

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
44th Legislative Day
Monday, May 20, 2013

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

Prayer by Reverend Jack Dowling, Glenburn Evangelical Covenant Church.

National Anthem by Gabrielle Brochu, Glenburn.

Pledge of Allegiance.

Doctor of the day, Marshall Chamberlin, MD, FACEP, Sanford.

The Journal of Thursday, May 16, 2013 was read and approved.

SENATE PAPERS

The following Joint Resolution: (S.P. 586)

**JOINT RESOLUTION RECOGNIZING THE TRAGIC
INVOLUNTARY STERILIZATION OF MAINE'S CITIZENS WITH
INTELLECTUAL DISABILITIES FOR MORE THAN FIFTY
YEARS AND REDEDICATING OURSELVES TO THE MAINE
IDEALS OF TOLERANCE, INDEPENDENCE AND EQUALITY
FOR ALL PERSONS**

WHEREAS, one hundred and five years ago, in 1908, the Maine School for the Feeble-Minded, later Pineland Center, admitted its first inmates; and

WHEREAS, the school was intended to be a permanent home for certain Maine citizens who were dependent upon the public for their care, who were then called the "feeble-minded"; and

WHEREAS, at that time there was a belief that "feeble-mindedness" was a mental defect, a permanent condition that once established does not grow worse or better if left untreated; and

WHEREAS, the "high-grade imbecile" was, in the words of the school's first superintendent, Dr. George Bliss, "already tidy in his personal habits. He can be taught to read and write...he often has considerable musical ability and can be taught to do many kinds of work well"; and

WHEREAS, Dr. Bliss and others further believed that "his defect shows most in his relations with his fellow men. He is always improvident, always a liar, a petty thief, perhaps cruel to animals and children, and he may be so strongly inclined to set fires that he finds the impulse impossible to resist. Because of his weak will and deficient judgement, he is likely influenced for evil, and is likely to become a drunkard, a vagrant, or if a woman, a prostitute"; and

WHEREAS, in that era, the now-disgraced eugenics movement, which advocated practices to improve the genetic composition of a population, usually human, and to reduce reproduction of less-desired people and traits, claimed poverty and intemperance were genetic traits due to "impure blood"; and

WHEREAS, in 1925, the State of Maine, by law, allowed the forced eugenic sterilization of the feeble-minded to "prevent reproduction of feeble-mindedness" and, in the words of one Maine Senator, "permanently improve the human race" and "enforce in a simple way sound, decent and efficient human beings"; and

WHEREAS, this law remained in effect until 1983 and resulted in countless involuntary sterilizations of individuals who lived at the institution and elsewhere, and we now recognize the brutality of these actions against innocent citizens; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-sixth Legislature now assembled in the First Regular Session, on behalf of the people we represent, take this opportunity to recognize with profound shame and regret the involuntary sterilization of Maine citizens with intellectual disabilities over a 57-year period in our history, and, while rebuking this past, rededicate ourselves to the ideals of tolerance, independence and equality for all persons in our ever-changing world, which are the birthright and heritage of all proud Mainers, and rededicate ourselves as lawmakers to the social justice that is the right of all persons; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to Maine's Disability Rights Center, the American Civil Liberties Union of Maine, the Maine Historical Society and the Maine State Archives.

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

READ.

The SPEAKER: The Chair recognizes the Representative from New Gloucester, Representative Espling.

Representative **ESPLING**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise just briefly to speak about this Resolution that has come to us from the other body. As a resident of New Gloucester, the town in which Pineland is located and that this Resolution is speaking on, and one who has been very interested in the town's history, I am keenly aware, as are other residents, of Pineland's past. I just wanted to mention, while we can talk about the history of Pineland and its struggles, today Pineland is a much different place. Pineland was purchased by a subsidiary of the Libra Foundation in 2000. Since then, thanks to that foundation, Pineland has been revitalized. With a focus on agritourism, the campus has been refurbished and holds many buildings with businesses, doctors' offices, a YMCA and more. They have an equestrian center, dairy cows, laying hens, a cheese factory, beautiful gardens and miles of hiking and cross-country skiing trails. While it has had a long and sometimes controversial past, Pineland has become an integral and very positive part of the community in which I live. Thank you, Mr. Speaker.

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

Representative **FARNSWORTH**: Mr. Speaker, I wish to speak in regards to the Joint Resolution.

The SPEAKER: The Representative may proceed.

Representative **FARNSWORTH**: Santayana once said that those who ignore history are doomed to repeat it. The Resolution we are considering represents an opportunity to recognize and apologize for a long and shameful time in our history and recognizing what has occurred at Pineland over the past 15 years. We certainly have seen significant changes. However, in 1925, the Maine Legislature authorized the involuntary sterilization of men and women with intellectual disabilities. That practice continued until 1983. The purpose of the law was to "prevent the further propagation of feeble-mindedness" and it grew out of the eugenics movement of the early 20th century. The decision to sterilize was made by physicians and the persons being considered for sterilization were never consulted. It is fitting that last week, in the Hall of Flags, artists with disabilities presented an art show. Their works show incredible talent, ingenuity, and beauty. This Resolution makes public this shameful historic time and will help to ensure that atrocities such as these are never repeated. Thank you very much.

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

Bill "An Act To Fix and Improve the System Used To Evaluate or Rate Public Schools in Maine"

(S.P. 585) (L.D. 1540)

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.

Non-Concurrent Matter

Bill "An Act To Tax Political Action Committees"

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

Unanimous **REFER TO THE COMMITTEE ON VETERANS AND LEGAL AFFAIRS** Report of the Committee on **TAXATION** **READ** and **ACCEPTED** and the Bill and accompanying papers **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS** in the House on May 15, 2013.

Came from the Senate with the Unanimous **REFER TO THE COMMITTEE ON VETERANS AND LEGAL AFFAIRS** Report of the Committee on **TAXATION** **READ** and the Bill and accompanying papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

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

COMMUNICATIONS

The Following Communication: (H.C. 167)

**STATE OF MAINE
CLERK'S OFFICE**

**2 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0002**

May 20, 2013

Honorable Mark W. Eves

Speaker of the House

2 State House Station

Augusta, Maine 04333

Dear Speaker Eves:

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

Judiciary

L.D. 125 An Act To Preserve Lender Equity in the Foreclosure Process

L.D. 309 Resolve, Directing the Attorney General To Implement a Child Identity Protection Program To Safeguard the Personal Information of Minors and Prevent Identity Theft

L.D. 392 An Act To Protect Homeowners and Reduce Foreclosure Fraud

L.D. 612 An Act To Protect Owners of Property in Foreclosure from Accumulation of Debts When Mortgagees Refuse To Complete the Foreclosure Process (EMERGENCY)

L.D. 784 An Act To Impose Penalties for Residential Mortgage Loan Fraud and False Representation Concerning Title

L.D. 807 An Act To Provide Protection to a Condominium Association When a Condominium Is Foreclosed On

L.D. 913 An Act To Promote Excursion Passes by Amending the Law Governing Expiration Dates on Gift Obligations and Stored-value Cards

Redeemable with Multiple Sellers (EMERGENCY)
L.D. 1039 An Act To Promote Regulatory Fairness
L.D. 1116 An Act To Amend the Attorney's Fees Provision in Foreclosure Actions
L.D. 1401 An Act To Amend the Laws Governing the Issuance of and Access to Birth Certificates and Certain Medical Information
L.D. 1475 An Act To Improve Citizen Access to Legal Representation

Taxation
L.D. 55 An Act To Promote Filmmaking in the State
L.D. 317 An Act Regarding the Business Equipment Tax Reimbursement Program and the Business Equipment Tax Exemption Program

L.D. 956 An Act To Improve and Simplify the Application for Benefits under the Circuitbreaker Program
L.D. 1126 An Act Regarding Corporate Income Tax Disclosure

L.D. 1255 Resolve, To Provide Greater Depth and Transparency to the Review of Foregone Revenue Identified in the Biennial Tax Expenditure Report

L.D. 1477 An Act To Impose a Temporary One Percent Sales Tax for Education and Revenue Sharing
L.D. 1488 An Act To Create a Tax Expenditures Budget Process

Transportation
L.D. 1168 Resolve, To Establish the Commission To Study How To Improve Maine's Transportation Infrastructure (EMERGENCY)

L.D. 1257 An Act To Create Corridor Transit Districts
Veterans and Legal Affairs
L.D. 924 An Act To Prevent a Conflict of Interest of the Secretary of State

L.D. 1272 An Act To Amend the Process of Tenant Eviction

L.D. 1422 An Act To Establish a Nonpartisan Primary and a Presidential Primary Election System and Instant Run-off Voting for State and Federal Candidates

The sponsors and cosponsors have been notified of the Committee's action.

Sincerely,
S/Millicent M. MacFarland
Clerk of House

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

The Following Communication: (S.C. 355)

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

May 16, 2013

Honorable Millicent M. MacFarland

Clerk of the House

2 State House Station

Augusta, Maine 04333

Dear Clerk MacFarland:

Please be advised the Senate today insisted to its previous action whereby it accepted the Majority Ought Not to Pass Report from the Committee on Environment and Natural Resources on

Bill "An Act To Allow Motor Fuel Containing Five Percent Ethanol To Be Sold in the State" (H.P. 87) (L.D. 105).

Best Regards,
S/Darek M. Grant
Secretary of the Senate

READ and ORDERED PLACED ON FILE.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Bill "An Act To Ensure That Legislators Share the Sacrifice with Civil Servants in the Event of a State Government Shutdown"

(H.P. 1108) (L.D. 1541)

Sponsored by Representative RUSSELL of Portland.

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

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

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

Bill "An Act To Expand the Authority of Lobster Management Policy Councils To Address Entry into Lobster Management Zones and To Create a Temporary Medical Allowance" (EMERGENCY)

(H.P. 1113) (L.D. 1544)

Sponsored by Representative KUMIEGA of Deer Isle. (GOVERNOR'S BILL)

Committee on **MARINE RESOURCES** suggested and ordered printed.

REFERRED to the Committee on **MARINE RESOURCES** and ordered printed.

Sent for concurrence.

Bill "An Act To Support Municipal Volunteers"

(H.P. 1114) (L.D. 1547)

Sponsored by Speaker EVES of North Berwick.

Cosponsored by Senator COLLINS of York.

Committee on **STATE AND LOCAL GOVERNMENT** suggested and ordered printed.

REFERRED to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed.

Sent for concurrence.

**Pursuant to Statute
Department of Education**

Representative MacDONALD for the **Department of Education** pursuant to the Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Chapter 180: Performance Evaluation and Professional Growth Systems, a Late-filed Major Substantive Rule of the Department of Education (EMERGENCY)

(H.P. 1109) (L.D. 1542)

Be **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Resolve was **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

Pursuant to Statute

Commission on Governmental Ethics and Election Practices

Representative LUCHINI for the **Commission on Governmental Ethics and Election Practices** pursuant to the Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 3: Maine Clean Election Act and Related Provisions, a Late-filed Major Substantive Rule of the Commission on Governmental Ethics and Election Practices (EMERGENCY)

(H.P. 1110) (L.D. 1543)

Be **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Resolve was **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

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

ORDERS

On motion of Representative CASSIDY of Lubec, the following Joint Resolution: (H.P. 1111) (Cosponsored by Representatives: AYOTTE of Caswell, BEAR of the Houlton Band of Maliseet Indians, BEAUDOIN of Biddeford, BEAULIEU of Auburn, BEAVERS of South Berwick, BECK of Waterville, BENNETT of Kennebunk, BERRY of Bowdoinham, BLACK of Wilton, BOLAND of Sanford, BOLDUC of Auburn, BRIGGS of Mexico, BROOKS of Winterport, CAMPBELL of Newfield, CAMPBELL of Orrington, CAREY of Lewiston, CASAVANT of Biddeford, CHAPMAN of Brooksville, CHASE of Wells, CHENETTE of Saco, CHIPMAN of Portland, CLARK of Easton, COOPER of Yarmouth, COTTA of China, CRAFTS of Lisbon, CRAY of Palmyra, CROCKETT of Bethel, DAUGHTRY of Brunswick, DAVIS of Sangerville, DeCHANT of Bath, DEVIN of Newcastle, DICKERSON of Rockland, DILL of Old Town, DION of Portland, DOAK of Columbia Falls, DORNEY of Norridgewock, DUNPHY of Embden, DUPREY of Hampden, ESPLING of New Gloucester, EVANGELOS of Friendship, Speaker EVES of North Berwick, FARNSWORTH of Portland, FITZPATRICK of Houlton, FOWLE of Vassalboro, FREDETTE of Newport, FREY of Bangor, GATTINE of Westbrook, GIDEON of Freeport, GIFFORD of Lincoln, GILBERT of Jay, GILLWAY of Searsport, GOODE of Bangor, GRAHAM of North Yarmouth, GRANT of Gardiner, GUERIN of Glenburn, HAMANN of South Portland, HARLOW of Portland, HARVELL of Farmington, HAYES of Buckfield, HERBIG of Belfast, HICKMAN of Winthrop, HOBBS of Saco, HUBBELL of Bar Harbor, JACKSON of Oxford, JOHNSON of Eddington, JOHNSON of Greenville, JONES of Freedom, JORGENSEN of Portland, KAENRATH of South Portland, KENT of Woolwich, KESCHL of Belgrade, KINNEY of Limington, KNIGHT of Livermore Falls, KORNFELD of Bangor, KRUGER of Thomaston, KUMIEGA of Deer Isle, KUSIAK of Fairfield, LAJOIE of Lewiston, LIBBY of Waterboro, LIBBY of Lewiston, LOCKMAN of Amherst, LONG of Sherman, LONGSTAFF of Waterville, LUCHINI of Ellsworth, MacDONALD of Old Orchard Beach, MacDONALD of Boothbay, MAKER of Calais, MALABY of Hancock, MAREAN of Hollis, MARKS of Pittston, MASON of Topsham, MASTRACCIO of Sanford, McCABE of Skowhegan, McCLELLAN of Raymond, McELWEE of Caribou, McGOWAN of

York, McLEAN of Gorham, MITCHELL of the Penobscot Nation, MONAGHAN-DERRIG of Cape Elizabeth, MOONEN of Portland, MORIARTY of Cumberland, MORRISON of South Portland, NADEAU of Fort Kent, NADEAU of Winslow, NELSON of Falmouth, NEWENDYKE of Litchfield, NOON of Sanford, NUTTING of Oakland, PARRY of Arundel, PEASE of Morrill, PEAVEY HASKELL of Milford, PEOPLES of Westbrook, PETERSON of Rumford, PLANTE of Berwick, POULIOT of Augusta, POWERS of Naples, PRIEST of Brunswick, PRINGLE of Windham, RANKIN of Hiram, REED of Carmel, ROCHELO of Biddeford, ROTUNDO of Lewiston, RUSSELL of Portland, RYKERSON of Kittery, SANBORN of Gorham, SANDERSON of Chelsea, SAUCIER of Presque Isle, SAXTON of Harpswell, SCHNECK of Bangor, SHAW of Standish, SHORT of Pittsfield, SIROCKI of Scarborough, SOCTOMAH of the Passamaquoddy Tribe, STANLEY of Medway, STUCKEY of Portland, THERIAULT of Madawaska, TIMBERLAKE of Turner, TIPPING-SPITZ of Orono, TREAT of Hallowell, TURNER of Burlington, TYLER of Windham, VEROW of Brewer, VILLA of Harrison, VOLK of Scarborough, WALLACE of Dexter, WEAVER of York, WELSH of Rockport, WERTS of Auburn, WILLETTE of Mapleton, WILSON of Augusta, WINCHENBACH of Waldoboro, WINSOR of Norway, WOOD of Sabattus, Senators: President ALFOND of Cumberland, BOYLE of Cumberland, BURNS of Washington, CAIN of Penobscot, CLEVELAND of Androscoggin, COLLINS of York, CRAVEN of Androscoggin, CUSHING of Penobscot, DUTREMBLE of York, FLOOD of Kennebec, GERZOFISKY of Cumberland, GOODALL of Sagadahoc, GRATWICK of Penobscot, HAMPER of Oxford, HASKELL of Cumberland, HILL of York, JACKSON of Aroostook, JOHNSON of Lincoln, KATZ of Kennebec, LACHOWICZ of Kennebec, LANGLEY of Hancock, MASON of Androscoggin, MAZUREK of Knox, MILLETT of Cumberland, PATRICK of Oxford, PLUMMER of Cumberland, SAVIELLO of Franklin, SHERMAN of Aroostook, THIBODEAU of Waldo, THOMAS of Somerset, TUTTLE of York, VALENTINO of York, WHITTEMORE of Somerset, WOODBURY of Cumberland, YOUNGBLOOD of Penobscot) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 214)

**JOINT RESOLUTION MEMORIALIZING
THE PRESIDENT OF THE UNITED STATES AND CONGRESS
OF THE UNITED STATES TO ADOPT THE VETERANS
REMEMBERED FLAG IN HONOR OF ALL VETERANS**

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

WHEREAS, there are flags for all branches of the Armed Forces of the United States and there is a flag for prisoners of war and those missing in action, but there is no flag to honor the millions of former military personnel who have served our nation; and

WHEREAS, a flag is a symbol of recognition for a group or an ideal, and veterans compose a group, certainly represent an ideal and surely deserve their own symbol; and

WHEREAS, the estimated 20,400,000 veterans, affiliated and unaffiliated with veterans' organizations, who have served in our nation's military compose a significant portion of our nation's population; and

WHEREAS, there is now a flag that has been designed and created to honor the veterans of the United States called the Veterans Remembered Flag, and displaying and flying a Veterans Remembered Flag would honor the lives of millions of individuals who have served our country in times of war, peace and national crisis; and

WHEREAS, a Veterans Remembered Flag would memorialize and honor past, present and future veterans and provide an enduring symbol to support tomorrow's veterans today; and

WHEREAS, displaying and flying a Veterans Remembered Flag would fill the need for a flag honoring all veterans who have served in our nation's armed forces; and

WHEREAS, the symbolism of this unique flag's design would be all-inclusive, would pay respect to all branches of the military and to the history of our nation and would honor those who have lived, and died, serving our nation; and

WHEREAS, the design of the flag honors the founding of our nation through the 13 stars that emanate from the hoist of the flag and lead to the large red star that represents our nation and the five branches of our nation's military, the Army, the Navy, the Air Force, the Marines and the Coast Guard; and

WHEREAS, the white star on the flag symbolizes veterans' dedication to service, the blue star on the flag honors all the men and women who have served in our nation's military and the central gold star on the flag memorializes those who have fallen defending our nation; and

WHEREAS, the blue stripe that bears the title of the flag honors the loyalty of veterans to our nation, flag and government, and the green field on the flag represents the hallowed ground where fallen veterans rest eternally; now, therefore, be it

RESOLVED: That We, your Memorialists, request that the President of the United States and the United States Congress work together to support adoption of the Veterans Remembered Flag to honor our nation's veterans; and be it further

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

READ.

The SPEAKER: The Chair recognizes the Representative from Lubec, Representative Cassidy.

Representative CASSIDY: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Soon after we were elected in November, a friend in Jonesport, Michael Corbett, asked me "Can you get Maine to recognize the Veterans Remembered Flag?" I knew nothing about it. The website showed that in 2006, California was the first state to adopt the Veterans Remembered Flag as a national symbol of the service provided by at the members of our military, both living and deceased. Twenty-five legislatures have since passed similar legislation as a petition to the government of the United States of America. Today, Maine becomes the 26th state. The quest to have all 50 states adopt the flag...

The SPEAKER: Will the Representative defer? It is hard to hear and I'm sure it is hard to hear in the House. If everybody could keep it down, that would be helpful. Thank you. The Representative may proceed.

Representative CASSIDY: Thank you. The quest to have all 50 states adopt the flag has been the work, the last seven years, of Jim Parks, of California. At 93, and a World War II veteran, he passed last year before the flag became established in all 50 states. Mr. Corbett spoke last week with Mr. Parks's son, who is continuing to live his father's dream. The younger Mr. Parks is delighted to add Maine as the newest state to adopt the Veterans Remembered Flag Resolution. One week in advance of Memorial Day, we say, thank you, Mr. Corbett, your colleagues here today and to all veterans across Maine for your service.

The SPEAKER: The Chair recognizes the Representative from Limington, Representative Kinney.

Representative **KINNEY**: Mr. Speaker, I wish to speak in regard to the Joint Resolution.

The SPEAKER: The Representative may proceed.

Representative **KINNEY**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. This truly is an honor to be a member of the House on this day as we adopt the Veterans Remembered Flag in honor of all veterans. I would like to thank CWO Corbett, U.S. Coast Guard retired, and fellow retired Coast Guardsmen and many friends from Downeast Maine, including Jonesport and Beals Island, for being here today. Thank you, Mr. Speaker.

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

Sent for concurrence.

On motion of Representative CRAFTS of Lisbon, the following Joint Resolution: (H.P. 1112) (Cosponsored by Senator MASON of Androscoggin and Representatives: AYOTTE of Caswell, BEAULIEU of Auburn, BENNETT of Kennebunk, BLACK of Wilton, CAMPBELL of Orrington, CHASE of Wells, COTTA of China, CRAY of Palmyra, CROCKETT of Bethel, DAVIS of Sangerville, DOAK of Columbia Falls, DUPREY of Hampden, ESPLING of New Gloucester, FITZPATRICK of Houlton, FREDETTE of Newport, GIFFORD of Lincoln, GILLWAY of Searsport, GUERIN of Glenburn, HARVELL of Farmington, JACKSON of Oxford, JOHNSON of Greenville, KESCHL of Belgrade, KINNEY of Limington, KNIGHT of Livermore Falls, LONG of Sherman, MacDONALD of Old Orchard Beach, MAKER of Calais, MALABY of Hancock, McCLELLAN of Raymond, McELWEE of Caribou, NEWENDYKE of Litchfield, PARRY of Arundel, PEASE of Morrill, PEAVEY HASKELL of Milford, POULIOT of Augusta, REED of Carmel, SANDERSON of Chelsea, SIROCKI of Scarborough, TIMBERLAKE of Turner, TURNER of Burlington, TYLER of Windham, VOLK of Scarborough, WALLACE of Dexter, WEAVER of York, WILLETTE of Mapleton, WILSON of Augusta, WINCHENBACH of Waldoboro, WINSOR of Norway, WOOD of Sabattus, Senators: BURNS of Washington, COLLINS of York, CUSHING of Penobscot, FLOOD of Kennebec, HAMPER of Oxford, KATZ of Kennebec, LANGLEY of Hancock, PLUMMER of Cumberland, SHERMAN of Aroostook, THIBODEAU of Waldo, THOMAS of Somerset, WHITTEMORE of Somerset, YOUNGBLOOD of Penobscot)

JOINT RESOLUTION IN SUPPORT OF THE STATE OF ISRAEL

WHEREAS, the Charter of the United Nations recognizes the continued validity of rights granted by the League of Nations in 1922 to states or peoples that already existed under international instruments and this action was affirmed by both Houses of the United States Congress; and

WHEREAS, the State of Israel declared its independence and statehood on May 14, 1948 and the United States immediately recognized the State of Israel's independence and was the first country to do so; and

WHEREAS, the establishment of the State of Israel as a modern homeland for the Jewish people followed the extermination of more than 6 million European Jews during the Holocaust; and

WHEREAS, since the country's establishment, the Israeli people have built one of the world's most dynamic cultural, economic, agricultural and intellectual societies while confronting constant terrorism, the immense pressures of imminent war,

constant missile barrages, economic boycotts and ostracism from much of the international community; and

WHEREAS, in spite of these adversities, the State of Israel has established a strong democratic political system that guarantees its people freedom of speech, freedom of the press, fair and open elections and respect for the rule of law for Jews and Arabs alike; and

WHEREAS, at great financial and social cost, the State of Israel has welcomed millions of immigrants from around the world and has made great strides in assimilating these immigrants into Israeli life and society; and

WHEREAS, the United States and the citizens of Maine share democratic values, common strategic interests and bonds of friendship and mutual respect with the State of Israel, which is our greatest friend and only true ally in the Middle East; and

WHEREAS, Maine has had connections with the State of Israel since 1866, when families from Jonesport, Maine established a colony in Jaffa, and in 2004 the houses built by the colonists from Jonesport, Maine were restored to commemorate this historic colony and, for those efforts, a couple from Maine was awarded the Maine Preservation Award; and

WHEREAS, Maine has economic ties to the State of Israel, had nearly \$11 million in exports of goods and services to the State of Israel in 2011 and over \$207 million since 1996 and there exists a potential for many more research and business ties through available Israeli grants; and

WHEREAS, the 4,000-year history of the Jewish people and their land is documented in great detail in the Jewish Torah and throughout the Christian Bible; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-sixth Legislature now assembled in the First Regular Session, on behalf of the people we represent, take this opportunity to:

1. Reaffirm the strong bonds that have connected the people of Maine and of the United States to the people and State of Israel;
2. Commend the people of the State of Israel for their remarkable achievements in building a successful democratic nation and strong economy despite constant opposition and adversity;
3. Express our outrage regarding all terrorist acts perpetrated against the Israeli people, especially the bold and blatant declaration by the enemies of the State of Israel to destroy the small country, the same enemies who declare they will destroy the United States; and
4. Express strong support and a steadfast commitment to the security, welfare and survival of the sovereign State of Israel and recognize its right to secure its borders and to act in self-defense to protect its citizens from acts of terrorism.

READ.

Representative FREDETTE of Newport **REQUESTED** a roll call on **ADOPTION**.

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

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

ROLL CALL NO. 97

YEA - Ayotte, Beaulieu, Beavers, Beck, Bennett, Berry, Black, Briggs, Brooks, Campbell J, Campbell R, Carey, Casavant, Cassidy, Chase, Chenette, Clark, Cooper, Cotta, Crafts, Cray, Crockett, Daughtry, Davis, DeChant, Dill, Dion, Doak, Dorney,

Dunphy, Duprey, Espling, Evangelos, Farnsworth, Fitzpatrick, Fowle, Fredette, Frey, Gattine, Gideon, Gilbert, Gillway, Goode, Graham, Grant, Guerin, Harvell, Herbig, Hickman, Jackson, Johnson D, Johnson P, Jorgensen, Kent, Keschl, Kinney, Knight, Kornfield, Kruger, Kumiega, Lajoie, Libby A, Libby N, Lockman, Long, Longstaff, Luchini, MacDonald S, Maker, Malaby, Marean, Marks, Mason, Mastraccio, McCabe, McClellan, McElwee, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau A, Nadeau C, Newendyke, Noon, Nutting, Parry, Pease, Peoples, Plante, Pouliot, Powers, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Sanderson, Saucier, Saxton, Schneck, Shaw, Short, Sirocki, Stanley, Theriault, Timberlake, Tipping-Spitz, Treat, Turner, Tyler, Verow, Villa, Volk, Wallace, Weaver, Welsh, Werts, Willette, Wilson, Winchenbach, Wood, Mr. Speaker.

NAY - Chapman, Chipman, Devin, Dickerson, Hamann, Harlow, Hubbell, Kusiak, MacDonald W, Nelson, Stuckey.

ABSENT - Beaudoin, Boland, Bolduc, Gifford, Hayes, Hobbins, Jones, Kaenrath, McGowan, McLean, Peavey Haskell, Peterson, Priest, Pringle, Reed, Winsor.

Yes, 124; No, 11; Absent, 16; Excused, 0.

124 having voted in the affirmative and 11 voted in the negative, with 16 being absent, and accordingly the Joint Resolution was **ADOPTED**.

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 Thursday, May 16, 2013, 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 Tobias Leboutillier, of Brewer

(HLS 12)

TABLED - January 8, 2013 (Till Later Today) by Representative AYOTTE of Caswell.

PENDING - PASSAGE

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

Representative **AYOTTE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. It's a pleasure for me to rise in recognition of Tobias Leboutillier, host of "Down Memory Lane" on Maine Public Radio. Toby, when I first heard you on Maine Public Radio a number of years ago, I never thought in my wildest dreams I would be someday recognizing you on the floor of the House of Representatives. Toby, I want to thank you for wonderful Friday afternoons between 2 and 4, listening to the songs of my generation and before, when that radio program called "Down Memory Lane" on Maine Public Radio, listening to the great singers like Patti Page, Bing Crosby, Jo Stafford, Perry Como, and of course my favorite singer, Jim Reeves, and many others, and, yes, all our great music from the big band era. Toby, who else could I mention be a perfect voice for that program? I could go on and on, Toby, but please accept my sincere thank you for all the wonderful memories down memory lane. And lastly, Toby, thank you for being instrumental in helping to establish Maine Public Radio and make it what it is today. Thank you, Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Brewer, Representative Verow.

Representative **VEROW**: Thank you, Mr. Speaker. Mr. Speaker, Members of the House. Toby is a resident of Brewer and a constituent of mine and I recall his voice on "Down Memory Lane." The first time I heard it, I thought, "Gee, Arthur Godfrey is back alive and well on the radio." He just had this great soothing voice and his music that he played was very soothing and very relaxing, and then I remember being at the YMCA in Bangor and hearing that same voice in the locker room and I look around the corner and I said, "Are you Toby?" He said, "Oh, yeah." So we had some great times and some great conversations at the Y and I consider him a true invaluable friend. Thank you, Mr. Speaker.

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

REPORTS OF COMMITTEE

Divided Reports

Majority Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought Not to Pass** on Bill "An Act To Restore to Jimmy J. Soucy the Right To Maintain Existing Structures on Property in Sinclair"

(S.P. 95) (L.D. 262)

Signed:

Representatives:

BLACK of Wilton

CRAY of Palmyra

HICKMAN of Winthrop

JONES of Freedom

KENT of Woolwich

MAREAN of Hollis

NOON of Sanford

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

Signed:

Senators:

JACKSON of Aroostook

BOYLE of Cumberland

SHERMAN of Aroostook

Representatives:

DILL of Old Town

SAUCIER of Presque Isle

TIMBERLAKE of Turner

Came from the Senate with the Minority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

READ.

Representative DILL of Old Town moved that the House **ACCEPT** the Minority **Ought to Pass** Report.

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

Representative **DILL**: Thank you, Mr. Speaker. I'd like to briefly explain what this bill does. Mr. Soucy purchased some property in Sinclair along the lake from the State of Maine. When he purchased the property, he was told "likely not developable" but was still charged \$31,000. He then went on to talk to LURC at the time and they actually gave him permission to go ahead. They said he could put a roof on the building. He put a roof on the building. Then he said, "Can I put some doors and windows?" and they let him put doors and windows. Then he put a new floor underneath it. After he started doing all of these things, all of the sudden, they came back to him and said, "You have to stop, you've gone too far with what you've been able to

do." This kind of went back and forth for a while, until finally it came down to a consent decree from a retired judge, which Mr. Soucy signed, and basically what this told him was that either in 2040 or when both his wife and he have passed, then the land will revert back to the state and it cannot be passed on. I personally think that this was an injustice. I think there is a lot of blame to go around between all parties, probably Mr. Soucy himself, hanging on the words "likely not developable," but LURC told him he could and he went forward with some things. Now, I realize also there is probably a separation of powers here, since we've already got a consent decree, but I would urge you to vote the Ought to Pass Minority Report and overturn that consent decree and allow Mr. Soucy to own his property and develop it like all the other property next to his, instead of having an eyesore of an old rundown building there that was originally there. Thank you.

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

Representative **FREDETTE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. It's good to see some bipartisan division on this report. I'd ask the Speaker to read the Committee Report and I request a roll call.

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

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

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

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

The SPEAKER: The Chair recognizes the Representative from Woolwich, Representative Kent.

Representative **KENT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Mr. Soucy contacted LUPC before he bought this property and he was told, indeed, that it was not a very inhabitable property. But even if it were, that if he wanted to reconstruct it, that he would be prohibited from doing so, according to LUPC law. He went ahead and bought the property anyway and started reconstruction without a permit. If he had applied for a permit, he would have been told, again, that he could not build on this property according to law. He was then brought to court and there was a settlement which he agreed to and he signed. He later decided that he didn't like the settlement and he went back to court, settled again, and later decided he didn't like that settlement, and then he went to the Legislature to overturn two court rulings. This is a clear separation of powers and the Attorney General, the office showed up three times at work sessions and told us as much. We did work hard to see if there were loopholes or ways for Mr. Soucy to get what he wanted. We could not find any legal precedence for it and the Attorney General's office, as I said, three times, said as much. Please vote against – for the pending motion. Vote for.

On motion of Representative **BERRY** of Bowdoinham, **TABLED** pending the motion of Representative **DILL** of Old Town to **ACCEPT** the Minority **Ought to Pass** Report and later today assigned. (Roll Call Ordered)

Majority Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-85)** on Bill "An Act To Provide Increased Opportunities on the Allagash Wilderness Waterway"

(S.P. 102) (L.D. 269)

Signed:

Senators:

JACKSON of Aroostook
BOYLE of Cumberland
SHERMAN of Aroostook

Representatives:

DILL of Old Town
CRAY of Palmyra
HICKMAN of Winthrop
KENT of Woolwich
MAREAN of Hollis
SAUCIER of Presque Isle
TIMBERLAKE of Turner

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

Signed:

Representatives:

BLACK of Wilton
JONES of Freedom
NOON of Sanford

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-85)**.

READ.

Representative **DILL** of Old Town moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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

Representative **DILL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I'd like to briefly explain what this bill is about. Right now, essentially, 12 folks are allowed to go down the Allagash Wilderness Waterway and camp as a group. What this does, this increases the number to 18 that may go down as a group; however, it does not allow them to camp. So it's daytime use only, 18. Right now, there are like four groups that are grandfathered in and they can bring any number that they want with them. They don't have a set limit. We have been told often times there's school groups that might have 15, 16, 17 students in a group and they have to split up and it makes it a little more difficult. So this just kind of bumps that number up a little bit. As I say, this is daytime use only. It also talks about snowmobilers and it could increase to 24, but snowmobilers are just pass-through people anyway during the winter and I think it was felt that that wasn't as much of an impact to do that. Thank you.

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

Representative **JONES**: Thank you, Mr. Speaker. I wish to suggest that the House vote **Ought Not to Pass** or vote no on this one, just to clarify things. The issue here is indeed access to the Allagash Wilderness Waterway and the size of parties. You'll notice, as in the previous bill that came before you, the Minority Report is also a bipartisan report. It seemed wise to those of us in the minority that proper management of the waterway is an administrative and, quite frankly, a technical issue around the management of the park itself. We would not legislate, for example, the opening or closing dates of Baxter State Park. We wouldn't legislate the number of campsites allowable. You know, the issue here is the sustainability of the Allagash Wilderness Waterway and I think there's a lot more at stake here in terms of our intervention in the management of the program than just the size of the parties being allowed. So I'd ask that the Legislature

please consider deferring this responsibility back to the professional parks' managers and conservationists in the department.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-85)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-85)** in concurrence.

Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought Not to Pass** on Bill "An Act To Amend the Junior Hunting License Requirements"

(S.P. 254) (L.D. 705)

Signed:

Senator:

DUTREMBLE of York

Representatives:

BRIGGS of Mexico

CRAFTS of Lisbon

DAVIS of Sangerville

ESPLING of New Gloucester

KUSIAK of Fairfield

MARKS of Pittston

SHORT of Pittsfield

WOOD of Sabattus

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-82)** on same Bill.

Signed:

Senator:

BURNS of Washington

Representatives:

SHAW of Standish

EVANGELOS of Friendship

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

READ.

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

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-90)** on Bill "An Act To Amend the Law Pertaining to Staff in the Office of the Attorney General"

(S.P. 350) (L.D. 1025)

Signed:

Senators:

VALENTINO of York

BURNS of Washington

TUTTLE of York

Representatives:

PRIEST of Brunswick

DeCHANT of Bath

MONAGHAN-DERRIG of Cape Elizabeth

MOONEN of Portland

MORIARTY of Cumberland

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

Signed:

Representatives:

BEAULIEU of Auburn

CROCKETT of Bethel

GUERIN of Glenburn

PEAVEY HASKELL of Milford

VILLA of Harrison

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-90)**.

READ.

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

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

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

On motion of Representative McCABE of Skowhegan, **TABLED** pending the motion of Representative BERRY of Bowdoinham to **ACCEPT** the Majority **Ought to Pass as Amended** Report and later today assigned. (Roll Call Ordered)

Ten Members of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (S-86)** on Bill "An Act To Provide Economic Development in Aroostook County through Expanded Sale and Lease of State-owned Land"

(S.P. 186) (L.D. 493)

Signed:

Senators:

JACKSON of Aroostook

BOYLE of Cumberland

SHERMAN of Aroostook

Representatives:

DILL of Old Town

BLACK of Wilton

CRAY of Palmyra

HICKMAN of Winthrop

KENT of Woolwich

NOON of Sanford

SAUCIER of Presque Isle

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

Signed:

Representatives:

JONES of Freedom

MAREAN of Hollis

One Member of the same Committee reports in Report "C" **Ought to Pass as Amended by Committee Amendment "B" (S-88)** on same Bill.

Signed:

Representative:
TIMBERLAKE of Turner

Came from the Senate with Report "A" **OUGHT TO PASS AS AMENDED READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-86)**.

READ.

Representative DILL of Old Town moved that the House **ACCEPT** Report "A" **Ought to Pass as Amended**.

On further motion of the same Representative, **TABLED** pending his motion to **ACCEPT** Report "A" **Ought to Pass as Amended** and later today assigned.

Majority Report of the Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Amend the Laws Concerning Absentee Ballots"
(H.P. 855) (L.D. 1211)

Signed:
Senators:
TUTTLE of York
MASON of Androscoggin
PATRICK of Oxford

Representatives:
LUCCHINI of Ellsworth
BEAULIEU of Auburn
FOWLE of Vassalboro
JOHNSON of Eddington
KINNEY of Limington
LONGSTAFF of Waterville
RUSSELL of Portland
SAUCIER of Presque Isle
SCHNECK of Bangor

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

Signed:
Representative:
GIFFORD of Lincoln

READ.

On motion of Representative LUCCHINI of Ellsworth, 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 Require Notice to and Input from Municipalities in Which Certain Group Homes Are Located"
(H.P. 556) (L.D. 805)

Signed:
Senators:
LACHOWICZ of Kennebec
GERZOFKY of Cumberland

Representatives:
GRAHAM of North Yarmouth
BOLAND of Sanford
BOLDUC of Auburn
COTTA of China
HAYES of Buckfield

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

Signed:
Senator:
COLLINS of York

Representatives:
CHENETTE of Saco
MacDONALD of Old Orchard Beach
NADEAU of Winslow
NADEAU of Fort Kent
PEASE of Morrill

READ.

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

Majority Report of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-182)** on Bill "An Act To Ensure Landfill Capacity and Promote Recycling"
(H.P. 971) (L.D. 1363)

Signed:
Senator:
GRATWICK of Penobscot

Representatives:
WELSH of Rockport
AYOTTE of Caswell
CAMPBELL of Orrington
CHIPMAN of Portland
COOPER of Yarmouth
GRANT of Gardiner
HARLOW of Portland
McGOWAN of York
REED of Carmel

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

Signed:
Senators:
BOYLE of Cumberland
SAVIELLO of Franklin

Representative:
LONG of Sherman

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-182)** 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-182)** and sent for concurrence.

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

SENATE DIVIDED REPORT - Majority (7) **Ought Not to Pass** - Minority (6) **Ought to Pass** - Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Restore to Jimmy J. Soucy the Right To Maintain Existing Structures on Property in Sinclair"

(S.P. 95) (L.D. 262)

Which was **TABLED** by Representative BERRY of Bowdoinham, pending the motion of Representative DILL of Old Town to **ACCEPT** the Minority **Ought to Pass** Report. (Roll Call Ordered)

The SPEAKER: The Chair recognizes the Representative from Standish, Representative Shaw.

Representative **SHAW**: Mr. Speaker, thank you very much. I'd like to request that everybody vote against the pending motion. My uncle is a code enforcement officer. He runs into problems such as this, on occasion, where someone's jacked up a cottage or whatnot right along the water's edge without a permit in an effort to try to put a foundation or a slab underneath it. He issues stop work orders immediately on all those questions. I believe Mr. Soucy was notified in writing that he may not be able to upgrade this cottage that he bought, so I would recommend voting against the current motion. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Woolwich, Representative Kent.

Representative **KENT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just want to clarify my confusion at the end of my speech. I didn't have the right glasses on and I couldn't see the board. I'm voting against the pending motion. Follow my light.

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 would urge you to vote bipartisan with me. I know I do it all the time. This is a takings bill. This is about LUPC coming in and taking somebody's property that if they was in almost any other organized town in the state, that it wouldn't happen, and this is why the Senate has agreed to support taking this over and that I have supported it because it's all about doing the right thing. This man has invested the money. There probably is some questionable things along the way, but I don't think, if you look where his camp is located, what is being done, there's camps on both sides of him that look identical to his. This isn't spot zoning. If you look in Chapter 1000 of the DEP rules, what he has done is legal in almost every other town except where he did it, and it's questionable whether he did there, because when they was asked how they valued the camp, they said they valued the camp. They never got a legal appraiser to evaluate. It was never legally appraised. So I urge you to vote in favor of this bill and let this man pass this on to his kids and his family and the generations to come. Thank you.

The SPEAKER: The Chair would remind all members not to refer to the actions of the other body when referring to a bill that's properly before the House.

The Chair recognizes the Representative from Freedom, Representative Jones.

Representative **JONES**: Thank you, Mr. Speaker. The good Representative from Turner and I do almost always agree when it comes to takings; however, this is not a takings. This gentleman purchased this property at a public auction. It was granted a quitclaim deed, okay. In other words, quite frankly, Mr. Soucy should have known, must have known, that there were regulatory encumbrances on the parcel. I do agree with my good friend

from Standish in the point of fact that this gentleman was issued a stop work order, and with my good friend from Woolwich who pointed out that this gentleman has exhausted every other legal avenue to get his own way, that he's coming before the Legislature seeking to overturn the process that, at all stages, was fair and impartial.

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

ROLL CALL NO. 98

YEA - Ayotte, Beavers, Beck, Berry, Briggs, Casavant, Cassidy, Chase, Clark, Crafts, Davis, Dill, Duprey, Gattine, Goode, Guerin, Johnson D, Libby A, Lockman, Long, Longstaff, MacDonald W, McCabe, McClellan, Moriarty, Morrison, Nadeau A, Newendyke, Peoples, Rankin, Sanborn, Saucier, Schneck, Sirocki, Stanley, Theriault, Timberlake, Turner, Verow, Wallace, Willette, Wood, Mr. Speaker.

NAY - Beaulieu, Bennett, Black, Bolduc, Brooks, Campbell J, Campbell R, Carey, Chapman, Chenette, Chipman, Cooper, Cotta, Cray, Crockett, Daughtry, DeChant, Devin, Dickerson, Dion, Doak, Dorney, Dunphy, Espling, Evangelos, Farnsworth, Fitzpatrick, Fowle, Fredette, Frey, Gideon, Gilbert, Gillway, Graham, Grant, Hamann, Harlow, Herbig, Hickman, Hubbell, Jackson, Johnson P, Jones, Jorgensen, Kent, Keschl, Kinney, Knight, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby N, Luchini, MacDonald S, Maker, Malaby, Marean, Marks, Mason, Mastraccio, McElwee, Monaghan-Derrig, Moonen, Nadeau C, Nelson, Noon, Nutting, Parry, Pease, Plante, Pouliot, Powers, Rochelo, Rotundo, Russell, Rykerson, Sanderson, Saxton, Shaw, Short, Stuckey, Tipping-Spitz, Treat, Tyler, Villa, Volk, Weaver, Welsh, Werts, Wilson, Winchenbach.

ABSENT - Beaudoin, Boland, Gifford, Harvell, Hayes, Hobbins, Kaenrath, McGowan, McLean, Peavey Haskell, Peterson, Priest, Pringle, Reed, Winsor.

Yes, 43; No, 93; Absent, 15; Excused, 0.

43 having voted in the affirmative and 93 voted in the negative, with 15 being absent, and accordingly the Minority **Ought to Pass** Report was **NOT ACCEPTED**.

Subsequently, on motion of Representative McCABE of Skowhegan, the Majority **Ought Not to Pass** Report was **ACCEPTED** in **NON-CONCURRENCE** and sent for concurrence.

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

SENATE DIVIDED REPORT - Majority (8) **Ought to Pass as Amended by Committee Amendment "A" (S-90)** - Minority (5) **Ought Not to Pass** - Committee on **JUDICIARY** on Bill "An Act To Amend the Law Pertaining to Staff in the Office of the Attorney General"

(S.P. 350) (L.D. 1025)

Which was **TABLED** by Representative McCABE of Skowhegan pending the motion of Representative BERRY of Bowdoinham to **ACCEPT** the Majority **Ought to Pass as Amended** Report. (Roll Call Ordered)

The SPEAKER: The Chair recognizes the Representative from Bethel, Representative Crockett.

Representative **CROCKETT**: Thank you, Mr. Speaker. I will be brief because I'm pretty sure I know how this is all going to shake out, but I just want to lay out the position of the Minority Report on this particular bill which was an Ought Not to Pass. This law has been in place for over 90 years. There has been no problem and there have been Republican AGs, Democratic Governors. In fact, one, the Honorable Joe Brennan, who served

as Attorney General under Longley, had no problem with this and then he went on to be Governor and obviously didn't fix this. So there is no problem, there was no evidence of an issue, but the Attorney General would like to have more control over setting the salaries of her staff without the approval of the Governor, which, again, is long standing tradition. There are other examples in government where the Executive has authority to approve the salaries of employees in various offices, so this really shouldn't be a partisan issue and it apparently never has been until recent. So I move against the pending motion.

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

ROLL CALL NO. 99

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

NAY - Ayotte, Beaulieu, Bennett, Black, Campbell R, Chase, Clark, Cotta, Crafts, Cray, Crockett, Davis, DeChant, Doak, Dorney, Dunphy, Duprey, Espling, Fitzpatrick, Fowle, Fredette, 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, Plante, Pouliot, Sandersen, Sirocki, Timberlake, Turner, Tyler, Villa, Volk, Wallace, Weaver, Willette, Wilson, Winchenbach, Wood.

ABSENT - Beaudoin, Boland, Gifford, Hayes, Hobbins, Kaenrath, McGowan, McLean, Peavey Haskell, Peterson, Priest, Pringle, Reed, Winsor.

Yes, 78; No, 59; Absent, 14; Excused, 0.

78 having voted in the affirmative and 59 voted in the negative, with 14 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (S-90) was READ** by the Clerk and **ADOPTED.**

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-90)** in concurrence.

On motion of Representative WILLETTE of Mapleton, the House **RECONSIDERED** its action whereby Expression of Legislative Sentiment recognizing Ciara Tolman, of Lincoln

(HLS 283)

Was **PASSED.**

Subsequently, on further motion of the same Representative, **TABLED** pending **PASSAGE** and later today assigned.

On motion of Representative WILLETTE of Mapleton, the House **RECONSIDERED** its action whereby Expression of Legislative Sentiment recognizing Mitchell Sibley, of Maxfield

(HLS 284)

Was **PASSED.**

Subsequently, on further motion of the same Representative, **TABLED** pending **PASSAGE** and later today assigned.

CONSENT CALENDAR

First Day

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

(S.P. 352) (L.D. 1038) Bill "An Act To Make the State's Uniform Commercial Code Compatible with the Federal Electronic Fund Transfer Act" (EMERGENCY) Committee on **JUDICIARY** reporting **Ought to Pass**

(S.P. 442) (L.D. 1280) Bill "An Act Authorizing the Deorganization of the Town of Bancroft" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-84)**

(H.P. 906) (L.D. 1267) Bill "An Act To Recodify the Land Surveyor Licensing Laws" Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass**

(H.P. 1007) (L.D. 1419) Bill "An Act To Allow a Setoff of a Third-party Bailor's Property under Certain Conditions" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass**

(H.P. 346) (L.D. 527) Bill "An Act To Protect Elders and Vulnerable Adults from Exploitation" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-189)**

(H.P. 491) (L.D. 719) Bill "An Act To Ensure Access to Information in the Property Tax Abatement and Appeals Process" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-190)**

(H.P. 717) (L.D. 1019) Bill "An Act To Protect the State's Property Rights in Maine State Museum Research" (EMERGENCY) Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-188)**

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 Strengthen Maine's Workforce and Economic Future

(S.P. 41) (L.D. 90)

(S. "A" S-83 to C. "A" S-71)

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

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

Representative **BERRY**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. The measure before us, An Act To Strengthen Maine's Workforce and Economic

Future, is one of the signature accomplishments, will be one of the signature accomplishments, I believe, of this Legislature. It confronts directly the documented problem that 4,000 jobs will go unfilled over the next five years, simply because of a mismatch between the skills of our workers and the specific needs of Maine employers. So it will do a great deal to put Mainers back to work, which we all know is greatly needed. If you are currently an applicant to the community college system, this bill will help you to get the training that you need. If you are in a rural area and hoping to benefit from community college training so you can move into a high wage, high demand occupation, this bill will help you to get that training and help to contribute. If you are a business that's looking to upgrade the skills of your workers, this bill will help you to do so on site and with the assistance of the community colleges. If you are one of the 200,000 adults in Maine who have some higher education but have not completed a four year degree, LD 90 will help you to get back to school and get that four year degree, which will earn you, on average, over a million dollars more than you would have otherwise earned in your lifetime. If you are a business or an individual looking for an excellent apprenticeship or internship with a Maine business so that you can learn the skills that you need to contribute and to be a productive worker with a great wage, this bill will help you as well. If you are a foreign born Mainer, professional engineer or doctor who is currently sweeping floors in a hospital because your degree back home is not recognized in Maine and you're not sure quite how to connect the dots there, this bill will help you as well to contribute to Maine's economy with your skills. And if you are a high school student who is looking for some help with career preparation through the excellent Jobs for Maine's Graduates program, this bill will help you as well. I could go on, Mr. Speaker, but I will stop there and just say that this is only the first step that the Joint Select Committee on Maine's Workforce and Economic Future attempts to take. We will continue and we look forward to that and I want to thank my counterpart, the good Representative from Calais, I want to thank all 15 members of the committee who voted unanimously and worked very hard to make this bill possible, and the policy committees who advised us. The Labor, Commerce, Research and Economic Development Committee, the Education and Cultural Affairs Committee, the representatives of the Executive Branch who spent time with our committee and helped, the Maine Development Foundation, the Chamber, the University System, the Community College System, Business, Labor. It was a great effort on the part of many. And so I look forward to our vote today and I look forward to seeing the results of what we accomplished with LD 90. Mr. Speaker, when the vote is taken, I request that it be by the yeas and nays.

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 Calais, Representative Maker.

Representative **MAKER**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I stand today supporting the pending motion on LD 90. The Legislature has taken important steps over the past few years to help Mainers and businesses succeed, but it was clear that there is still much work to be done. The Joint Select Committee on Maine's Workforce and Economic Future was an opportunity for bipartisan collaboration and I was glad to be a part it. Throughout our committee hearings, some of which we were able to hold offsite, we listened to the business community, to employees and to experts in education, economic development,

and about downtowns. We asked questions and welcomed ideas and it is the result of these meetings, along with months of committee discussion, that led us to create LD 90. The goal of LD 90 is to strengthen Maine's workforce and economic future. Each committee had this goal at heart, yet at times we differed as to how we thought this bill would best be achieved. With compromise and much deliberation, this legislation was carefully crafted. As is common when drafting legislation, there were parts of this bill that, at times, we did not agree on, but we have come together as a committee to put forward what we feel is the best collective set of ideas for our legislative colleagues to consider. I am particularly pleased with the education proposals contained within this bill. As someone who has worked in education for much of my career and as a member of the Education Committee, I was happy with our focus on Maine's growing skills gap, as well as our attempt to take individuals off the waiting lists at the committee college system for those trades having high demand. The bill also appropriates funds to bring programs to areas that have need for certain occupations. We also focused on individuals who may have started their education but did not complete their degree. These initiatives, among the many others, will be of tremendous value to many citizens. I am proud of the bipartisan work of this committee on this bill presented to the Legislature with a great opportunity to support our business community, higher education, municipalities, and most of all, our constituents. I urge you to follow my light. Thank you, Mr. Speaker.

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

Representative **FREDETTE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I also will be voting in favor of this measure. As people will recall that served in the 125th, the now good Senator from Orono, Senator Cain, used to say, "The work that we do best is the work that we do together in a bipartisan fashion" and this bill represents that. What we actually do together in a bipartisan fashion, following the rules and doing what needs to be done in a bipartisan fashion. It has been troubling to me, however, that, at times, this measure has been described as an effort of one party and not so much of another, and I think that's unfortunate because the work that we do here that we do in a bipartisan fashion is in fact bipartisan work and should not be politicized in other ways.

I do believe there is one concern with this bill and it's a concern that committee members talked about while they were working this bill, and that there is a fiscal note tied to this bill. That fiscal note is roughly \$5 million in the first biennium and roughly \$5 million in the second biennium, so this matter will ultimately go to the Appropriations Committee where they already have a very challenging process before them. So while I will be voting in favor of this bill today, I want to stress what I believe is important in terms of the bipartisan nature of this work but also with the recognition that I believe that the Appropriations Committee is going to have to look at not only this bill but the many bills that it has before it and its overall budget that they are going to be putting together and the challenges that we lay before the Appropriations Committee in supporting this bill, but I will be supporting it. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Greenville, Representative Johnson.

Representative **JOHNSON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am also going to be supporting this measure and I consider this bill one of the highlights of my six years in the Legislature. I ran for the Legislature in the 123rd focused on school issues and in that first year in the Legislature, I came to understand that the school

issues were only a subset of the economic issues that our state faces. During the intervening years, it was clear to me that we had to focus on the economic conditions and certainly our workforce is a major part of that and aligning the workforce with real job requirements. I believe that what we've done in this piece of legislation does that. I think it's extremely important. I don't underestimate the difficulty with the finances of this, but for a long time we have known that we have to increase the capacity of our job training institutions, both at the university level and at the community college level. So I am hopeful that as we go through our prioritization of what we can afford to fund this year, that we fund all or most of the elements that are in LD 90. Thank you very much.

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

Representative **MORRISON**: Thank you, Mr. Speaker. Good morning, Ladies and Gentlemen of the House. To say that I am proud of our committee is an understatement. We did a phenomenal job and that's what I really value the most in this legislative process, is working in a bipartisan fashion, and I value that and I carry that with me wherever I go as a torch to say that we, as a legislative body, did the right thing together and this is a prime example of that. I know we have our arguments from time to time, but at the end of the day, I walk home and I say we did this together, we listened to the needs of our state, we saw what needs to be fulfilled and we made it happen, and I am so proud of us and I hope that we have a unanimous vote and we fight hard in the Appropriations Committee to make this happen. 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 the square peg that was put in the round hole on this committee. I voted for this. I think it's a good bill. I think everything in it is a good bill. I enjoyed the way that we worked together and the bipartisanship that we had to work this bill through. My concerns come, as the same as anybody else's, it's the money issues that go along with it. It's got a \$5 million budget with it. I really hope Appropriations figures out a way to fund some part, portions or all of it. I will be supporting it. I just wanted to say that it's been a pleasure and I wanted to be on record that I stood up in force of it for the good Representative from Calais who would take me out back if I didn't. Thank you.

The SPEAKER: The Chair recognizes the Representative from Cape Elizabeth, Representative Monaghan-Derrig.

Representative **MONAGHAN-DERRIG**: Thank you, Mr. Speaker. As a member of this committee, I, too, am very honored to stand to support this bill. It truly is the first comprehensive approach to workforce training in recent memories. It contains a lot of parts, but all of those parts are so important. Even the quotes from the university officials and the committee college officials all agree. The Community College President John Fitzsimmons has often stated "In my 25 years of working with the Legislature, this is some of the most impressive and thoughtful work [he's] seen come out of Augusta." I guess that does sound a little, you know, uppity, but I really believe that we all worked very hard. And yes, there is a fiscal note, but I just want to remind everybody it started at \$11 million and so we did get it down to \$4.5 million. And yes, it will be going to the Appropriations Committee, but I do hope that everybody supports this and it comes out as a unanimous vote. Thank you.

The SPEAKER: The Chair recognizes the Representative from South Berwick, Representative Beavers.

Representative **BEAVERS**: Thank you, Mr. Speaker. I rise in support of this bill. As an interested party who attended approximately three quarters of their meetings, I want to commend how well they worked, how enthusiastic they worked, and we just witnessed a miracle with the Representative from Turner. Thank you.

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

Representative **MASTRACCIO**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I don't think we can afford not to do this. All I heard on my campaign was "Jobs" and "Work together." This exemplifies that. We cannot afford not to do that and I am so happy to hear my colleagues say how important it was to them and how important they think this bill is. So I urge you all to vote for LD 90. Thank you.

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

Representative **BERRY**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I just want to assure the good Representative from Newport that we will be moving forward as we have in a very bipartisan way. It has been our goal all along. I'm very proud of the unanimous work of the 15-member committee. And it is my hope that with our vote here today, we can demonstrate that kind of unanimity and that kind of bipartisan effort that you so very well spoke to. Mr. Speaker, this is about priorities and nothing worth doing does ever come without a cost, without a price tag attached. There are portions of LD 90 that were desired by the Executive Branch. There are portions that are desired by the Legislative Branch. But I wish that all of the members here today could have stood with us in the Transportation Committee Room the other day and seen the Republican and Democratic leads of the committees standing shoulder to shoulder, seeing the director of the Maine State Chamber and the director of the AFL-CIO standing shoulder to shoulder. And it was you, Mr. Speaker, and your vision, and it was the vision of the Senate President that set up this committee, that made it possible. So I do want to thank you, in particular, for your foresight in focusing us on jobs and focusing us on what matters to the people of Maine and in queuing this up for a strong bipartisan vote today. Thank you.

The SPEAKER: The Chair recognizes the Representative from Gardiner, Representative Grant.

Representative **GRANT**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. As a freshman, to be able to participate in this committee to see how people could come together to study the issues, to resolve differences, to move forward in such a bipartisan way, it gives me great hope for what this Legislature can accomplish together and for what Maine can do in the coming years. This is about an investment in Maine's future. We are investing in our workers, we are investing in our businesses, we are investing in our infrastructure so that people can have more opportunity here in Maine, and so I hope you will support this effort. I believe that this is a priority for all of us. We all heard it door to door. "Jobs." "Grow the economy." "Work together." As my good colleagues have said, I thank you, Mr. Speaker, for allowing me the opportunity to participate in this important work and I hope that everyone will vote with us. 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.

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

ROLL CALL NO. 100

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

NAY - NONE.

ABSENT - Beaudoin, Boland, Gifford, Hayes, Hobbins, Kaenrath, McGowan, McLean, Peavey Haskell, Peterson, Pringle, Reed, Winsor.

Yes, 138; No, 0; Absent, 13; Excused, 0.

138 having voted in the affirmative and 0 voted in the negative, with 13 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act To Provide Revenue to Veterans' Organizations and the Maine Veterans' Memorial Cemetery System Care Fund from Table Game Revenue

(S.P. 58) (L.D. 169)

(C. "A" S-57)

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. 133 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 To Establish Municipal Cost Components for Unorganized Territory Services To Be Rendered in Fiscal Year 2013-14

(H.P. 867) (L.D. 1228)

(C. "A" H-167)

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

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

(H.P. 231) (L.D. 322)

(C. "A" H-165)

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. 128 voted in favor of the same and 0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Emergency Measure

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

(H.P. 625) (L.D. 902)

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

Representative BERRY of Bowdoinham **REQUESTED** a roll call on **FINAL PASSAGE**.

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

On motion of Representative FREDETTE of Newport, **TABLED** pending **FINAL PASSAGE** and later today assigned. (Roll Call Ordered)

Mandate

An Act To Allow Cooperative Housing Owners Who Are Blind To Qualify for the Property Tax Exemption

(S.P. 401) (L.D. 1164)

(C. "A" S-80)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 133 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 Remove the Rangeley Plantation Sanctuary from the List of Wildlife Sanctuaries

(S.P. 62) (L.D. 173)

An Act To Exempt Persons Who Serve in the Armed Forces from the Requirement To Take a Hunter Safety Course To Obtain a Hunting License

(H.P. 216) (L.D. 307)

(C. "A" H-136)

An Act To Amend the State General Permit Process for Tidal Power To Remove a Conflict with a Federal Permit Requirement

(S.P. 169) (L.D. 437)

(C. "A" S-62)

An Act To Amend and Clarify Certain Education Laws

(H.P. 335) (L.D. 485)

(C. "A" H-149)

An Act To Require the Development of a Statewide Approach to Seaweed Management

(H.P. 404) (L.D. 585)

(C. "A" H-126)

LEGISLATIVE RECORD - HOUSE, May 20, 2013

An Act To Include Archery Hunting Licenses among the Complimentary Licenses Issued to a Member of a Federally Recognized Indian Tribe, Nation or Band

(H.P. 419) (L.D. 600)

An Act To Allow the Adjustment of the Assessment Rate for the Rural Medical Access Program

(S.P. 236) (L.D. 645)

An Act To Amend the Workers' Compensation Self-insurance Laws

(S.P. 255) (L.D. 706)

(C. "A" S-74)

An Act To Improve Organ Donation Awareness

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

(C. "A" H-103)

An Act To Establish Separate Geospatial Data Accounts for Use by the Maine Library of Geographic Information Board

(S.P. 302) (L.D. 877)

(S. "A" S-87 to C. "A" S-64)

An Act To Improve the Unused Pharmaceutical Disposal Program

(S.P. 306) (L.D. 881)

An Act To Exempt the Sale of the United States Flag from the Sales Tax

(H.P. 693) (L.D. 979)

(C. "A" H-122)

An Act To Amend the Charter of the Ashland Water and Sewer District

(S.P. 351) (L.D. 1026)

(C. "A" S-69)

An Act To Amend the Social Work Education Loan Repayment Program

(H.P. 731) (L.D. 1036)

(C. "A" H-111)

An Act To Revise Maine's Unemployment Compensation Laws

(H.P. 884) (L.D. 1250)

(C. "A" H-160)

An Act To Strengthen Maine's Assent Language for Participation in the Federal Aid in Wildlife Restoration Act

(H.P. 904) (L.D. 1265)

An Act To Encourage High School Students To Complete Community Service

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

(C. "A" H-148)

An Act To Further Reduce Student Hunger

(S.P. 472) (L.D. 1353)

(C. "A" S-70)

An Act To Require Public Schools To Offer Instruction Related to Cardiopulmonary Resuscitation and the Use of an Automated External Defibrillator

(H.P. 974) (L.D. 1366)

(C. "A" H-164)

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 Environmental Protection To Develop Quantitative Odor Management Standards

(H.P. 116) (L.D. 141)

(C. "A" H-144; S. "A" S-89)

Resolve, To Provide Consistency in Rules of the Department of Education Regarding Visual and Performing Arts Requirements for High School Graduation

(H.P. 138) (L.D. 178)

(C. "A" H-156)

Resolve, Directing the Board of Dental Examiners To Amend Its Rules To Improve Access to Oral Health Care in Maine

(S.P. 85) (L.D. 249)

(C. "A" S-65)

Resolve, Directing the Workers' Compensation Board To Study Improving Protections for Injured Workers Whose Employers Have Wrongfully Not Secured Workers' Compensation Payments

(S.P. 176) (L.D. 444)

(C. "A" S-75)

Resolve, To Increase Awareness of Food Allergies in Public Schools

(H.P. 465) (L.D. 673)

(C. "A" H-158)

Resolve, Directing the Secretary of State To Study the Need for a State Regulatory Process for Scrap Metal Dealers

(H.P. 560) (L.D. 809)

(C. "A" H-147)

Resolve, Directing the Bureau of Insurance To Amend Its Rules Pertaining to 3rd-party Notice of Cancellation

(H.P. 599) (L.D. 848)

(C. "A" H-152)

Resolve, Authorizing the State Tax Assessor To Convey the Interest of the State in Certain Real Estate in the Unorganized Territory

(S.P. 508) (L.D. 1414)

(C. "A" S-72)

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 Make Permanent the Reciprocal Agreement between Maine and Other States Regarding a Snowmobile Weekend

(S.P. 61) (L.D. 172)

(C. "A" S-61)

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

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

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

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

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

ROLL CALL NO. 101

YEA - Ayotte, Beaulieu, Beavers, Bennett, Berry, Black, Bolduc, Briggs, Brooks, Campbell J, Campbell R, Casavant, Cassidy, Chapman, Chase, Chenette, Chipman, Clark, Cooper, Cotta, Crafts, Cray, Crockett, Daughtry, Davis, DeChant, Dickerson, Dill, Dion, Doak, Dorney, Dunphy, Duprey, Espling, Evangelos, Farnsworth, Fitzpatrick, Fowle, Fredette, Frey, Gattine, Gideon, Gifford, Gilbert, Gillway, Goode, Graham, Grant, Guerin, Hamann, Harlow, Harvell, Herbig, Hickman, Hubbell, Jackson, Johnson D, Johnson P, Jones, Jorgensen, Kaenrath, Kent, Keschl, Kinney, Knight, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby A, Libby N, Lockman, Long, Longstaff, Luchini, MacDonald S, MacDonald W, Maker, Malaby, Marean, Marks, Mason, Mastraccio, McCabe, McClellan, McElwee, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau A, Nadeau C,

Nelson, Newendyke, Noon, Nutting, Parry, Pease, Peavey Haskell, Peoples, Plante, Pouliot, Powers, Priest, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Sanderson, Saucier, Saxton, Schneck, Shaw, Short, Sirocki, Stanley, Stuckey, Theriault, Timberlake, Tipping-Spitz, Treat, Turner, Tyler, Verow, Villa, Volk, Wallace, Weaver, Welsh, Werts, Wilson, Winchenbach, Wood, Mr. Speaker.

NAY - NONE.

ABSENT - Beaudoin, Beck, Boland, Carey, Devin, Hayes, Hobbins, McGowan, McLean, Peterson, Pringle, Reed, Willette, Winsor.

Yes, 137; No, 0; Absent, 14; Excused, 0.

137 having voted in the affirmative and 0 voted in the negative, with 14 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

An Act To Update the Maine Emergency Management Laws
(S.P. 121) (L.D. 326)
(C. "A" S-78)

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.

An Act To Increase Funding to Schools
(H.P. 459) (L.D. 667)
(H. "A" H-125)

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

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

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

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

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

ROLL CALL NO. 102

YEA - Ayotte, Beavers, Bennett, Berry, Black, Bolduc, Briggs, Brooks, Campbell J, Campbell R, Casavant, Cassidy, Chapman, Chase, Chenette, Chipman, Clark, Cooper, Cotta, Cray, Crockett, Daughtry, Davis, DeChant, Devin, Dickerson, Dill, Dion, Dorney, Duprey, Evangelos, Farnsworth, Fitzpatrick, Fowle, Fredette, Frey, Gattine, Gideon, Gifford, Gilbert, Gillway, Goode, Graham, Grant, Hamann, Harlow, Harvell, Herbig, Hubbell, Jorgensen, Kaenrath, Kent, Keschl, Kinney, Kornfield, Kruger, Kumiega, Kusiak, Longstaff, Luchini, MacDonald S, MacDonald W, Maker, Marks, Mason, Mastraccio, McCabe, McClellan, McElwee, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau A, Nadeau C, Nelson, Noon, Parry, Pease, Peavey Haskell, Peoples, Pouliot, Powers, Priest, Rankin, Rochelo, Russell, Rykerson, Sanborn, Saucier, Saxton, Schneck, Shaw, Short, Stanley, Stuckey, Theriault, Tipping-Spitz, Treat, Turner, Tyler, Verow, Villa, Volk, Wallace, Welsh, Wilson, Winchenbach, Wood, Mr. Speaker.

NAY - Beaulieu, Carey, Crafts, Doak, Dunphy, Espling, Guerin, Hickman, Jackson, Johnson D, Johnson P, Jones, Knight, Lajoie, Libby A, Libby N, Lockman, Long, Malaby,

Marean, Newendyke, Nutting, Plante, Rotundo, Sanderson, Sirocki, Timberlake, Weaver, Werts.

ABSENT - Beaudoin, Beck, Boland, Hayes, Hobbins, McGowan, McLean, Peterson, Pringle, Reed, Willette, Winsor.

Yes, 110; No, 29; Absent, 12; Excused, 0.

110 having voted in the affirmative and 29 voted in the negative, with 12 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

(S.P. 330) (L.D. 985)

(C. "A" S-78)

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

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

The same Representative **REQUESTED** a roll call on **FINAL PASSAGE**.

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 Final Passage. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 103

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

NAY - Ayotte, Campbell R, Chase, Clark, Crafts, Doak, Fitzpatrick, Gifford, Jackson, Johnson D, Knight, Lockman, Long, Newendyke, Pease.

ABSENT - Beaudoin, Beck, Boland, Hayes, Hobbins, McGowan, McLean, Peterson, Pringle, Reed, Willette, Winsor.

Yes, 124; No, 15; Absent, 12; Excused, 0.

124 having voted in the affirmative and 15 voted in the negative, with 12 being absent, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

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

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

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment Thursday, May 16, 2013, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

HOUSE DIVIDED REPORT - Majority (10) **Ought to Pass as Amended by Committee Amendment "A" (H-127)** - Minority (3) **Ought Not to Pass** - Committee on **VETERANS AND LEGAL AFFAIRS** on RESOLUTION, Proposing an Amendment to the Constitution of Maine Concerning Early Voting and Voting by Absentee Ballot

(H.P. 131) (L.D. 156)

TABLED - May 8, 2013 (Till Later Today) by Representative LUCHINI of Ellsworth.

PENDING - Motion of same Representative to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

The SPEAKER: The Chair recognizes the Representative from Ellsworth, Representative Luchini.

Representative **LUCHINI**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise in strong support of the pending motion that would enable a new process of early voting in the State of Maine. As many of you have experienced, probably in your own individual campaigns, we currently have a process of early absentee voting which allows people to request a ballot by mail, fill it out, send it back in. Or, as many people do, they go to the clerk's office or their local town hall, fill out a ballot, seal it into an envelope and leave it with the clerks. In speaking to your local municipal clerks, they often say this process can be time consuming and pretty strenuous, this process of counting and processing absentee ballots on Election Day. It slows things down, it takes away time throughout the night trying to catch up with all the high number of ballots being cast. If this Resolution is passed by the Legislature and then by referendum, this would enable a process of real early voting, meaning voting exactly as it occurs on Election Day. So voters would be able to come into their town halls, cast a ballot and put it into the machine or box, just like they had before, streamlining the process so that the municipal clerks don't have to seal the envelopes, wait, store them, and then open them back up later on, on Election Night. There are many, many benefits to passing this legislation. First and foremost, it's reducing the workload on clerks. This can also help increase voter access to the polls, and it also maintains a level of secrecy of the person's ballot, unlike in early absentee voting where the person's name is written on the envelope and their vote can be inadvertently seen by clerks later on. As the Veterans and Legal Affairs Committee worked this bill, we felt it important not to mandate early voting and so the amendment that is before us today simply allows municipalities to conduct early voting if they so choose. Those who opt not to use early voting can still use the early absentee voting that's been in place for a long time. As a final quick point, those of you who were here in the 125th Legislature, you may remember we voted to put together a 2012 Elections Commission, a task force then established by then Secretary of State Charlie Summers. This bipartisan group was established to review a whole variety of elections-related issues. Among them was this proposal here or real early voting. This bipartisan group unanimously supported this process to do early voting and they cited four major reasons. First of all, we've had a number of pilot projects that have been resounding successes. Nearly all testimony was positive. It's likely that this will increase voter turnout. And lastly, they said this would almost certainly relieve municipal clerks of the burden

related to handling absentee ballots. And so for these reasons, I urge this body to support the pending motion. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Standish, Representative Shaw.

Representative **SHAW**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I also urge you to support the pending motion. LD 156 is a simple bill. It adds, essentially, a single sentence to the Constitution and just so no one gets accused of not reading it, I'll read it for you. "The Legislature by proper enactment shall authorize a process of early voting that allows voting to occur in the same manner as on election day during a period immediately preceding an election." It then places the following question on the ballot for voters to approve: "Do you favor amending the Constitution of Maine to direct the Legislature to adopt a process of early voting?" This bill creates a local option for early voting. It is not a mandate but rather an option and the rules about time periods and other requirements, my bill preserves the flexibility for the Legislature to decide if the voters approve the concept. I brought this bill after conversations with my clerk in Standish. She participated, along with eight other municipalities, in an early voting demonstration project in 2009. As my clerk testified before the Legal and Veterans Affairs Committee, voters overwhelmingly supported early voting. What she found was that early voting relieved her of the tasks of unfolding and feeding ballots into the voting machine or hand counting them on Election Day. The pilot program took place in eight other communities as well – Augusta, Bangor, Cumberland, Falmouth, Gorham, Hallowell, Saco and Scarborough – and clerks in all of these communities expressed support of the program to the Secretary of State. The clerk from Saco came to the public hearing with my clerk as well. This bill isn't just about helping clerks. This bill is about helping people who we pledged to serve here in the Legislature. Early voting will help senior citizens who may find difficulty getting to the polls on Election Day. Early voting will help people with disabilities who need assistance to get to the polls also. Early voting will help working people, especially those working two or three jobs or who travel frequently for business. Early voting will help parents who juggle kids and jobs at the same time. And as chair of Inland Fisheries and Wildlife, I would be remiss to leave out this will help hunters. Hunting season happens always right there in the middle of election season, so if you're traveling for your hunting trip, this would certainly help you out too. Early voting will help Democrats. Early voting will help Republicans. The truth is that Standish, there are all sorts of people who took advantage of early voting from all parties. In 2011, the Legislature tasked then Secretary of State Charlie Summers to appoint an elections commission to study the conduct of Maine elections. Charlie Summers appointed five members to that commission. They were Paula Silsby, of Portland; Linda Cohen, of South Portland; Timothy Wilson, of Portland; Laurence Willey, of Bangor; and the Honorable Judge Atwood, of Newcastle, who served as the chair. The Summers Election Commission held eight public hearings across the state, from Presque Isle to Wells. They met with the clerks at the clerks annual conference, they observed the 2012 elections, they reported back to this Legislature, this January, and the Summers Commission unanimously endorsed early voting due to four reasons. The first reason, the popular support and success of the 2007 and 2009 early voting programs. Nearly all the written and oral testimony received by the commission favored an early voting system. Early voting would increase voter participation and early voting would relieve a significant administrative burden from your clerks. I'd like to add one more very important reason. I urge all of you

to vote yes on LD 156 and support early voting. Early voting will increase the integrity of the voting process by giving clerks more time to process voter registrations, voters who come in to vote before Election Day and on Election Day. Early voting is a true safeguard against any potential voter fraud. Voting is the cornerstone of our democracy and we must do everything we can, not only to protect that right but also encourage our citizens to exercise it. Voting laws evolve with the changing needs of the citizens of our state. Not long ago, you voted on Election Day or you did not vote at all. Then came absentee voting. Now you can go as far as requesting your absentee ballot online. Early voting is the next step in the ever-evolving voting process. You can help your voters and safeguard our vital voting process by supporting LD 156, and I encourage you to follow my light and vote Ought to Pass on the Majority Report. Thank you, Mr. Speaker.

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

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

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

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

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

Representative **FREDETTE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This seeks to amend our State Constitution, asking the voters to amend our State Constitution. That's typically a pretty big deal. If you look at the Committee Report that was just read, on my side of the aisle, there was a division amongst Republicans in regards to this proposal. We all know the hard work that it takes to go out and to be a candidate, to put forward a referendum, to be an advocate for a referendum, and the hard work that it takes to contact folks to get them to the polls on Election Day, to work with folks to vote by absentee. I believe that our system, at this point in time, functions well. Now, it can certainly be argued, as it has been on this floor, that we need to expand it in a way to make it easier for people to vote and, ultimately, someday we may be voting via internet or maybe we'll just phone a friend and say "I'd like to vote for Representative X." But I believe that taking steps forward to that which is most sacred to a democracy, the fundamental right to vote, we're asking people if on a certain day, can they take an hour out of their day, 15 minutes out of their day, get into their vehicle and drive and vote. Now, certainly people will get into their cars to take a long trip to Acadia National Park, to go watch a movie, to go to a dinner, but, you know, sometimes it's argued that we shouldn't be asking people to be inconvenienced to go vote. Well, I believe as a citizen we have the fundamental duty to go vote and I believe that we can find the time in our day to do that, and if we can't find the time to do that on a day such as Election Day, we already have options available whereby you can request an absentee ballot online, where you can have other avenues to request an absentee ballot. It's a fairly easy process, and you can do that. I am hesitant as an attorney to amend or ask to amend our State Constitution. I believe that that ought to be done in a very rare circumstance and, on this issue, I'm not convinced that we are at that point where we need to do it and I will not be supporting this motion and I ask you to follow my light. Thank you.

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

Representative **CAREY**: Thank you, Mr. Speaker. Mr. Speaker, I'd like to read an excerpt that was presented by the

Honorable John Atwood, who was the chair of the Summers committee that looked at this this summer, I believe they had nine different public hearings, and here was an excerpt from their report presented by the Honorable Judge.

The Commission unanimously supports the establishment of an early voting system in [Maine] for the following reasons:

1) The pilot programs overseen by the Secretary of State in 2007 and 2009 in which early voting was permitted in select municipalities at referenda elections were a resounding success. They were widely accepted and endorsed by the voters and municipal officials where they were conducted.

2) Nearly all the written and oral testimony received by the Commission favored an Early Voting system.

3) It is likely that [the] voter participation would increase if voters could vote in person on a day other than Election Day. The surveys conducted after the pilot efforts showed that certain groups of voters were more likely to vote if they could vote "early."

4) It would relieve local municipal election officials of the burdens attendant [on] the handling of absentee ballots as it is likely that many voters would choose to "vote early" instead of voting by absentee

Thank you, Mr. Speaker. I ask that you follow my light and the light of the members of the Commission, had they been allowed to vote today. It was clear from their report what it was that they would ask us to do. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Bethel, Representative Crockett.

Representative **CROCKETT**: Thank you, Mr. Speaker. Like some of the previous speakers, I've had the opportunity to serve on Veterans and Legal Affairs and I've always been a big supporter of absentee ballots, but I am reminded of when I was a kid there was a lady who used to be the clerk of this chamber, who would sit at our fire station and would look at voters when they came in to check them off the list. It's basic poll watching. And we'd sit on one side and some of our Democratic friends would sit next to us and we'd be checking off the names. We would have the doughnuts. It was great collegial conversation. And when there was lulls in the voting, the clerk would take the absentee ballots, she'd call off the names, and then she'd register them and if anybody had a challenge, which in a small town rarely occurred, they challenged the ballot. Well, this whole issue developed because some of the larger towns, to process those absentee ballots is a hassle because you're processing a lot in a short period of time. Nobody here is undermining absentee ballots, the ballot process which allows for the two weeks in advance. It helps the handicapped. It helps the homebound. What this is about is processing those absentee ballots and by early voting, you don't have to, but you also lose that challenge process. You would have to have someone sitting there for two weeks to challenge and that is the issue and that is the integrity of the voting process. So I won't be supporting the pending motion for that reason and that reason alone. There is a lot of merit to early voting and I'm not going to undermine what the Commission did because they did a lot of good work and I helped vote in favor of that Commission a couple of years ago, but it's just that one challenge process. We need to have something else to address that before we send it to the people of Maine. So I will be opposing the pending motion.

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

Representative **McCABE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I think when it comes

to voting, we should be doing all we can to expand access. I've heard some comments that I, in a sense, find a little bit troubling. A lot of talk about people making excuses about not getting to the polls, and that's fine. I think the reality is we need to look at those people who have a challenge getting to the polls. I think we need to look at those folks who will benefit from early voting, those folks who will be able to take the opportunity of a ride and get to the polls when they can, not when it's convenient for maybe the rest of us but when it's a possibility for them actually getting to the polls and being able to vote. I think of those folks with limited mobility. I think of the senior citizens, I think of folks with disabilities, all who came and testified in support of early voting. That's the reality. I think of my grandmother, my grandmother who has limited mobility and limited sight. She would like to go and vote, but it's a challenge for her. It's a real challenge for her because often she doesn't have a way to get there. The other thing is, often at the polls, it's crowded. It sometimes can be confusing for her. But she would like to go and vote. I also like the opportunity that this gives our local municipalities the option to choose. We are not mandating something. We are giving them the option to choose. I think as we go forward today, I think it's important that we don't think about party convenience, but we think about expanding access to the polls for those people who need it the most. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Standish, Representative Shaw.

Representative **SHAW**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. Just a couple of clarifying points. This is just to ask the people of the State of Maine if they want to adopt a process of early voting. It doesn't specify any time period. We heard two weeks. Your town could have early voting on one day if it chose to or no days or two weeks. Those rules will be adopted later by this body. As far as poll watching goes, that's a convenience for you and your election staff. We should be more worried about the people that are going to go and vote, not worried about ourselves at the polls to try to watch. In fact, it's my opinion that this would make it easier for poll watchers. Instead of having thousands of people swarm into your lines when you're poll watching, you'd spread it out over the course of a couple of days. A couple of other things. It's not a mandate. Your town can opt in or not, as it so chooses. One of the problems that I see in the absentee voting system right now is you have to sign the envelope on the outside of the envelope, and if you don't, it gets rejected, and if you do, they have to be opened by poll people that are working at the polls. This would eliminate all that paperwork. It would eliminate you signing your envelope. People get a little disenfranchised when they have to sign the outside of their envelope. They think that people will then know how they voted. Early voting would take that whole process away. Your town, if they chose to, would set up the voting machine. Your citizens would vote. They'd put the ballots in the machine themselves, eliminating the need to sign the outside of the envelope, and also eliminating the folds in the ballot. I'm sure you've all heard complaints from your clerks about how much of a hassle it is for them to feed the folded ballots through the machine. Thank you very much, Mr. Speaker.

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. As I work at the Mexico Town Office, one of my many titles is assistant town clerk. When working this due process, of course when my name is not on the ballot, while working this due process, it is much more simplified by giving the people the opportunity to be able to

go in and vote instantly. That saves the clerks from many transactions as opposed to this one simple transaction by voting. There is so much more paperwork that goes into it when you do absentee balloting, not on just the day that they come in to vote but then on Election Day because then the clerk has to open up all the envelopes, feed them all into the machine individually, and there is just so much more work that goes into this. So I just feel that that would be very, very valuable to have the opportunity to be able to go in and vote instantly. I just needed to share that. Thank you, Mr. Speaker.

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

Representative **FREDETTE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, and I do apologize for speaking a second time; however, I think it's important to note the fundamental principle in our Constitution is one person, one vote. You can recall the work that we did in the 125th when in fact we had to redistrict our Congressional District, where we had to do that because of the distribution of the number of voters in our two Congressional Districts. That fundamental principle of one person and one vote. The issue before this body today is whether or not we should be putting out to referendum the question of whether or not towns or cities may be able to have the option to opt in or opt out, expand access. Let's expand access to voting. The good Representative from Skowhegan indicated that his grandmother sometimes couldn't get out to vote, but she certainly could request an absentee ballot via phone, via email. But that fundamental principle of one person, one vote, how many people in this body know where the town of Wytotitlock is? How many people know where Drew Plantation is? How many people in this body know where the town of Cary is, Sangerville, Baldwin, Jackman? These are small, rural towns. Small, rural towns that have challenging budgets, small clerk's staff. I would submit to you that it will be fundamentally the cities, the larger communities, that can handle this opt in option that would benefit from this issue. And, in fact, I would submit to you that it will be the small towns, the small towns that don't have the number of volunteers, that don't have the money to opt in to this option, and so what will the result of that be, Ladies and Gentlemen of the House? We will have Portland; we will have Lewiston, Augusta, Bangor, all the big cities, all the big cities are going to opt in and we'll have lots and lots of people in the big cities going in to vote. And they're going to be going in to vote for their governor of the state, they're going to be going in to vote for referendums, and I would submit to you, because it is the cities that will benefit from this, the principle of the net effect of this will be that the cities will be determining who our next governor is. It will be the cities who are going to be determining the results of referendums. I believe this fundamentally violates the principle of one person and one vote, and I urge you to vote against it. Thank you.

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

Representative **RUSSELL**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. Wow. How does one follow that? So I sit on both sides of this fence, the rural and the urban. My mom was up until two in the morning counting votes on Election Day in Bryant Pond and I happen to live and represent one of the densest districts in the state. So let me just break this down a little bit. One, we do have a one person, one vote right. How that's even remotely relevant to the conversation at hand is beyond me. Two, we already do this; we just make it as complicated as possible. You can already go into the small or the big towns or the rural places like Milton Plantation that vote in local towns next to them. The difference is that you have to put it

into an envelope, you have to seal it, you have to make sure that you signed it, and then you have to turn it in, and then on the other side, the municipal clerks, who overwhelmingly want this, have to open that envelope. They have to have it double-checked and verified. The voter doesn't know if the town clerk saw what they voted on, because how is it that you open up a thing and you flatten it out and you count it without seeing what that person voted, and that's particularly relevant for small towns. Or we could go as voters, just like we do on Election Day, and have a secret ballot and we can put that ballot ourselves either into a box which is how some towns do it – I know, I have voted in rural Maine enough to know that that is how it's done – or, as they do it in my district, through a vote tabulator. Either way, my vote is secure as is yours. So the idea that there is going to be some conflict between one person, one vote, in comparison to what we do versus what we want to do, it's an irrelevant point because we are already allowing people to vote early through absentee ballots. We are just not allowing them to vote early with the security of knowing that no one knows how they voted. We are also making it significantly more complicated for our town clerks. We have done early voting, actual early voting pilot projects throughout the state and in regions where they have had them, voters have been so much happier, town clerks have been significantly happier. So I understand that this is a hard vote for some people, but if you voted absentee, you already know what it feels like to wonder whether someone looked at what you voted, and at the end of the day, what we are asking for is to let the people decide how they believe that the election system should be run. Let the people decide if they want to sign the envelope and hand it in and make it more difficult for town clerks or if they want a secure vote and they want to make sure that we are alleviating the burden on our town clerks. This should not be a partisan vote and I sincerely hope that it is not. It is a vote about alleviating a serious burden at the town office.

The one last thing I would say is that one of the things that we have done to alleviate the very burden we are trying to alleviate now is to roll back a couple of days on the election. You can only vote early absentee up until two days prior to the election, two business days. Now, granted, if you have a reason, a valid reason that you are not going to be in town that day unexpectedly or you are sick, you can still do an early absentee ballot. However, if you are doing a no questions asked absentee ballot, you cannot do it in those two days. And you can make a policy judgment one way or another whether that's a good thing, but what I will say is that it did actually create confusion at the ballot box last time because people were accustomed to being able to vote early. We've made that policy choice on a bipartisan level, simply because we agree that the municipal clerks were having a very difficult time getting through the system that it takes to count the absentee ballots. This simplifies that. The town clerks are still having a very difficult time getting through it, we alleviated it to a point, but this would really alleviate truly the burden on our town clerks and it would make our right to vote secure and, for once and for all, secret. Thank you, Mr. Speaker.

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

Representative **KESCHL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I agree that we should expand access to all of those who are qualified to vote, but at the same time shouldn't we be securing the right to vote so that our most sacred right and responsibility is not accessible to those who are not qualified to do so. In my opinion, the easier we make the voting process without, at the same time, ensuring that those who vote are qualified to do so, increases the potential

for fraudulent voting. Therefore, I will be voting against the pending resolution. Thank you.

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

Representative **DORNEY**: Thank you, Mr. Speaker. I come from Somerset County, from a small town, and I think that our town clerks would probably be very happy to do early voting. I do not think this is going to be a burden for anyone, and I certainly hope that you will vote in favor of the motion. Thank you very much.

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

Representative **FREDETTE**: Point of Order, Mr. Speaker. Mr. Speaker, let me just request a question. Is this an emergency measure because it is a resolve to amend the constitution will require the two-thirds vote? No? Okay.

The SPEAKER: It requires a two-thirds vote of those present and voting on Enactment.

Representative **FREDETTE**: Thank you, Mr. Speaker.

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

ROLL CALL NO. 104

YEA - Beaulieu, Beavers, Berry, 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, Gillway, Goode, Graham, Grant, Hamann, Harlow, Herbig, Hickman, Hubbell, Jones, Jorgensen, Kaenrath, Kent, Kinney, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby N, Longstaff, Luchini, MacDonald W, Maker, Marks, Mason, Mastraccio, McCabe, McGowan, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, Nelson, Noon, Peoples, Plante, Powers, Priest, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Saucier, Saxton, Schneck, Shaw, Short, Stanley, Stuckey, Theriault, Tipping-Spitz, Treat, Tyler, Verow, Villa, Welsh, Werts, Mr. Speaker.

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

ABSENT - Beaudoin, Beck, Boland, Hayes, Hobbins, McLean, Peterson, Pringle, Reed, Willette, Winsor.

Yes, 90; No, 50; Absent, 11; Excused, 0.

90 having voted in the affirmative and 50 voted in the negative, with 11 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The RESOLUTION was **READ ONCE**. **Committee Amendment "A" (H-127) was READ** by the Clerk and **ADOPTED.**

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

Under further suspension of the rules the RESOLUTION was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-127)** and sent for concurrence.

Resolve, Directing the Workers' Compensation Board To Study the Issue of Addressing Psychological and Physical Harm to Employees Due to Abusive Work Environments

(H.P. 845) (L.D. 1201)
(C. "A" H-129)

TABLED - May 16, 2013 (Till Later Today) by Representative FREDETTE of Newport.

PENDING - **FINAL PASSAGE**. (Roll Call Ordered)

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

ROLL CALL NO. 105

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

NAY - Beaulieu, Bennett, Black, Campbell R, Chase, Clark, Cotta, Crafts, Cray, Crockett, Davis, Doak, Dunphy, Duprey, 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, Sanderson, Sirocki, Timberlake, Turner, Tyler, Volk, Wallace, Weaver, Wilson, Winchenbach.

ABSENT - Beaudoin, Beck, Boland, Hayes, Hobbins, Jorgensen, McLean, Peterson, Pringle, Reed, Willette, Winsor.

Yes, 87; No, 52; Absent, 12; Excused, 0.

87 having voted in the affirmative and 52 voted in the negative, with 12 being absent, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

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

Bill "An Act To Ensure That Legislators Share the Sacrifice with Civil Servants in the Event of a State Government Shutdown"

(H.P. 1108) (L.D. 1541)

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

Subsequently, the Bill was **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**, ordered printed and sent for concurrence.

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

COMMUNICATIONS

The Following Communication: (H.C. 168)

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

May 17, 2013

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

Dear Honorable Members of the 126th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 319, "Resolve, To Direct the Department of Administrative and Financial Services, Bureau of Revenue Services To Report on Conformity with the Streamlined Sales and Use Tax Agreement."

Joining the streamlined sales tax agreement would present a number of issues for Maine, creating conformity questions and adding another layer of bureaucracy to be addressed when making statutory changes. The agreement is useful as a guide, but Maine can make the right decisions by itself. The underlying problem – unequal taxation between various sales channels – is best addressed at the federal level and I would encourage the Legislature to reach out to Congress with your concerns.

Additionally, executive branch agencies have limited resources and the scope of this study would require significant time and effort on an open-ended policy matter. If the Legislature wants to pursue this study, it should look to its own office of fiscal review or provide my agencies with additional funding for the efforts. Otherwise, it is merely an unfunded mandate on the executive branch.

For these reasons, I return LD 319 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,
S/ Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The accompanying item Resolve, To Direct the Department of Administrative and Financial Services, Bureau of Revenue Services To Report on Conformity with the Streamlined Sales and Use Tax Agreement

(H.P. 228) (L.D. 319)
(C. "A" H-81)

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

SENATE PAPERS

Bill "An Act To Make Technical Changes to Maine's Marine Resources Laws and Elver Enforcement Mechanisms"

(S.P. 588) (L.D. 1545)

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

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

CONSENT CALENDAR

First Day

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

(H.P. 215) (L.D. 306) Bill "An Act To Exempt Members of the Penobscot Nation, the Passamaquoddy Tribe, the Houlton Band of Maliseet Indians and the Aroostook Band of Micmacs from Special Training Requirements for Archery and Trapping" (EMERGENCY) Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass**

(H.P. 232) (L.D. 323) Resolve, Regarding Legislative Review of Portions of Chapter 101: Maine Unified Special Education Regulation Birth to Age Twenty, a Major Substantive Rule of the

Department of Education (EMERGENCY) Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-191)**

(H.P. 251) (L.D. 346) Bill "An Act To Require the Collection of Sales Tax by any Business Making Sales to Persons in Maine" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-194)**

(H.P. 382) (L.D. 563) Bill "An Act To Clarify Tax Increment Financing" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-193)**

(H.P. 978) (L.D. 1370) Bill "An Act To Exempt from Sales Tax the Sales of Adaptive Equipment To Make a Vehicle Handicapped Accessible" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-192)**

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.

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 Authorize the Suspension of a Concealed Handgun Permit"

(H.P. 152) (L.D. 191)

Signed:

Senators:

GERZOFISKY of Cumberland
DUTREMBLE of York
PLUMMER of Cumberland

Representatives:

DION of Portland
CASAVANT of Biddeford
LAJOIE of Lewiston
LONG of Sherman
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-187)** on same Bill.

Signed:

Representatives:

KAENRATH of South Portland
MARKS of Pittston

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 **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-184)** on Bill "An Act To Inform Persons of the Options for the Treatment of Lyme Disease"

(H.P. 416) (L.D. 597)

Signed:

Senators:

CRAVEN of Androscoggin
HAMPER of Oxford
LACHOWICZ of Kennebec

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-185)** on same Bill.

Signed:

Representatives:

DORNEY of Norridgewock
PRINGLE of Windham

READ.

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

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

Representative **FARNSWORTH**: Thank you, Mr. Speaker. This particular issue related to Lyme disease is something that we wrestled with quite extensively in the Health and Human Services Committee and I don't think anybody was necessarily opposed to the initial concept. It's a case of how far do we go in terms of what we intended to do. There are many people from the community who came in, people who had significant experience with Lyme disease. There were also, fortunately, there were also two medical professionals on our committee that helped us to struggle with a lot of the details involved with this particular issue, and I think in the course of the many hours that we spent wrangling with this particular issue, I learned more about Lyme disease than I ever knew was possible to exist. So, it was really quite an educated process. The ultimate issue, however, boiled down to how much information do we want the state's website to make available to the general public about this particular issue. Consistently, people came to us and told us that they felt as though they did not have the kind of information that they really needed to have in order to make decisions about treatment or about alternative methods of dealing with this particular disease. The Majority Report basically is intended to open access to more information about the disease and treatment modalities. We tried to be very cautious to ensure that the references that we wanted the state CDC website to open up were based upon reliable scientific information, and so we decided to push a little bit farther because we felt as though it was essential that people have some options. And so I would hope that people, I know there will be some folks who will speak on the Minority Report, but I hope people will take a look at this issue. Either way, it opens up more information availability to the general public which I think is really important. Thank you.

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

Representative **SANDERSON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. LD 597 is asking that people be informed of the options for treatment of Lyme

disease. It is not promoting one treatment plan over another. It is simply allowing people to be given the right to be informed of these options before making decisions that could affect their lives. Right now, most people are only being informed of the IDSA's – Infectious Disease Society of America – treatment option by their primary care physicians and on the CDC website. This bill asks that websites offering alternative treatment methods also be referenced on the CDC site. Unless people are informed that there exists another medical option for treatment, which is put forth by the ILADS, which is the International Lyme Associated Doctors Society, how can they possibly make an informed decision regarding their healthcare?

The current accepted testing and treatment practice consists of a test that has a 54 percent false negative testing rating and should you test positive, a 28-day cycle of antibiotics for treatment. Fortunately, a great many folks who do have a positive test are caught early and respond well to the 28-day regimen. Unfortunately, because of the high false negative testing percentage, there are many folks who do have Lyme disease that goes undetected for an extended period of time. Undetected, Lyme disease can have and has had devastating effects on the health of many Maine people. It's only through seeking the help of Lyme literate physicians who practice the ILADS method of detection and treatment that they have been diagnosed properly and finally finding relief with long-term antibiotic treatment. Those who embrace the standard 28-day regimen reject long-term use of antibiotics for indeed, it does have the potential for other risks associated with long-term use. However, I think if you talk to anyone who has suffered the debilitating effects of Lyme disease, they would choose to accept the potential risks because not to means they remain very, very sick. I think it is also very important to note that this isn't their struggle with the acceptance of long-term antibiotic use. When HIV first became an issue, the same battle raged and it wasn't until more physicians started treating HIV patients with long-term antibiotic maintenance that people started seeing better outcomes.

I'd like to share the story of a lovely young lady, who is 12 years old, and she is with us here today, who came before our committee to testify on this subject. She became very sick and test after test was done, all coming back negative. Her health continued to deteriorate, to the point where her mom told me she lost her ability to read, to write and to comprehend. It wasn't until they were connected with a Lyme literate physician that she was finally diagnosed properly and started receiving long-term antibiotic treatment that she began to get well. She has recovered her ability to read and write and, though not fully recovered, is doing well. Her testimony was very eloquent. She read a lovely poem sharing her struggle with Lyme that she had written. It is titled "My Time With Lyme."

I never know when I awake
 which part of my body will ache.
 My words are jumbled, my minds a blur,
 how I wish there was a cure.
 My joints are stiff, my head is throbbing.
 My life the lyme is robbing.
 Why didn't the doctors here see
 What was deep inside of me.
 I felt like they didn't even care
 About all the symptoms I had to share.
 Sometimes I can't even go to school
 because the lyme likes to rule.
 My body has felt like this for years
 I often go to sleep in tears.

By God's hands, I met Dr. Jones.
 He's my hero, he didn't leave me alone.

Since her treatment began, she's been feeling better and she has written another poem recently for her 4-H project and I beg your indulgence while I share this with you as well. It's called "My time with Lyme, a Year later."

Now I know when I awake,
 That my body will not ache.
 My words are clear, my mind is back,
 My lyme is now under attack.

My heart is full of pain and sadness,
 For all those who continue with this madness.
 I will fight for you each and every day,
 Until a cure will take this disease away.

My voice will be heard loud and clear,
 So doctors cannot deny that lyme is here.
 Awareness and education is the key,
 To make them wake up and see
 That lyme disease can debilitate a life,
 Just like it did to me.

Lyme literate doctors know that it is real,
 But their licenses, medical boards are trying to steal.
 My doctor, who is my hero, is in this fight
 And it is a shame for everything he has done is right.

Through my healing, I found this quote

"When you stand and share your story
 in an empowering way,
 your story will help heal you and
 your story will heal somebody else."

This is a quote that I will carry with me
 Until I know we are all Lyme free!

Written by Sally Jordan

Ladies and gentlemen, I hope you will join myself and many others on both sides of the aisle in the battle for informed consent and acceptance of our citizens right to know about alternative treatments for this debilitating disease. Thank you.

The SPEAKER: The Chair recognizes the Representative from Glenburn, Representative Guerin.

Representative **GUERIN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Lyme disease has become a serious problem for citizens throughout our state. I personally know several families whose lives have been drastically altered by the effects of misdiagnosed, untreated or wrongfully treated Lyme disease. I would like to share the story of one of them, my friend, twenty-one year old Jessie Mae Hodson.

Dear Representative Guerin,
 Thank you for inviting me to write to you. As a young child I was bit by a tick. Although I instantly started showing symptoms of a tick-born illness, I was misdiagnosed for over a decade. Slowly, I watched my body fade. I slipped from a lifestyle of athletics to one of solitude and rest. I could hardly sit in a car, let alone run in the basketball games I loved so much. At fifteen, I gave up the violin that I had hoped to invest

my career to when my pain became inhibitedly painful and my ability to practice diminished. After growing sicker in a semester of college out of state and then finding local college just too draining, I transferred to an online college to keep up with my life while I dealt with my crippling joint, muscle, and bone pain, as well as other symptoms like migraine headaches, nausea, weight gain, and night sweats. Despite my difficulties, I wrote and released three books, formed a publishing company, and established a career as an inspirational speaker. Yet for every success, I felt myself falling deeper into the grip of an illness that seemed to hide from diagnosis. I was tested for Lyme disease and failed to pass the tests initially. Finally, in desperation, I turned to an out-of-state specialist (Kenneth Leigner), who diagnosed not only Lyme disease, but also another tick-born illness known as Babesiosis. I began treatment six months ago and have started to recover. If there are treatment options in Maine, I have not found many, or, truly, any. It certainly would have been helpful to learn more about my illness and how to fight it earlier, before the effects of my tick-born disease spread to such a violent level. As it is, now, at age twenty-one, I have gone untreated and undiagnosed by Maine physicians for so long that it may be impossible for me to ever fully recover. I certainly encourage information and treatment options for Lyme and other tick-born illnesses to be placed on the DHHS website. Other good Mainers are sick. Such information could spare them the more than a decade of sickness that I have faced.

So, my friends in the House, many Mainers are today searching for answers just like Jessie was. Doctor's treatments and answers vary by practice. I believe a comprehensive list of symptoms and treatment options, alternative options, some of them I will say, could perhaps spare some Mainers' families the hardships that Jessie Mae's family has endured. I urge you to support LD 597.

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

Representative **DORNEY**: Thank you, Mr. Speaker. I'm also on the Health and Human Services Committee and I am one of the two people who voted with the Minority and as you probably have figured out, both of the doctors on the committee voted with the Minority, which actually is remarkably similar to the Majority Report. A lot of us agreed with many aspects of this bill and I think we all were in favor of people being aware of the increasing risk of Lyme disease and alternative treatments for Lyme disease; however, the difference is whether or not you – how the wording is on the website, do people understand what decisions they are making if they decide to do a long-term antibiotic treatment, which is what some people are recommending. I worked very hard. One of my brothers had Lyme disease. I know a lot about Lyme disease. I have patients who have had Lyme disease. This is not an easy situation, but I also feel strongly that I will still be voting with the Minority on this vote and hope that you will support me. Thank you very much.

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

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

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

Representative **DAUGHTRY**: Thank you, Mr. Speaker. Mr.

Speaker, Ladies and Gentlemen of the House. Lyme disease has become an epidemic in our state. I remember when I was little, I could spend all day playing out in the woods, in the fields, in the tall grass and now I actually am scared to go to these environments due to the rise of deer ticks in our state. I'm sure all of us have either been bitten by a deer tick or had a close encounter with a deer tick. Lyme disease is a serious, serious disease. It is new and it has many unknowns. Lyme disease can manifest itself in many different forms. It can have many, many different symptoms. Treatments for this disease are still being discovered and many individuals with Lyme are discovering that many alternative treatments help alleviate and cure some of their symptoms. By expanding our CDC website to include information about some alternative treatments and forums for folks who do have Lyme in Maine, we are helping those who suffer from Lyme disease, their families and their loved ones by providing them with a central source to find out about all aspects of this disease. One of my best friends and my roommate, Anna Simmons, contracted Lyme disease during her first year at Bennington College. She has had a long brave battle with this debilitating disease and I have been there with her every step of the way. An essential website like this one proposed could have helped her during the early stages of her diagnosis. She was unaware of Lyme disease and didn't know what was going on with her body. Because of Anna, I am very proud to be the cosponsor of this important bill. Lyme disease is complicated and those who have it deserve access to information about all possible treatment options. I urge you to support the pending motion and follow my light. Thank you.

The SPEAKER: The Chair recognizes the Representative from South Berwick, Representative Beavers.

Representative **BEAVERS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I speak to you as a person who has had Lyme disease three times. At the time, each of the times, I did not have medical insurance. I could not afford the blood tests which, through my own research, I discovered was not necessarily indicative of whether you have it or not, but I had every single symptom listed on the websites. I think when I did go to medical facilities, they did not tell me anything about this possible outcome of a blood test not being indicative of whether you have it or not. So, I am in support of the Majority Report. Thank you.

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. I am the sponsor of LD 597. An individual who has been affected with Lyme disease for a very long time had come to me and asked if I would sponsor this bill. Because of the lack of resources or knowledge for treatment available to her and many others, it has been a tremendous struggle and challenge. This bill is instructing the Maine CDC to provide more resources and tools available on their website with reference to Lyme disease. This bill has been worked and worked on to come up with the best solutions possible that would work for everyone. I and the supporters of this bill have worked so hard that we have gone from the Minority Report to the Majority Report.

The final verbiage voted out of committee in the Majority Report includes the following: It requires any health care provider that orders a laboratory test for the presence of Lyme disease to provide to the patient a disclosure form that states that the incidence of Lyme disease is growing in the United States, and that a laboratory test for Lyme disease can be problematic often resulting in false negatives and false positives and that a negative test does not necessarily mean that the patient does not

have Lyme disease. It also requires the Department of Health and Human Services, and the Maine CDC, to include treatment alternatives for Lyme disease on its publicly accessible website. It requires the center to include information about the difficulty of diagnosing and treating Lyme disease, that scientific studies suggest longer doses of antibiotics are not helpful but that some doctors and patients believe it is necessary and beneficial, antibiotic use can lead to the development of drug resistant organisms, and information on treatment alternatives for Lyme disease is available through Internet sites such as www.mainelyme.org and www.lymediseaseassociation.org.

The only other point I would like to make is that during the public hearing, it came to light that the CDC "includes" advocacy groups on their website for cancer and other diseases but has not done the same for Lyme disease. Lyme patients would like the same "advantage." There's a lot of information out there that could "benefit" Lyme patients and it would be "unwise" for patients to "surf the net" without "direction." Ladies and Gentlemen of the House, we need to keep an open mind with respect to the education, the resources, and data that continue to become available. Why can't we provide other or more resources for patients and professionals alike to reach out to? This bill is asking the CDC to provide help to educate and combat this most crippling disease. This is our responsibility on behalf of the thousands of people in the State of Maine who are affected so severely by what I call the silent killer of Lyme disease. People are dying because of this disease. In fact, there was a doctor who had practiced in the Mexico/Rumford area that passed away because of Lyme disease. She was a strong advocate in the Lyme community and was a big loss to our community as well. We need to open Pandora's Box and deal with this debilitating disease. Please support the Majority Report Ought to Pass as Amended. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Brewer, Representative Verow.

Representative **VEROW**: Thank you, Mr. Speaker. Mr. Speaker, Members of the House. I was one of the cosponsors of this bill and, to me, it's a question of hope and giving folks who have this disabling disease some hope that there perhaps is some alternative medication that can help them. Without hope, I mean, people get despaired, so let's not let hope die and let's support this Majority Report. Thank you.

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

ROLL CALL NO. 106

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

NAY - Chapman, Dion, Dorney, Gideon, Graham, Hamann, Hubbell, Jorgensen, Kaenrath, Kornfield, Luchini, MacDonald W, Nelson, Noon, Plante, Rochelo, Rotundo, Sanborn.

ABSENT - Beaudoin, Beck, Boland, Hayes, Hobbins, McLean, Peterson, Pringle, Reed, Willette, Winsor.

Yes, 122; No, 18; Absent, 11; Excused, 0.

122 having voted in the affirmative and 18 voted in the negative, with 11 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (H-184) 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-184)** 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. 475) (L.D. 1356) Bill "An Act To Improve the Statutes Governing Road Associations" Committee on **TRANSPORTATION** reporting **Ought to Pass**

(S.P. 518) (L.D. 1432) Bill "An Act To Revise the Laws of the Maine Criminal Justice Academy" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass**

(S.P. 304) (L.D. 879) Bill "An Act To Increase State Wildlife Revenues and Grow the Hunting and Fishing Industries" Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-92)**

(S.P. 483) (L.D. 1376) Bill "An Act To Ensure the Choice of a Pharmacy for Injured Employees under the Workers' Compensation Act of 1992" Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-93)**

(H.P. 1065) (L.D. 1484) Bill "An Act To Amend the Laws Governing Weight Tolerance for Certain Vehicles" Committee on **TRANSPORTATION** reporting **Ought to Pass**

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 Paper was **PASSED TO BE ENGROSSED** and sent for concurrence.

REPORTS OF COMMITTEE

Divided Reports

Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on Bill "An Act To Nullify the Federal Patient Protection and Affordable Care Act of 2010"

(H.P. 472) (L.D. 680)

Signed:

Senators:

VALENTINO of York
BURNS of Washington
TUTTLE of York

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-186)** on same Bill.

Signed:

Representatives:

GUERIN of Glenburn
PEAVEY HASKELL of Milford

READ.

Representative PRIEST of Brunswick moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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 in opposition to the pending motion. I do not rise to debate free market insurance versus single payor health care system. I stand here to say that nullification is not only a constitutional right of the state, but as Jefferson and Madison stated, that it's in the Principles of 1798, in the Kentucky and Virginia Resolutions, that wrote nullification is not only a right remedy, it is also that states are duty bound. We are duty bound to rise up when the Federal Government outreaches. If the state wants to implement any of all these situations, we can, that's our rights – it's not the Federal Government's, Massachusetts did it – and that it would be constitutional. I stand here to say that nullification is the correct remedy and that we are duty bound. Mr. Speaker, I would like to request a roll call and I request that you all follow my light if you would so do please to, and that a red light is a red light for in favor of nullification. Thank you.

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

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

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

Representative HARVELL: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Nullification has been a bad idea for over 210 years and like many bad ideas, it just keeps coming back, despite over 200 years of history, the Constitution, the courts, and 600,000 dead Americans in the Civil War. The Constitution of the United States starts out with the words "We the People of the United States, in Order to form a more perfect Union..." The courts, for 200 years, have recognized that the arbitrator and the enforcement in to bringing into existence of the Constitution was not the states, but was in fact the people. No less than George Mason, James Madison, Elbridge Gerry, Charles Pinckney and John Rutledge all wrote at the Constitutional Convention that the courts would be considered umpires, arbitrators and dispute solvers between the states and the Federal Government, not nullification. Nullification came out of opposition to the Alien and Sedition Acts of the John Adams administration and were written secretly by Jefferson and Madison, and it might be noted that after Jefferson became President, even though he had opposition to the Alien and

Sedition Acts, he used them a couple of times. The theory that starts with what is called 1798 Virginia and Kentucky Resolutions comes about and starts to reach its crescendo, first in the Tariff Acts of 1820s and 1830s in the South. The South had opposition to tariffs and they began to start looking at this proposition put forth in these resolutions by Jefferson and Madison. They never came to fruition because the first state that really attempted this was South Carolina and its leader of nullification, John C. Calhoun, who happened to be the Vice President of Andrew Jackson. Jackson put this to rest by saying, if they passed this, and if they seceded, he intended to march on South Carolina and hang John C. Calhoun. It didn't work then, it won't work now. James A. Garfield said that these resolutions reached their epitome and their fruit in the Civil War. They've been renounced for 200 years by the courts, by Congress and by government, and God forbid, we don't actually try to enact them here.

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

Representative PRIEST: Thank you, Mr. Speaker. It's hard to follow the good lecture from Representative Harvell, but I certainly agree with him. A couple of things, Ladies and Gentlemen of the House. The ACA, the Affordable Care Act, that has been ruled on by the Supreme Court was found constitutional. Ultimately, nullification is obviously a very foolish thing. This state lost more people per capita in the Civil War than any other state to ensure that federal supremacy took effect. Having been brought up in the South during the 1950s, I know the argument for nullification. It didn't work then, it shouldn't now. To show you the problem with this bill, the pernicious aspects of it, I refer you to Section 7202 of the bill, which says "An official, agent or employee of the Federal Government or an employee of a corporation providing services to the Federal Government who enforces or attempts to enforce the federal Patient Protection and Affordable Care Act of 2010, Public Law 111-148 or any order, law, statute, rule or regulation of the Federal Government made in connection with that Act is guilty of a Class C crime." So not only are we proposing to nullify, but we're going to put federal agents in jail. That is almost laughable. It's certainly something that we ought not to do. I would urge you to support the Majority Ought Not to Pass Report and I request that the Clerk read the Committee Report.

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

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

The SPEAKER: The Chair recognizes the Representative from Bethel, Representative Crockett.

Representative CROCKETT: Thank you, Mr. Speaker. I apologize for my lack of theatrics. It's just not as entertaining as other people. I take that under the nose up front, but I have learned enough not to speak after those who have that ability. But I would urge you to support the good chair of the Judiciary Committee. We live in the corner of a nation and as it was explained to me, it was the best analogy I've heard, most, a lot of our goods come through the State of New Hampshire, up 95. If New Hampshire decided to impose a tax on every good coming to Maine, we would argue that they don't have the right to do it under the United States Constitution. New Hampshire could turn around and say "nullification" and that's a crazy argument. So obviously, for those of us who live here, don't get me wrong, I don't necessarily support the underlying Act, the Affordable Care Act. There were some issues with that as you saw by a very close Supreme Court case, but the reality is nullification is not a good thing, and the second piece is to create a crime without all the elements of that crime and having a person, a federal employee, executing their duties could be convicted of a crime, a

Class C crime, that's a dangerous, dangerous proposition and I would strongly urge everybody to support the pending motion.

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

Representative **RUSSELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Let me first stand by saying that I am categorically opposed to this bill and will be supporting the current motion, but I wanted to rise because I don't have an opportunity very often to commend people for taking risks and my good friend from Waterboro really believes in what he is standing here for. It's not easy to go out on your own. Lord knows I know that. So I just wanted to take a second to say thank you because it's really classy to bring this forward and it's a really important message that you are bringing and that my good friend believes in, and I think we should take a moment to respect the fact that this was not an easy bill to put in and it's not easy to stand up to your enemies, or the people across the aisle, and it is certainly not easy to stand up to your friends. So I would just like to take a moment to applaud the good Representative from Waterboro, even though I will be voting in opposition to today's motion.

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. 107

YEA - Ayotte, Beaulieu, Beavers, Berry, Bolduc, Briggs, Brooks, Campbell J, Carey, Casavant, Cassidy, Chapman, Chase, Chenette, Chipman, Clark, Cooper, Crockett, Daughtry, DeChant, Devin, Dickerson, Dill, Dion, Doak, Dorney, Evangelos, Farnsworth, Fowle, Fredette, Frey, Gattine, Gideon, Gilbert, Gillway, Goode, Graham, Grant, Hamann, Harlow, Harvell, Herbig, Hickman, Hubbell, Johnson P, Jones, Jorgensen, Kaenrath, Kent, Keschl, Kinney, Knight, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby N, Longstaff, Luchini, MacDonald S, MacDonald W, Maker, Marean, Marks, Mason, Mastraccio, McCabe, McClellan, McElwee, McGowan, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau A, Nadeau C, Nelson, Noon, Nutting, Parry, Pease, Peoples, Plante, Pouliot, Powers, Priest, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Saucier, Saxton, Schneck, Shaw, Short, Stanley, Stuckey, Theriault, Tipping-Spitz, Treat, Tyler, Verow, Villa, Volk, Weaver, Welsh, Werts, Wilson, Winchenbach, Wood, Mr. Speaker.

NAY - Bennett, Black, Crafts, Cray, Davis, Dunphy, Duprey, Espling, Fitzpatrick, Gifford, Guerin, Jackson, Johnson D, Libby A, Lockman, Long, Malaby, Newendyke, Peavey Haskell, Sanderson, Sirocki, Timberlake, Turner, Wallace.

ABSENT - Beaudoin, Beck, Boland, Campbell R, Cotta, Hayes, Hobbins, McLean, Peterson, Pringle, Reed, Willette, Winsor.

Yes, 114; No, 24; Absent, 13; Excused, 0.

114 having voted in the affirmative and 24 voted in the negative, with 13 being absent, and accordingly 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 Protect Farm Animals from Noise from the Discharge of Fireworks or Explosives"

Signed:

(H.P. 306) (L.D. 456)

Senators:

GERZOFSKY of Cumberland
DUTREMBLE of York
PLUMMER of Cumberland

Representatives:

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

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

Signed:

Representative:
CASAVANT of Biddeford

READ.

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

The SPEAKER: The Chair recognizes the Representative from Rockland, Representative Dickerson.

Representative **DICKERSON**: Thank you, Mr. Speaker. I'm not so sure this is the appropriate time to do this, so forgive me if it isn't, but I just saw this come up in our Supplement and I didn't realize it was going to be upon us, so if I may speak to this. So I'm the kind of Representative that I tend to be a foot soldier for the people I represent and when somebody comes to me with an issue, I see what I can do about it. And this particular issue, I'd like you all to know, was brought to me by six separate farms, one of them is just down the street from me, and the issue at hand has nothing to do with Fourth of July celebrations by towns and municipalities. None of the farms who came to me have any problem with anything like that. None of the individuals who came to me have any problem with what goes on at fairgrounds, where there is often fireworks displays. But what the barns had a problem with when they came to me was that individuals just kind of randomly setting off fireworks during the course of the day, when they were attempting to conduct riding lessons with children on horses and it's a very serious issue. There is one barn who came to me and they are actually attempting to sell their business right now and it's a business that's got quite a lot of real estate value. Unfortunately, they are running into some difficulties because there is a gentleman who lives behind the facility who, for whatever reason, likes to shoot off firecrackers during the day. So they asked me if maybe I could go along and see if there was something that could be done about this, so I did put in a bill. It does restrict to within one mile the discharge of fireworks or other explosives around pastures containing livestock. Again, this does not affect the Fourth of July celebration that any town might have and it does not affect anything that might go on at a fairground. It's simply around a pasture outside and, you know, if you could please indulge me, I'd like to ask for a roll call on this. I really wasn't expecting this bill to be here with us today. I thought it was going to get rolled into an omnibus bill and carried over, but here it is, and if we could get this done, these businesses that are attempting to make livings and sell their real estate and such like, right now, are really suffering from this problem and it would be really nice if

we could take care of it at this point, and if we can't, then we can't, but I do request a roll call. Thank you.

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

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

The **SPEAKER**: 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. 108

YEA - Ayotte, Beaulieu, Bennett, Black, Bolduc, Carey, Chase, Clark, Cooper, Cotta, Crafts, Cray, Davis, DeChant, Devin, Dion, Doak, Dunphy, Duprey, Espling, Farnsworth, Fitzpatrick, Fowle, Fredette, Frey, Gideon, Gifford, Gilbert, Gillway, Goode, Grant, Guerin, Harvell, Herbig, Hubbell, Jackson, Johnson D, Johnson P, Keschl, Kinney, Kornfield, Lajoie, Libby A, Lockman, Long, Longstaff, Luchini, MacDonald S, MacDonald W, Maker, Malaby, Marean, Marks, Mason, McCabe, McClellan, McElwee, Nadeau A, Newendyke, Nutting, Parry, Pease, Peavey Haskell, Plante, Pouliot, Powers, Priest, Rochelo, Rotundo, Sanderson, Saucier, Saxton, Short, Sirocki, Stanley, Timberlake, Turner, Tyler, Verow, Volk, Wallace, Weaver, Werts, Wilson, Winchenbach, Wood, Mr. Speaker.

NAY - Beavers, Berry, Briggs, Brooks, Campbell J, Casavant, Cassidy, Chapman, Chenette, Chipman, Crockett, Daughtry, Dickerson, Dill, Dorney, Evangelos, Gattine, Graham, Hamann, Harlow, Hickman, Jones, Jorgensen, Kaenrath, Kent, Knight, Kruger, Kumiega, Kusiak, Libby N, Mastraccio, McGowan, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, Nelson, Noon, Peoples, Rankin, Russell, Rykerson, Sanborn, Schneck, Stuckey, Theriault, Tipping-Spitz, Treat, Villa, Welsh.

ABSENT - Beaudoin, Beck, Boland, Campbell R, Hayes, Hobbins, McLean, Peterson, Pringle, Reed, Shaw, Willette, Winsor.

Yes, 87; No, 51; Absent, 13; Excused, 0.

87 having voted in the affirmative and 51 voted in the negative, with 13 being absent, and accordingly 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:

(H.P. 1089) (L.D. 1516) Bill "An Act To Allow Certain Military Personnel To Administer Oaths and Perform the Duties of a Notary Public" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass**

(H.P. 9) (L.D. 5) Bill "An Act To Make Changes to the Potato Marketing Improvement Fund" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-198)**

(H.P. 1004) (L.D. 1408) Bill "An Act To Amend the Laws Relating to Secession by a Municipality from a County" (EMERGENCY) Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-197)**

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.

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

On motion of Representative DION of Portland, the House adjourned at 12:53 p.m., until 9:00 a.m., Tuesday, May 21, 2013 in honor and lasting tribute to all Veterans.