

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
41st Legislative Day
Tuesday, May 14, 2013

Representative GILBERT of Jay assumed the Chair.

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

Prayer by Father Jacques LaPointe, Notre Dame du mont Carmel Parish, Madawaska.

Colors presented by Franco-American Veterans, Post 31, Lewiston.

National Anthem by Melanie Saucier, Fort Kent.

Pledge of Allegiance.

Doctor of the day, Elena Nawfel, M.D., Waterville.

The Journal of Thursday, May 9, 2013 was read and approved.

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

COMMUNICATIONS

The Following Communication: (H.C. 159)

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

May 13, 2013

Honorable Millicent M. MacFarland
Clerk of the House

2 State House Station
Augusta, Maine 04333

Dear Clerk MacFarland:

Pursuant to my authority under House Rule 201.1 (H), I have appointed Representative Paul E. Gilbert of Jay to serve as Speaker Pro Tem to convene the House on Tuesday, May 14, 2013.

Sincerely,

S/Mark W. Eves

Speaker of the House

READ and ORDERED PLACED ON FILE.

ORDERS

On motion of Representative THERIAULT of Madawaska, the following Joint Resolution: (H.P. 1104) (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, FARNSWORTH of Portland, FITZPATRICK of Houlton, FOWLE of Vassalboro, FREDETTE of Newport, FREY of Bangor, GATTINE of Westbrook, GIDEON of

Freeport, GIFFORD of Lincoln, GILBERT of Jay, GILLWAY of Searsport, GOODE of Bangor, GRAHAM of North Yarmouth, GRANT of Gardiner, GUERIN of Glenburn, HAMANN of South Portland, HARLOW of Portland, HARVELL of Farmington, HAYES of Buckfield, HERBIG of Belfast, HICKMAN of Winthrop, HOBBS of Saco, HUBBELL of Bar Harbor, JACKSON of Oxford, JOHNSON of Eddington, JOHNSON of Greenville, JONES of Freedom, JORGENSEN of Portland, KAENRATH of South Portland, KENT of Woolwich, 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, PEAVER 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, TIMBERLAKE of Turner, TIPPING-SPITZ of Orono, TREAT of Hallowell, TURNER of Burlington, TYLER of Windham, VEROW of Brewer, VILLA of Harrison, VOLK of Scarborough, WALLACE of Dexter, WEAVER of York, WELSH of Rockport, WERTS of Auburn, WILLETTE of Mapleton, WILSON of Augusta, WINCHENBACH of Waldoboro, WINSOR of Norway, WOOD of Sabattus, Senators: President ALFOND of Cumberland, BOYLE of Cumberland, BURNS of Washington, CAIN of Penobscot, CLEVELAND of Androscoggin, COLLINS of York, CRAVEN of Androscoggin, CUSHING of Penobscot, DUTREMBLE of York, FLOOD of Kennebec, GERZOFSKY of Cumberland, GOODALL of Sagadahoc, GRATWICK of Penobscot, HAMPER of Oxford, HASKELL of Cumberland, HILL of York, JACKSON of Aroostook, JOHNSON of Lincoln, KATZ of Kennebec, LACHOWICZ of Kennebec, LANGLEY of Hancock, MASON of Androscoggin, MAZUREK of Knox, MILLETT of Cumberland, PATRICK of Oxford, PLUMMER of Cumberland, 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)

**RÉSOLUTION CONJOINTE HONORANT
LES FRANCO-AMÉRICAINS**

Considérant que, l'état du Maine est nommé après la province du Maine en France et que les villages de Paris et Calais portent les noms de la capitale de France et du port français de Calais, respectivement; et

Considérant que, plus d'un tiers de la population du Maine est de descendance française et canadienne, et les franco-américains du Maine ont contribué beaucoup à la beauté et la qualité de cet état; et

Considérant que, le français est la première langue de milliers de citoyens du Maine, et il y a eu une augmentation de l'utilisation de la langue française et une appréciation croissante de l'héritage franco-américain à travers l'état; et

Considérant que, des clubs et des associations pour promouvoir la culture et la langue française sont nés à travers l'état, y inclus le caucus francophone à la capitale; et

Considérant que, les gens qui parlent couramment le français et l'anglais sont une ressource économique et culturelle pour l'état du Maine; et

Considérant que, le tourisme culturel sera accru par les véritables centres franco-américains à travers l'état et la grande présence de franco-américains dans le Maine peut renforcer davantage nos relations avec le Canada, la France, et les autres pays francophones; et

Considérant que, le premier Jour Franco-Américain a été célébré mercredi, 6 mars, 2002, à la Capitale de l'État; maintenant, alors, qu'il soit

Résolu, que nous, les membres de la Cent-Vingt-sixième Législature, assemblés dans la première session régulière, au nom des gens que nous représentons, proclamons que mardi, 14 mai, 2013 est le Jour Franco-Américain, soit célébré à la Capitale de l'État; et qu'il soit aussi

Résolu, que le Jour Franco-Américain soit célébré pour commémorer la riche histoire du peuple français dans l'état du Maine et aux États-Unis d'Amérique.

JOINT RESOLUTION RECOGNIZING FRANCO-AMERICAN DAY

WHEREAS, the State of Maine is named after the Province of Maine in France and the towns of Paris and Calais owe their names to the capital city of France and the French port city of Calais, respectively; and

WHEREAS, more than 1/3 of the population of Maine is of French and Canadian descent, and Franco-Americans in Maine have contributed much to the beauty and quality of this State; and

WHEREAS, French is the primary language of thousands of Mainers and there has been a resurgence in the use of the French language and a heightened appreciation of the Franco-American heritage throughout the State; and

WHEREAS, clubs and organizations to promote French culture and language have sprung up throughout the State, including the Francophone Caucus at the State Capitol; and

WHEREAS, fluent French-English bilingual people are a cultural and economic resource to the State; and

WHEREAS, cultural tourism can be greatly enhanced by the genuine Franco-American centers throughout the State and the large Franco-American presence in Maine can further strengthen our relationships with Canada, France and the rest of the francophone world; and

WHEREAS, the first Franco-American Day was celebrated on Wednesday, March 6, 2002 at the State Capitol; 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, proclaim that Tuesday, May 14, 2013 is Franco-American Day, to be celebrated at the State Capitol; and be it further

RESOLVED: That Franco-American Day be celebrated to commemorate the rich history of the French people in the State of Maine and the United States of America.

READ.

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

Representative **THERIAULT**: Merci beaucoup, Monsieur le Président. Les Membres de la Chambre, c'est mon honneur de présenter ce matin le conjour résolution, et aussi c'est mon honneur de voir tous le monde les français ici aujourd'hui avec nous. C'est-a-dire, aujourd'hui c'est la plus belle journée que nous avons eus cette année, mais c'est a cause que c'est la journée des Franco. C'est mon plaisir de tous vous avoir avec nous aujourd'hui.

Members of the House, it is my pleasure to have you here this day and as I said in French, the most beautiful day of the year and it happens to be Franco Day. We welcome all the people here who have joined us today for this event. Merci beaucoup.

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

Representative **FREDETTE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I, myself, am personally a fourth generation Mainer, my folks having emigrated originally from Quebec over into New Brunswick, and then ultimately down into the Danforth area in Washington County. However, ultimately, with a last name like Fredette, I certainly am French and recognize my French history. Last session, along with Representative John Martin, we cosponsored legislation whereby we created a task force on Franco-Americans. That task force was privately financed and some of the work that we did on that, beyond that, including a poll of Franco-Americans in the state was also privately financed by the Franco-American community. The good consulate, Severin Beliveau, was part of that task force, other members of this body. It was a bipartisan effort. Representative Bolduc, from Lewiston, was part of that effort. It was really, I think, a watershed event for the Franco-American community and one of the important end products of that process was ultimately the creation of a nonprofit called the Franco-American Leadership Council. Essentially, the thought process was, for 100 years in Maine, while we've had pockets of Franco-Americans in Maine, such as in Biddeford, Lewiston, Augusta, Waterville and up in the Valley, there was no entity to try to bring those voices together so that the Franco-American community had sort of one voice on what might be viewed as state issues, or international issues with Quebec, or national issues themselves. We've created, now, this Franco-American Leadership Council which hopes to take the identity, the cultural and the history of Franco-Americans forward so that the process of Franco-Americans is not only looking backward, but in fact now looking forward in terms of roles that Franco-Americans play in leadership on the Judiciary, in the business community, in government and what not. I'm proud to recognize on the Republican side of the aisle, the good Representative from Mapleton, Representative Willette, also is a Franco-American, and the good Senator from Waldo County, Senator Thibodeau, is also a Franco-American, and our Chief Executive, Governor LePage, is also a Franco-American, and so certainly we, on the Republican side, believe certainly that the Franco-American community has come of age in Maine. We are proud of that and we respect that and I recognize this day as, again, a small piece in keeping that movement alive. Thank you, Mr. Speaker.

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

Representative **AYOTTE**: Ladies and Gentlemen of the House, merci beaucoup. Monsieur le Président, Madames et Messieurs de la Chamber. Ça me fait grande plaisir de prendre cette occasion de dire merci et bienvenue à tous les gens de la Vallée de St. Jean dans le Comté d'Aroostook, dans l'état de

Maine. Merci pour avoir voyager si loin pour être avec nous à la journée Franco-américaine. Une bienvenue spéciale à tout les gens de Madawaska, Grand Isle, Van Buren, Hamlin et la Plantation de Cyr. Merci à tous.

Mr. Speaker, Ladies and Gentlemen of the House. I want to say a special welcome to all the people of the St. John River Valley in Aroostook County who have traveled so far to be with us today, Franco American Day, in the State Capitol in Augusta, in the great State of Maine. A special thank you to the people of Madawaska, Grand Isle, Van Buren, Hamlin and Cyr Plantation. Welcome to all. Thank you, Mr. Speaker. Merci beaucoup, Monsieur le Président.

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

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Father Jacques LaPointe, O.F.M., of Madawaska, on his induction into the Franco-American Hall of Fame. Father LaPointe, born in Van Buren, is a true border person, having lived, studied, worked and taught on both sides of the St. John River. He has taught CCD at St. Bruno Parish in Van Buren and Acadian history at Van Buren High School, as well as serving as an adjunct faculty member of the University of Maine at Fort Kent. For many years, Father LaPointe worked as a liaison officer and project coordinator with several international nongovernmental agencies, mostly in francophone communities. He received his master's degree in Acadian history and has published several books. He attended the Washington Theological Union Seminary and received his master's degree in Divinity. In 1992, he professed his first vows as a Franciscan friar and was ordained a priest in 1997. He has worked in Japan and from 2000 to 2010, Father LaPointe worked with the Haitian community in New York City. He has been a strong supporter of the upcoming 2014 World Acadian Congress to be held in northern Maine and Canada. We acknowledge his dedicated service to his community and to his heritage, and we congratulate Father LaPointe on his induction into the Franco-American Hall of Fame;

(HLS 249)

Presented by Representative THERIAULT of Madawaska.
Cosponsored by Senator JACKSON of Aroostook, Senator CRAVEN of Androscoggin, Senator DUTREMBLE of York, Representative BEAUDOIN of Biddeford, Representative BECK of Waterville, Representative SAUCIER of Presque Isle, Representative LAJOIE of Lewiston, Senator CLEVELAND of Androscoggin, Representative LIBBY of Lewiston, Representative VEROW of Brewer, Representative GILBERT of Jay, Representative PEAVEY HASKELL of Milford, Representative POULIOT of Augusta, Representative AYOTTE of Caswell, Representative WERTS of Auburn, Representative FREDETTE of Newport, Representative NADEAU of Fort Kent, Representative BEAULIEU of Auburn, Representative BOLAND of Sanford, Representative BOLDUC of Auburn, Representative CASAVANT of Biddeford, Representative MASTRACCIO of Sanford, Representative NADEAU of Winslow, Representative ROTUNDO of Lewiston, Representative JACKSON of Oxford, Representative CROCKETT of Bethel, Representative DeCHANT of Bath, Senator KATZ of Kennebec, Representative LONGSTAFF of Waterville, Representative McELWEE of Caribou, Senator TUTTLE of York, Senator LACHOWICZ of Kennebec, Representative FOWLE of Vassalboro.

On **OBJECTION** of Representative THERIAULT of Madawaska, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **THERIAULT**: Merci, Monsieur le Président. Thank you, Mr. Speaker. Ladies and Gentlemen of the House, I rise to pay tribute to a true role model for the Franco-American community and that is Le Père Jacques as he is known in my area. Father Jacques LaPointe was born in Van Buren and has been an integral part of the community surrounding the Saint John River. He is an educator, having taught at the St. Bruno Parish, Van Buren High School and the University of Maine at Fort Kent. Father LaPointe has been involved with several international nongovernmental agencies, most of which are francophone communities. He has lived and worked in Japan to lead an international campaign against child pornography and fought for the protection of street children. Having worked with the Prime Minister, Keizo Obuchi, and numerous ambassadors and representatives of UN agencies, he has helped pass a law protecting children in Japan. In New York City, Father LaPointe worked with the Haitian community for a decade and has been a strong supporter of the 2014 World Acadian Congress. In his spare time, Father LaPointe enjoys archeological research along the Saint John River, the river between the two countries of Maine and New Brunswick, Canada. He has also published a French version of the book *Of Moose and Miracles*. He is a great model and I am happy to have him to be honored in this resolution. Father Jacques is my pastor. He is from the Parish of Notre Dame du Mont Carmel. We, in the Parish of Notre Dame du Mont Carmel, wish him the best in his future teachings. He is leaving our parish but he's not going very far. He will now be in Van Buren where we will get to see him because he will be living in Saint David. Merci beaucoup, Monsieur le Président. On peut juste dire merci beaucoup pour toute que vous avez fait pour tout le monde, les Catholiques, et tout le monde entier du monde. Merci beaucoup, Le Père Jacques.

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

Representative **AYOTTE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Today there is special significance for me to join in the induction of Father Jacques LaPointe, OFM, Order of Friars Minor, into the Maine Franco-American Hall of Fame. As many of you know, I am a graduate of a Franciscan College and a product of a Franciscan Education. Because of my unique connection with a Franciscan School, I find it especially rewarding to recognize a Franciscan, Father Jacques LaPointe, OFM.

The Franciscans were founded in the thirteenth century by St. Francis of Assisi, the world's first environmentalist. It is truly remarkable in this day and age, when the environment of our earth is being elevated and recognized as very important to our planet to realize that St. Francis recognized their importance centuries ago. Francis was also a mystic and stigmata who rejected the wealth of his family and dedicated his life to serving the poor, the homeless and the sick, and to this day, the Franciscans still maintain missions in leper colonies all over the world. The Order of Franciscan Monks not only continue their work among the homeless, the poor, the lepers and the sick but also maintain some of the finest and most prestigious universities in the world. Even today, countless individuals continue to be inspired by the example of St. Francis. It is therefore a special honor for me to recognize, congratulate and acknowledge on

behalf of the Maine State House of Representatives, Father Jacques LaPointe from the order of St. Francis.

It is true that it has taken me over half a century but today I want to thank the Franciscan Fathers for the fine background they gave me and many other students by their dedication and their service in Maine in providing a unique classical education. Thank you, Father Jacques LaPointe, for being a member of such an old and prestigious Order of Franciscan Monks and once more congratulations on being inducted into the Maine State Legislature's Franco-American Hall of Fame. Thank you, Mr. Speaker.

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

Recognizing:

the Honorable Lisa Marraché, M.D., of Waterville, on her induction into the Franco-American Hall of Fame. Dr. Marraché is a former longtime member of the Maine Legislature, having served 3 terms in the House of Representatives and 2 terms in the Senate. She also served as a councilor for the City of Waterville. Dr. Marraché is one of the co-founders of the Franco-American Heritage Society of the Kennebec Valley and has always been a strong promoter of her Franco-American heritage in the community. She and her husband, Ronnie Marraché, M.D., both serve the medical needs of our Nation's veterans at the Maine VA Medical Center in Togus. We acknowledge her dedicated service to her community and to the State, and we congratulate her on her induction into the Franco-American Hall of Fame;

(HLS 247)

Presented by Representative LONGSTAFF of Waterville.

Cosponsored by Representative BECK of Waterville, Senator LACHOWICZ of Kennebec, Senator CRAVEN of Androscoggin, Senator DUTREMBLE of York, Representative THERIAULT of Madawaska, Representative BEAUDOIN of Biddeford, Representative SAUCIER of Presque Isle, Representative LAJOIE of Lewiston, Senator CLEVELAND of Androscoggin, Representative LIBBY of Lewiston, Representative VEROW of Brewer, Representative GILBERT of Jay, Representative PEAVEY HASKELL of Milford, Representative POULIOT of Augusta, Representative AYOTTE of Caswell, Representative WERTS of Auburn, Senator JACKSON of Aroostook, Representative FREDETTE of Newport, Representative NADEAU of Fort Kent, Representative BEAULIEU of Auburn, Representative BOLAND of Sanford, Representative BOLDUC of Auburn, Representative CASAVANT of Biddeford, Representative MASTRACCIO of Sanford, Representative NADEAU of Winslow, Representative ROTUNDO of Lewiston, Representative JACKSON of Oxford, Representative CROCKETT of Bethel, Representative DeCHANT of Bath, Senator KATZ of Kennebec, Representative McELWEE of Caribou, Senator TUTTLE of York, Representative FOWLE of Vassalboro.

On **OBJECTION** of Representative LONGSTAFF of Waterville, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Waterville, Representative Longstaff.

Representative **LONGSTAFF**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I consider it an honor and a privilege to rise today to recognize the Honorable Dr. Lisa Marraché, on the occasion of her induction into the Franco-American Hall of Fame. Although I had known for some time that Dr. Marraché was my State Representative in both chambers of

the Legislature, I came to know her personally when she accepted an invitation to speak to the Mid-Maine Global Forum in Waterville. Her topic was a report on her recent visit with our military forces deployed in the Middle East. It was, as you might imagine, a great program and following that, I became better acquainted with Dr. Marraché. I learned about her earlier life as the daughter of a career soldier, which meant growing up with frequent moves and a growing acquaintance with the diversity in our country. I learned about her concern for and her advocacy for our men and women in uniform and our veterans, concerns that she shares with her husband, Dr. Ronnie Marraché. Their current employment as physicians at our veteran's facility in Togus is a clear example of this commitment. Finally, I have come to know Dr. Marraché as a strong, effective and highly respected leader in the Franco-American community of central Maine. Many things have been mentioned in the citation just read by the Clerk of the House and an extensive list of her accomplishments is available in a brochure, which you can find in the Hall of Flags and I urge you to pick one of those up. Because those things are so well documented, I can be brief this morning. I'll conclude by saying that I am honored that Dr. Marraché supported me when I ran for election to the House and again when I ran for reelection. I am enthusiastic about standing here today in strong support of the well-deserved recognition that my friend will receive today and as we remember her community service and also when she is inducted into the Franco-American Hall of Fame. Thank you, Mr. Speaker and members of this body, and thank you for joining me in this expression of respect and appreciation to the Honorable Dr. Marraché.

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

Recognizing:

Melanie Dorice Saucier, of Fort Kent, for her years of vocal performance at the annual celebration of Franco-American Day at the State House. Since 2001, Ms. Saucier has sung the national anthems of the United States, France and Canada in both French and English to mark the occasion. She has also sung at other important events, such as at the Pennsylvania State Convention of the Veterans of Foreign Wars, the Independence Day/100th Anniversary celebration at the Great Lakes Naval Training Center, the Festival Franco-Fun in Lewiston, the Festival de la Bastille, and the Shrine of La Salette. Ms. Saucier has received many awards and recognitions, including the Festival Cast Award at the regional drama competition in 2012 and 2013, the All-State Cast Award at the Maine Drama Festival in 2013, Most Outstanding Intermediate Vocalist in 2012, the Bell-Aliant Award for Runner-up Intermediate Star in 2012 and first prize, Judge's Award, and People's Choice Award at the Festival de la chanson at St. Ambrois, Quebec, Canada. In addition, Ms. Saucier was former Junior Miss St. John Valley in 2007, Miss Little Maine in 2006, Miss Northern Maine Junior Pre-Teen in 2005, Miss Little Potato Queen in 2003 and Little Miss Fort Kent in 2003. We extend our appreciation to Ms. Saucier for her annual contribution to the cultural experience of Franco-American Day. We congratulate her on her many achievements and send her our best wishes for continued success;

(HLS 248)

Presented by Representative NADEAU of Fort Kent.

Cosponsored by Senator JACKSON of Aroostook, Senator CRAVEN of Androscoggin, Senator DUTREMBLE of York, Representative THERIAULT of Madawaska, Representative BEAUDOIN of Biddeford, Representative BECK of Waterville,

Representative SAUCIER of Presque Isle, Representative LAJOIE of Lewiston, Senator CLEVELAND of Androscoggin, Representative LIBBY of Lewiston, Representative VEROW of Brewer, Representative GILBERT of Jay, Representative PEAVEY HASKELL of Milford, Representative POULIOT of Augusta, Representative AYOTTE of Caswell, Representative WERTS of Auburn, Representative FREDETTE of Newport, Representative BEAULIEU of Auburn, Representative BOLAND of Sanford, Representative BOLDUC of Auburn, Representative CASAVANT of Biddeford, Representative MASTRACCIO of Sanford, Representative NADEAU of Winslow, Representative ROTUNDO of Lewiston, Representative JACKSON of Oxford, Representative CROCKETT of Bethel, Representative DeCHANT of Bath, Senator KATZ of Kennebec, Representative LONGSTAFF of Waterville, Representative McELWEE of Caribou, Senator TUTTLE of York, Senator LACHOWICZ of Kennebec, Representative FOWLE of Vassalboro.

On **OBJECTION** of Representative WILLETTE of Mapleton, was **REMOVED** from the Special Sentiment Calendar.

READ.

On motion of the same Representative, **TABLED** pending **PASSAGE** and later today assigned.

Recognizing:

the Honorable Michael P. Cantara, of Biddeford, on his induction into the Franco-American Hall of Fame. Judge Cantara is a graduate of Biddeford High School, Colby College and the University of Maine School of Law. He also studied in France and received a Fulbright teaching fellowship position to teach in France. Judge Cantara has served with distinction as an attorney in private practice, as a York County Assistant District Attorney, as Deputy District Attorney and for 3 terms as York County District Attorney. He has served on the Biddeford Planning Board, including serving as chair, and served as Mayor of Biddeford from 1987 to 1988. From 2003 to 2007, he was the Commissioner of Public Safety and since 2007 has served the people of Maine as a District Court judge. We acknowledge his commitment to his community and to the State and we congratulate him on his induction into the Franco-American Hall of Fame;

(HLS 250)

Presented by Representative CASAVANT of Biddeford.

Cosponsored by Senator VALENTINO of York, Representative ROCHELO of Biddeford, Senator DUTREMBLE of York, Representative BEAUDOIN of Biddeford, Senator CRAVEN of Androscoggin, Representative THERIAULT of Madawaska, Representative BECK of Waterville, Representative SAUCIER of Presque Isle, Representative LAJOIE of Lewiston, Senator CLEVELAND of Androscoggin, Representative LIBBY of Lewiston, Representative VEROW of Brewer, Representative GILBERT of Jay, Representative PEAVEY HASKELL of Milford, Representative POULIOT of Augusta, Representative AYOTTE of Caswell, Representative WERTS of Auburn, Senator JACKSON of Aroostook, Representative FREDETTE of Newport, Representative NADEAU of Fort Kent, Representative BEAULIEU of Auburn, Representative BOLAND of Sanford, Representative BOLDUC of Auburn, Representative CASAVANT of Biddeford, Representative MASTRACCIO of Sanford, Representative NADEAU of Winslow, Representative ROTUNDO of Lewiston, Representative JACKSON of Oxford, Representative CROCKETT of Bethel, Representative DeCHANT of Bath, Senator KATZ of Kennebec, Representative LONGSTAFF of Waterville, Representative McELWEE of Caribou, Senator

TUTTLE of York, Senator LACHOWICZ of Kennebec, Representative FOWLE of Vassalboro.

On **OBJECTION** of Representative CASAVANT of Biddeford, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **CASAVANT**: Merci beaucoup, Monsieur le Président. I opened up my objection to this Sentiment in French, but you know darn well I'm not going there any further. The ice is too thin for me. It's a great honor to have this chance to nominate my good friend Michael Cantara to the Franco-American Hall of Fame. I've had the privilege for knowing Michael for over 25 years. I first met him when he was a young attorney serving on the planning board and I was struck by his intelligence, his manner of speech and his passion for being Franco-American. He went on to serve as mayor of Biddeford. That was one of the first campaigns, actually, I ever got involved in. I somehow cornered him into running and he was a very successful mayor for two years, served as District Attorney, Commissioner of Public Safety, and now, of course, he serves as a judge in the Maine Court System. Just looking at his professional career would be enough, but what makes Michael such a great inductee, as I said earlier, is his passion for being Franco. This is a celebratory day and I think it's important to put it in the context of Franco history.

I grew up in southern Maine. I don't speak French. I have a Franco name. But many of my generation, for many reasons, attempted during the '60s and '70s to forget who we were. We forgot about being Franco. There was a double standard of sorts. Neighboring towns and communities would look down upon us as being Franco. We were labeled "dumb frogs." That wasn't true in northern Maine, but it was particularly true in southern Maine. For me, I distinctly remember being in high school saying, "I'm not going to learn French." Now, I had to do it, it was part of the curriculum, but I resented it. I look back on that and say "Why?" because my Mémé never spoke English. She was from Canada and never spoke English. She had her green card and never became an American citizen and neither did my Pèpé or my great aunts and uncles, but for some reasons, for me, there was a block. Some of my friends actually changed their names to get away from that Franco stigma. What a sad testimony we all had. Michael was different. Michael loved the whole ethnicity. I remember him telling me about Franco traditions. His father, laying the hands on, on New Year's Day. I remember thinking "We never did that." I remember going to Quebec City with him and he beaming eating boudin, blood sausage, and me wondering "What are you doing?" But more importantly, he is most responsible for me looking within myself and rediscovering my Franco identity.

I'll share a story with you. Many years ago, there was a popular radio station in Maine that had a comedian by the name of "Frenchie" and he would be on the air every morning and I would be driving to school and I would be laughing hysterically. He spoke with a heavy French accent and said very foolish things and I thought it was witty, and then suddenly, there was this group that was attempting to have him removed because of the stereotype of that dumb Frenchman. I remember talking to Michael Cantara about that and he said something to me that resonated and I finally got it, even though I was probably far older than I should have been to catch on, and he said, "Alan, when you perpetuate a stereotype, it doesn't go away." And he was right. That stereotype, the dumb Frenchman, the dumb frog, couldn't be allowed to be perpetuated over and over and over again. I caught on and Michael, for all of the things that he's

done in his public life, he's always been there in terms of being Franco. He is the strongest advocate for Franco-Americans that I know in the Biddeford/Saco community and for what you've done to me, Michael, to awaken me to the values of being Franco, I want to thank you from the bottom of my heart very much. Thank you very much.

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

Recognizing:

Cindy Larock, of Lewiston, on her induction into the Franco-American Hall of Fame for her commitment and contributions to helping preserve Franco heritage in Maine. Ms. Larock has been instrumental in the preservation and continuation of traditional French dances, such as jigs and square-dances, and has helped form a musical group, "Les Troubadours," an eclectic, flexible group that performs traditional Franco songs. We acknowledge Ms. Larock's service to her community and to the State, and we congratulate her on her induction into the Franco-American Hall of Fame;

(HLS 256)

Presented by Representative ROTUNDO of Lewiston.

Cosponsored by Senator CRAVEN of Androscoggin, Representative WERTS of Auburn, Representative LAJOIE of Lewiston, Representative CAREY of Lewiston, Representative LIBBY of Lewiston, Senator DUTREMBLE of York, Representative THERIAULT of Madawaska, Representative BEAUDOIN of Biddeford, Representative BECK of Waterville, Representative SAUCIER of Presque Isle, Senator CLEVELAND of Androscoggin, Representative VEROW of Brewer, Representative GILBERT of Jay, Representative PEAVEY HASKELL of Milford, Representative POULIOT of Augusta, Representative AYOTTE of Caswell, Senator JACKSON of Aroostook, Representative FREDETTE of Newport, Representative NADEAU of Fort Kent, Representative BEAULIEU of Auburn, Representative BOLAND of Sanford, Representative BOLDUC of Auburn, Representative CASAVANT of Biddeford, Representative LONGSTAFF of Waterville, Representative NADEAU of Winslow, Representative JACKSON of Oxford, Representative CROCKETT of Bethel, Representative DeCHANT of Bath, Senator KATZ of Kennebec, Representative McELWEE of Caribou, Senator TUTTLE of York, Senator LACHOWICZ of Kennebec, Representative FOWLE of Vassalboro.

On **OBJECTION** of Representative ROTUNDO of Lewiston, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Lewiston, Representative Rotundo.

Representative **ROTUNDO**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. It's such an honor for our Lewiston legislative delegation to have Cindy Larock inducted into the Franco-American Hall of Fame. No one has shown greater energy and more enthusiasm for preserving Franco culture than Cindy Larock. Her enthusiasm and her passion are contagious and she shares them generously as she brings her love of traditional French dances and music to young and old alike throughout the state. She's an absolute treasure. For all Cindy has done to bring us joy and help preserve our Franco heritage in Maine, we gratefully honor and thank her today.

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

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

The Speaker resumed the Chair.

The House was called to order by the Speaker.

Recognizing:

Ann Lee Hussey, of South Berwick, who is one of 12 Rotary International members honored at the White House as a Champion of Change. Ms. Hussey, a Rotarian and polio survivor, spent the last 12 years leading teams of volunteers to developing countries to immunize children against polio. The Champions of Change program was created to allow the White House to feature groups of Americans who are doing extraordinary things to empower and inspire members of their communities. We extend our congratulations to Ms. Hussey on her remarkable achievements and send her our best wishes;

(SLS 319)

On **OBJECTION** of Representative BERRY of Bowdoinham, was **REMOVED** from the Special Sentiment Calendar.

READ.

On motion of the same Representative, **TABLED** pending **PASSAGE** and later today assigned.

Recognizing:

Caroline Colan, of Readfield, a senior at Maranacook Community High School, who has received an Honorable Mention within the Second Congressional District of Maine in the 2013 Congressional Art Competition. We extend our congratulations and best wishes to Caroline on her being given this honor;

(HLS 255)

Presented by Representative HICKMAN of Winthrop.

Cosponsored by Senator SAVIELLO of Franklin.

On **OBJECTION** of Representative BERRY of Bowdoinham, was **REMOVED** from the Special Sentiment Calendar.

READ.

On motion of the same Representative, **TABLED** pending **PASSAGE** and later today assigned.

UNFINISHED BUSINESS

The following matter, in the consideration of which the House was engaged at the time of adjournment Thursday, May 9, 2013, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

An Act Regarding the Authority of a School Board To Elect a School Superintendent

(H.P. 10) (L.D. 6)

(C. "A" H-31)

TABLED - May 9, 2013 (Till Later Today) by Representative BERRY of Bowdoinham.

PENDING - RECONSIDERATION (Returned by the Governor without his approval).

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. Some have stated that this is as simple as just changing the charter in our community. Changing the charter would require a total voter turnout of at least 30 percent of those who voted in the last gubernatorial

election. For Augusta, that number was 7,652, so to change the charter, at least 2,296 residents would have to turn up to vote. That's a figure we're not likely to see in the June election based on past voting numbers. For example, last June, only 1,558 residents turned out to vote on the school budget. Furthermore, there is not enough time to put a charter change on the June ballot. This means Augusta would have to wait until the November election to propose a charter change to remove the superintendent residency requirement, and even then, 2,296 voters would have to turn up, which is unlikely in an off-year election for Augusta. In fact, the earliest this kind of turnout is likely to occur is November 2014. The current contract for our superintendent runs out December 2013 and can only be extended of a maximum of six months. This means that we would have to select an Augusta resident to be our next superintendent, significantly limiting our pool of candidates and not providing the best option for our children. Again, there are six municipalities that have this restriction in their charter: Augusta, Biddeford, Brewer, Lewiston, Waterville and Presque Isle. The last two communities are now part of AOS 92, Waterville, MSAD 1, Presque Isle, which include multiple towns so their charter rule does not apply. At the end of the day, while the law would apply to all school boards, the overwhelming majority already allow this. I know that many of you in this body have been receiving multiple emails from Biddeford and that Biddeford voted to have the requirement in their charter in 2012; however, we are not overriding those votes. This still becomes a school board choice. Again, we are not voiding their votes. We are simply giving the authority to the school board to make that decision. Furthermore, the school boards we are talking about – Lewiston, Augusta, Biddeford and Brewer – do not represent multiple towns. They only represent their one municipality. This is a very simple law and is something we desperately need in Augusta. We are in a difficult predicament and do not have time for a charter change as has been suggested. Please stand with me and take a stand for local control by giving the authority to the school board so that we can select the best choice for our children. 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. I appreciate the words from the good Representative from Augusta, Representative Pouliot, in regards to this and I respect his opinion in regards to this matter; however, the question is, is what is the definition of local control? In my opinion, the State Legislature is not the definition of local control. Again, I will simply highlight the article that was in the newspaper last week in regards to the City of Augusta, whereby I believe the city manager says, and I quote, "I'd hope the House and Senate override the governor's veto," Campbell said Wednesday. "If that doesn't happen, we'll work with council to get the charter changed." So once again, I think that is exactly what local control is. Let me read it again. If that doesn't happen, we will work with the council to get the charter changed. That, ladies and gentlemen, I would submit, is exactly what local control is. We are not to be supplanting that local control for that which we think the State Legislature knows best. I will be voting to sustain the veto and ask you to follow my light. Thank you.

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. First off, I would like to thank Representatives Fowle, Wilson and Pouliot for assisting me in trying to work this bill through the Legislature. I stand before you and urge you to override the Chief Executive's

veto of my bill, LD 6. This bill is foremost an educational bill. It's not simply a home rule bill as it's being portrayed. I taught at Biddeford High School for 35 years and so those of you who know me realize that I'm passionate about education. I served two years on the Education and Cultural Affairs Committee. As mayor of Biddeford, I serve as the chairman of the school board and what I've learned through the process of trying to hire a superintendent, a number of things that are very relevant, that this issue isn't black and white, there is a lot of gray and you have to understand the nuances to actually understand the crux of the bill. The first thing, young candidates for superintendents don't want to uproot their families. For many reasons, generally speaking, they don't want their kids to suffer the pressures of having their own children in schools in which the superintendents work. They don't want a part of that. A number of them called me up last summer when we were advertising. As soon as I said, "Residency requirement," end of story. I never heard from them again. That's the reality of the current situation. That's a big problem that Augusta and Biddeford faces. Secondly, the pool of candidates is small. There is not that many candidates out there to begin with and there is an ever expanding list of communities that need superintendents. In other words, everybody is competing with each other in order to get a superintendent. If you have a residency requirement, suddenly you're at a huge disadvantage because you can't attract the candidates that you want and if you're like Biddeford, where all the surrounding towns have no residency issue whatsoever, it puts you at a further disadvantage. We want quality education and so, therefore, it's my belief that it's necessary to have this rule changed. Currently, the tenure for any superintendent is three years. The job is so intense, so many pressures, that people just move. So if you're a young kid, 35 – notice that 35 is a young kid by my standards – and you're looking for a particular job as a superintendent, the idea of moving and uprooting your family, suddenly it becomes maybe that's not such a good idea, especially if you factor in this economy where there is so many upside down mortgages or maybe your spouse works. These younger people want to stay where they are and, again, if you look at my superintendent who I currently have, 1.5 miles away from his office, which is closer to the previous superintendent who lived in Biddeford, but my guy lives in Saco across the river so this geographical boundary is certainly problematic in terms of attracting the best candidates.

The genesis of this bill is the result of my experience of the job search, but also because I served on the Education and Cultural Affairs Committee. When the charter change failed, I met with my school board and something resonated with me as we were talking about what to do and what resonated was, if I remembered all the language that I talked about, sitting in that particular committee, I began to realize something. The charter restrictions ran contrary to everything that we were trying to do in this Legislature. In other words, in terms of consolidation, residency destroys that because nobody wants superintendent exclusivity in terms of negotiating a contract. You can't do that. Now, this is particularly interesting because, at the moment, as we all know, one of the looming problems is the cuts to revenue sharing and some cuts probably maybe to education too, and what's the answer of the proponents of that? They say, "You have to work with your neighbors." How can Biddeford work with its neighbor, or Augusta, if we have these restrictions built in? You can't do it. Major problem. If you look anywhere, in Title 20-A, in state statute, you find no language whatsoever that refers to municipalities or refers to voters or city councils. Everything referring to a superintendent says school board. My argument to you is if everything in terms of hiring, firing, contracts, is reserved there, it only makes sense by implication alone that residency is

already given to school boards. This law simply clarifies it and it maintains the home rule because, after all, school boards or school committees are voted upon by the residents of that particular community. I mean, some of you people have known me for seven years. There is no way that I would do anything to undermine a valid vote, but I am doing what every single one of you would do in my situation. You see a governmental flaw; you see something that's not working. In my committee, in Criminal Justice, Senator Gerzofsky always asks anybody who comes up "Is it broke?" This situation is broken and it's incumbent upon me whether I wear the mayor's hat or the legislator's hat to do something about it and that's what I'm attempting to do, to rectify something that puts Biddeford at an extreme disadvantage and if you believe like I do, that education comes from the top and works its way down, that you have to hire the best possible person to do that and the only way to do that is have unlimited applicants applying, which is being sabotaged by an archaic law which nobody can explain or give any good reason why it works. In other words, what I'm saying, if you look at the law of residency, why is it there? There are no valid reasons. It doesn't pass the straight-face test whatsoever. It's just something that was there 20 or 30 years ago that might have worked but doesn't work any longer.

I suspect, if any one of you in this body went up to anybody on your street and said, "Do you want the police chief to live in your town?", what would they say? "Absolutely." "Do you want the fire chief to live in your town?" "Absolutely." "Do you want the superintendent to live in your town?" "Absolutely." State statute already says police and fire chiefs can't do that, that they can live wherever they want, that it has to do with mileage. We've already taken away, if you use the home rule logic, we've already taken away the whole idea of states having choice because, again, it doesn't work in the real world. Superintendents are no different. We need greater flexibility. I really believe in my heart that the message of the veto is wrong. I really believe that if you look closely at this particular bill, what you're looking at, at least for me, is about trying to create a school system that's based on 21st century vision, not something that was generated 35 years ago. This is about Biddeford and Augusta trying to achieve educational success but handcuffed by rules that are problematic. I want my community to continue the amazing transformation that's been done since the new superintendent has taken over. He's vibrant, he's intelligent, he gets it. Why should I want to see that denied by my kids? And let's face it, my last point, because I hate being long and winded, it's just not my style, but think about this: Suppose that we reject LD 6 here. What does that mean for Biddeford? One, my superintendent suddenly has to make a major decision. Should he stay or should he go? Two, if he goes, then we have an issue, maybe litigation, because again, from my perspective, there is something wrong with the charter because it conflicts with biases of state law, but let's say we don't even go that route. Suppose we say, let's open it up again. Who comes to Biddeford for being a superintendent after all the controversy that we've seen? People who are at the end of their careers or double dippers and we know how that's loved up here, but that's the type of candidate we saw before that we rejected. We hired this young kid. We don't want double-dippers. We want someone that can transform my community because I owe it to my kids to deliver the best possible education and I need your help today to ensure that I can do that and Augusta needs the same thing. Thank you very much, Mr. Speaker.

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 our original action on this bill and in the hopes that we will stand by our work, our overwhelming agreement on this bill in an earlier action. I rise in support of local control and the form of local control that I believe is most salient in the minds of the voters back home, and I rise above all in support of our kids and what is best for them. This body has taken an action and the question before us is whether we will stand by that action, whether we will honor the agreements that we have made, and I think all of this in this body take those actions very seriously and take our work here very seriously. And so this decision before us is ours. Let's remember that. It is our decision. We've made it once. Will we stick to that? Will we honor the choices that we have made or will we twist in the wind, in the slightest breeze, and will that set the precedent for the work that we do going forward? That is one of the questions before us today. I suggest that we should stand by our work. Will we honor the local control that is in the minds of the voters? And let me ask you, Men and Women of the House, let me ask you through Mr. Speaker, if I may, whether if we were to ask a voter back home whether we would find that they knew the various items that were in the charter of the municipality or not, and secondly whether we asked them who is on the school board, whether they could name those members. I submit to you, Mr. Speaker, that they would be able to name the members of the school board but perhaps could not list the items in the charter. There are two forms of local control, both are important, but I think that we need to remember too that for the voters and for the people of Maine, the folks that are elected to our local school boards are directly accountable. We can name them, we can call them on the phone if we have a problem with the decisions that they make, and I realize there are two perspectives on the local control argument. But let's remember that there are two kinds of local control at stake here. And finally, let's remember what's best for kids because that is ultimately what matters most, and if we hamstring our school board so that they cannot hire the best and brightest and most qualified to supervise the education of our children, then, Mr. Speaker, we are doing a disservice to the future of our state, of our citizens, our economy and the wonderful place that we call the State of Maine. Thank you.

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

Representative **MacDONALD**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise only to give you a sense of the committee work that we did on this. We had a nearly unanimous vote on this in our committee after hearing some compelling testimony from people in education who talked about how difficult these kinds of charter provisions make it to get good educational leaders in our state. I rise in support of Representative Pouliot's great work on the committee, along with other members, who listened to this testimony and felt – we, at first, had a bill before us that would have required local communities not to have such a measure in their local charters. We amended it to give local school committees the choice as to whether or not it was important enough for them in their leadership to override a local charter provision of this type. So, Men and Women of the House, I ask you to remember or try to envision the testimony that we had in front of us, compelling and overwhelming, that said this is a tool that is needed by school committees and educational leaders to get good educational leadership. We're giving local schools the choice, local school committees the choice here. We're not taking anything away from anyone and I'd like to commend the bipartisan strong

majority on our committee that voted to support this and hope that you will support that vote in the House. Thank you, Mr. Speaker.

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

Representative **DAUGHTRY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of overturning this veto. LD 6 is a common sense piece of public policy. You've heard why this bill is important from the speakers who have spoken before me. This reinforces Maine's long tradition of home rule. This doesn't threaten local control. It actually helps towns who are hoping to repeal their charter but can't get the voter turnout required to do so. This gives the towns the option to remove the superintendent residency requirement without the expensive election and the uncertainty of waiting to see who shows up that day. I won't get into the weeds and the mechanics of this bill, but I want to urge you to follow my light. Once again, this measure is just plain common sense. Sometimes as legislators we need to put aside partisan posturing and stand together as Mainers. This is one of those bills. We need to have Biddeford and Augusta's back on this. Let's stand together, let's empower our local school boards and make sure that our children have access to the best education possible, and that we can hire the most qualified superintendents throughout this state. Let's take a strong stand together for education today. I urge you to follow my light today. Thank you.

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

Representative **McGOWAN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. As a past nine-year school committee member, I encourage those of you who see the world through a very strong value about local control to realize how the world has shifted, because when you and I were in school, 65 percent of the households in our communities had children in school. Today, it is only 20 percent of the households that have children in school today. So when you think about a world of local control and the will of the voters, 80 percent of the people voting do not have a direct interest, a direct connection, do not have children in school, versus when you and I were there, 3 out of 4 households. So I ask for you to consider the concept in local control and a world that has shifted dramatically in terms of those in our community who have a direct connection and interest in our public schools. Thank you.

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

Representative **MORIARTY**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise to join my colleagues, the good Representatives from Augusta and Biddeford, in supporting the veto override. I fully understand the message of the Executive and the importance that he gave to the meaning of home rule. Speaking as a former town councilor for a number of years, I can tell you that in every opportunity that came my way, I voted and acted in strong support of preservation of the concept of home rule. However, I also speak to you in my capacity as a former charter review commission chairman and can tell you that modifying a charter, amending a charter, is not a short and easy process by any means and can't be done overnight. So these considerations persuade me that it's appropriate in this instance to override the decision of the Executive and I rely on two factors in particular. First of all, I would remind the House that education is fundamentally a state responsibility. In 1854, in a case called *Donahue v. Richards*, the Maine Supreme Court held as follows: "The education of the people is regarded as so much a matter of public concern, and of such paramount importance, that the constitution of this State

imposes on the Legislature the duty to make suitable provisions for the support and maintenance of the public schools." That decision has never been overridden or overturned, it is still valid law, and while the language is broad, I think it sufficiently clear to point out to us what our duty is under these circumstances. Secondly, the state's investment in public education is huge to say the least. We cannot compromise our investment in circumstances such as these. The language of the charters in question may be a bit antiquated, and they may harken back to earlier times in different circumstances, but we cannot use that as an excuse to let school districts go adrift or to go without the leadership that those at the local level have chosen to direct their districts. In my judgment, the bill does in fact preserve home rule. It enables the local school boards to determine who they want to lead their districts and lead their school systems and to fulfill their own responsibilities, and in my judgment, the bill fulfills the overriding legislative responsibility to adequately provide for public education, whether in small or larger districts. So I urge the body to vote to override. Thank you, Mr. Speaker.

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

Representative **DAVIS**: Thank you very much, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. As most of you know, Mr. Speaker, that I spent my life in public service. I worked for the local government as a police officer. I worked in county government as a police officer. I worked for the state as a state trooper. During my 23 years, I moved six times as a state trooper and I guarantee you, ladies and gentlemen, school superintendents make more money than state troopers do. I learned, Mr. Speaker, from all that time, that the best government that we can have is the government that's closest to the people. There's no question about it. Charters are created and they are made to be difficult to change. That's the way it is, just as our own Constitution of this state is difficult to change. It can be changed, but it's difficult. I simply do not think that this bill does that. It does not do what we think it will do. I am going to vote to sustain the veto and I urge you to follow my light. Thank you.

The SPEAKER: The Chair recognizes the Representative from Mapleton, Representative Willette.

Representative **WILLETTE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. This morning, we've heard a lot about an antiquated law and that's not something that really I'm going to debate. I don't know if it's a good law or a bad law, but I think the thing to focus on is the fact that this bill was an end-run around the vote of the people in Biddeford this last November. Last November, 5,269 residents of Biddeford voted to keep the residency requirement for their superintendent over 4,100 that didn't want it. That's over a thousand-vote spread in between those two totals. If we override the Governor's veto today, not only are we saying that the Legislature knows better than the people of Biddeford, but we truly are taking away local control. I agree with the good Representative from Sangerville. The most local control is that closest to the voters and you don't get any closer to the voters than a direct vote. The Biddeford Charter Commission even broke this up into three items to vote on, so they weren't even voting on one giant charter. They were voting on 13 items to help, I'm assuming help, not confuse voters. So the people of Biddeford intentionally voted to keep the provision the way that it is today. I don't believe it's our position as legislators to override the will of the people in their charter decisions. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Sabattus, Representative Wood.

Representative **WOOD**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This is truly local

control. You have a charter. Your townspeople or your city folks, you vote for your charter, you approve it and there is a process to change it. As Biddeford tried to change it, Biddeford decided not to change it. That's the will of the people and that's the way I'm going to vote.

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

Representative **FREDETTE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I apologize for standing and speaking a second time, but I will be very, very brief. Ultimately, the power in any government in a democracy is in the hands of the people. When we seek to amend our State Constitution, we do that via a referendum. So think about this: We put a referendum out and we had one in 2012. We put a referendum out there and the voters vote on that, and then we in this legislative body decide we don't care what the voters said, we're just going to overturn that vote. I would submit that that would be inappropriate, no different than when we put a bill out to have something go to referendum to change our Constitution. The power to change our Constitution is vested in the people. The power to change charters is vested in the people and this seeks to turn that on its head. I think that's fundamentally wrong and I ask you to vote to sustain the veto.

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

Representative **BROOKS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Sitting on this side of the room, I may be an outlier. I'm not the latter part of that word. I'm no liar. I have been involved in one way or another in municipal government in Winterport since 1980 or 81. I chaired the planning board for God knows how many years and I ended up recruiting enough people so that we had a very good operating planning board with local contractors on it and also with some municipal leaders and construction workers. To me, it was and still is the last bastion of home rule. Next month, very, very soon as a matter of fact, we'll be having our annual town meeting and we're going to elect officers, new council members. There are two council members who are due for reelection. There are five candidates. I happen to be one of the incumbents seeking reelection. We will then meet two or three days later in town meeting. I want to believe that I am contributing to what goes on in the Town of Winterport. I have always lived by the Bible. The truth is that when the state or the federal government pass an ordinance or rule or law, my town has the right to do things that are more stringent, we cannot do things that are less, and we respect that relationship very seriously. When shoreland zoning and the other ordinances came forth from the state, I stood in front of our town meeting and said we have to adopt a shoreland ordinance. To them, it was the "z" word, zoning, and I had to fight an uphill fight to get them to consent just to shoreland zoning and telling them if we didn't, then the word was out that we probably would lose some highway funds or what have you. We did it out of respect for the relationship between state government and local government, knowing full well that if we did our own shoreland zoning, we could change it if we needed to. If we had adopted the state's, we could only ask for permission to change it. To me, the epitome of government, the center of truth, the belief in self-regulation all falls to the town. The town has this right. I hate to think of this being cast now in a position where it's a question that we're going to reconsider and override the Chief Executive's veto, and I will be totally honest with you and say I would love to do that. I instead have to follow my principles.

I have talked to folks on this side of the aisle and folks on the other side of the aisle and I've thought about it a lot all by myself. What is more important, to me at least, a momentary feeling of

pleasure to vote on a veto that comes from a Chief Executive that I don't frequently agree with or to stand by what I believe are the rights of every municipality in this state of ours, and that is to promulgate its own ordinances, its own charter, without interference from any other body of government, be it the state, the federal or anybody, unless it goes beyond our charter and our legal authority. Biddeford was asked to change because it had a charter that did not allow someone to live out of their town. They voted and reinstated the charter. So who are we? I want to do the people's will. I want to make absolutely certain that I am here representing the people and I will, and I will help to maybe bring the education spending up to 55 percent, and I will help to build good schools and attract good teachers and try to make us the best state in the country with a good, high ranking in education. And I think that is our requirement under the Constitution. Our requirement isn't ever to say you're wrong and we're going to interfere. So, despite the fact that I promised a couple of people I wouldn't speak today on this, I hope that people are listening to my position. It's not to override the Chief Executive's veto. That's not my reason. My reason is to uphold what I cherish the most in the office that they've given me to serve and that's that the people have the right to govern themselves. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Skowhegan, Representative McCabe.

Representative **McCABE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise today to encourage folks to overturn the veto that's before us. I do that in a bipartisan manner. I think if we look back to when we originally took up this bill and we actually looked at the substance of this bill, it was brought forward, it was brought forward by the Augusta Delegation, it was brought forward by the Biddeford Delegation, and the discussion was around the substance of the bill. I think it was a lively bipartisan debate. If folks remember, the vote was actually 115 in favor, 22 against, and I think that should be some sort of sign to us. I also remember in a role as a member of leadership, I think when we're the strongest as leadership is when we yield our authority and we empower individuals. It's by empowering those individual members, when they step up, lead on an issue, that I will be supporting this veto override today. I want to also point out the work of several members from the Augusta Delegation, representatives who have worked hard to reach across the aisle, both today, yesterday, a month ago, around this issue. I want to recognize the work, the bipartisan work, of the committee to come to consensus and come to a bipartisan agreement. I think the bill before us is actually not the original bill but a compromise. So I think of those people back home, I think of those people that aren't the 10 percent on either side. There's 10 percent over here, there's 10 percent over there, but I think of the rest of the people, the 80 percent that expect us to work together in a manner to pass quality policy and to leave the politics at the door. I also think of the letter we received on May 8th from the City of Augusta. It really represented the challenges that they face and the timeframe that they are under before this can actually be brought up and before this charter can actually be changed, so it's not as simple as folks have made it seem today. It's for those reasons today that I rise to encourage folks to overturn the veto before us. Thank you, Mr. Speaker.

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

Representative **WILSON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, good morning. I rise today to be brief and just explain a couple of minor things. I generally support home rule, despite the fact that I recognize it

does inherently cost money. This is a bill that's very important to my district as it's been cited a number of times today, so I won't beat a dead horse. But I want to just say that if we do not vote today to overturn this veto, we're essentially asking the City of Augusta to wait until 2015 to be able to hire a fulltime superintendent. That's quite a ways out and that is something that is unacceptable to me. I'm not suggesting that the current interim superintendent that we have is not doing a great job, but his contract is going to expire. We need a superintendent. In a day and age where we're talking about good quality education, and we all claim that we want to support that, this is something that is very important for us to be able to do. We need to overturn this veto today because we need to be able to continue to attract the best and brightest. It's very important to me, it's very important to my constituents in the City of Augusta, and I just ask that today we stand together in a bipartisan way, we support overturning this veto. Despite the fact that I know it may be a difficult choice, this does allow home rule, this can be done. I ask that you support overturning the veto so that way we can attract the best and the brightest in the City of Augusta and continue to provide a good quality level, a high level of education for my constituents. Thank you.

The SPEAKER: The Chair recognizes the Representative from Morrill, Representative Pease.

Representative **PEASE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of the Governor's veto. I didn't have a lot of heartburn with this bill one way or the other until recently. The more I hear, the more it scares me to think that we are taking away from home rule. Most of us are facing school budget votes in the next few weeks. What happens if a school budget vote does not go the way the school board wants? Are we coming back here and saying that we need to override it because it's going to be difficult for them to work with it? It is difficult to find superintendents. There is no doubt about that. But if we are going to jump into the middle of every issue that is a home rule issue because it's difficult, then I think that we're in the wrong place. Thank you.

The SPEAKER: The Chair recognizes the Representative from Old Town, Representative Dill.

Representative **DILL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I happen to be the school board chair in Old Town and have been for many, many years, and we don't require the superintendent to live within our town. All communities want the best education available or possible. The superintendent is the leader of education in the community. I think everybody agrees to that. My only question is, I wonder if the requirements in the community for the best educators they can get, meaning the teachers, are they required also to live in the town? Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Vassalboro, Representative Fowle.

Representative **FOWLE**: Thank you, Mr. Speaker. I'm going to be really quick here. I think there is home rule. Everyone knows that school board members are elected just like we are, just like our city council is, and when they get up and make decisions, this is a "may" make a decision to make a change. It is done in a public meeting. It is not a backroom decision where they are changing home rule or a home decision. They are doing it very public. I, for nine years, was on a school board in Vassalboro. In those nine years, we changed superintendents three times. I was on a subcommittee looking for a superintendent three times in nine years. I think it is important that you have as much open availability to hire superintendents and, my understanding, there are 26 superintendent searches going on in the State of Maine today and to limit it to just living in

a city or a town, I think, is hard, and this bill does not ask you to override. It says you may make a decision. So then, that decision would be made in a public meeting. Thank you, Mr. Speaker.

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

Representative **MacDONALD**: Thank you, Mr. Speaker. My apologies for rising one more time on this. Just to be brief, I would point out to the body that in vetoing this bill, I would say that the Chief Executive has vetoed bipartisanship. We had a 115-22 vote in support of this bill back in April, on April 4, when we voted on it. We had a 12-2 vote in our committee. In the other body, it was a 28-6 vote on this measure. This is a strong and hopeful good sign of our working together on something that we thought was a good measure to support education in our state. In asking that you override the veto today, we're not asking, I'm not asking, as perhaps might have been intimidated by the good Representative from Winterport, Representative Brooks, that we change our principles or change our mind. I'm asking all of us simply to uphold the values that we had when we voted so strongly for this in committee and in this body and in the other body, back when we had the original vote. I hope that you will uphold your values and reconsider this and vote down or, I'm not sure what the right word is, override the Governor's veto. Thank you, Mr. Speaker.

Subsequently, 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. 85V

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

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

ABSENT - Beaudoin, Bolduc, Cotta, Kruger, Peterson, Saxton, Verow.

Yes, 88; No, 56; Absent, 7; Excused, 0.

88 having voted in the affirmative and 56 voted in the negative, with 7 being absent, and accordingly the Veto was **SUSTAINED**.

The Chair laid before the House the following item which was **TABLED** earlier in today's session:

Expression of Legislative Sentiment recognizing Melanie Dorice Saucier, of Fort Kent.

(HLS 248)

Which was **TABLED** by Representative WILLETTE of Mapleton pending **PASSAGE**.

The SPEAKER: The Chair recognizes the Representative from Fort Kent, Representative Nadeau.

Representative **NADEAU**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I want to rise today to recognize Melanie. She was raised in our community. I've watched her from the moment she has been a little child and in everything that she has participated in, it has been awards and winning and first place and what not. I'm just hoping that in the next 20 years, they don't run out of awards to give for purposes because I think she is going to get them all. I want to hope that you will join with me in thanking her and wishing her well in her new endeavors. I am pleased to have known her and her example as she has grown. There have been no controversies. She has led a good example for the kids in all of the classes and in all of the schools and in our community, and today I rise to thank her for that. Thank you, Mr. Speaker.

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Revise the Maine Clean Election Act Regarding Participation in Political Action Committees"

(H.P. 285) (L.D. 410)

Signed:

Senators:

TUTTLE of York
MASON of Androscoggin
PATRICK of Oxford

Representatives:

LUCHINI of Ellsworth
BEAULIEU of Auburn
FOWLE of Vassalboro
GIFFORD of Lincoln
JOHNSON of Eddington
KINNEY of Limington
LONGSTAFF of Waterville
SAUCIER of Presque Isle
SCHNECK of Bangor

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-157)** on same Bill.

Signed:

Representative:

RUSSELL of Portland

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

READ.

Representative BERRY of Bowdoinham moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

The SPEAKER: The Chair recognizes the Representative from Saco, Representative Chenette.

Representative **CHENETTE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to the pending motion. Money and politics seem to be two words that are not mutually exclusive. With the *Citizens United* decision by the Supreme Court, money has been limitlessly amplified by way of political action committees better known as PACs. While many of the campaign finance reforms that are needed must come from the federal level, there are things we can do in this state, in this chamber that can help take money out of the equation or at the very least make our officials more accountable to the people rather than to their donors. My bill, LD 410, addresses both the hypocrisy in the Clean Elections system as well as a cap for overall contributions to PACs. This represents a compromise between Democrats and Republicans and unlikely allies, as I'm pushing for this reform as someone who was a traditionally financed candidate and Maine Citizens for Clean Elections, a strong ally for preserving and protecting our Clean Elections system that was voted on by Mainers in 1996, they have changed their position on this bill with the compromise language. I am not suggesting eliminating PAC fundraising altogether. I am merely suggesting during the duration of the campaign period, from the time the Clean Elections candidates turn in their qualifying checks all the way through the day of the election, there should not be any PAC involvement. Clean Elections candidates profess to be "clean" from special interest money and they can turn around and raise funds for their PACs on the side. This is disingenuous to the voters and a misuse of taxpayer money if allowed to continue. In too many instances, PAC funds are raised from exactly the same special interest groups that our public funding system was designed to avoid. This program has blatant back-door loopholes that allow individuals to create an entire network of completely legal fraud, much of which is publicly searchable, if you know what it is you are searching for that is. Many PACs don't have the name of the principal officer in their title thus adding an extra layer of secrecy. The PAC money collected during campaign periods is used as a security blanket for Clean Elections candidates who fear being outspent if they just keep the public dollars they are given. The PAC money can be their knight in shining armor via independent expenditures when their taxpayer-funded supplies grow thin. I am seeking to strengthen Clean Elections by ensuring that its core mission of keeping special interest money out of politics is abided by. And yet it appears that fundraising was a major priority for at least 34 candidates in the 2010 election cycle who took public tax dollars to run their respective campaigns and at the same time were also principal officers or decision makers for their own political action committees, many of which were leadership PACs. Between 2010 and 2011, there were 13 Republicans and 21 Democrats who were Clean Candidates in their own right, while raising a combined \$978,501 in PAC money. Some key leadership PACs raised about \$77,000 in two years, \$105,000 in three years, and \$118,000 over a four-year span. Imagine if all of this money was used to shore up our budget shortfall instead of hoisting political aspirations.

According to the Commission of Governmental Ethics and Election Practices, there is no limitation on the amount a contributor may give to a PAC, hence why I'm seeking to cap this amount at \$350 per a single source. This current unlimited nature of PACs combined with our Clean Elections system loophole is a bad combo. It creates a vicious cycle where candidates raise private money for their PACs, funnel that money to party caucus or committee PACs, which then in turn spends that money throughout multiple races by way of independent

expenditures. All the while, the lobbying groups donating to these individual PACs get brownie points with that particular legislator to influence policy opinions, votes, or to gain access later in the session. These legislators, on both sides of the aisle, also get their gold star by raising a substantial amount of money, somehow showcasing this fiscal feat to their respective caucuses in an attempt to secure leadership positions. And we wonder why the public has such an apprehensive view of our political system. Last time I checked, leadership is not defined by money. It is defined by ability. Putting this bill into law would ensure that special interest money does not influence leadership races or make it more difficult, at least, to do so. It will send a message that the Senate President, Speaker of the House, and the like, cannot and will not be bought. When candidates double dip by accepting money from two hands at the same time, we are creating generations of dirty politicians and a very negative public perception of the campaign finance process. While the Veterans and Legal Affairs Committee voted 12-1 against my bill, I urge this body to vote against the impending motion and support an Ought to Pass as Amended Report. I hope – I hope – my colleagues on both sides of the aisle will do what is right over what is politically easy. Thank you, Mr. Speaker, and I request a roll call.

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

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

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

Representative **JONES**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. Leadership PACs, which all members who currently serve in leadership positions have operated, contribute to a dynamic that equates political leadership with fundraising ability. When we consider the recent Supreme Court ruling, *Citizens United v. FEC*, that protects unlimited campaign contributions as free speech, the proliferation of political action committees help fuel an unhealthy public impression that Maine State Government is increasingly open to the highest bidder. This directly contradicts the spirit of the Maine Clean Elections Act that voters passed in 1996. Another concern we must consider is that leadership PACs, which funnel monies into contested legislative races – in this last election, my own was one of them – they extend the special interest funding pipeline directly into the election process and the legislative process. Candidates who participate in Maine's public campaign financing system, myself included, cannot credibly claim that they do so to reduce the influence of so-called outside money on state politics when their party's leadership political action committees provide inside money to help elect party members who could then feel pressure to repay that largess by voting their benefactors into leadership positions. Leadership PACs provide a mechanism by which groups hoping to influence state policy can circumvent the protections established in the Maine Clean Elections Act. This influence is not insignificant nor is it proper. Many of the largest donors to these PACs contributed to both Democratic and Republican leadership PACS, indicating that their motives were more to gain a foothold on those who set the legislative agenda than to show support for a particular political ideology. Until the problem of unlimited money flowing through legislator controlled PACs is addressed, Maine people will be rightly concerned that legislative leaders might be beholden to large donors. We cannot allow this distortion of our democracy to continue.

Representative McCABE of Skowhegan **REQUESTED** that the Clerk **READ** the Committee Report.

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

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

Representative **MAKER**: Thank you, Mr. Speaker. I stand in support of the Representative from Saco. I realize the amendment has been added that we're voting on today is to limit the amount of money into the PACs; however, if we don't start dealing with these PACs, we are going to be in worse shape in this state. We need to stop it and if this is all we can do to limit the amount of money that gets in these PACs, then we at least have done something. I, personally, believe in the Maine Clean Election, but I do not believe in PACs. I especially don't believe in leadership PACs. We should be voting on our leadership because they are our leaders, not because of how much money they raised or how much they've helped us in our campaigns. I think it's time that we really take this serious. This was presented in our last session and I stood up the very same way and spoke in support of doing something about these PACs. We need to wake up and realize what we're doing. Thank you, Mr. Speaker.

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

Representative **PARRY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I got up two years ago, as did the good Representative from Calais, and spoke on this almost identical bill. I am in favor of the current motion because the Minority Report doesn't do anything that the good Representative from Saco's original bill did. I was one hundred percent behind the good Representative from Saco's original bill. I believe that if somebody takes Clean Election funds, they should not be able to go to their constituents and say "I'm running clean to keep the big money out of politics," all the while, they are taking very large donations into their own PAC. I think it's disingenuous. I just think it's wrong. Traditional candidates have been told somehow that they are dirty because they raise funds from their neighbors and relatives. I think it's dirty when you get up and you say to your constituents that you're running clean and you're taking Clean Election dollars, all the time you're out raising \$1,000 and \$5,000 contributions to your PAC to spread it around to other Representatives in their races. I think that's wrong. I would have supported, I would have been on the other side of this motion if it was the original bill and I will always support stopping Clean Election candidates from taking and setting up their own PACs. Thank you, Mr. Speaker.

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

Representative **WILSON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise for the second time today, which will not be common, I assure you, but this is something that's important to me. I rise in support of the Minority Report, in support of the good Representative from Saco's efforts. I feel strongly that if somebody wants to run clean, they should run clean. If you want to run traditional, run traditional, but don't hide behind Clean Elections and then raise money for a PAC as well. It's disingenuous. To suggest that you are accepting taxpayer money in an effort to limit the amount of funds that you have for your campaign and to run a so-called clean campaign, while going out and raising money privately through a PAC. I think that sends the wrong message. That is not being good stewards of our tax dollars. I ran as a fiscal conservative. I feel very strong about that. I'm young. I'll be footing these bills for years to come. I cannot support the pending motion. I urge others to stand behind me, stand behind the good Representative from Saco, and let's limit this money. Thank you, Mr. Speaker.

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

ROLL CALL NO. 86

YEA - Ayotte, Beaulieu, Bennett, Berry, Briggs, Campbell J, Campbell R, Carey, Cassidy, Chase, Clark, Cooper, Cray, Crockett, Daughtry, DeChant, Dion, Duprey, Espling, Farnsworth, Fowle, Fredette, Frey, Gattine, Gideon, Gifford, Gilbert, Gillway, Goode, Graham, Grant, Guerin, Hamann, Herbig, Hobbins, Johnson D, Jorgensen, Kinney, Kornfield, Kumiega, Lajoie, Libby A, Libby N, Lockman, Long, Luchini, MacDonald W, Mason, Mastraccio, McCabe, McClellan, McElwee, McLean, Monaghan-Derrig, Moonen, Nelson, Noon, Nutting, Parry, Peoples, Powers, Priest, Rankin, Reed, Rochelo, Rotundo, Russell, Sanborn, Schneck, Shaw, Short, Sirocki, Stanley, Stuckey, Tipping-Spitz, Treat, Weaver, Welsh, Werts, Willette, Winchenbach, Winsor, Mr. Speaker.

NAY - Beavers, Black, Boland, Brooks, Casavant, Chapman, Chenette, Chipman, Cotta, Crafts, Davis, Devin, Dickerson, Dill, Doak, Dorney, Dunphy, Evangelos, Fitzpatrick, Harlow, Harvell, Hayes, Hickman, Hubbell, Jackson, Johnson P, Jones, Kaenrath, Kent, Keschl, Knight, Kusiak, MacDonald S, Maker, Malaby, Marean, Marks, McGowan, Moriarty, Morrison, Nadeau A, Newendyke, Pease, Peavey Haskell, Plante, Pringle, Rykerson, Sanderson, Timberlake, Turner, Tyler, Villa, Volk, Wallace, Wilson, Wood.

ABSENT - Beaudoin, Beck, Bolduc, Kruger, Longstaff, Nadeau C, Peterson, Pouliot, Saucier, Saxton, Theriault, Verow.

Yes, 83; No, 56; Absent, 12; Excused, 0.

83 having voted in the affirmative and 56 voted in the negative, with 12 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

**SENATE PAPERS
Non-Concurrent Matter**

Bill "An Act To Allow Motor Fuel Containing Five Percent Ethanol To Be Sold in the State"

(H.P. 87) (L.D. 105)

Minority (4) **OUGHT TO PASS** Report of the Committee on **ENVIRONMENT AND NATURAL RESOURCES READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED** in the House on May 8, 2013.

Came from the Senate with the Majority (9) **OUGHT NOT TO PASS** Report of the Committee on **ENVIRONMENT AND NATURAL RESOURCES READ and ACCEPTED** in **NON-CONCURRENCE**.

On motion of Representative FREDETTE of Newport, **TABLED** pending **FURTHER CONSIDERATION** and later today assigned.

COMMUNICATIONS

The Following Communication: (H.C. 156)

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

May 8, 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 22, Chapter 1058, §3883 of the Maine Revised Statutes, I have appointed Representative Drew M. Gattine of Westbrook to the board of Maine Children's Trust Incorporated.

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. 157)

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

May 14, 2013

Honorable Mark W. Eves

Speaker of the House

2 State House Station

Augusta, Maine 04333

Dear Speaker Eves:

Pursuant to Joint Rule 310, the Committee on Criminal Justice and Public Safety has approved the request by the sponsor, Representative Dion of Portland, to report the following "Leave to Withdraw":

L.D. 152

An Act To Authorize the Commissioner of Agriculture, Conservation and Forestry To Nominate Certain Rangers in the Division of Forestry To Become Conservation Law Enforcement Officers

Sincerely,

S/Millicent M. MacFarland

Clerk of the House

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: (H.C. 158)

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

May 14, 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. 139

An Act To Amend the Laws Governing the Sale of Firearms Carried by Maine State Police

L.D. 238

An Act To Designate the Jail in Franklin County as a Jail Rather than a Holding Facility

L.D. 708

An Act To Reduce Emergency Rescue Costs

Education and Cultural Affairs

L.D. 56

An Act To Ensure Equity in School Costs Borne by Municipalities within Consolidated School Units

LEGISLATIVE RECORD - HOUSE, May 14, 2013

- | | | | |
|--|--|---|---|
| L.D. 195 | An Act To Fund Education by Providing Equal State Funding for Each Student | L.D. 1196 | An Act To Amend the Postgraduate Education Requirements for Physicians Who Have Completed an Accredited Residency Program in Oral and Maxillofacial Surgery |
| L.D. 868 | An Act To Expand Funding for Early Childhood Education | L.D. 1199 | An Act Regarding Mobile Home Ownership |
| L.D. 1003 | Resolve, To Establish the Commission To Study Accessibility and Affordability of Higher Education (EMERGENCY) | L.D. 1380 | Resolve, To Establish a Consistent Workers' Compensation Classification for Pharmacies |
| L.D. 1241 | An Act To Protect School Athletes from Head Injuries | L.D. 1381 | An Act To Promote Rural Job Creation and Workforce Development |
| L.D. 1261 | An Act To Improve Access for Maine Students to Postsecondary Education | Marine Resources | |
| L.D. 1301 | An Act To Create the Maine Education Investment Board | L.D. 731 | An Act To Increase the Number of Elver Harvesting Licenses and Preserve the Fishery through Conservation |
| L.D. 1321 | An Act To Promote Healthy School Lighting | L.D. 899 | An Act Providing for a Noncommercial, Nondomiciled Resident Lobster and Crab Fishing License |
| L.D. 1332 | An Act To Increase the College Graduation Rate in Maine | L.D. 1171 | Resolve, To Allow Certain Holders of Lobster and Crab Fishing Licenses To Harvest River Herring for Personal Use as Bait |
| Energy, Utilities and Technology | | L.D. 1224 | An Act Regarding Advertising of Maine Shellfish |
| L.D. 797 | An Act To Strengthen Basic Telephone Service | Taxation | |
| L.D. 1115 | Resolve, Directing the Public Utilities Commission To Convene a Stakeholder Group To Study Reimbursement for Installation of Utility Poles | L.D. 624 | An Act To Encourage Local Business Involvement in Local Schools |
| L.D. 1336 | An Act To Dissolve the Lisbon Water Department | L.D. 1110 | An Act To Simplify the Tax Code |
| L.D. 1456 | An Act To Promote Local or Community-based Generation Projects | Transportation | |
| Environment and Natural Resources | | L.D. 362 | An Act To Prohibit Use of Public Funds for a Private Transportation Study |
| L.D. 124 | An Act To Amend the Bottle Redemption Laws | L.D. 870 | Resolve, Regarding a Study by the Department of Transportation of the Most Efficient Options for Improving East-west Transit and Transportation |
| L.D. 432 | An Act To Amend the Gifting of Land Exemption under the Subdivision Laws | L.D. 1209 | An Act To Prohibit the Use of Public Resources for a Privately Owned East-west Highway |
| L.D. 1028 | Resolve, Authorizing a Visual Impact Assessment of Roxbury Pond and Webb Lake | L.D. 1269 | An Act To Require an Independent Analysis of the Impact of and a Review Process for an East-west Highway prior to Development |
| Health and Human Services | | L.D. 1304 | Resolve, Establishing the East-west Highway Study Commission To Oversee Further Study or Planning for an East-west Highway |
| L.D. 755 | An Act To Require Estimates of Patient Costs Prior to Treatment | Veterans and Legal Affairs | |
| L.D. 846 | An Act To Improve and Modernize the Authority of Local Health Officers | L.D. 1088 | An Act To Provide Another Funding Source To Better Maintain Veterans' Cemeteries |
| L.D. 1029 | Resolve, Directing the Department of Health and Human Services To Amend Its Rules Pertaining to a Request for Mental Health Records | L.D. 1104 | An Act Relating to Sales of Lottery Tickets by Convenience Stores |
| L.D. 1294 | An Act To Increase the Penalty for Smoking in a Motor Vehicle When a Child Is Present | The sponsors and cosponsors have been notified of the Committee's action. | |
| L.D. 1407 | An Act To Increase Access to Postsecondary Education for Maine's Children (EMERGENCY) | Sincerely, | |
| Inland Fisheries and Wildlife | | S/Millicent M. MacFarland | |
| L.D. 268 | An Act To Improve Snowmobiling in the State | Clerk of House | |
| L.D. 1398 | An Act To Facilitate a Pilot Program for Sunday Hunting for Residents Only | READ and with accompanying papers ORDERED PLACED ON FILE. | |
| Judiciary | | | |
| L.D. 688 | An Act Concerning Adverse Possession | | |
| L.D. 974 | An Act To Prevent Fraudulent Trademark Registration | | |
| L.D. 1034 | An Act To Increase Child Support Collections by Requiring the Interception of Certain Gambling Winnings | | |
| L.D. 1136 | An Act To Provide State Recognition for the Kineo Band of Maliseet Indians | | |
| L.D. 1253 | An Act To Allow Tribal Members a Choice of Venue | | |
| Labor, Commerce, Research and Economic Development | | | |
| L.D. 992 | An Act To Create a State-sponsored 401(k) Retirement Plan for Participation by Private Employers | | |

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

The following Bills and Resolves 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:

ENERGY, UTILITIES AND TECHNOLOGY

Bill "An Act To Promote the Delivery of Natural Gas to Central Maine"

(H.P. 1105) (L.D. 1537)

Sponsored by Representative FREDETTE of Newport.

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

HEALTH AND HUMAN SERVICES

Resolve, To Establish a Task Force on Poverty and Personal Responsibility

(H.P. 1106) (L.D. 1538)

Sponsored by Representative FREDETTE of Newport.

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

TAXATION

Bill "An Act To Provide Maine's Businesses Tax Relief for Destroyed or Stolen Products"

(H.P. 1102) (L.D. 1535)

Sponsored by Representative FREDETTE of Newport.

**Pursuant to Statute
Revisor of Statutes**

Representative PRIEST for the **Revisor of Statutes** pursuant to the Maine Revised Statutes, Title 1, section 94 asks leave to report that the accompanying Bill "An Act To Correct Errors and Inconsistencies in the Laws of Maine"

(H.P. 1103) (L.D. 1536)

Be **REFERRED** to the Committee on **JUDICIARY** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Bill was **REFERRED** to the Committee on **JUDICIARY** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

REPORTS OF COMMITTEE

Divided Reports

Majority Report of the Joint Select Committee on **MAINE'S WORKFORCE AND ECONOMIC FUTURE** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-59)** on Bill "An Act To Support the Maine Downtown Center"

(S.P. 409) (L.D. 1172)

(S.P. 409) (L.D. 1172)

Signed:

Senators:

GOODALL of Sagadahoc

KATZ of Kennebec

LANGLEY of Hancock

VALENTINO of York

WOODBURY of Cumberland

Representatives:

BERRY of Bowdoinham

GILBERT of Jay

GRANT of Gardiner

JOHNSON of Greenville

MAKER of Calais

MASTRACCIO of Sanford

MONAGHAN-DERRIG of Cape Elizabeth

MORRISON of South Portland

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

Signed:

Representatives:

BENNETT of Kennebunk

TIMBERLAKE of Turner

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-59)**.
READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-59)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-59)** in concurrence.

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

Majority Report of the Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Reduce the Number of Labels of Wine a Retailer Must Stock To Conduct a Wine Tasting"

(S.P. 16) (L.D. 24)

Signed:

Senator:

MASON of Androscoggin

Representatives:

LUCHINI of Ellsworth

BEAULIEU of Auburn

FOWLE of Vassalboro

GIFFORD of Lincoln

JOHNSON of Eddington

KINNEY of Limington

LONGSTAFF of Waterville

RUSSELL of Portland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-58)** on same Bill.

Signed:

Senators:

TUTTLE of York

PATRICK of Oxford

Representatives:

SAUCIER of Presque Isle

SCHNECK of Bangor

Representative MITCHELL of the Penobscot Nation - of the House - supports the Minority **Ought to Pass as Amended by Committee Amendment "A" (S-58)** Report.

Came from the Senate with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-58)**.
READ.

Representative LUCHINI of Ellsworth moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

Majority Report of the Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-60)** on Bill "An Act To Remove the Disqualification of Full-time Law Enforcement Officers from Obtaining a Liquor License"

(S.P. 198) (L.D. 508)

Signed:

Senators:

TUTTLE of York
MASON of Androscoggin
PATRICK of Oxford

Representatives:

LUCHINI of Ellsworth
BEAULIEU of Auburn
FOWLE of Vassalboro
GIFFORD of Lincoln
JOHNSON of Eddington
KINNEY of Limington
LONGSTAFF of Waterville
RUSSELL of Portland
SCHNECK of Bangor

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

Signed:

Representative:

SAUCIER of Presque Isle

Representative MITCHELL of the Penobscot Nation - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (S-60)** 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-60)**.

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-60)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-60)** in concurrence.

Majority Report of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** reporting **Ought Not to Pass** on Bill "An Act Clarifying the Department of Environmental Protection's Authority Relating to Compensation for Development Activity under the Natural Resources Protection Act"

(H.P. 544) (L.D. 793)

Signed:

Senators:

BOYLE of Cumberland
GRATWICK of Penobscot
SAVIELLO of Franklin

Representatives:

WELSH of Rockport
CHIPMAN of Portland
COOPER of Yarmouth
GRANT of Gardiner
HARLOW of Portland
McGOWAN of York

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-143)** on same Bill.

Signed:

Representatives:

AYOTTE of Caswell
CAMPBELL of Orrington
LONG of Sherman
REED of Carmel

READ.

Representative WELSH of Rockport moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

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

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

Representative **CAMPBELL**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. This is a bill that came to my attention from a town that I represent, Bucksport, and Bucksport was creating an industrial park and the industrial park had some wetlands so they had sufficient wetlands to set aside, but it was their impression, after going through a process that the set-aside was not acceptable to the DEP, and the point of the DEP's request was basically we need a check for \$70,000. Now, in wetlands mitigation, you have three options. You have the option to do a set-aside. They call it onsite compensation and another, which is offsite compensation. It's basically a swap of equal or better, more valuable, wetlands, to offset that that they want to develop. So one function is to offset the same or better wetlands, another is to buy credits from a mitigation bank, or a third is to pay a fee in lieu of compensation. So the way I'd like to describe this is we have three wagons. One wagon, all three rimmed by DEP officials inspecting that wagon as we pile mud and soil and vegetation into that wagon. Another wagon that we pile money into, \$100 bills. We get a point where the value is X and we want this value to be the same, if not, better than the value of the wetland that they're working on, so you put a little silver coin on top of that. The third is a wagon where we go to the wagon and we buy mitigation credits from the bank. So the point of this bill was basically to say, okay, I'm the applicant. The DEP has allowed that any of those three options be chosen, but the point of the bill was basically the applicant gets a chance to get in the wagon that they select to drive it off, all being inspected and approved by DEP but the selection of the compensation is the applicant's. Now, when we put bills before our committee, sometimes we learn something. We learn that the DEP was in support of this. It almost got to a point where this was a good PR program for the DEP, who we all know gets bad raps for a lot of

different things, sometimes rightfully and sometimes wrongfully, but in this case, the DEP actually supported this because it gave them an opportunity to review all the options and it allowed that the applicant be the one that drove the wagon off. So, with that, I appreciate the opportunity to share history on this bill. Thank you, Mr. Speaker.

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. I want to compliment the good Representative from Orrington. He did an excellent job explaining the bill. I'm going to try to give you a concise explanation and then expand on it a little. This bill would allow a person having an environmentally sensitive area on his or her property that is a wetland or a wading bird habitat, that needs to be developed for some reason or another by the landowner, to choose a method of compensation for the loss of that sensitive habitat. That method would be agreeable to both the landowner and the DEP. As it stands now, the DEP is the sole determiner of the method of compensation and the landowner has no say in the matter. In other words, this bill would allow the landowner to have a say in choosing their solution that would satisfactorily indemnify the DEP instead of a unilateral solution chosen upon solely by the DEP. However, I do want to take this opportunity to thank the leadership across the aisle for tabling the bill when I asked them to. I appreciate it. When I first came to the Maine State Legislature seven years ago, the DEP had what I would call a major public relations problem. In other words, a poor image in the eyes of the citizens. It was seen as being difficult to work with and uncompromising in its positions and, in many cases, totally unreasonable. In many cases, it seemed out of touch with the working Mainer. It is my belief that during the last few years, the DEP has worked very hard to improve its image, build a better working relationship with the public, and has made significant gains at being more cooperative and build a better public relations image. For this, of course, I thank them. I've gotten to personally know a couple of people at the DEP and can say that, for the most part, although there may be areas that can be improved, I believe that most of the personnel are striving to work hard to be more user friendly, more cooperative and more reasonable when dealing with the public. I have to say that I have gained a lot of respect for many of them and believe they are trying to support and encourage economic growth, help businesses develop and still maintain a healthy environment.

Now, this bill, LD 793, would greatly enhance – I want to emphasize that – greatly enhance the DEP's image in the eyes of the public. It would allow the party negotiating the various requirements for the permits to have more flexibility in finding a solution to an existing situation. In other words, if the DEP feels that an environmentally sensitive area is to be affected, the bill would allow the person or business involved to indemnify the DEP ruling in a number of ways. This is to say it allows flexibility to the extent that the citizen would feel some type of participation and input in finding an equitable solution. This is very good PR for the DEP and the citizen would feel to have taken part in the program. The citizen would feel that he or she participated in finding a solution instead of being dictated to. Just think of the difference this would make to the person involved. In summary, this bill prohibits the DEP from requiring one form of compensation for damages to wetlands or certain bird habitats resulting from a proposed development activity under NRPA if the applicant proposing the activity prefers an alternative form of compensation. Currently, the law provides three forms of compensation. The good Representative from Orrington went over them of course. The applicant undertakes compensation,

offsite, onsite. The applicant purchases credits from a mitigation bank. The applicant pays a compensation in lieu fee. This would add an extra one. In closing, I want to mention a couple of positive factors with LD 793. The Office of Fiscal and Program Review said there were no fiscal impact and the DEP supported and testified in support of this bill. Thank you very much, ladies and gentlemen.

The **SPEAKER**: The Chair recognizes the Representative from Rockport, Representative Welsh.

Representative **WELSH**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. This bill is a problem that doesn't really need to be fixed. The Department's testimony said and I would say the Department really was fine either way on this bill because in their testimony, they say, the DEP, the Department of Environmental Protection, works with applicants early in the permitting process, usually at pre application meetings, to determine an appropriate compensation proposal or in lieu fee. Provided that the applicant demonstrates this through either an appropriate compensation proposal or providing the in lieu fee calculated for the project, the applicant will have satisfied the requirements of the Natural Resources Protection Act. The Department already, per this testimony from the Department, already confers with applicants to talk about what kind of mitigation will happen when they are in the permit process. It is not a unilateral decision and it is not dictated to by the Department. This legislation – actually, even if it passed, the DEP still has the final say in whatever choice is made, but my point is the DEP is already working very closely with applicants. The problem that brought this bill to our committee was because of a certain individual and, evidently, the person who was working with that individual didn't fully understand the ability and possibility of working this out ahead of time in the pre application process. In this bill, we also, in voting Not to Pass, we have also written a letter to the Department asking them to make sure that they train all of their officers to make sure that they know that this pre application process includes these discussions to decide on a method of mitigation. Thank you and I encourage everyone to vote for the Majority Ought Not to Pass Report.

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. 87

YEA - Beavers, Berry, Boland, Briggs, Brooks, Campbell J, Carey, Casavant, Cassidy, Chapman, Chenette, Chipman, Cooper, Daughtry, DeChant, Devin, Dickerson, Dill, Dion, Dorney, Evangelos, Farnsworth, Fowle, Frey, Gattine, Gideon, Gilbert, Goode, Graham, Grant, Hamann, Harlow, Hayes, Herbig, Hickman, Hobbins, Hubbell, Jones, Jorgensen, Kaenrath, Kent, Kornfield, Kumiega, Kusiak, Lajoie, Libby N, 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, Schneck, Shaw, Stuckey, Tipping-Spitz, Treat, 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, Libby A, Lockman, Long, MacDonald S, Maker, Malaby, Marean, McClellan, McElwee, Nadeau A, Newendyke, Nutting, Parry, Pease, Peavey Haskell, Reed, Sanderson, Short, Sirocki, Stanley, Timberlake, Turner, Tyler, Volk, Wallace, Weaver, Willette, Wilson, Winchenbach, Winsor, Wood.

ABSENT - Beaudoin, Beck, Bolduc, Kruger, Longstaff, Nadeau C, Peterson, Pouliot, Sanborn, Saucier, Saxton, Theriault, Verow.

Yes, 79; No, 59; Absent, 13; Excused, 0.

79 having voted in the affirmative and 59 voted in the negative, with 13 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Committee of Conference

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act To Provide a Sales Tax Exemption to Incorporated Nonprofit Performing Arts Organizations"

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

has had the same under consideration, and asks leave to report:

That the Senate **Reconsider Passage to be Engrossed as Amended by Committee Amendment "A" (S-12). Reconsider Adoption of Committee Amendment "A" (S-12) and Indefinitely Postpone** same. **Read and Adopt** Committee of Conference Amendment "A" (S-63). **Pass to be Engrossed as Amended by Committee of Conference Amendment "A" (S-63)** in non-concurrence.

That the House **RECEDE** and **CONCUR**.

Signed:

Senators:

HASKELL of Cumberland
GERZOFSKY of Cumberland
KATZ of Kennebec

Representatives:

GOODE of Bangor
LIBBY of Lewiston
KNIGHT of Livermore Falls

Came from the Senate with the Committee of Conference Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY CONFERENCE COMMITTEE AMENDMENT "A" (S-63)** in **NON-CONCURRENCE**.

The Committee of Conference Report was **READ** and **ACCEPTED**.

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

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

On motion of Representative McCABE of Skowhegan, the House adjourned at 12:05 p.m., until 9:00 a.m., Wednesday, May 15, 2013 in honor and lasting tribute to Richard A. Corson, of Skowhegan.