports**

Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass** on Bill "An Act To Remove the Limit on the Retention of Live Smelts" (EMERGENCY)

(H.P. 361) (L.D. 542)

Signed:

Senators:

DUTREMBLE of York
BURNS of Washington
HASKELL of Cumberland

Representatives:

SHAW of Standish
CRAFTS of Lisbon
DAVIS of Sangerville
ESPLING of New Gloucester
EVANGELOS of Friendship
KUSIAK of Fairfield
MARKS of Pittston
SHORT of Pittsfield
WOOD of Sabattus

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

Signed:

Representative:
BRIGGS of Mexico

READ.

On motion of Representative SHAW of Standish, the Majority **Ought to Pass** Report was **ACCEPTED**.

The Bill was **READ ONCE**.

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.

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought Not to Pass** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Reduce the Size of the Legislature

(H.P. 109) (L.D. 134)

Signed:

Senators:

LACHOWICZ of Kennebec
COLLINS of York

Representatives:

GRAHAM of North Yarmouth
BOLAND of Sanford
CHENETTE of Saco
COTTA of China
HAYES of Buckfield
MacDONALD of Old Orchard Beach
NADEAU of Winslow

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-104)** on same RESOLUTION.

Signed:

Representatives:

BOLDUC of Auburn
NADEAU of Fort Kent
PEASE of Morrill

READ.

Representative GRAHAM of North Yarmouth moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

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

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

ROLL CALL NO. 62

YEA - Ayotte, Beaudoin, Beavers, Berry, Black, Boland, Bolduc, Briggs, Brooks, Campbell J, Cassidy, Chenette, Chipman, Clark, Cooper, Cotta, Crafts, Cray, Crockett, Daughtry, Davis, Devin, Dickerson, Dill, Dunphy, Duprey, Espling, Evangelos, Farnsworth, Fitzpatrick, Fowle, Fredette, Frey, Gattine, Gideon, Gifford, Gilbert, Gillway, Goode, Graham, Grant, Guerin, Hamann, Harlow, Hayes, Herbig, Hickman, Hobbins, Hubbell, Jackson, Jones, Jorgensen, Kent, Keschl, Kinney, Knight, Kornfield, Kruger, Kumiega, Kusiak, Libby N, Lockman, Long, Longstaff, Luchini, MacDonald S, Maker, Marean, Marks,

Mason, Mastraccio, McCabe, McClellan, McElwee, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, Nelson, Newendyke, Noon, Nutting, Peavey Haskell, Plante, Powers, Priest, Pringle, Rankin, Reed, Rochelo, Rotundo, Russell, Sanborn, Saucier, Saxton, Schneck, Shaw, Short, Stuckey, Theriault, Timberlake, Tipping-Spitz, Treat, Turner, Verow, Villa, Volk, Wallace, Welsh, Mr. Speaker.

NAY - Beaulieu, Bennett, Campbell R, Casavant, Chapman, Chase, DeChant, Doak, Dorney, Johnson D, Johnson P, Kaenrath, Lajoie, Malaby, Nadeau A, Parry, Pease, Peoples, Pouliot, Sanderson, Sirocki, Stanley, Tyler, Weaver, Werts, Willette, Wilson, Winchenbach, Winsor, Wood.

ABSENT - Beck, Carey, Dion, Harvell, Libby A, MacDonald W, Peterson, Rykerson.

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

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

Majority Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-101)** on Bill "An Act To Release a Restriction on Former State Land in Passadumkeag Currently Owned by Dale Ross"

(H.P. 221) (L.D. 312)

Signed:

Senators:

JACKSON of Aroostook

BOYLE of Cumberland

Representatives:

DILL of Old Town

BLACK of Wilton

CRAY of Palmyra

HICKMAN of Winthrop

JONES of Freedom

MAREAN of Hollis

NOON of Sanford

SAUCIER of Presque Isle

TIMBERLAKE of Turner

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

Signed:

Senator:

SHERMAN of Aroostook

READ.

On motion of Representative DILL of Old Town, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE. Committee Amendment "A" (H-101)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Wednesday, May 1, 2013.

Majority Report of the Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-103)** on Bill "An Act To Improve Organ Donation Awareness"

(H.P. 586) (L.D. 835)

Signed:

Senators:

MAZUREK of Knox

VALENTINO of York

Representatives:

THERIAULT of Madawaska

GILLWAY of Searsport

McLEAN of Gorham

PEOPLES of Westbrook

POWERS of Naples

VEROW of Brewer

WERTS of Auburn

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

Signed:

Senator:

COLLINS of York

Representatives:

NUTTING of Oakland

PARRY of Arundel

TURNER of Burlington

READ.

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

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

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

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

ROLL CALL NO. 63

YEA - Ayotte, Beaudoin, Beaulieu, Beavers, Berry, Black, Boland, Bolduc, Briggs, Brooks, Campbell J, Casavant, Cassidy, Chapman, Chipman, Cooper, Crafts, Crockett, Daughtry, Davis, DeChant, Devin, Dickerson, Dill, Dorney, Espling, Evangelos, Farnsworth, Fowle, Frey, Gattine, Gideon, Gilbert, Gillway, Goode, Grant, Hamann, Harlow, Hayes, Herbig, Hickman, Hobbins, Hubbell, Jackson, Jones, Jorgensen, Kaenrath, Kent, Knight, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby N, Longstaff, Luchini, Marks, Mason, Mastraccio, McCabe, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, Nelson, Noon, Peavey Haskell, Peoples, Plante, Pouliot, Powers, Priest, Pringle, Rankin, Rochelo, Rotundo, Russell, Sanborn, Saucier, Saxton, Schneck, Shaw, Short, Stanley, Stuckey, Theriault, Timberlake, Tipping-Spitz, Treat, Tyler, Verow, Villa, Volk, Weaver, Welsh, Werts, Willette, Wilson, Winchenbach, Wood, Mr. Speaker.

NAY - Bennett, Campbell R, Chase, Clark, Cotta, Cray, Doak, Dunphy, Duprey, Fitzpatrick, Fredette, Gifford, Guerin, Harvell, Johnson D, Johnson P, Keschl, Kinney, Lockman, Long, MacDonald S, Maker, Malaby, Marean, McClellan, McElwee, Nadeau A, Newendyke, Nutting, Parry, Pease, Reed, Sanderson, Sirocki, Turner, Wallace, Winsor.

ABSENT - Beck, Carey, Chenette, Dion, Graham, Libby A, MacDonald W, Peterson, Rykerson.

Yes, 105; No, 37; Absent, 9; Excused, 0.

105 having voted in the affirmative and 37 voted in the negative, with 9 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE. Committee Amendment "A" (H-103)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Wednesday, May 1, 2013.

Six Members of the Committee on **HEALTH AND HUMAN SERVICES** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (H-99)** on Resolve, To Establish MaineCare Eligibility for Young Adults Who Were Formerly in Foster Care

(H.P. 337) (L.D. 487)

Signed:

Senators:

CRAVEN of Androscoggin
LACHOWICZ of Kennebec

Representatives:

FARNSWORTH of Portland
CASSIDY of Lubec
DORNEY of Norridgewock
GATTINE of Westbrook

Five Members of the same Committee report in Report "B" **Ought Not to Pass** on same Resolve.

Signed:

Senator:

HAMPER of Oxford

Representatives:

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

One Member of the same Committee reports in Report "C" **Ought to Pass as Amended by Committee Amendment "B" (H-100)** on same Resolve.

Signed:

Representative:

STUCKEY of Portland

Representative BEAR of the Houlton Band of Maliseet Indians - of the House - supports Report "A" **Ought to Pass as Amended by Committee Amendment "A" (H-99)**.

READ.

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

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

Representative **FARNSWORTH**: Thank you, Mr. Speaker. The interesting thing about this particular item is the fact that nobody disagreed with the need to provide some sort of support for the graduated foster care population, the young adults who are no longer in the system. It was just a matter of how and the mechanism for doing it. The Majority Report took a look at the fact that the ACA, Affordable Care Act, is going to implement that anyway come January 1, and we felt that we needed to ask the Department to do some work to find out exactly how many people are out there and begin to notify them of the availability of this resource beginning January 1. Other members of the minority people really felt that we needed to do it immediately and use General Fund money, and the final report of the small Minority Report agreed with the need to go ahead and do it as well, however, the mechanism was not clarified. Thank you.

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. The good Representative from Portland is exactly right. We all know that coming on January 1, 2014, benefits will be extended for those children in our state who have been under our foster care program. What this bill would like to do, though, is again move up and duplicate and force the Department to do work that they're already doing. The Department is already reviewing who is in foster care. The Department is already doing this in preparation on their own schedule for January 1, 2014. That's why we are the Minority Report of Ought Not to Pass, because why are we telling the Department to do something they are already doing? It doesn't make any sense. I urge you to vote down the pending motion and then vote to Ought Not to Pass this. Let the Department do their work. They have a lot of it. Thank you.

Representative FREDETTE of Newport **REQUESTED** a roll call on the motion to **ACCEPT** Report "A" **Ought to Pass as Amended**.

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 Hancock, Representative Malaby.

Representative **MALABY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to the pending motion. As mentioned by the two previous speakers, the Affordable Care Act, which was enacted over three years ago, has alerted the Department to the fact that they are going to have to place these young people under MaineCare. I see no reason, given a three-year heads up, that we have to create a law to force them into doing that which they are already doing, and I thank you.

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

Representative **DORNEY**: Thank you, Mr. Speaker. I'd like to speak to this bill because even though the Affordable Care Act will allow foster kids to be covered under MaineCare until they are 26, it does not mean that they will know that they will have this benefit, so it did not seem unreasonable for us to direct the Department of Human Services to try to do outreach to these people so that they are aware that they have this benefit. I urge you to support the Majority Report. Thank you very much.

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

ROLL CALL NO. 64

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

NAY - Ayotte, Beaulieu, Bennett, Black, Campbell R, Chase, Clark, Cotta, Crafts, Cray, Crockett, Davis, Doak, Dunphy, Duprey, Espling, Fitzpatrick, Fredette, Gifford, Gillway, Guerin,

Harvell, Jackson, Johnson D, Johnson P, Keschl, Kinney, Knight, 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 - Beck, Brooks, Carey, Dion, Libby A, MacDonald W, Peterson, Rykerson.

Yes, 86; No, 57; Absent, 8; Excused, 0.

86 having voted in the affirmative and 57 voted in the negative, with 8 being absent, and accordingly Report "A" **Ought to Pass as Amended** was **ACCEPTED**.

The Resolve was **READ ONCE**. **Committee Amendment "A" (H-99)** was **READ** by the Clerk and **ADOPTED**. The Resolve was assigned for **SECOND READING** Wednesday, May 1, 2013.

UNFINISHED BUSINESS

The following matter, in the consideration of which the House was engaged at the time of adjournment Thursday, April 25, 2013, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

HOUSE DIVIDED REPORT - Majority (10) **Ought Not to Pass** - Minority (3) **Ought to Pass as Amended by Committee Amendment "A" (H-78)** - Committee on **JUDICIARY** on Bill "An Act To Expedite Court Proceedings by Providing Funds for Additional District Court Personnel"

(H.P. 371) (L.D. 552)

TABLED - April 25, 2013 (Till Later Today) by Representative PRIEST of Brunswick.

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

On motion of Representative PRIEST of Brunswick, **TABLED** pending his motion to **ACCEPT** the Majority **Ought Not to Pass** Report and specially assigned for May 1, 2013.

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

On motion of Representative McCABE of Skowhegan, the House adjourned at 12:07 p.m., until 10:00 a.m., Wednesday, May 1, 2013 in honor and lasting tribute to E. Elizabeth Martin, of Skowhegan, Coral Mariette (Berkeley) Clifford, of Naples, Florida and formerly of Unity and the Honorable Robert E. Keane, of Old Town.