

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
42nd Legislative Day
Wednesday, May 15, 2013

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

Prayer by Brad Walker, Child Evangelism Fellowship of Maine, Hermon.

National Anthem by Brandi Lohr, Bowdoinham.

Pledge of Allegiance.

Doctor of the day, Su-Anne Hammond, D.O., Windham.

The Journal of yesterday was read and approved.

SENATE PAPERS

Bill "An Act To Maintain Access to Safe Medical Marijuana" (EMERGENCY)

(S.P. 578) (L.D. 1531)

Came from the Senate, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed.

REFERRED to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** in concurrence.

Bill "An Act To Amend the Maine Online Learning Program"

(S.P. 580) (L.D. 1533)

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

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

Bill "An Act To Allow a Motor Vehicle Excise Tax Credit for a Vehicle No Longer in Use"

(S.P. 581) (L.D. 1534)

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

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

COMMUNICATIONS

The Following Communication: (H.C. 160)

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

May 13, 2013

Honorable Mark W. Eves

Speaker of the House

2 State House Station

Augusta, Maine 04333

Dear Speaker Eves:

This is to inform you that I am today nominating the Honorable James W. Parker of Veazie for appointment to the Board of Environmental Protection.

Pursuant to Title 38, MRSA §341-C, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Environment and Natural Resources.

Sincerely,

S/Paul R. LePage

Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 161)

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

May 13, 2013

Honorable Mark W. Eves

Speaker of the House

2 State House Station

Augusta, Maine 04333

Dear Speaker Eves:

This is to inform you that I am today nominating Stacey L. Morrison of Gardiner for appointment to the Maine Governmental Facilities Authority.

Pursuant to Title 4, MRSA §1602, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on State and Local Government.

Sincerely,

S/Paul R. LePage

Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 162)

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

May 13, 2013

Honorable Mark W. Eves

Speaker of the House

2 State House Station

Augusta, Maine 04333

Dear Speaker Eves:

This is to inform you that I am today nominating Geoffrey S. Smith of Portland for appointment to the Marine Resources Advisory Council.

Pursuant to Title 12, MRSA §6024, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Marine Resources.

Sincerely,

S/Paul R. LePage

Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 163)

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

May 15, 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 Taxation has approved the request by the sponsor, Senator Haskell of Cumberland, to report the following "Leave to Withdraw":

L.D. 1446

An Act To Review Tax Expenditures on a Revolving Basis

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

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

The Following Communication: (S.P. 582)

RESOLUTION

Whereas, the voters of Maine in 2004 overwhelmingly approved a referendum calling on the State of Maine to fully fund 55% of the cost of public education; and

Whereas, public schools are integral to the economic future of our state and directly contribute to the economic vitality and overall prosperity of our great state; and

Whereas, since 2008, the state's share of the total cost of funding public K-12 education has decreased from a high of nearly 54% to 46% for the 2012-2013 school year; and

Whereas, since fiscal year 2011 - 2012, the calculation of the state's share of the total cost of funding K-12 public education has been falsely inflated by redefining it to include the state contributions to teacher retirement, retired teachers' health insurance and retired teachers' life insurance, which were never previously included; and

Whereas, in spite of diminishing actual state commitment to funding Essential Programs and Services for public schools, the state has mandated additional effort and training to implement changes in school practices and programs, leading to increased operating costs for implementation; and

Whereas, middle class property owners throughout the state have had to shoulder more of the responsibility for funding our schools, in spite of working diligently to eliminate waste and maximize efficiency in school budgets; and

Whereas, the Governor has proposed in his biennial budget beginning fiscal year 2013-2014 to move the state's share of funding for our schools backwards by "flat funding" our public education system for the next two years while cost drivers are not flat; and

Whereas, the Governor's proposed budget also requires local school districts to begin paying the cost of retirement contributions for teachers and certain other employees; and

Whereas, if the Governor's proposed budget is adopted in its current form, our school district will be forced to compromise our essential purpose by laying off educators, reducing personnel, cutting programs and services, and still ask local middle class families to pay even more in property taxes to make up for the reduction in state funding; now,

Therefore be it resolved, the Regional School Unit 12 School Board calls on legislators of both parties to fully fund our public schools by providing 55% of the cost of K-12 public education in Maine; and

Be it further resolved, the Regional School Unit 12 School Board calls upon legislators to reject the Governor's proposal to shift more burdens in the form of retirement contributions onto our member cities and towns; and

Be it further resolved, the Regional School Unit 12 School Board calls upon legislators to restore the state percent of the total cost of K-12 public education calculation to its pre-2011 form.

By a 11-1-1 vote of the Regional School Unit 12 School Board on this day, April 25, 2013.

S/Hilary Holm

Chair, Sheepscot Valley Regional School Unit #12 School Board

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

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

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

ORDERS

On motion of Representative CHAPMAN of Brooksville, the following Joint Resolution: (H.P. 1107) (Cosponsored by Senator GRATWICK of Penobscot)

JOINT RESOLUTION MAKING APPLICATION TO THE CONGRESS OF THE UNITED STATES CALLING A CONSTITUTIONAL CONVENTION TO PROPOSE AN AMENDMENT TO THE UNITED STATES CONSTITUTION TO RESOLVE THE ISSUE OF CAMPAIGN FINANCE

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

WHEREAS, residents of the State wish to develop effective tools for self-governance, including strong laws governing elections and campaign finance; and

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

WHEREAS, under the United States Constitution, Article V, the Congress of the United States, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to the United States Constitution, or, on the application of the legislatures of two-thirds of the several states, shall call a convention for proposing amendments that, in either case, shall be valid to all intents and purposes, as part of the United States Constitution, when ratified by the legislatures of three-fourths of the several states, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; and

WHEREAS, we believe action on an amendment to the United States Constitution regarding campaign finance that would reaffirm the power of citizens through their government to regulate the raising and spending of money in elections to be vital; now, therefore, be it

RESOLVED: That the Legislature of Maine respectfully applies to the Congress of the United States to call a convention for the specific and exclusive purpose of proposing an amendment to the United States Constitution to resolve the issue of campaign finance; and be it further

RESOLVED: That this application by this body constitutes a continuing application in accordance with the United States Constitution, Article V until at least two-thirds of the legislatures of the several states have made similar application pursuant to Article V but, if Congress proposes an amendment to the United States Constitution identical in subject matter to that contained in this Joint Resolution, this application for a constitutional convention is no longer of any force or effect; and be it further

RESOLVED: That this application is void, rescinded and of no effect in the event that such a convention is not limited to such a specific and exclusive purpose; and be it further

RESOLVED: That this body proposes that the legislatures of each of the several states comprising the United States apply to the Congress requesting the enactment of an appropriate

amendment to the United States Constitution or requiring the Congress to call a constitutional convention for proposing such an amendment to the United States Constitution; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Secretary of the Senate and presiding officers of both houses of the legislature of each of the several states in the nation, the Speaker and the Clerk of the United States House of Representatives, the President and the Secretary of the United States Senate and each member of the Maine Congressional Delegation.

Committee on **STATE AND LOCAL GOVERNMENT** suggested.

READ.

On motion of Representative CHAPMAN of Brooksville, the Joint Resolution was **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and sent for concurrence.

The following item was taken up out of order by unanimous consent:

UNFINISHED BUSINESS

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

Expression of Legislative Sentiment Recognizing Monica Wood, of Portland

(HLS 199)

TABLED - May 1, 2013 (Till Later Today) by Representative BRIGGS of Mexico.

PENDING - PASSAGE.

The SPEAKER: The Chair recognizes the Representative from Mexico, Representative Briggs.

Representative **BRIGGS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Today I stand before you to recognize an incredible woman and author, Monica Wood. Monica is the author of *When We Were the Kennedys: A Memoir from Mexico, Maine*. Her biography describes the book as a New England bestseller, #1 bestseller in Maine, Oprah Magazine summer-reading pick, and winner of the 2012 May Sarton Memoir Award. She is also the author of four works of fiction, including *Any Bitter Thing*, an ABA bestseller and Book Sense Top Ten pick. Her other fiction includes *Ernie's Ark*, *Secret Language*, and *My Only Story*, a finalist for the Kate Chopin Award. Her widely anthologized short stories have won a Pushcart Prize and been featured on public radio, including the NPR program *Selected Shorts*. She also writes books for writers and teachers, including *The Pocket Muse*, Volumes I and II. Her nonfiction has appeared in *Oprah*, *New York Times*, *Martha Stewart Living*, and many other publications. She lives in Portland, Maine, where she conducts a writing program for women at the Maine Correctional Center.

To give a little history of my relationship with Monica. I grew up with Monica and her three sisters in Mexico. I went over her house to play as a child. I lived on the next street over. We all went to St. Theresa's School together. Sister Ernestine...oh my God. Her father, my grandfather, and my many uncles worked in Oxford Paper Company. She wrote of the many immigrants who came from PEI, my grandfather being one. My other grandfather from Naples, Italy. We were all one big family. Everybody knew everybody, and we helped each other. As written in her book events of 50 years ago this year, some things are the same, but much has changed as well. To read excerpts of her book, to go down memory lane, all I can say is "In many ways, she read my

mind." To recognize the people, places and things in the book *When We Were The Kennedy's*, my only thoughts were "remember when." She wrote of the death of President John F. Kennedy on November 22, 1963 and how traumatic that was for each of us. I couldn't agree more. Monica, congratulations on your most prestigious awards. I would like to thank you from the bottom of my heart for letting the whole world know just how precious our Mexico, Maine, USA is, and how much it means to you and I. Thank you, Mr. Speaker.

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

Representative **HARLOW**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise to congratulate Monica Wood on her many accomplishments. I've heard about her for years from my dad who taught her at Mexico High School and he was very, very proud to have taught her. When he first told me that she was a writer, I thought, well, he's probably exaggerating, and I quickly learned that there was no exaggeration. He was very proud of her and still is, and I would like to say congratulations to her. Thank you.

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

Representative **JORGENSEN**: Thank you, Mr. Speaker. As one whose professional career has been built on books, I couldn't resist the urge to rise and join in my congratulations to Monica Wood, who, in my estimation, is really the author who possibly best captures the subtleties of life in rural Maine. In my work at the Maine Humanities Council, we used her books over the years and programs with students, with library books, with prison audiences, with teachers. Every audience, really, managed to relate to her books and find something in them that would speak to them. I wanted to echo my friend from Mexico's congratulations around both her books and her public service in the prisons and I wanted just to extend my congratulations to Monica who lives near me. She's not a constituent alas, but she's a fellow Portlander and congratulations to her. Thank you, Mr. Speaker.

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

Representative **COOPER**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise as a reader. I was browsing a bookstore, I came upon this book and I could not put it down, and I just wanted to say that it's one of the finest creations of a town in Maine. It becomes a living character in the book, and it is a heartfelt and unsentimental but extremely moving portrayal of a family dealing with grief and reconstruction, and I highly recommend it to everyone here. Thank you.

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

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

the Deer Isle-Stonington K-6 Chess Team, on its winning the 2013 Maine Scholastic Team Chess Championships. The K-6 team has won this title 4 years in row. We send the team our congratulations and best wishes;

(HLS 251)

Presented by Representative KUMIEGA of Deer Isle.

Cosponsored by Senator LANGLEY of Hancock.

On **OBJECTION** of Representative KUMIEGA of Deer Isle, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Recognizing:

the Deer Isle-Stonington K-8 Novice Chess Team, on its winning the 2013 Maine Scholastic Team Chess Championship. We send the team our congratulations and best wishes;

(HLS 252)

Presented by Representative KUMIEGA of Deer Isle.

Cosponsored by Senator LANGLEY of Hancock.

On **OBJECTION** of Representative KUMIEGA of Deer Isle, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Recognizing:

the Deer Isle-Stonington K-8 Chess Team, on its winning the 2013 Maine Scholastic Team Chess Championship. We send the team our congratulations and best wishes;

(HLS 253)

Presented by Representative KUMIEGA of Deer Isle.

Cosponsored by Senator LANGLEY of Hancock.

On **OBJECTION** of Representative KUMIEGA of Deer Isle, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Recognizing:

John Wilson, of Hartland, a member of Boy Scout Troop No. 404, who has attained the high rank and distinction of Eagle Scout. This is the highest award in Boy Scouting and is given for excellence in skills development, leadership, personal growth and community service. For his Eagle Scout service project, John worked on restoring his church's parish cemetery supply shed, including washing, scraping, sanding and repainting it and replacing its trim. He also built a circular bench around one of the trees in the cemetery. We extend our congratulations to John on this achievement;

(HLS 273)

Presented by Representative CRAY of Palmyra.

Cosponsored by Senator THOMAS of Somerset.

On **OBJECTION** of Representative CRAY of Palmyra, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER**: The Chair recognizes the Representative from Palmyra, Representative Cray.

Representative **CRAY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I'd like to take this opportunity to recognize John Wilson and congratulate him on having attained the rank of Eagle Scout. In all of the things I've done in the Legislature, one of the things that I have appreciated the most is having the opportunity to present these Eagle Scout sentiments. This one, having talked with John's dad this morning who is retired military, has travelled all over the country in his job, which means that John Wilson - the Eagle Scout's dad's name is John also - has had to work extremely hard at accomplishing this, and I think it's an attribute to his accomplishments and I'd like to thank him on that.

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

REPORTS OF COMMITTEE

Refer to the Committee on Energy, Utilities and Technology Pursuant to Joint Order

Report of the **Joint Standing Committee on Energy, Utilities and Technology** on Bill "An Act To Provide Model Language for Standard Sewer District Charters"

(S.P. 579) (L.D. 1532)

Reporting that it be **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** pursuant to Joint Order, S.P. 533.

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill and accompanying papers were **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY**.

Report was **READ** and **ACCEPTED** and the Bill and accompanying papers were **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** in concurrence.

Divided Reports

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Make Parents More Aware of Eating Disorders"

(S.P. 498) (L.D. 1394)

Signed:

Senator:

JOHNSON of Lincoln

Representatives:

MacDONALD of Boothbay

DAUGHTRY of Brunswick

HUBBELL of Bar Harbor

JOHNSON of Greenville

KORNFIELD of Bangor

MAKER of Calais

McCLELLAN of Raymond

NELSON of Falmouth

POULIOT of Augusta

RANKIN of Hiram

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

Signed:

Senator:

MILLETT of Cumberland

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

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

READ.

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

Majority Report of the Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought Not to Pass** on Bill "An Act To Promote Wellness and Prevention through Health Plans" (S.P. 336) (L.D. 991)

Signed:

Senators:

WHITTEMORE of Somerset
WOODBURY of Cumberland

Representatives:

TREAT of Hallowell
BEAUDOIN of Biddeford
BECK of Waterville
COOPER of Yarmouth
DOAK of Columbia Falls
FITZPATRICK of Houlton
McCLELLAN of Raymond
MORRISON of South Portland
PRINGLE of Windham
WALLACE of Dexter

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

Signed:

Senator:

GRATWICK of Penobscot

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

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

Majority Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought Not to Pass** on Bill "An Act To Increase Food Sovereignty in Local Communities"

(H.P. 325) (L.D. 475)

Signed:

Senators:

JACKSON of Aroostook
BOYLE of Cumberland
SHERMAN of Aroostook

Representatives:

DILL of Old Town
BLACK of Wilton
CRAY of Palmyra
MAREAN of Hollis
TIMBERLAKE of Turner

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-155)** on same Bill.

Signed:

Representatives:

HICKMAN of Winthrop
JONES of Freedom
KENT of Woolwich
NOON of Sanford
SAUCIER of Presque Isle

READ.

Representative DILL of Old Town moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

Representative **DILL**: Thank you, Mr. Speaker. This was one of our first local food bills that our committee discussed and I think our committee has shown that we actually agree with local foods and hope that people have food choice. However, this bill, the way it is now written, gives the towns autonomy and it exempts them from state control. Being a scientist, my big concern, of course, is food safety and my concern here on this bill is that it would actually remove the towns from any necessary oversight from the state, as far as say food inspections. But since then, our committee has passed several bills on local processing of poultry, local processing of red meats, raw milk and local foods, so in my estimation, the five or four or five bills that we have passed since then certainly covers everything that may be in this bill, but adds to it the local need or the need, in my estimation, of safe food and food inspections. Thank you.

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

Representative **JONES**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I would like to make this briefer, but unfortunately, I can't. The Declaration of Independence of the United States of America declares that governments are instituted to secure peoples' rights, and that government derives its just powers from the consent of the governed. Article I Section 2 of the Maine State Constitution declares, and I quote, "All power is inherent in the people; all free governments are founded in their authority and instituted for their benefit; [and that] they have therefore an unalienable and indefeasible right to institute government, and...alter, reform, or totally change the same, when their safety and happiness require it."

Section 3001 of Title 30 of the Maine Revised Statutes grants municipalities all powers necessary to protect the health, safety, and welfare of their citizens. Section 211 of Title 7 of the Maine Revised Statutes states that "it is the policy of the State to encourage food sufficiency for the State." I'd like to make a brief tip of the hat, although I don't have a hat, to my dear friend and colleague, the Representative from Newport, who argued convincing yesterday on local control and home rule. I appreciate the same argument on this current bill before us.

Food sovereignty is the right of peoples to define their own food and agriculture; to protect and regulate domestic agricultural production and trade in order to achieve democratic community objectives; to determine the extent to which they want to be self-reliant; to restrict; and to provide local communities to determine their priorities. Food sovereignty does not negate trade, but rather it promotes the formulation of trade policies and practices that serve the rights of peoples to food and to safe healthy and community sustainable production.

Food sovereignty is the right of people to healthy and appropriate food produced through locally sound and sustainable methods and their right to define their own food and agriculture systems. It puts those who produce, distribute and consume food at the heart of food systems and policies rather than the demands of markets and corporations. Food sovereignty defends the interests and inclusion of following generations. It offers a strategy to resist and dismantle the current corporate trade and food regime, and provides for a democratic direction for food, farming, pastoral and fisheries systems determined by local producers. Food sovereignty prioritizes local economies and local markets and empowers family farmer-driven agriculture and artisanal food production, distribution and consumption based on

environmental, social and economic, and yes, community sustainability. Food sovereignty promotes transparent trade that guarantees just income to all peoples and the rights of consumers to control their food and nutrition. It ensures that the rights to use and manage our lands, territories, waters, seeds, livestock and biodiversity are in the hands of our neighbors who produce food. Food sovereignty implies new social relations free of oppression and inequality between men and women, peoples, racial groups, social classes and generations, and restores the proper relationship between people and their farmers. And it defies the personhood of corporate entities who seek to make our food a mere commodity.

I know you've heard this before, but I will say it again. Henry Kissinger said, "Control oil and you control nations; control food and you control the people." I, and the citizens I represent, refuse to submit to this control. We are free people. But more importantly, LD 475 is about democracy and strengthening the purest and most direct participatory form of democracy we have, the town meeting. I will say this. Athens, under Pericles, that democracy was not as pure as town meeting. This is the purest democracy the planet has ever seen, the New England town meeting. It is the only place people can directly impact the decisions that govern their lives. Since food is of fundamental importance and land is of such foundational impact, it is only proper that citizens have the right to make these decisions as locally as possible, and for themselves. It gives the lie to the word "democracy" if we do not indeed trust the people to make the best decisions in how they will live as individuals and in their community, and it gives the lie to the word "independence" if we are forced to rely on our betters to make decisions for us. Free people in free societies, in free communities, should have control over the decisions that affect them most significantly, and there are no more important matters than food and water. Thank you, Mr. Speaker.

Representative WILLETTE of Mapleton **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.

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

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

Representative **KUMIEGA**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. Depending on your perspective, I often get credit or blame for bringing these local food issues to the Legislature. After the two bills on the subject that I submitted last session were defeated, the local food movement went local. Advocates brought the issue to town meetings where our citizens in a number of towns adopted an ordinance expressing their desire to regulate food, farms and food production at the local level. At this time, that is in conflict with state law. I anticipate passage of this bill will create an opportunity for these municipalities to work with the Department of Agriculture and come up with an understanding as to how that local regulation can happen and create safe food, but also promote small farms. I'm rising in opposition to the motion on the table and asking you to support the Minority Report. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Brooksville, Representative Chapman.

Representative **CHAPMAN**: Thank you, Mr. Speaker. I represent the district where these first food ordinances were passed. Although I take no credit for it myself, I did encourage the passage of these ordinances. I want to let the members of this body understand that four of the six towns that I represent have passed a local food ordinance. The first town passed it by a show of hands and 100 percent of the citizens gathered at annual town meeting voted in favor of the local food ordinance. In the next town that passed it, also by a show of hands, passed it by 100 percent of the citizens in that town. The first town was Sedgwick. The second town was Penobscot. The third town to pass the ordinance only passed it by 98 percent. This was the town of Blue Hill. And the fourth town that passed it, my home town, did it a little differently and did it by secret ballot and only passed it by 64 percent. I think members of this body will recognize that we call it a landslide election when it's 60/40 and even the least of the margins in victory for this local food ordinance in my district was by a margin greater than that.

One other point that I need to mention is that the reason why this is so important in my district is because we have, in matter of food regulations, we have ambiguous laws, we have inconsistent interpretation of rules, and we have selective enforcement of the rules, and we have an underground food economy which can serve us well in any regard, especially with regard to food safety. By passing this LD 475, we would be able to solve the problem and allow the towns to express themselves in regulating their own food and food distribution. The food distribution that is unregulated by LD 475 is only from the producer to the final consumer. It's only direct sales from producer to consumer. And so the motion before us, I hope that you'll follow me in defeating the motion before us. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Winthrop, Representative Hickman.

Representative **HICKMAN**: Thank you, Mr. Speaker. Mr. Speaker, Women and Men of the House. I rise in opposition to the pending motion on LD 475, "An Act To Increase Food Sovereignty in Local Communities." Concerning this most important bill that I have presented to the First Regular Session of the 126th Legislature, I find myself in the Minority Report. I guess you could call that poetry.

Her name was Mrs. Meeks. Well, that was the only name I ever heard her called. I was in her kitchen only once. She, like us, lived on the North Side of Milwaukee, Wisconsin, smack dab in the middle of factories that made big things and paid good wages. I couldn't tell you if Mrs. Meeks worked in one of them or not, or even if she worked outside of her home at all. All I knew is that she hailed from rural Alabama and she made a mean coconut cake. So mean it was the only cake my parents ever bought for a special occasion. We didn't have much. We were on food stamps, in fact. But when we splurged, for a special occasion, we turned to our neighbor. And Mrs. Meeks made the best cakes you would ever want to buy. She made them all in her kitchen, a place that felt like the hearth in her home that it was. Her reputation preceded her. So much so that when I began teaching myself how to bake a good cake, way back in the fourth grade, Mrs. Meeks was the cake maker I wanted to emulate. Why? Because in every single bite of Mrs. Meeks cakes, you could taste the love. Just as you could taste the love in Aunt Fannie's famous seafood gumbo. Originally from rural Louisiana, Aunt Fannie migrated to Milwaukee after World War II, her expertise in creole cuisine in tow. Nobody we knew who wanted gumbo for Christmas ever made their own. They bought some of hers. Or, if they were really lucky, she invited them over to her house, sat them down right her kitchen table, and served that spectacular ambrosia fresh out of that giant pot. I can almost

smell it right now. We were among the lucky ones. Still, if we took any of her gumbo home with us, my father reached into his wallet and gave her a little something, something. She needed it to help her family make ends meet while caring for a son, who was challenged in so many ways.

What on earth do Mrs. Meeks and Aunt Fannie have to do with food sovereignty? Everything – pretty much. And even though they both lived in cities by the time I was able to partake of their culinary wizardry, their values were shaped in the rural communities from which they hailed. So were my parents' values. Which is why my father shared most of his hunt with our neighbors whenever they needed it. Why my mother fed and bathed countless throwaway girls who knocked on our door, no questions asked. Now, I live in a rural community. A community of people who share my values. After all, they sent me here. I believe locally produced food is national security. I believe that access to wholesome food is a right for every citizen. When one in four children among us goes to bed hungry every night, we can do better. We must. We cannot allow a single one of us to go hungry for a single day. Maine has all the natural resources and the hard-working, independent-spirited people to grow, catch, trap, forage, process, prepare, and distribute enough food to feed our people and strengthen our local economies. Let us stop importing more food per capita than any other state in the contiguous 48. I believe the best way to achieve more food self-sufficiency, as is the policy of Maine, and more food security is to allow our neighbors – many of whom are small-scale farmers or small-scale food producers, like Aunt Fannie and Mrs. Meeks to advertise, sell, and feed us the food we want to eat. If you control the food, you control the people.

"People," said Woodrow Wilson, "may now be dominated and governed only by their own consent. Self-determination is not a mere phrase; it is an imperative principle of action." An imperative principle of action. Food sovereignty equals self-determination. Who gets to decide the rules and regulations about our local food supply? Who do you trust? The multinational biotech companies that so desperately want to control our food supply by genetically engineering seeds and patenting those same seeds and then influencing the FDA and the USDA to create policies that serve to drive small food producers out of business? Do you trust a food system that allows chickens to be slaughtered at a rate of 175 per minute, with minimal human oversight, the carcasses dipped in bleach and chemical brines in order to make them fit for human consumption? A food system that allows for hamburger filler to be washed in ammonia, also known as pink slime, in order to kill E. coli and make that meat fit for human consumption? Or do you trust the person in your neighborhood or your community who produces food with wholesome ingredients and a heaping bowl of love? If you control food, you control the people.

I am a farmer who still works the land by hand. Mr. Speaker, I've never been more committed to anything in my life. I've never been happier. There is simply nothing like living off the land and nothing simpler. Knowing exactly where your food comes from because you produce it yourself. I am truly blessed. My customers appreciate every bag of spinach, jar of granola, or crown of broccoli they get from the farm. And I appreciate them. Their concerns and requests, their own triumphs and failures. Our exchange of ideas and recipes and tricks. I never would have imagined I would become such an integral part of a local food chain. Never would have imagined I could sell thousands of dollars of organic produce and homemade foods in a single season directly to patrons without vending at a farmer's market or supplying a restaurant. Never would have imagined folks would stop by simply to thank me for doing what I do, even though they

buy their food somewhere else. I think now of Michael Pollan's words from his must-read book *In Defense Of Food*, "In a short food chain...[f]ood reclaims its story, and some of its nobility, when the person who grew it hands it to you." Think about that. I'll say it one more time: In a short food chain food reclaims its story, and some of its nobility, when the person who grew it hands it to you.

Mr. Speaker, in 2009 the people of Maine demanded an expanded medical marijuana law, even though marijuana is illegal at the federal level. Have the feds shut it down? If the people of Maine, through their representatives, make a firm stand on who has the right to make the rules for their own food, then how can we go wrong? The threat of the FDA or the USDA coming in and taking over everything or shutting down all Maine food producers is a fear-based argument that simply does not hold water. Food sovereignty is home rule for food. Food sovereignty means local control. Food sovereignty is rural economic development. Food sovereignty means farmers and fishers have first rights to local and regional markets. Food sovereignty means empowered communities all over the state working together to advance local food systems that ensure health and dignity for all Maine people. Food sovereignty means that all people will have access to healthy, wholesome, locally produced and delicious food. Food sovereignty means that farmers, farm workers, ranchers, and fishers will have control over their lands, water, seeds, and livelihoods. The people in nine towns in the State of Maine voted to enact Local Food and Community Self-Governance Ordinances. What the Legislature can do today is uphold these ordinances, grant them a bit of teeth, if you will, and relieve the State of Maine from using taxpayer dollars to file suit against a one-cow farmer who feeds the people in his community the food they want to eat.

LD 475, as amended, states, "Pursuant to the home rule authority granted to municipalities by Title 30 and by the Constitution of Maine, Article VIII, Part Second, and notwithstanding any other provision of law to the contrary, local government may regulate food systems by local ordinance." Do we really want to turn that down because we're afraid of the Federal Government? Think about that. Think about that. We invoke home rule frequently when discussing local education systems. Why can't we apply that same principle to local food systems? If you control food, you control the people. Food is life. Food is life. Food is life. We the people must have control over our own lives. We the people insist. Food is life. I humbly ask that you vote against the pending motion and affirm the right of local communities to govern their food systems as they see fit. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Windham, Representative Pringle.

Representative **PRINGLE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise to encourage you to support the Majority Ought Not to Pass Report. I speak both as a member of the health care community and also as a small business owner of a family farm and a strong supporter of the local food movement. But I remind you that those of us who do not study history are destined to repeat it and I am proud of the amazing progress in public health we have made over the last century. Do you remember when people died of tuberculosis or brucellosis? We know now too of foodborne illnesses that occur when our regulatory systems fail us. I recall, as a farm owner, that we complied with our TB testing of our herd and when we slaughtered our cattle, we did it through our local butcher who is USDA inspected so that we could ensure that the beef that we sold was safe for the people we've sold it to. We will have to go through a licensing process because we now no

longer have beef but have a vineyard and my husband has been making wine and we want to sell it and we will gladly jump through the regulatory hoops so that, one, we are doing it legally, and that we will be doing it safely.

I also want to encourage people to think how we've been dealing with budget issues and how we are asking all of us to pool together on certain things that give us economies of scale. We have a strong public health network and I know none of us likes a lot of regulation, but all of us go through certain regulation because we know it benefits us. When I go through security at the airports, it's a total aggravation, but I willingly do it because of my safety. So I hope that you will recognize the strength of our public health network and realize that local control, with regard to decisions about food safety, will require incredible accomplishment for all these local communities to understand the public health and what we need to do to keep our food safe. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Turner, Representative Timberlake.

Representative **TIMBERLAKE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I stand before you today as one of those farmers who supports the Ought Not to Pass Report. My day started at 12 o'clock this morning irrigating my cranberry bogs for frost protection, so I know what it is to have to make a living. And if you look at it, most of the organizations in the agriculture industry in the State of Maine spoke that they support the Ought Not to Pass Report – the Farm Bureau, the Maine Dairy Association, the Maine Potato Growers – because they know there is some rules for food safety that need to apply. The state will lose its right to inspect if this law was to be passed the way it is and, trust me, I want to be inspected by the State of Maine, not by the Federal Government, because if you look in the case of Farmer Brown against the State of Maine, the judge ruled in that case for the State of Maine, but he also ruled in that case as part of the ruling that the feds supersedes the state, the state supersedes local rules when it comes to food safety. We need to have safe food. The farmers in the State of Maine that are following the rules and the regulations of the State of Maine are asking you to support the Ought Not to Pass Report.

This bill does not stop – in this bill today, if you pass the Ought Not to Pass Report – does not stop you from growing your vegetables, from selling them beside the road, from selling them at the farmer's market, it doesn't do this. This bill more goes after the raw milk, the poultry, the processed foods, that we need to have food safety. I, being one of the people who suffered the inflictions of food safety being violations when a local school from not far away from here had a cider pressing organization about 15 years ago and nine children got very sick from it. My company, my family, produces about 500,000 gallons of cider a year. That year, after that came out, the newspaper didn't print that these kids got sick from drinking cider that was contaminated by apples that were picked out of an orchard that deer and sheep and goats and cows all did their business on and it wasn't washed. The newspaper didn't say that. They said nine kids sick from drinking cider. My cider sales dropped that year by over half and we were four years recouping that. This bill, the way it's written and the way it's proposed, hurts the guy that's trying to do things right, has been inspected. All we asked in this bill is they be registered, they go through an inspection. Most of it has to do with the raw milk industry, which is a \$25 inspection, very minimal requirements, and for that you get 10 inspections and three water tests a year all for \$25. Ladies and gentlemen, please support the Ought Not to Pass Report and support the farmers of this

state who really don't want you to pass this the way it's wrote. Thank you very much. Please follow my light.

The SPEAKER: The Chair recognizes the Representative from Hallowell, Representative Treat.

Representative **TREAT**: Thank you, Mr. Speaker. I rise to also support the Majority Ought Not to Pass Report and I do that as someone, Men and Women of the House, I do that as someone who has an ag plate on my car, who has worked on these issues and who is going to be voting in favor of a number of other things that corporate America may not like coming out of the Ag Committee in the future, but my concern is twofold. First, I would say that I was kind of compelled to stand up because of the comments made by Representative Pringle of Windham. She mentioned brucellosis. I believe I'm probably the only person in the State Legislature who has ever had brucellosis. I can just tell you and the way I got it was because I was living in Spain for a year and me and all my brothers and sisters, all four of them, got extremely ill and it lasted for about nine months and, at one point, I couldn't walk and neither could any of my brothers and sisters. Fortunately, we had our doctor. We grew up in Vermont and our doctor treated a lot of people who grew up on farms at a time when milk wasn't pasteurized and he knew how to treat it and so we were able to get instructions from Vermont while we were in Spain about how to deal with this. And I just bring it up because there are some extremely severe illnesses that are possible if food is not properly dealt with. So that's just a personal story.

What I would just say is that I love what's in this amendment until I get to the word "notwithstanding." The statement of purpose, the goals of it are fantastic, but when you get to that word "notwithstanding," it essentially says, it says in legal terms, that any provision of state law regarding, in any way, any of the things that come above and that are included in that notwithstanding paragraph can be overridden by an enacted ordinance at the local level. And we've heard today very passionate and expansive speeches talking about all the many things that this bill is intended to cover and I would just ask us to reflect. You know, I share concerns about the heavy-handed role of some regulatory agencies, but I think that it's best to address those in a case by case manner which, my understanding, the Agriculture Committee has looked at specific instances and it's looking at those one by one. This piece of legislation does not do that. It puts into law not only overriding all past regulations and laws at the state level, but any future ones that might be put into place would also be not withstood. I just think we need to think it through and we certainly need to come out. I feel like this is a food sovereignty session and we're doing great stuff there and we need to continue to work on those, but this particular, the way this bill is drafted, is not a responsible way to do that. So I hope that you will go with the committee majority on this and vote Ought Not to Pass.

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

Representative **BOLAND**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I didn't intend to speak on this, but I can't resist adding just a few words. One remark I'd like to make is that nothing is forcing people to buy food from local farmers. If they want to go the supermarket, they can, and I think we really give a very low estimation of the people we represent if we think they don't know how to make that decision on their own. I'd also like to point out, having recently returned from a conference on food fracking and wireless, I heard some very expert people talk about how the FDA used to require that if a new ingredient was going to be added to food, it had to be tested, they had to affirm that it was safe, and over the years,

that law has been so diminished that they don't even have to notify the FDA today. And there are so many things like this that people start to understand, the use of pesticides and all, but they want choices and so the only point that I want to make is let's give our constituents the respect they deserve and let them feel that they know enough to make a choice between local people they know and a supermarket. Thank you.

The SPEAKER: The Chair recognizes the Representative from Newcastle, Representative Devin.

Representative **DEVIN**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I am really proud of my colleague from Winthrop. I think he is doing something that really needs to be done. Until a few minutes ago, I was going to support his bill. I believe that this type of work needs to be continued, but there is an aspect of that we're not discussing here today. I come from the coastal region. I grew up working on farms. My wife is a school teacher who spends her summer working on a local organic farm. I, myself, work in aquaculture research these days. I produce thousands and thousands of oysters every year. The Town of Damariscotta, the Town of South Bristol, the Town of Edgecomb, the Town of Newcastle, none of these towns, at this stage, are prepared to deal with pathogens that are found in shellfish, that are grown on the Damariscotta River, primarily oysters. I dearly would love to see more, our local food sovereignty strengthened. At this stage, I cannot conscientiously support this bill because I know that in aquaculture, animals that are being grown in the marine environment at the local level, we cannot ensure our food safety. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Waterboro, Representative Libby.

Representative **LIBBY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise probably for the first time in not strong position of the pending motion which is kind of unique. Usually, I have a pretty strong opinion on most things. I am a cosponsor of this bill. I feel very strongly for food sovereignty. Last session, I put in a Joint Resolution dealing directly with food sovereignty. I put in a bill this session dealing with interstate commerce. To me, that is the biggest part of food sovereignty. It's the Federal Government. It's the outreach of the Federal Government, the FDA, young constitutionals of what the Federal Government does to our state. To me, that's what the State of Maine needs to do for food sovereignty. I'm very much in support of that and always am. I am concerned with this bill, when the idea that the Federal Government is still there. We're not actually pushing back on the Federal Government and I'm very concerned if that actually could lead to more federal intervention into our state. And to me, that is the biggest thing that would be a negative effect, if we actually increased the federal intervention on our state. So I wanted put my opinion. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Winthrop, Representative Hickman.

Representative **HICKMAN**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I apologize for rising a second time. I just wanted to say, in closing, that at the public hearing that lasted almost three hours, one person testified against this bill, the Department testified neither for nor against this bill, and 20 some farmers and food producers and eaters testified passionately for the passage of LD 475. Thank you, Mr. Speaker.

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. Please forgive me for

rising again. Just a few clarifying remarks to address the concerns from the dear Representative who serves Damariscotta. This merely authorizes local communities to preempt the state in setting food regulations. It doesn't compel local communities to do anything. In other words, if there is a concern for shellfish, if there is a concern for dairy products or poultry in your community, your community can default. Sorry, we don't want to exercise this home rule privilege and the default is state regulations. All this does is give local communities the option, okay, to determine for themselves and if they don't, like I said, it defaults back to state regulations. The second thing and this is the most disconcerting thing, we hear all of this discussion about food safety. Let me tell you, gentlemen and women, there is no data. We know about pink slime. We know about spinach from California. We know about salmonella and E. coli coming from the Chicago meatpackers. But we have no data about the safety or unsafety or risk of locally consumed foods because we have no data. The food safety dog, men and women, does not hunt.

The SPEAKER: The Chair recognizes the Representative from Palmyra, Representative Cray.

Representative **CRAY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Just for clarification on something that Representative Jones just mentioned, my concern with this would be if we relax the state standards on food sovereignty, even the towns that opt out of it would then be underneath the federal standards if the Federal Government should come in and inspect. So I think there's an issue with that.

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. 88

YEA - Beaulieu, Beck, Bennett, Berry, Black, Bolduc, Briggs, Campbell J, Campbell R, Carey, Casavant, Chase, Clark, Cooper, Crafts, Cray, Davis, DeChant, Devin, Dill, Dion, Doak, Dorney, Dunphy, Duprey, Farnsworth, Fitzpatrick, Fowle, Frey, Gattine, Gideon, Gifford, Goode, Graham, Grant, Herbig, Hobbins, Hubbell, Jackson, Johnson D, Johnson P, Keschl, Kinney, Knight, Kornfield, Kruger, Libby A, Long, Longstaff, Luchini, MacDonald W, Maker, Malaby, Marean, Marks, Mason, Mastraccio, McCabe, McClellan, McElwee, McGowan, Moriarty, Nadeau C, Nutting, Parry, Peavey Haskell, Plante, Pouliot, Pringle, Rankin, Reed, Rochelo, Rotundo, Sanborn, Schneck, Shaw, Short, Sirocki, Stanley, Timberlake, Tipping-Spitz, Treat, Turner, Tyler, Volk, Weaver, Welsh, Willette, Wilson, Winchenbach, Winsor, Wood, Mr. Speaker.

NAY - Beavers, Boland, Brooks, Cassidy, Chapman, Chenette, Chipman, Cotta, Daughtry, Dickerson, Espling, Evangelos, Fredette, Gilbert, Gillway, Guerin, Harlow, Harvell, Hayes, Hickman, Jones, Jorgensen, Kaenrath, Kent, Kumiega, Kusiak, Lajoie, Libby N, Lockman, MacDonald S, McLean, Monaghan-Derrig, Moonen, Morrison, Nadeau A, Nelson, Newendyke, Noon, Pease, Peoples, Powers, Russell, Rykerson, Sanderson, Saucier, Stuckey, Villa, Wallace, Werts.

ABSENT - Ayotte, Beaudoin, Crockett, Hamann, Peterson, Priest, Saxton, Theriault, Verow.

Yes, 93; No, 49; Absent, 9; Excused, 0.

93 having voted in the affirmative and 49 voted in the negative, with 9 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

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

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

Expression of Legislative Sentiment recognizing the Deer Isle-Stonington K-6 Chess Team.

(HLS 251)

Which was **TABLED** by Representative BERRY of Bowdoinham pending **PASSAGE**.

Expression of Legislative Sentiment recognizing the Deer Isle-Stonington K-8 Novice Chess Team.

(HLS 252)

Which was **TABLED** by Representative Representative BERRY of Bowdoinham pending **PASSAGE**.

Expression of Legislative Sentiment recognizing the Deer Isle-Stonington K-8 Chess Team.

(HLS 253)

Which was **TABLED** by Representative Representative BERRY of Bowdoinham pending **PASSAGE**.

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

Representative **KUMIEGA**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. This is my third year as a member of this body and the third time I've presented Sentiments honoring the accomplishments of chess teams from the Deer Isle-Stonington school system. This year's trophies bring the Mariners up to 33 total state chess championships. In addition, the K-8 Novice, K-6 championship and K-8 championship titles recognized by these Sentiments, the Mariner High School reserve team tied for first, the K-3 and K-12 championship teams finished second. Subsequently to their success at the state level and thanks to the great support from their community, the K-6 and K-8 teams travelled to Nashville and competed in the chess nationals, finishing in 20th and 15th places respectively. And all of this is from a school system with less than 400 students in K-12. Thank you, Mr. Speaker.

Subsequently, the Sentiments were **PASSED** and sent for concurrence.

REPORTS OF COMMITTEE

Divided Reports

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought Not to Pass** on Bill "An Act To Provide Funding to the Judicial Branch to Facilitate Reporting to the National Instant Criminal Background Check System"

(H.P. 615) (L.D. 888)

Signed:

Senators:

GERZOFISKY of Cumberland

DUTREMBLE of York

PLUMMER of Cumberland

Representatives:

DION of Portland

CASAVANT of Biddeford

KAENRATH of South Portland

LAJOIE of Lewiston

MARKS of Pittston

PEASE of Morrill

PLANTE of Berwick

TYLER of Windham

WILSON of Augusta

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-159)** on same Bill.

Signed:

Representative:

LONG of Sherman

READ.

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

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought Not to Pass** on Bill "An Act To Prohibit Enforcement by a Federal or State Official or Others of the National Defense Authorization Act For Fiscal Year 2012"

(H.P. 747) (L.D. 1054)

Signed:

Senators:

GERZOFISKY of Cumberland

DUTREMBLE of York

PLUMMER of Cumberland

Representatives:

DION of Portland

CASAVANT of Biddeford

KAENRATH of South Portland

LAJOIE of Lewiston

MARKS of Pittston

PEASE of Morrill

PLANTE of Berwick

TYLER of Windham

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-161)** on same Bill.

Signed:

Representatives:

LONG of Sherman

WILSON of Augusta

READ.

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

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

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

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

ROLL CALL NO. 89

YEA - Beaulieu, Beavers, Beck, Bennett, Berry, Bolduc, Briggs, Brooks, Campbell R, Carey, Casavant, Cassidy, Chapman, Chase, Chenette, Chipman, Cooper, Daughtry, DeChant, Devin, Dickerson, Dill, Dion, Dorney, Farnsworth, Fowle, Frey, Gattine, Gideon, Gilbert, Goode, Graham, Grant, Harlow, Hayes, Herbig, Hobbins, Hubbell, Jorgensen, Kaenrath, Kent, Keschl, Knight, Kornfield, Kruger, Kusiak, Lajoie, Libby N, Longstaff, Luchini, MacDonald W, Maker, Marks, Mason, Mastraccio, McCabe, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau A, Nadeau C, Nelson, Noon, Nutting, Parry, Pease, Peoples, Plante, Pouliot, Powers, Pringle, Rankin, Rochelo, Rotundo, Sanborn, Saucier, Schneck, Shaw, Short, Stanley, Stuckey, Theriault, Tipping-Spitz, Treat, Tyler, Villa, Volk, Wallace, Weaver, Welsh, Werts, Winchenbach, Winsor, Mr. Speaker.

NAY - Ayotte, Black, Boland, Clark, Cotta, Crafts, Cray, Davis, Doak, Dunphy, Duprey, Espling, Evangelos, Fitzpatrick, Fredette, Gifford, Gillway, Guerin, Harvell, Hickman, Jackson, Johnson D, Johnson P, Jones, Kinney, Libby A, Lockman, Long, MacDonald S, Malaby, Marean, McClellan, McElwee, Peavey Haskell, Reed, Russell, Rykerson, Sanderson, Sirocki, Timberlake, Turner, Willette, Wilson, Wood.

ABSENT - Beaudoin, Campbell J, Crockett, Hamann, Kumiega, Newendyke, Peterson, Priest, Saxton, Verow.

Yes, 97; No, 44; Absent, 10; Excused, 0.

97 having voted in the affirmative and 44 voted in the negative, with 10 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-148)** on Bill "An Act To Require High School Students To Complete Community Service"

(H.P. 917) (L.D. 1290)

Signed:

Senators:

MILLETT of Cumberland
JOHNSON of Lincoln

Representatives:

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

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

Signed:

Representative:

McCLELLAN of Raymond

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-148)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-148)** and sent for concurrence.

Majority Report of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** reporting **Ought Not to Pass** on Bill "An Act To Change the Classification of the Lower Androscoggin River"

(H.P. 596) (L.D. 845)

Signed:

Senators:

BOYLE of Cumberland
GRATWICK of Penobscot
SAVIELLO of Franklin

Representatives:

WELSH of Rockport
AYOTTE of Caswell
CAMPBELL of Orrington
COOPER of Yarmouth
GRANT of Gardiner
HARLOW of Portland
LONG of Sherman
REED of Carmel

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

Signed:

Representatives:

CHIPMAN of Portland
MCGOWAN of York

READ.

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

Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought Not to Pass** on Bill "An Act To Require Kayakers on Open Salt Water To Use a Personal Flotation Device"

(H.P. 164) (L.D. 203)

Signed:

Senators:

DUTREMBLE of York
BURNS of Washington
HASKELL of Cumberland

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-162)** on same Bill.

Signed:

Representatives:

BRIGGS of Mexico
EVANGELOS of Friendship
KUSIAK of Fairfield

READ.

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

Majority Report of the Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought Not to Pass** on Bill "An Act To Amend the Notice of Risk to Personal Data Act To Further Protect Consumers"

(H.P. 133) (L.D. 158)

Signed:

Senators:

WHITEMORE of Somerset
WOODBURY of Cumberland

Representatives:

BECK of Waterville
DOAK of Columbia Falls
FITZPATRICK of Houlton
McCLELLAN of Raymond
WALLACE of Dexter

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-151)** on same Bill.

Signed:

Senator:

GRATWICK of Penobscot

Representatives:

TREAT of Hallowell
BEAUDOIN of Biddeford
COOPER of Yarmouth
MORRISON of South Portland
PRINGLE of Windham

READ.

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

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

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

The same Representative **REQUESTED** that the Clerk **READ** the Committee Report.

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

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

ROLL CALL NO. 90

YEA - Beavers, Berry, Bolduc, Briggs, Brooks, Carey, Casavant, Cassidy, Chapman, Chenette, Chipman, Cooper, Daughtry, DeChant, Devin, Dickerson, Dill, Dorney, Evangelos, Farnsworth, Fowle, Frey, Gattine, Gideon, Gilbert, Goode, Graham, Grant, Harlow, Hayes, Herbig, Hickman, Hobbins, Hubbell, Jones, Kaenrath, Kent, Kornfield, Kruger, Kumiega,

Kusiak, Lajoie, Libby N, Longstaff, Luchini, MacDonald W, Mason, Mastraccio, McCabe, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, Nelson, Noon, Peoples, Plante, Powers, Priest, Pringle, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Saucier, Saxton, Schneck, Stuckey, Theriault, Tipping-Spitz, Treat, Villa, Welsh, Werts, Mr. Speaker.

NAY - Ayotte, Beaulieu, Beck, Bennett, Black, Boland, Chase, Clark, Cotta, Crafts, Cray, 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, Marks, McClellan, McElwee, Nadeau A, Newendyke, Nutting, Parry, Pease, Peavey Haskell, Pouliot, Reed, Sanderson, Shaw, Short, Sirocki, Stanley, Timberlake, Turner, Tyler, Volk, Wallace, Weaver, Willette, Wilson, Winchenbach, Winsor, Wood.

ABSENT - Beaudoin, Campbell J, Campbell R, Crockett, Dion, Hamann, Jorgensen, Peterson, Verow.

Yes, 80; No, 62; Absent, 9; Excused, 0.

80 having voted in the affirmative and 62 voted in the negative, with 9 being absent, and accordingly the Minority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-151)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-151)** and sent for concurrence.

Majority Report of the Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought Not to Pass** on Bill "An Act Regarding Preneed Funeral Insurance"

(H.P. 716) (L.D. 1018)

Signed:

Senators:

GRATWICK of Penobscot
WHITEMORE of Somerset
WOODBURY of Cumberland

Representatives:

TREAT of Hallowell
COOPER of Yarmouth
DOAK of Columbia Falls
FITZPATRICK of Houlton
McCLELLAN of Raymond
MORRISON of South Portland
WALLACE of Dexter

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-163)** on same Bill.

Signed:

Representatives:

BECK of Waterville
PRINGLE of Windham

READ.

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

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought Not to Pass** on Bill "An Act To Promote the Sale of Maine Milk"

(H.P. 564) (L.D. 813)

Signed:

Senator:

LACHOWICZ of Kennebec

Representatives:

GRAHAM of North Yarmouth

BOLAND of Sanford

COTTA of China

HAYES of Buckfield

MacDONALD of Old Orchard Beach

NADEAU of Winslow

NADEAU of Fort Kent

PEASE of Morrill

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-153)** on same Bill.

Signed:

Representative:

CHENETTE of Saco

READ.

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

CONSENT CALENDAR

First Day

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

(S.P. 306) (L.D. 881) Bill "An Act To Improve the Unused Pharmaceutical Disposal Program" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass**

(S.P. 62) (L.D. 173) Bill "An Act To Remove the Rangeley Plantation Sanctuary from the List of Wildlife Sanctuaries" Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass**

(S.P. 236) (L.D. 645) Bill "An Act To Allow the Adjustment of the Assessment Rate for the Rural Medical Access Program" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass**

(S.P. 85) (L.D. 249) Resolve, Directing the Board of Dental Examiners To Amend Its Rules To Improve Access to Oral Health Care in Maine Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-65)**

(S.P. 169) (L.D. 437) Bill "An Act To Streamline the General Permit Process for Tidal Power" Committee on **ENVIRONMENT AND NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-62)**

(S.P. 58) (L.D. 169) Bill "An Act To Provide Revenue to Veterans' Organizations and the Maine Veterans' Memorial Cemetery System Care Fund from Table Game Revenue" (EMERGENCY) Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-57)**

(S.P. 61) (L.D. 172) Bill "An Act To Make Permanent the Reciprocal Agreement between Maine and Other States Regarding a Snowmobile Weekend" Committee on **INLAND**

FISHERIES AND WILDLIFE reporting **Ought to Pass as Amended by Committee Amendment "A" (S-61)**

(H.P. 419) (L.D. 600) Bill "An Act To Include Archery Hunting Licenses among the Complimentary Licenses Issued to a Member of a Federally Recognized Indian Tribe, Nation or Band" Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass**

(H.P. 904) (L.D. 1265) Bill "An Act To Strengthen Maine's Assent Language for Participation in the Federal Aid in Wildlife Restoration Act" Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass**

(H.P. 625) (L.D. 902) Resolve, Regarding Legislative Review of Portions of Chapter 882: Designation of Bisphenol A as a Priority Chemical and Regulation of Bisphenol A in Children's Products, a Major Substantive Rule of the Department of Environmental Protection (EMERGENCY) Committee on **ENVIRONMENT AND NATURAL RESOURCES** reporting **Ought to Pass**

(H.P. 231) (L.D. 322) Resolve, Regarding Legislative Review of Portions of Chapter 61: State Board of Education Rules for Major Capital School Construction Projects, a Major Substantive Rule of the State Board of Education (EMERGENCY) Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-165)**

(H.P. 974) (L.D. 1366) Bill "An Act To Require Students To Receive Instruction in Cardiopulmonary Resuscitation and the Use of an Automated External Defibrillator prior to Graduation" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-164)**

(H.P. 138) (L.D. 178) Resolve, To Provide Consistency in Rules of the Department of Education Regarding Visual and Performing Arts Requirements for High School Graduation Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-156)**

(H.P. 335) (L.D. 485) Bill "An Act To Amend and Clarify Certain Education Laws" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-149)**

(H.P. 465) (L.D. 673) Bill "An Act To Ensure the Least Restrictive Learning Environment in Public Schools for Students with Food Allergies" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-158)**

(H.P. 599) (L.D. 848) Bill "An Act To Clarify the Right To Name a 3rd Party To Receive Notification of Policy Cancellation" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-152)**

(H.P. 884) (L.D. 1250) Bill "An Act To Revise Maine's Unemployment Compensation Laws" Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-160)**

Under suspension of the rules, Second Day Consent Calendar notification was given.

There being no objection, the Senate Papers were **PASSED TO BE ENGROSSED** or **PASSED TO BE ENGROSSED as Amended** in concurrence and the House Papers were **PASSED TO BE ENGROSSED** or **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

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

ENACTORS

Emergency Measure

An Act To Amend the Laws Concerning Reciprocal Disciplinary Actions in Harness Racing and Pulling Events (H.P. 441) (L.D. 622)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 136 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act Regarding the Administration and Financial Transparency of the Citizen Trade Policy Commission (H.P. 816) (L.D. 1151) (C. "A" H-105; H. "A" H-110)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 134 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

**Pursuant to the Constitution
Public Land**

An Act To Release a Restriction on Former State Land in Passadumkeag Currently Owned by Dale Ross (H.P. 221) (L.D. 312) (C. "A" H-101)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section 23 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 140 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Acts

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

An Act To Encourage the Use of Biofuels in the State (S.P. 415) (L.D. 1178)

An Act To Update the Laws Governing Energy Efficiency Building Performance Standards (S.P. 64) (L.D. 175) (C. "A" S-47)

An Act To Provide for Edible Landscaping in a Portion of Capitol Park (H.P. 324) (L.D. 474) (C. "A" H-102)

An Act To Amend the Election Laws and Other Related Laws (S.P. 194) (L.D. 504)

An Act To Ensure Equity in Funding to State Postsecondary Institutions of Higher Learning (S.P. 200) (L.D. 510) (C. "A" S-43)

An Act To Require Payment Quotes in Service Contracts for the Harvesting and Hauling of Wood (S.P. 229) (L.D. 639) (C. "A" S-50)

An Act Regarding Legal Representation in Certain Eviction Actions (S.P. 230) (L.D. 640) (C. "A" S-56)

An Act To Change the Grade Standards of the Maine Maple Syrup Industry (H.P. 450) (L.D. 658)

An Act To Amend the Laws Governing Probation and Remove References to the Intensive Supervision Program of the Department of Corrections (S.P. 250) (L.D. 701) (C. "A" S-44)

An Act To Amend the Laws Dealing with the Taxing of the Purchase of Extended Service Contracts and Extended Service Contract Claims for Trucks (S.P. 266) (L.D. 728) (C. "A" S-53)

An Act To Promote Fairness in the Sales Tax Exemption for Vehicles Used in Interstate Commerce (S.P. 279) (L.D. 741) (C. "A" S-54)

An Act To Remove Obsolete Provisions of the Electric Industry Restructuring Laws (S.P. 310) (L.D. 885) (C. "A" S-52)

An Act To Promote the Installation of Masonry Stoves (S.P. 326) (L.D. 948) (C. "A" S-51)

An Act To Ensure the Proportional Offset against Retirement Benefits of Workers' Compensation Awards (S.P. 327) (L.D. 949) (S. "A" S-46)

An Act To Clarify the Authority and Responsibility of Forest Rangers (H.P. 744) (L.D. 1051)

An Act Regarding Next Generation 9-1-1 and Making Changes in Surcharge Remittance for Certain Telecommunications Service Providers (H.P. 877) (L.D. 1243)

An Act Regarding the Cost of Copies of Medical Records (S.P. 561) (L.D. 1500)

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

Resolves

Resolve, Directing the Department of Transportation To Seek Funding To Complete a Design and Engineering Assessment for the Extension of Passenger Rail Service from Portland North on the State-owned St. Lawrence and Atlantic Railway Corridor (S.P. 344) (L.D. 999) (C. "A" S-48)

Resolve, To Establish MaineCare Eligibility for Young Adults Who Were Formerly in Foster Care (H.P. 337) (L.D. 487) (C. "A" H-99)

Resolve, Directing the Department of Agriculture, Conservation and Forestry To Review, Clarify and Update Its Rules Pertaining to the Maple Syrup Industry

(H.P. 449) (L.D. 657)
(C. "A" H-106)

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

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

(H.P. 191) (L.D. 230)
(C. "A" H-76)

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

On motion of Representative WILLETTE of Mapleton, was **SET ASIDE**.

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

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

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

Representative **SANDERSON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. LD 230, once again, is duplication that is already being done on the department level. It establishes a separate commission to do the same job that is already being done. The department estimates that this is going to cost our state \$300,000. I don't know where they are going to find the \$300,000. Some of the suggestions have been, we'll take it from the SIM grant. The SIM grant that was awarded to the state already has a home. This money is already being used for another purpose. I urge you to vote against LD 230.

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

Representative **GRAHAM**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This is very simple, very, very simple. The Legislature has absolutely no voice in planning of the state health plan. Absolutely no voice. It's imperative that we do have a voice. Health care should not be about politics. It should be about the health and the wellbeing of the people of Maine. The State Innovation grant, \$33 million, \$33 million and no legislators have been involved in this plan. The Commission on Health Care Cost and Quality will allow us to have a voice, to move forward so we can find a way to provide health care to the people of Maine in the best possible way. I ask that you support this bill and follow my light. Thank you.

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

ROLL CALL NO. 91

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

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

Johnson D, Johnson P, Keschl, Kinney, Knight, Libby A, Lockman, Long, MacDonald S, Maker, Malaby, Marean, McClellan, McElwee, Nadeau A, Newendyke, Nutting, Parry, Pease, Peavey Haskell, Pouliot, Reed, Sanderson, Sirocki, Timberlake, Turner, Tyler, Volk, Wallace, Weaver, Willette, Wilson, Winchenbach, Winsor, Wood.

ABSENT - Ayotte, Beaudoin, Crockett, Hamann, Peterson, Stuckey, 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 Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

An Act To Sustain Maine's Aviation Industry by Extending the Exemption from Sales and Use Tax for Aircraft and Parts

(S.P. 112) (L.D. 279)
(C. "A" S-55)

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

On motion of Representative BERRY of Bowdoinham, was **SET ASIDE**.

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

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

UNFINISHED BUSINESS

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

JOINT RESOLUTION AFFIRMING THE FRIENDSHIP BETWEEN THE STATE OF MAINE AND THE REPUBLIC OF CHINA

(H.P. 943)

TABLED - April 3, 2013 (Till Later Today) by Representative HAYES of Buckfield.

PENDING - **ADOPTION**.

Subsequently, Representative McCABE of Skowhegan **PRESENTED House Amendment "B" (H-154)**, which was **READ** by the Clerk and **ADOPTED**.

Subsequently, this Joint Resolution was **ADOPTED as Amended by House Amendment "B" (H-154)** and sent for concurrence.

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

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

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

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

TABLED - May 14, 2013 (Till Later Today) by Representative FREDETTE of Newport.

PENDING - **FURTHER CONSIDERATION**.

Subsequently, the House voted to **INSIST**.

**REPORTS OF COMMITTEE
Change of Committee**

Representative GOODE from the Committee on **TAXATION** on Bill "An Act To Tax Political Action Committees"

(H.P. 566) (L.D. 815)

Reporting that it be **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS**.

Report was **READ** and **ACCEPTED** and the Bill was **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS**.

Sent for concurrence.

**CONSENT CALENDAR
First Day**

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

(H.P. 1042) (L.D. 1457) Bill "An Act To Amend the Charter of the South Berwick Sewer District" Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass**

(H.P. 867) (L.D. 1228) Bill "An Act To Establish Municipal Cost Components for Unorganized Territory Services To Be Rendered in Fiscal Year 2013-14" (EMERGENCY) Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-167)**

Under suspension of the rules, Second Day Consent Calendar notification was given.

There being no objection, the House Papers were **PASSED TO BE ENGROSSED** or **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

The **SPEAKER**: The Chair recognizes the Representative from Madawaska, Representative Theriault, who wishes to address the House on the record.

Representative **THERIAULT**: Thank you, Mr. Speaker. Being absent at the time of the vote on LD 475, I would like my vote recorded as a yea. Thank you.

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

Representative **McGOWAN**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. In reference to Roll Call No. 83, on LD 307, had I been present, I would have voted no. In reference to Roll Call No. 84, on LD 490, had I been present, I would have voted no. Thank you, Mr. Speaker.

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

Representative **CAMPBELL**: Mr. Speaker, I think I'd like to put this on the record, if I could. I'd like you to all join me in recognizing a very accomplished member of the body. I opened the paper this morning and noticed on the front page of the sports page that Representative Reed is the new inductee to the New England Basketball Hall of Fame, soon to be accomplished in June. It's funny. We serve in these halls and we get to know each other a little bit and I've come to know Roger, of course, I knew all of his stories kind of growing up across the river, but Roger has quite an accomplishment under his belt. He led the Bangor High School Rams to eight state championships. But what I've really come to understand is Representative Reed's level of family, of God, the republic, the constitution and the goodness in all humanity that's allowed him and guided him to

the accomplishments of these great feats. He is a very humble person who has provided a tremendous influence on his students and his players. Roger Reed's level of basketball and the clear understanding and cultivation of basic talents has allowed these students, over the years, to great accomplishments, and he'll be the first to tell you that it wasn't him. It was the students and the goodness in humanity that allowed this to happen. So please join me with acknowledging an accomplishment which is small to Roger but great to all those who he has influenced. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Litchfield, Representative Newendyke.

Representative **NEWENDYKE**: Thank you, Mr. Speaker. I was absent at the time, I was out of the chamber at the time we voted on LD 1054. I would like to have it recorded that I would have voted no if I had been present.

SENATE PAPERS

The following Joint Order: (S.P. 583)

ORDERED, the House concurring, that the Joint Standing Committee on Taxation shall report out, to the Senate, a bill to require review of tax increment financing.

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

READ and **PASSED** in concurrence.

**CONSENT CALENDAR
First Day**

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

(S.P. 121) (L.D. 326) Bill "An Act To Update the Maine Emergency Management Laws" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-73)**

(S.P. 176) (L.D. 444) Bill "An Act To Improve Workers' Compensation Coverage for All Injured Workers" Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-75)**

(S.P. 255) (L.D. 706) Bill "An Act To Amend the Workers' Compensation Self-insurance Laws" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-74)**

(S.P. 330) (L.D. 985) Resolve, To Repeal the Requirement That the Department of Transportation Facilitate a Feasibility Study of an East-west Highway and Provide for Public Access to Certain Documents Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-78)**

(S.P. 351) (L.D. 1026) Bill "An Act To Amend the Charter of the Ashland Water and Sewer District" Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-69)**

(S.P. 401) (L.D. 1164) Bill "An Act To Allow Cooperative Housing Owners Who Are Blind To Qualify for the Property Tax Exemption" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-80)**

(S.P. 472) (L.D. 1353) Bill "An Act To Further Reduce Student Hunger" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-70)**

(S.P. 508) (L.D. 1414) Resolve, Authorizing the State Tax Assessor To Convey the Interest of the State in Certain Real Estate in the Unorganized Territory Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-72)**

Under suspension of the rules, Second Day Consent Calendar notification was given.

There being no objection, the Senate Papers were **PASSED TO BE ENGROSSED as Amended** in concurrence.

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

On motion of Representative CAMPBELL of Orrington, the House adjourned at 11:21 a.m., until 9:00 a.m., Thursday, May 16, 2013.