

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
38th Legislative Day
Tuesday, May 7, 2013

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

Prayer by Chaplain Mary Bickerstaff-Whitney, New Gloucester Fire and Rescue.

National Anthem by Cindy Morin, Greene.

Pledge of Allegiance.

Doctor of the day, Eric Tweedie, M.D., Bangor.

The Journal of Thursday, May 2, 2013 was read and approved.

SENATE PAPERS

Bill "An Act To Amend the Labor Laws as They Relate to Payment for Required Medical Examinations"

(S.P. 559) (L.D. 1498)

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

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

Non-Concurrent Matter

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Reduce the Size of the Legislature

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

Majority (9) **OUGHT NOT TO PASS** Report of the Committee on **STATE AND LOCAL GOVERNMENT READ** and **ACCEPTED** in the House on April 30, 2013.

Came from the Senate with the Minority (3) **OUGHT TO PASS AS AMENDED** Report of the Committee on **STATE AND LOCAL GOVERNMENT READ** and **ACCEPTED** and the RESOLUTION **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-104) in **NON-CONCURRENCE**.

The House voted to **INSIST**.

COMMUNICATIONS

The Following Communication: (H.P. 1080)

**CITY OF PORTLAND
IN THE CITY COUNCIL
RESOLUTION OPPOSING BUDGET PROPOSALS TO SHIFT
BURDEN
OF FUNDING STATE GOVERNMENT TO THE PROPERTY
TAX
AND PROPERTY TAX PAYER**

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

WHEREAS, the Governor's proposed budget would result in the City of Portland losing almost \$11.5 million dollars in funds as a result of proposals related to revenue sharing, teacher retirement, general assistance and the business equipment tax reimbursement (BETR) program; and

WHEREAS, the reductions in funding outlined in the proposed budget would significantly increase property taxes and

compromise the City's ability to meet its resident's expectations and needs, as well as offer basic public services; and

WHEREAS, the City has always worked to maintain an effective partnership with state government; and

WHEREAS, this budget proposal significantly alters the City's partnership with the State and undermines the City's economic development and job creation efforts; and

WHEREAS, this budget proposal places a greater burden on Portland taxpayers to provide a quality education;

NOW, THEREFORE, BE IT RESOLVED, that the undersigned members of the Portland City Council strongly oppose the provisions in the Governor's recently proposed budget that would significantly shift the burden of funding state government to the property tax and property taxpayer. These proposals will dramatically increase property taxes in the City of Portland, taxes which often are unrelated to the ability of property owners to pay, and will require spending reductions which will call into question our ability to protect the health, safety and welfare of our community and provide our residents with government services; and

BE IT FURTHER RESOLVED, that the City Clerk shall forward a copy of this Resolution and the Council's action on it to the members of the Legislature representing the City of Portland, the members of the Appropriations and Taxation Committees, the Governor, the Speaker of the House, the President of the Senate and to Legislative leadership.

S/Michael F. Brennan

S/John M. Anton

S/Kevin J. Donoghue

S/Jill C. Duson

S/Edward J. Suslovic

S/John R. Coyne

S/David A. Marshall

S/Nicholas M. Mavodones

I, Katherine Jones, Clerk of the City of Portland, Maine do hereby certify that the foregoing Resolution, proposed by the City Council, was duly passed and adopted in the Council of the City of Portland, Maine at a meeting thereof assembled this 1st day of April, 2013, by the following vote:

Yes: 8

Nays: 0

Absent: 1 (councilor Leeman)

Seal: S/Katherine L. Jones

A TRUE COPY

ATTEST: S/Katherine L. Jones

City Clerk

Portland, Maine

Date: 4/30/2013

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

Sent for concurrence.

The Following Communication: (H.P. 1081)

**CITY OF OLD TOWN, MAINE
IN CITY COUNCIL**

March 21, 2013

RESOLVE: Preservation of Revenues Used to Offset the Property Tax Burden

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

WHEREAS, This State budget proposal calls for redirecting a portion of sales and income tax revenues, collected under the

Revenue Sharing Program, away from municipalities and redirecting them to the State of Maine to balance the State budget; and

WHEREAS, This State budget proposal also calls for redirecting commercial vehicle excise tax revenues away from municipalities and redirecting them to the State of Maine to balance the State Budget; and

WHEREAS, This State budget proposal dramatically curtails the Homestead and Circuit Breaker programs, both programs designed to keep local residential property taxes low; and

WHEREAS, This State budget proposal call for the elimination of the BETR program that reimburses municipalities for some lost personal property taxes; and

WHEREAS, This State budget proposal shifts a portion of the cost of teacher's retirement fund to municipalities; and

WHEREAS, This proposed State budget is now before the Legislature for consideration;

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

THAT the Old Town City Council strongly opposes each of these recommendations and encourages our local delegation to also oppose any of these measures in full; and

THAT the Old Town City Council requests our local delegation to support the preservation and full restoration of each of these programs.

Sponsor: City Council

Originator: City Manager

Council Resolve to preserve revenues used to offset local property tax burden was presented and voted upon on March 21, 2013 as follows;

Yeas 5 Nays 0 Absent 2

ATTEST: S/Patricia A. Brochu, CMC

City Clerk-Old Town, ME

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

Sent for concurrence.

The Following Communication: (H.P. 1082)
CITY OF WESTBROOK, MAINE
CITY COUNCIL

April 22, 2013

RESOLVED: #2013-11

RESOLUTION OPPOSING GOVERNOR'S BIENNIAL BUDGET

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

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

WHEREAS, the proposal to suspend municipal revenue sharing would result in a \$1,455,480 revenue loss to the City of Westbrook; and

WHEREAS, the proposal to redirect the excise tax on tractor trailers will reduce the City's revenues by an additional \$58,000; and

WHEREAS, eliminating the homestead exemption in FY 15 for those under 65 will increase taxes for no longer qualifying residents by \$174 in that year if the City's tax rate remains unchanged; and

WHEREAS, low and moderate income residents under the age of 65 who now qualify for the state property tax circuit breaker

program will no longer qualify for it in the coming budget year; and

WHEREAS, starting in the second year of the biennium, the business equipment tax reimbursement program (BETR), under which businesses are fully reimbursed for property taxes paid on certain business equipment, will be eliminated with most qualifying property transferred to the business equipment tax exemption program (BETE). Under this program, the City will be reimbursed by the State for 60% of the taxes due, reducing City revenues by an estimated \$478,500 in FY 15; and

WHEREAS, the elimination of the business equipment tax reimbursement (BETR) and the modification to the business equipment tax exemption (BETE) will have a significant impact on the City's commercial taxpayers, many of whom make-up the economic engine for the State of Maine, providing jobs and good paying salaries and benefits. The elimination of the BETR program will adversely impact the retail sector, a sector who will not qualify under the BETE program. Additionally, all businesses within the BETR program will experience an 18 month void in State reimbursement until those businesses qualify for BETE program funds; and

WHEREAS, if enacted, these changes will reduce City revenues by at least \$1,513,580 in FY 14 and \$1,992,080 in FY 15; and

WHEREAS, to replace these revenues through property taxation, the City's tax rate would have to increase by approximately \$0.62 in FY 14 and an additional \$0.26 in FY 15 before considering any other expenditure increases that may be required; and

WHEREAS, alternatively, reducing expenditures by this amount would require eliminating general fund expenditures and dramatically reducing community services and staffing; and

WHEREAS, further staffing and expenditure reductions of this magnitude would undermine the City's ability to provide local public services; and

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

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WESTBROOK, that the City Council hereby expresses its strong opposition to provisions included in the recently proposed state budget that would significantly shift the burden of funding state government to the property tax and property taxpayer. These proposals will dramatically increase property taxes in Westbrook, taxes which often are unrelated to the ability of property owners to pay, and will require spending reductions which will call into question our ability to protect the health and welfare of our community and provide our residents with government services; and

BE IT FURTHER RESOLVED, that the City Clerk is directed to provide copies of this RESOLVE to the members of the Legislature representing the City of Westbrook, members of the Appropriations and Taxation Committees, the Governor, the Speaker of the House, the President of the Senate and the Legislative leadership.

A TRUE COPY ATTEST:

S/Lynda D. Adams

City Clerk, Westbrook, Maine

DATED: May 2, 2013

S/Colleen Hilton

Mayor

Date: 4/22/13

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

Sent for concurrence.

The Following Communication: (H.P. 1083)

**TOWN OF BRIDGTON
3 CHASE STREET, SUITE #1
BRIDGTON, MAINE 04009**

April 25, 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

RE: Impacts to the Town of Bridgton-Loss of Revenues and Required Retirement Payments
President Alford and Speaker Eves:

As the elected officials for the Town of Bridgton and members of the M.S.A.D. #61, we have consistently advanced our citizen's needs and concerns through the local budget process. As a rural western Maine region, we have also endured the inequities that often come from the formulas developed at the state level when it comes to the revenues and requirements imposed. In no one year in our past have we ever faced the daunting task of meeting our citizen's needs while experiencing the loss of revenues to our community and the unconscionable shifting of the State's share of the Maine Teachers Retirement System to what is now a 100% local cost. When combined, the impacts are forcing us to raise our local tax rate in excess of \$.56 which represents a minimum increase of 4% before we attempt to meet our local operational and maintenance requirements for FY 2014.

The M.S.A.D. #61, by virtue of the State's education formula, already has inequities such as the fact that as a rural area, our pupil transportation costs far exceed those of the urban and metro areas of the state. When this formula is used to determine prior year essential program and services support, once again we came up short and had to make up the difference at the expense of our local tax payers. Added to this insult, the decision to require the State's share of the Teacher Retirement System, our M.S.A.D. had to absorb 100% of this cost or over \$357,000 while we see the urban and metro regions fairing far better with shares below 60%.

We are also facing additional burdens that are still part of the State's budgeting efforts. Our average per student cost is almost \$10,000 and we have at least 9 students who may opt to transfer to a charter school for which we will become 100% responsible. That means close to \$90,000 of local tax dollars will leave this community and M.S.A.D. to be exported to another region leaving fewer dollars for the very academics which are the key to our local economy and an individual's success in their adult life.

All of this is in light of the facts that our region and specifically the Town of Bridgton has one of the highest percentages of students who qualify for Free and Reduced lunches. The inequities are unfathomable!

The efforts to balance the state's fiscal affairs by transferring the tax burden to our community and M.S.A.D. is a slap in the face to our citizens and their future. As we review the Governor's original proposals, the calculations for our community indicate that we come up short; that the model as proposed is a complete tax shift and represents such a narrow perspective that it leaves us with a greater concern for the future. Labeling this as "getting our house in fiscal order" is nothing less than a carefully orchestrated charade at the expense of every local tax payer.

We ask that as the legislative leaders of our great state, you bring both aisles together to cease the efforts of this tax and burden shift and preserve the integrity of the past relationships between the municipalities, education community and the State. As we have heard from many of our citizens, the best way we can describe their feelings is by asking you to "STOP THIS INSANITY."

In the coming weeks we will continue to observe and respond. We hope that you are listening to echoes of these concerns and hearing that this is not an acceptable approach. Please distribute this letter to all of the legislative members of our state government.

The Select Board of the Town of Bridgton,

S/Mr. Paul E. Hoyt, Chairman
S/Mr. Douglas A. Taft, Vice Chair
S/Mr. Robert F. Woodward
S/Mr. Bernard N. King, Jr.
S/Mr. Robert J. McHatton, Sr.

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

Sent for concurrence.

The Following Communication: (H.P. 1086)

**TOWN OF SCARBOROUGH, MAINE
US ROUTE ONE, PO BOX 360
SCARBOROUGH, MAINE 04070-0360
RESOLUTION 13-03**

RESOLUTION IN OPPOSITION TO LD 300

BE IT RESOLVED, by the Town Council of the Town of Scarborough, Maine, in Town Council assembled that, WHEREAS, the property taxpayers of Scarborough are obligated to fund education for their K-12 students under the laws of the State of Maine; and

WHEREAS, more than 65 percent of Scarborough property taxes are spent to support education in the Scarborough School District; and

WHEREAS, one of the largest line item expenses in the school's budget is for the cost of health care insurance for teachers, administrators and support staff; and

WHEREAS, competition most often produces lower prices for goods and services and improves understanding of the value of such goods and services; and

WHEREAS, the 125th Maine Legislature passed LD 1326 An Act To Allow School Administrative Units To Seek Less Expensive Health Insurance Alternatives and the bill was signed into law by the governor to enable the release of health insurance loss data to individual school districts for the purpose of understanding and soliciting competitive proposals for health insurance; and

WHEREAS, LD 1326, having been in effect for less than one year, breaks a decades-long virtual monopoly by the Maine Education Association Benefits Trust over local health insurance costs by concealing the loss data for individual school districts; and

WHEREAS, the United States Federal Court in Maine and the United States Federal Court of Appeals in Boston both have rejected arguments by the Maine Education Association Benefits Trust that attempted to block implementation of this insurance reform; and

WHEREAS, the Legislative Policy Committee of the Maine Municipal Association voted to oppose LD 300;

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Scarborough, that the Town Council hereby urges the 126th Legislature to reject LD 300, or any other legislation

that restricts access to local loss data and designates the Town Manager to communicate the Town Council's opposition to this bill's sponsors, other legislators, the Joint Standing Committee on Insurance and Financial Services and other municipal officials; and

BE IT FURTHER RESOLVED, that the Town Council encourages the Scarborough Board of Education to adopt a similar resolve showing its opposition to LD 300.

Signed and sealed this the 1st day of May, 2013, on behalf of the Scarborough Town Council and the Town Manager of Scarborough, Maine.

S/Ronald D. Ahlquist
Council Chair

Attested by:
S/Yolande P. Justice
Town Clerk

READ and REFERRED to the Committee on **INSURANCE AND FINANCIAL SERVICES** and the Committee on **EDUCATION AND CULTURAL AFFAIRS**.

Sent for concurrence.

The Following Communication: (H.C. 147)

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

May 3, 2013

The 126th Legislature of the State of Maine
State House
Augusta, Maine

Dear Honorable Members of the 126th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 405, "An Act To Increase Municipal Agent Fees for Licensing and Registration of Motor Vehicles."

This bill simply allows towns to raise the fees they charge to Maine people. The problems we face in Maine do not stem from a lack of government taking money from its citizens. Rather, we struggle attracting good paying careers, since those businesses who are looking to invest are turned off by our high energy prices, significant tax burden, and unpredictable regulatory environment. Those of us in Augusta should be focused on working to grow our economy, since, as President John F. Kennedy said, "a rising tide lifts all boats."

Additionally, I question why the Legislature seems so focused on passing bills without significant support, especially when they are likely to receive a veto on my desk. Too much time and energy is wasted by forcing action on these minor bills for political gain, while the real issues – paying our hospitals and balancing our budget – continue to languish. It is time to roll up our sleeves and really get to work.

For these reasons, I return LD 405 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,
S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The accompanying item An Act To Increase Municipal Agent Fees for Licensing and Registration of Motor Vehicles

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

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

Representative **BERRY**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise in support of the pending motion because it seems to me that LD 405 is about trust in our local elected officials and about the strong tradition in Maine of local control. We have in our Constitution a very important section pertaining to home rule, and it is our belief in this state that no government is more accountable to our people than local government. I would argue that the partnership that we have with local government and the cost shift that has happened over the last decades is an important context as we consider the vote that we are about to take. Will we allow our municipalities, our local elected officials, our townspeople who, after all, are the local legislators for our local forms of government, in many cases, to have the flexibility to govern themselves, to govern ourselves and to decide what our destiny will be. Trust and local control is a vote that we are about to decide on and I hope that we will support the pending motion. Thank you, Mr. Speaker.

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

The SPEAKER: The Chair recognizes the Representative from Biddeford, Representative Casavant.

Representative **CASAVANT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I sponsored this bill on behalf of my tax collector and let me just explain what's been occurring in my community over the last several weeks. Like many of you, we've been in the budget process, and we are at a point where we are looking at staff. We are doing so because of things that are out of control, inflationary costs. For example, school insurances went up 13 percent. Yes, 13 percent for the City of Biddeford. We are looking at a budget up here that hasn't been finalized, we are playing with numbers that are vague, so for me and my city council, we are looking for some avenue to increase revenue. The key thing about this bill to consider is that it is optional. Now I understand philosophically while some individuals, I have no problem with this, might object to any type of fee of any kind, but I would encourage this body to consider the optionality of this particular bill. In other words, allowing the community to either decide to raise the fee by \$2 or not \$2. For Biddeford, that could be a substantial amount. We register approximately 19,000 cars per year. That essentially is one employee. If you look at the situation where, as we are doing it currently, we lose money under the current operational expenses, it makes sense it will be good that we would have an added source of revenue. Now understand, I don't do this myself. I do it online. Unfortunately, last year, I did have to do it myself, go to my city clerk from my office upstairs because I had lost my registration, and she looked at me blankly and embarrassingly and told me "But, Mr. Mayor, you didn't register your car last year." I had forgotten because of the blue plates, but that's a different story. Sometimes I tend to forget things, but what I would appeal to you is this: It's really important in this time period that cities have access to other avenues of revenue. Again, Biddeford may or may not use this vehicle. Your town may or may not use this vehicle. But the bottom line is we can't keep going back to the property tax because, at least in my community, the tax rate is killing so many people. I have an 85-year-old woman who still works because she can't afford to not work because of property taxes. It makes no sense to me. So if I can find any way possible to allow users to pay fees, certainly I'm going to do that and that's why I hope that you will consider

overriding the Governor's veto, not because of philosophical issues but because of pragmatism, the idea that local communities have an option to try to do something to mitigate property taxes. Thank you.

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

Representative FREDETTE: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Here we are again voting on another tax increase. No matter what it looks like, this is a tax increase. Taxpayers will pay more money, that's the bottom line. We know that this is a tough legislative session. We know that we have many difficult decisions ahead of us. I think the Governor was right to veto this bill. I think that we should stand at this point in time and send a message that we do not want to tax or have more tax increases on our citizenry. There are burdens at the local level. There are burdens at the state level. There are burdens at the federal level. We all recognize the difficulty, but we must also recognize the difficulties that families in Maine are having. Families in Maine are struggling. They've been struggling for four or five years for one of the longest recessions since the Great Depression, and call it what it is, this is yet another tax on people who can afford to pay the least, at a time when our economy is struggling. I urge you to support the Governor's veto.

The SPEAKER: The Chair would remind members referring to the Chief Executive as the Chief Executive as we move forward with debate.

The Chair recognizes the Representative from Freedom, Representative Jones.

Representative JONES: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I beg to differ with my dear colleague from Newport. This is not a tax increase levied by this House. This is a local option for municipalities to decide whether or not in their communities they will increase this fee. I'm sure the good Representative from Newport would agree that the people themselves should indeed decide whether or not to increase this fee, and I will rely on the good men and women of our town to determine whether it is appropriate.

After reconsideration, the House proceeded to vote on the question, 'Shall this Bill become a law notwithstanding the objections of the Governor?' A roll call was taken.

The SPEAKER: The pending question before the House is 'Shall this Bill become a law notwithstanding the objections of the Governor?' All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 75

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

NAY - Ayotte, Bennett, Black, Campbell J, Chase, Chenette, Clark, Crafts, Cray, Crockett, Davis, Doak, Dorney, Dunphy, Duprey, Espling, Fitzpatrick, Fredette, Gifford, Guerin, Harvell, Jackson, Johnson D, Johnson P, Kinney, Lockman, Long, MacDonald S, Maker, Malaby, Marean, McClellan, McElwee,

Nadeau A, Nadeau C, Newendyke, Nutting, Parry, Pease, Peavey Haskell, Pouliot, Reed, Sanderson, Sirocki, Timberlake, Tyler, Villa, Volk, Wallace, Weaver, Willette, Wilson, Winchenbach, Winsor, Wood.

ABSENT - Beaudoin, Campbell R, Cotta, Frey, Herbig, Libby A, Peterson, Turner.

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 Veto was **SUSTAINED**.

The Following Communication: (H.C. 149)

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333-0002**

May 2, 2013

Honorable Millicent M. MacFarland

Clerk of the House

2 State House Station

Augusta, Maine 04333

Dear Clerk MacFarland:

Pursuant to my authority under Title 3, Chapter 10 §227 of the Maine Revised Statutes, I have appointed Representative Mark N. Dion of Portland to the Maine-Canadian Legislative Advisory Commission.

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

Sincerely,

S/Mark W. Eves

Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 150)

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333-0002**

May 3, 2013

Honorable Millicent M. MacFarland

Clerk of the House

2 State House Station

Augusta, Maine 04333

Dear Clerk MacFarland:

Pursuant to my authority under Title 5, Chapter 621, §24001 of the Maine Revised Statutes, I have appointed Mary-Anne LaMarre of Oakland to serve as a parental member of the Maine Children's Growth Council.

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

Sincerely,

S/Mark W. Eves

Speaker of the House

READ and ORDERED PLACED ON FILE.

LEGISLATIVE RECORD - HOUSE, May 7, 2013

The Following Communication: (H.C. 148)

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

May 7, 2013

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

Dear Speaker Eves:

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

Criminal Justice and Public Safety

L.D. 188 An Act To Criminalize Possession of a Suspended or Revoked Concealed Handgun Permit

L.D. 335 An Act To Review Firearm Laws in the State
L.D. 771 An Act To Amend the Laws Governing Reciprocity for Concealed Handguns Permits

L.D. 997 An Act To Establish Restrictions on Ammunition Feeding Devices

L.D. 1053 An Act Regarding a Retired Law Enforcement Officer Carrying a Concealed Handgun without a Permit

L.D. 1182 An Act Regarding the Disposition of Firearms in State Custody

Education and Cultural Affairs

L.D. 18 An Act To Fund Public Education for Kindergarten to Grade 12 at 55%

L.D. 299 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Require the State Share of Education Funding To Be at Least Fifty-five Percent of the Total Cost and One Hundred Percent of the Cost of Special Education

L.D. 529 Resolve, Directing the Department of Education To Develop Safety Standards for School Access (EMERGENCY)

L.D. 623 An Act To Promote the Attainment of Higher Education Degrees

L.D. 723 An Act To Ensure the Proper Treatment of Bullying Situations in Schools

L.D. 742 An Act To Amend the Regional School Unit Budget Validation Process

L.D. 750 An Act To Make the Completion of an Internship a Requirement for High School Graduation

L.D. 792 An Act To Ensure That Essential Programs and Services Targeted Funding Follows the Secondary Student

L.D. 823 An Act To Require Institutions of Higher Learning To Comply with the Federal Americans with Disabilities Act

L.D. 862 An Act To Assist York County Community College

L.D. 959 An Act To Require That Seed Money Generated at an Individual College of the Maine Community College System Be Returned to That College for the Purpose of Enhancement

L.D. 994 An Act To Change the State's Share of Education Costs Including Teacher Retirement Costs (EMERGENCY)

L.D. 1055 An Act To Create a Maine Financial Education Portal

L.D. 1083 Resolve, Directing the Department of Education To Develop a Process To Provide Alternative Pathways To Learning for Certain High School Students

L.D. 1322 An Act To Amend the Laws Governing the Withdrawal of a Municipality from a Regional School Unit (EMERGENCY)

Health and Human Services

L.D. 536 An Act To Improve the Efficiency of Use of MaineCare Funds

L.D. 1214 An Act To Require a Mandatory Assessment by a Physician prior to Psychotropic or Electroconvulsive Therapy

Inland Fisheries and Wildlife

L.D. 601 An Act To Require That Certain Changes in Conservation Law Not Be Made by Rule

L.D. 1005 An Act To Assist Hunters Transporting Animals for Registration

Insurance and Financial Services

L.D. 546 An Act To Improve Transparency and Oversight of the Maine Guaranteed Access Reinsurance Association and To Make Changes Necessary To Comply with Federal Law

L.D. 971 An Act Regarding Exemptions under the Maine Insurance Code

L.D. 1067 An Act To Allow Certain Small Retail Businesses To Pass Credit and Debit Card Transaction Fees on to Consumers

Judiciary

L.D. 522 An Act To Amend the Guardian Ad Litem Laws
L.D. 551 An Act To Establish Certification Standards for Guardians Ad Litem

L.D. 1081 An Act To Establish Legislative Standing in Judicial Proceedings

Labor, Commerce, Research and Economic Development

L.D. 1341 An Act Directing the Department of Economic and Community Development To Establish a Program To Promote Economic Growth and Development

L.D. 1351 An Act To Attract Military Families to Maine

Marine Resources

L.D. 810 Resolve, To Amend the Lobster Trap Tag System Rules for Certain Zones

L.D. 1097 An Act To Allow the Sale of Incidentally Caught Lobsters

Taxation

L.D. 316 An Act To Provide Property Tax Relief for Noncombat Veterans

L.D. 1207 An Act To Expand the Property Tax Exemption for Veterans Who Are 100% Disabled

L.D. 1226 An Act To Improve Maine Veterans' Property Tax Exemptions

Veterans and Legal Affairs

L.D. 606 An Act To Amend the Law Concerning Landlord and Tenant Relationships

L.D. 860 An Act To Require That the Governor, Senators and Members of the House of Representatives Be Elected by the Ranked-choice Voting Method

L.D. 1086 An Act To Revise the Laws Governing Candidate Nominations by Petition

L.D. 1219 An Act To Establish a Run-off Process for the Election of the Governor, United States Senator or United States Representative
L.D. 1358 An Act To Amend the Election Laws To Require a Run-off Election for Governor
The sponsors and cosponsors have been notified of the Committee's action.

Sincerely,
S/Millicent M. MacFarland
Clerk of House

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

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

The following Bills 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 Making Unified Appropriations and Allocations for the Expenditures of State Government, General 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. 1079) (L.D. 1509)

Sponsored by Representative CHASE of Wells. (GOVERNOR'S BILL)

Cosponsored by Senator HILL of York and Representative: ROTUNDO of Lewiston, Senator: FLOOD of Kennebec.

Bill "An Act To Create a Public State Bank"

(H.P. 1078) (L.D. 1508)

Sponsored by Representative RUSSELL of Portland.
Cosponsored by Representatives: BEAVERS of South Berwick, EVANGELOS of Friendship, HAMANN of South Portland, MacDONALD of Boothbay.

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

On motion of Representative ROTUNDO of Lewiston, the Bill was **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES**, ordered printed and sent for concurrence.

CRIMINAL JUSTICE AND PUBLIC SAFETY

Bill "An Act To Increase the Availability of Mental Health Services"

(H.P. 1087) (L.D. 1515)

Sponsored by Representative MALABY of Hancock. (GOVERNOR'S BILL)

EDUCATION AND CULTURAL AFFAIRS

Bill "An Act To Expand Student Access to Certain Career Information and Opportunities"

(H.P. 1076) (L.D. 1502)

Sponsored by Representative FREDETTE of Newport. (GOVERNOR'S BILL)

Cosponsored by Senator CUSHING of Penobscot and Representatives: CRAFTS of Lisbon, GIFFORD of Lincoln, JOHNSON of Greenville, KESCHL of Belgrade, KINNEY of Limington, WEAVER of York, Senator: TUTTLE of York.

Bill "An Act To Ensure Student Access to Postsecondary Military Options"

(H.P. 1077) (L.D. 1503)

Sponsored by Representative FREDETTE of Newport. (GOVERNOR'S BILL)

Cosponsored by Senator CUSHING of Penobscot and Representatives: CRAFTS of Lisbon, GIFFORD of Lincoln, JOHNSON of Greenville, KESCHL of Belgrade, KINNEY of Limington, WEAVER of York, Senators: JACKSON of Aroostook, TUTTLE of York.

Bill "An Act To Ensure Statewide School Accountability and Improvement"

(H.P. 1085) (L.D. 1510)

Sponsored by Representative JOHNSON of Greenville. (GOVERNOR'S BILL)

Cosponsored by Senator LANGLEY of Hancock and Representatives: McCLELLAN of Raymond, POULIOT of Augusta, Senators: CUSHING of Penobscot, THIBODEAU of Waldo.

STATE AND LOCAL GOVERNMENT

Bill "An Act To Apply the Precautionary Principle to Decision Making in Certain State Agencies"

(H.P. 1075) (L.D. 1501)

Sponsored by Representative BOLAND of Sanford.
Cosponsored by Representatives: HARLOW of Portland, JONES of Freedom, KUSIAK of Fairfield.

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

ORDERS

On motion of Representative ROTUNDO of Lewiston, the following Joint Order: (H.P. 1084)

ORDERED, the Senate concurring, that the Joint Standing Committee on Labor, Commerce, Research and Economic Development shall study whether to license water treatment specialists and may report out a bill to the Second Regular Session of the 126th Legislature implementing the committee's recommendations on matters relating to the study.

READ and **PASSED.**

Sent for concurrence.

REPORTS OF COMMITTEE

Change of Committee

Report of the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Discourage Tenants from Damaging Rental Property"

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

Reporting that it be **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY.**

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY.**

Report was **READ** and **ACCEPTED** and the Bill was **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** in concurrence.

Ought to Pass

Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Ensure the Proportional Offset against Retirement Benefits of Workers' Compensation Awards"

(S.P. 327) (L.D. 949)

Reporting **Ought to Pass**.

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-46)**.

Report was **READ** and **ACCEPTED**. The Bill was **READ ONCE**. **Senate Amendment "A" (S-46)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Wednesday, May 8, 2013.

Divided Reports

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-44)** on Bill "An Act To Amend the Laws Governing Probation and Remove References to the Intensive Supervision Program of the Department of Corrections"

(S.P. 250) (L.D. 701)

Signed:

Senators:

DUTREMBLE of York
PLUMMER of Cumberland

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-45)** on same Bill.

Signed:

Senator:

GERZOFSKY of Cumberland

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-44)**.

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-44)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Wednesday, May 8, 2013.

Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought Not to Pass** on Bill "An Act Regarding the Driving of Deer"

(H.P. 295) (L.D. 423)

Signed:

Representatives:

SHAW of Standish
BRIGGS of Mexico
EVANGELOS of Friendship
KUSIAK of Fairfield
MARKS of Pittston
SHORT of Pittsfield
WOOD of Sabattus

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-108)** on same Bill.

Signed:

Senators:

DUTREMBLE of York
BURNS of Washington

Representatives:

CRAFTS of Lisbon
DAVIS of Sangerville
ESPLING of New Gloucester

READ.

On motion of Representative SHAW of Standish, **TABLED** pending **ACCEPTANCE** of either Report and later today assigned.

CONSENT CALENDAR

First Day

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

(S.P. 200) (L.D. 510) Bill "An Act To Ensure Equity in Funding to State Postsecondary Institutions of Higher Learning" Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-43)**

(H.P. 214) (L.D. 305) Bill "An Act To Eliminate Institute Councils for Mental Health Institutions" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass**

(H.P. 239) (L.D. 334) Bill "An Act To Allow Nonprofit Organizations To Operate Snowmobiles as Trail-grooming Equipment" Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass**

(H.P. 680) (L.D. 966) Bill "An Act To Clarify an Exemption to the Municipal Subdivision Laws" Committee on **ENVIRONMENT AND NATURAL RESOURCES** reporting **Ought to Pass**

(H.P. 854) (L.D. 1210) Bill "An Act To Ensure Compliance with the Laws Governing Elections" Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass**

(H.P. 106) (L.D. 131) Bill "An Act To Secure the Safety of Electrical Power Transmission Lines" Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-121)**

(H.P. 122) (L.D. 147) Bill "An Act Regarding Consent for Adoption" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-124)**

(H.P. 144) (L.D. 184) Bill "An Act To Enhance Transparency in Government by Implementing a Waiting Period for Legislators before They May Register as Lobbyists" Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-115)**

(H.P. 238) (L.D. 333) Bill "An Act To Repeal the Provision of Law That Requires the Trade Name or Brand of Malt Liquor To Be Displayed in Full Sight of a Customer on a Faucet, Spigot or

Dispensing Apparatus" Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-120)**

(H.P. 271) (L.D. 396) Bill "An Act To Appropriate Sufficient Funds for Indigent Legal Services" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-123)**

(H.P. 294) (L.D. 422) Bill "An Act To Implement the Recommendations of the Task Force on Franco-Americans" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-116)**

(H.P. 404) (L.D. 585) Bill "An Act To Require the Development of a Statewide Approach to Seaweed Management" Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-126)**

(H.P. 408) (L.D. 589) Bill "An Act To Strengthen the Law Regarding Texting and Driving" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-112)**

(H.P. 520) (L.D. 769) Bill "An Act To Create Fairness in Political Party Enrollment Deadlines" Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-118)**

(H.P. 639) (L.D. 915) Bill "An Act To Expand the Sales Tax Exemption for Certain Public Libraries To Include Sales by Those Libraries or Their Supporting Organizations" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-119)**

(H.P. 656) (L.D. 932) Bill "An Act To Promote Fishing by Youth" Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-117)**

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

**BILLS IN THE SECOND READING
House as Amended**

Bill "An Act To Revise the Animal Welfare Laws"
(H.P. 334) (L.D. 484)
(C. "A" H-107)

Bill "An Act To Amend the Social Work Education Loan Repayment Program"
(H.P. 731) (L.D. 1036)
(C. "A" H-111)

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

Bill "An Act To Increase Funding to Schools" (EMERGENCY)
(H.P. 459) (L.D. 667)

Was reported by the Committee on **Bills in the Second Reading** and **READ** the second time.

On motion of Representative **MAKER** of Calais, was **SET ASIDE**.

The same Representative **PRESENTED House Amendment "A" (H-125)**, which was **READ** by the Clerk.

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

Representative **MAKER**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just wanted to

explain that because this is truly not an emergency category, when I first brought it before you I thought it was an emergency, and this won't take place for another year so there was no need of having that emergency put on. So that's what this is. Thank you, Mr. Speaker.

Subsequently, **House Amendment "A" (H-125)** was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED as Amended by House Amendment "A" (H-125)** and sent for concurrence.

**ENACTORS
Emergency Measure**

Resolve, Regarding Legislative Review of Portions of the MaineCare Benefits Manual, Chapter III, Section 21: Home and Community Benefits for Adults with Intellectual Disabilities or Autistic Disorder, a Major Substantive Rule of the Department of Health and Human Services

(H.P. 5) (L.D. 3)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 138 voted in favor of the same and 0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Acts

An Act To Update the Maine HIV Advisory Committee
(S.P. 39) (L.D. 88)
(C. "A" S-32)

An Act To Amend the Short Form Deeds Act
(H.P. 296) (L.D. 424)

An Act To Protect Public Health at Public Institutions of Higher Education
(H.P. 318) (L.D. 468)
(C. "A" H-77)

An Act To Amend the Law Concerning Protection from Abuse Orders To Include Pets
(H.P. 479) (L.D. 687)

An Act To Ensure the Periodic Review and Revision of Statutory Provisions
(H.P. 536) (L.D. 785)

An Act To Validate Certain Real Estate Transactions Entered into by a Corporation while Its Charter Was Suspended
(H.P. 600) (L.D. 849)

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 Direct the Department of Health and Human Services To Study the Ongoing Need for Rental Subsidies to Provider Agencies
(H.P. 262) (L.D. 387)
(C. "A" H-95)

Resolve, To Study the Issue of Inheritance of Digital Assets
(H.P. 601) (L.D. 850)

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

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

UNFINISHED BUSINESS

The following matter, in the consideration of which the House was engaged at the time of adjournment Thursday, May 2, 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 (8) **Ought Not to Pass** - Minority (5) **Ought to Pass as Amended by Committee Amendment "A" (H-28)** - Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Provide Funding to the State Board of Corrections for Certain County Jail Debt" (H.P. 59) (L.D. 76)

TABLED - April 4, 2013 (Till Later Today) by Representative DION of Portland.

PENDING - **ACCEPTANCE OF EITHER REPORT.**

On motion of Representative DION of Portland, the Bill and all accompanying papers were **INDEFINITELY POSTPONED.** Sent for concurrence.

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

SENATE PAPERS

Bill "An Act To Reform the Maine Public Employees Retirement System" (EMERGENCY) (S.P. 572) (L.D. 1514)

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

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

Resolve, Directing the Department of Corrections, Department of Education, Department of Health and Human Services and Department of Labor To Support the Statewide Coordinated Services District System

(S.P. 569) (L.D. 1513)

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

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

Bill "An Act Regarding Insured Value Factor Payments for Public Tuition Students Attending a Private School"

(S.P. 563) (L.D. 1505)

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

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

Bill "An Act To Include Useful Thermal Energy as a Renewable Energy Source"

(S.P. 565) (L.D. 1507)

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 Increase Funding for Start-ups"

(S.P. 568) (L.D. 1512)

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

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

Bill "An Act Regarding Coordinated Access to Public Records of State Agencies"

(S.P. 566) (L.D. 1511)

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 Require Disclosures by 3rd-party Vendors Contracted To Perform Fund-raising"

(S.P. 564) (L.D. 1506)

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, Directing the Adjutant General of the State To Ensure the Maine Code of Military Justice Addresses Sexual Trauma in the Military

(S.P. 562) (L.D. 1504)

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

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

CONSENT CALENDAR

First Day

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

(H.P. 923) (L.D. 1296) Bill "An Act To Require the Secretary of State To Suspend a Person's License in Certain Instances Regardless of whether an Accident Report Has Been Filed" Committee on **TRANSPORTATION** reporting **Ought to Pass**

(H.P. 379) (L.D. 560) Bill "An Act To Establish Maine Seniors Day" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-132)**

(H.P. 424) (L.D. 605) Bill "An Act To Allow a Minor in the Police Explorer Program To Assist with Traffic Control at Civic Events" Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-130)**

(H.P. 559) (L.D. 808) Bill "An Act To Amend the Laws Concerning Metal Dealers" Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-128)**

(H.P. 845) (L.D. 1201) Bill "An Act To Protect Employees from Abusive Work Environments" Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-129)**

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

REPORTS OF COMMITTEE

Divided Reports

Majority Report of the Committee on **TRANSPORTATION** reporting **Ought Not to Pass** on Bill "An Act To Prohibit Herbicide Spraying on Abandoned Railroad Lines" (H.P. 644) (L.D. 920)

Signed:

Senators:

MAZUREK of Knox
COLLINS of York
VALENTINO of York

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-113)** on same Bill.

Signed:

Representative:

McLEAN of Gorham

READ.

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

Representative JONES of Freedom **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. 76

YEA - Ayotte, Beaulieu, Beck, Bennett, Berry, Black, Bolduc, Campbell J, Carey, Casavant, Cassidy, Chase, Chenette, Clark, Crafts, Cray, Crockett, Davis, DeChant, Devin, Dill, Dion, Doak, Dunphy, Duprey, Espling, Farnsworth, Fitzpatrick, Fowle, Fredette, Gattine, Gifford, Gilbert, Gillway, Goode, Graham, Grant, Guerin, Harvell, Hayes, Hobbins, Hubbell, Jackson, Johnson D, Johnson P, Jorgensen, Keschl, Kinney, Knight, Kornfield, Kumiega, Lajoie, Libby N, Lockman, Long, Longstaff, Luchini, MacDonald S, MacDonald W, Maker, Malaby, Marean, Marks, Mason, Mastraccio, McCabe, McClellan, McElwee, McGowan, Monaghan-Derrig, Moriarty, Morrison, Nadeau C, Nelson, Newendyke, Nutting, Parry, Pease, Peoples, Plante, Pouliot, Powers, Priest, Pringle, Rankin, Reed, Rochelo, Rotundo, Sanderson, Saucier, Saxton, Schneck, Shaw, Short, Sirocki, Stanley, Theriault, Timberlake, Tipping-Spitz, Treat, Tyler, Verow, Volk, Wallace, Weaver, Welsh, Werts, Willette, Wilson, Winchenbach, Winsor, Wood, Mr. Speaker.

NAY - Beavers, Boland, Brooks, Chapman, Chipman, Cooper, Daughtry, Dickerson, Dorney, Evangelos, Gideon, Hamann, Harlow, Hickman, Jones, Kaenrath, Kent, Kruger, Kusiak, McLean, Moonen, Nadeau A, Noon, Peavey Haskell, Russell, Rykerson, Sanborn, Stuckey, Villa.

ABSENT - Beaudoin, Briggs, Campbell R, Cotta, Frey, Herbig, Libby A, Peterson, Turner.

Yes, 113; No, 29; Absent, 9; Excused, 0.

113 having voted in the affirmative and 29 voted in the negative, with 9 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 Not to Pass** on Resolve, To Establish a Working Group To Study Issues Relating to Liability of Apiary Owners and Operators (H.P. 589) (L.D. 838)

Signed:

Senators:

JACKSON of Aroostook
BOYLE of Cumberland
SHERMAN of Aroostook

Representatives:

DILL of Old Town
CRAY of Palmyra
KENT of Woolwich
NOON of Sanford
SAUCIER of Presque Isle
TIMBERLAKE of Turner

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

Signed:

Representatives:

BLACK of Wilton
HICKMAN of Winthrop
JONES of Freedom
MAREAN of Hollis

READ.

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

Majority Report of the Committee on **TAXATION** reporting **Ought Not to Pass** on Bill "An Act To Exempt the Sale of the United States Flag from the Sales Tax" (H.P. 693) (L.D. 979)

Signed:

Senators:

HASKELL of Cumberland
MILLETT of Cumberland

Representatives:

GOODE of Bangor
BROOKS of Winterport
KNIGHT of Livermore Falls
LIBBY of Lewiston
MAREAN of Hollis
MOONEN of Portland
STANLEY of Medway
TIPPING-SPITZ of Orono

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-122)** on same Bill.

Signed:
Senator:
THOMAS of Somerset

Representatives:
BENNETT of Kennebunk
JACKSON of Oxford

READ.

On motion of Representative GOODE of Bangor, the Minority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-122)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Wednesday, May 8, 2013.

Majority Report of the Committee on **TAXATION** reporting **Ought Not to Pass** on Bill "An Act Relating to Precious Metal Coins"

(H.P. 705) (L.D. 1007)

Signed:
Senators:
HASKELL of Cumberland
MILLETT of Cumberland

Representatives:
GOODE of Bangor
BROOKS of Winterport
LIBBY of Lewiston
MOONEN of Portland
STANLEY of Medway
TIPPING-SPITZ of Orono

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-114)** on same Bill.

Signed:
Senator:
THOMAS of Somerset

Representatives:
BENNETT of Kennebunk
JACKSON of Oxford
KNIGHT of Livermore Falls
MAREAN of Hollis

READ.

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

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

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

The **SPEAKER**: 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. 77

YEA - Beavers, Beck, Berry, Boland, Bolduc, Briggs, Brooks, Campbell J, Carey, Casavant, Cassidy, Chapman, Chenette, Chipman, Cooper, Daughtry, DeChant, Devin, Dickerson, Dill,

Dion, Dorney, Farnsworth, Fowle, Gattine, Gideon, Gilbert, Goode, Grant, Hamann, Harlow, Hayes, Hobbins, Hubbell, Jorgensen, Kaenrath, Kent, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby N, Longstaff, Luchini, MacDonald W, Mason, Mastraccio, McCabe, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, Nelson, Noon, Peoples, Plante, Powers, Priest, Pringle, Rankin, Rochelo, Rotundo, Rykerson, Sanborn, Saucier, Saxton, Schneck, Shaw, Short, Stanley, Stuckey, Theriault, Tipping-Spitz, Treat, Verow, Villa, Welsh, Werts, Mr. Speaker.

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

ABSENT - Beaudoin, Campbell R, Cotta, Frey, Graham, Herbig, Libby A, Peterson, Turner.

Yes, 83; No, 59; Absent, 9; Excused, 0.

83 having voted in the affirmative and 59 voted in the negative, with 9 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

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

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought Not to Pass** on Bill "An Act Allowing Municipalities To Enact Firearms Policies in Local Government Buildings"

(H.P. 794) (L.D. 1122)

Signed:
Senators:
LACHOWICZ of Kennebec
COLLINS of York
GERZOFISKY of Cumberland

Representatives:
GRAHAM of North Yarmouth
COTTA of China
HAYES of Buckfield
MacDONALD of Old Orchard Beach
NADEAU of Fort Kent
PEASE of Morrill

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

Signed:
Representatives:
BOLAND of Sanford
CHENETTE of Saco
NADEAU of Winslow

READ.

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

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

Representative **BRIGGS**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. In reference to Roll Call No. 76 on LD 920, had I been present, I would have voted yea. Thank you.

The SPEAKER: The Chair recognizes the Representative from Livermore Falls, Representative Knight, who wishes to address the House on the record.

Representative **KNIGHT**: Thank you, Mr. Speaker. Earlier this morning, there was a roll call taken relative to the Governor's veto. That would have been Communication 2-6. I inadvertently pushed my green button. I tried to change it to the red button and you closed out the voting and I was not able to record the vote I really wanted, so I'd like to be on the record having voted red. Thank you.

The SPEAKER: The Chair recognizes the Representative from North Yarmouth, Representative Graham, who wishes to address the House on the record.

Representative **GRAHAM**: Thank you, Mr. Speaker. On item 6-1, LD 1007, if I had been present, I would have voted yea.

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

On motion of Representative KORNFIELD of Bangor, the House adjourned at 11:15 a.m., until 10:00 a.m., Wednesday, May 8, 2013.