

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
46th Legislative Day
Wednesday, May 22, 2013

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

Prayer by Pastor Sondra Withey, Locke Mills Union Church and Oxford Congregational Church, Rumford Point.
National Anthem by Cony High School Madrigals, Augusta.
Pledge of Allegiance.
Doctor of the day, Richard Flowerdew, M.D., Falmouth.
The Journal of yesterday was read and approved.

SENATE PAPERS

Bill "An Act To Provide an Exemption for Incidentally Caught Lobsters" (EMERGENCY)

(S.P. 591) (L.D. 1549)

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

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

Non-Concurrent Matter

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)

Majority (7) **OUGHT NOT TO PASS** Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** **READ** and **ACCEPTED** in the House on May 20, 2013.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Minority (6) **OUGHT TO PASS** Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED** and **ASKED** for a Committee of Conference in **NON-CONCURRENCE**.

The House voted to **INSIST** and **JOIN** in a **COMMITTEE OF CONFERENCE**.

COMMUNICATIONS

The Following Communication: (H.C. 173)

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

May 21 2013

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

This is to inform you that I am today nominating Honorable Douglas K. Damon of Bangor for appointment to the Loring Development Authority of Maine.

Pursuant to Title 5, MRSA §13080-B, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Labor, Commerce, Research and Economic Development.

Sincerely,
S/Paul R. LePage
Governor

READ and **ORDERED PLACED ON FILE**.

The Following Communication: (H.C. 174)

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

May 21 2013

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

Dear Speaker Eves:

This is to inform you that I am today nominating Mark L. Wilcox of Mapleton for appointment to the Loring Development Authority of Maine.

Pursuant to Title 5, MRSA §13080-B, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Labor, Commerce, Research and Economic Development.

Sincerely,
S/Paul R. LePage
Governor

READ and **ORDERED PLACED ON FILE**.

The Following Communication: (H.C. 171)

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

May 22, 2013

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

Dear Speaker Eves:

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

Criminal Justice and Public Safety

L.D. 189 An Act To Establish a Central Concealed Handgun Permit Database

L.D. 685 An Act To Require Investigation and Prosecution of Assaults by Law Enforcement Officers against Unarmed Individuals

Education and Cultural Affairs

L.D. 301 An Act To Remove Unnecessary Agenda from the School Day

L.D. 665 An Act To Facilitate the Transition to a Standards-based Educational System

Health and Human Services

L.D. 746 Resolve, Directing the Department of Health and Human Services To Provide an Exception to the 60-day Limit on Out-of-state Services under the MaineCare Section 21 Waiver Program

L.D. 1161 An Act To Ensure Regulated Safe Access to Medical Marijuana

L.D. 1166 An Act Regarding Records Retention by Mental Health Practitioners

Inland Fisheries and Wildlife

L.D. 199 An Act To Allow Agents Designated by the Commissioner of Inland Fisheries and Wildlife

LEGISLATIVE RECORD - HOUSE, May 22, 2013

	To Hunt Coyotes at Night during the Deer Hunting Season	L.D. 1405	An Act To Repeal the Laws Establishing the Cumberland County Recreation Center and Transfer Authority to Cumberland County
L.D. 391	An Act To Allow a Person To Possess Small Game in Excess of That Person's Possession Limit	L.D. 1459	Resolve, Directing the Maine Library of Geographic Information Board To Convene a Stakeholder Group To Study the Feasibility of Using Maine's GeoLibrary GeoPortal for a Pilot Project That Involves Geographic Information Systems Trail Mapping
L.D. 798	An Act To Permit Night Hunting of Coyotes on Sunday		
L.D. 895	Resolve, Directing the Department of Inland Fisheries and Wildlife To Amend Its Rules Regarding Required Setback Distances for Beaver Traps	Taxation L.D. 435	Resolve, To Require the State Tax Assessor To Develop Agreements with Online Retailers for the Collection of Sales and Use Tax
L.D. 896	An Act To Allow Fox Hunting at Night	L.D. 989	An Act To Conform the Maine Tax Laws for 2012 to the United States Internal Revenue Code (EMERGENCY)
L.D. 910	Resolve, Directing the Department of Inland Fisheries and Wildlife To Study and Make Recommendations Regarding the Bear Hunting Season	L.D. 1326	An Act To Prevent Youth Tobacco Use (EMERGENCY)
L.D. 1148	An Act To Expand the Season for Night Hunting of Coyotes	L.D. 1406	An Act To Reduce Youth Smoking and Improve Public Health by Increasing Revenue from the Cigarette Tax to the Fund for a Healthy Maine and To Pay Debts Owed to Health Care Providers (EMERGENCY)
Insurance and Financial Services		L.D. 1478	An Act To Avoid Potential Loss of Revenue by Municipalities and the Unorganized Territory from Donated Property
L.D. 1413	An Act To Clarify Limitations on Homeowner's Insurance Policies Regarding Claims on Vacant Properties		
L.D. 1453	An Act To Increase the Transparency of Charges and Expenses of Hospitals That Receive State Funding	Transportation L.D. 429	An Act To Authorize a GARVEE Bond for the Repair of Deficient Arterial State Highways and Bridges
L.D. 1508	An Act To Create a Public State Bank	L.D. 1208	Resolve, To Establish the Commuter and Passenger Rail Advisory Task Force (EMERGENCY)
L.D. 1525	An Act To Streamline Billing for Mental Health Services	L.D. 1268	An Act To Update Driver Education Requirements
Judiciary		L.D. 1465	An Act To Increase Accountability and Efficiency of Independent Entities Involved in Separate Aspects of the State's Transportation Systems
L.D. 19	An Act To Facilitate Access to Information by Legislators	Veterans and Legal Affairs L.D. 53	An Act To Increase Voting Access
L.D. 217	An Act To Implement the Recommendations of the Right To Know Advisory Committee Concerning Public Access to Records Relating to Public-private Partnerships	L.D. 702	An Act To Strengthen the Law Prohibiting Black Market Wagering on Harness Horse Races
L.D. 258	An Act To Implement the Recommendations of the Right To Know Advisory Committee Concerning Meetings of Public Bodies		The sponsors and cosponsors have been notified of the Committee's action.
L.D. 420	An Act To Implement the Recommendations of the Right To Know Advisory Committee Concerning Public Records Exceptions	Sincerely, S/Millicent M. MacFarland Clerk of House	
L.D. 684	An Act To Make Bylaws and Minutes of Board Meetings of Publicly Funded Hospitals Subject to the Freedom of Access Act		READ and with accompanying papers ORDERED PLACED ON FILE.
L.D. 1091	An Act To Require Nonprofit Corporations To Disclose the Salaries of Their Employees		
Labor, Commerce, Research and Economic Development			
L.D. 293	An Act To Ensure Parity in the Collective Bargaining Process among State Institutions of Higher Education		
L.D. 1179	An Act To Create the Brunswick Landing Job Increment Financing Fund		
L.D. 1420	An Act To Return to Building Code Requirements in Effect Prior to the Adoption of the Maine Uniform Building and Energy Code		
Marine Resources			
L.D. 583	An Act To Allow the Exchange of Scallop Licenses		
L.D. 935	An Act To Permit the Harvest of Sea Cucumbers as Bycatch of Sea Urchin Dragging and To Allow Areas To Be Closed to Sea Cucumber Dragging		
State and Local Government			

The Following Communication: (H.C. 172)

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

May 22, 2013
Honorable Mark W. Eves
Speaker of the House
2 State House Station
Augusta, Maine 04333
Dear Speaker Eves:

Pursuant to Joint Rule 310, the Committee on Environment and Natural Resources has approved the request by the sponsor, Senator Gerzofsky of Cumberland, to report the following "Leave to Withdraw":

L.D. 28 An Act To Reduce Air Pollution from Trains

Sincerely,
S/Millicent M. MacFarland

Clerk of the House

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

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Resolve, To Require the Department of Health and Human Services To Initiate a New Rate-setting Procedure for Preschool Services for Children with Disabilities under the MaineCare Program

(H.P. 1119) (L.D. 1552)

Sponsored by Representative FARNSWORTH of Portland.

Cosponsored by President ALFOND of Cumberland.

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

Committee on **HEALTH AND HUMAN SERVICES** suggested and ordered printed.

REFERRED to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.

Sent for concurrence.

Bill "An Act To Make Supplemental Allocations from the Highway Fund for the Expenditures of State Government Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2013" (EMERGENCY)

(H.P. 1117) (L.D. 1550)

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

Cosponsored by Senator COLLINS of York.

Committee on **TRANSPORTATION** suggested and ordered printed.

REFERRED to the Committee on **TRANSPORTATION** and ordered printed.

Sent for concurrence.

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

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

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Senior Master Sergeant Scott Osgood, of Cherryfield, who has been named First Sergeant of the Year at the 2013 Outstanding Airman of the Year awards. Senior Master Sergeant Osgood joined the Maine Air National Guard in 1988 and is a Game Warden. He resides on his alpaca farm with his wife, Laura, and their children Ridge and Cassidy. We extend our appreciation to Senior Master Sergeant Osgood for his dedicated

service to the State and congratulate him on his receiving this award;

(HLS 296)

Presented by Representative TURNER of Burlington.

Cosponsored by Senator BURNS of Washington, Representative DOAK of Columbia Falls.

On **OBJECTION** of Representative MAKER of Calais, was **REMOVED** from the Special Sentiment Calendar.

READ.

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. Last month, the good Representative from Burlington had the honor of attending the 2013 Outstanding Airman of the Year ceremony held at the Augusta Armory by invitation of Gary and Susan Osgood. The event paid tribute to five airmen who have demonstrated excellent service in the Maine Air National Guard. One of these individuals was Senior Master Sergeant Scott Osgood. He was awarded First Sergeant of the Year. Scott is the son of Gary and Susan Osgood from Carroll Plantation. Scott was nominated by his commanding officer and the nomination went through a competition selection process before a joint forces board and they selected Scott as the successful candidate. He will now represent Maine in the national competition for Outstanding First Sergeant of the Year. Scott is a Maine game warden and is now completing his 19th year with the Maine Warden Service. He joined the Maine Air National Guard in 1988 after graduating from Lee Academy. Congratulations to Scott, his wife Laura, and children Ridge and Cassidy. Thank you for your service to our state and to our country.

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

Recognizing:

Cobboossee Watershed District, based in Winthrop, on the occasion of its 40th anniversary of protecting the water quality of the Cobboosseecontee Stream watershed. Officially formed in 1973, the Cobboossee Watershed District is Maine's first and only watershed district. It was formed, largely in response to the declining quality of several lakes within the region west of Augusta, to protect, improve, conserve and manage the lakes, ponds and streams of the Cobboosseecontee Stream watershed, a 217-square-mile drainage basin. We extend our congratulations to the Cobboossee Watershed District for its 40 years of promoting the health of the watershed through its role of monitoring the water quality of the 28 lakes and ponds of the district;

(HLS 317)

Presented by Representative HICKMAN of Winthrop.

Cosponsored by Senator FLOOD of Kennebec.

On **OBJECTION** of Representative HICKMAN of Winthrop, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **HICKMAN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise to congratulate the Cobboossee Watershed District for 40 years of successful lake and watershed management. In 1971, the Maine Legislature authorized the creation of the Cobboossee Watershed District, largely in response to the declining quality of several lakes within the Winthrop Lakes Region west of Augusta.

Following successful municipal referendum elections in 1972, the Cobbossee Watershed District was officially formed in 1973, becoming Maine's first and still only watershed district. The purpose to protect, improve, conserve and manage the lakes, ponds, and streams of the Cobbosseecontee Stream watershed, a 217-square mile drainage basin, encompassing parts of ten municipalities, and which ultimately discharges to the Kennebec River in Gardiner. Currently, there are eight municipalities in the Cobbossee Watershed District including the City of Gardiner, the towns of Litchfield, Manchester, Monmouth, Readfield, Richmond, Wayne and Winthrop, as well as the Winthrop Utilities District.

Over the past four decades, the Cobbosseecontee Watershed District's core functions have been to monitor the water quality of the 28 lakes and ponds of the district, manage and coordinate lake water levels throughout, and provide technical assistance and education and outreach to municipal officials and the general public, all in an effort to combat non-point source pollution and its impact on local lakes. The Cobbossee Watershed District has also conducted several major lake restoration projects, most notably the 1978 nutrient inactivation project on Annabessacook Lake and a similar project on Cochnewagon Lake in 1986, as well as dozens of other projects to mitigate non-point source pollution throughout the watershed. Most of these projects have been supported, in part, through grants administered by the Maine Department of Environmental Protection and the United States Environmental Protection Agency under the federal Clean Water Act. Noteworthy among Cobbossee Watershed District's many accomplishments include the removal of Cobbossee Lake from the State's List of Impaired Water Bodies in 2006 after more than a decade of improved water clarity, and the consistent and dramatic improvement in Annabessacook Lake – once considered one of Maine's most polluted lakes – over the past decade. There is much more to accomplish, however, and the Cobbossee Watershed District remains committed to its legislative charge, engaging local municipalities and stakeholders and collaborating with professional partners at all levels to promote the health of the bountiful lakes and ponds of the district that make this region of Maine so special. I call it God's country.

Mr. Speaker, I am honored to be a citizen of a town that is home to this vital organization. My farm sits on Lake Annabessacook, in fact, one of the many beautiful bodies of water in the Winthrop Lakes Region. I can enjoy swimming, canoeing, kayaking, boating, sailing, fishing, duck hunting and loon watching because of the hard work of the extraordinary and dedicated board, staff and volunteers of the Cobbossee Watershed District, some of whom are here today. Because of the proposed cuts to revenue sharing, the organization's continued existence is in jeopardy. So much at stake, we protect our lakes. So much at stake, we protect our lakes. That was one of the short poems I painted on green signs and pounded it into the side of the road like Burma Shave signs through three campaigns. Our lakes and streams are among our most precious natural resources. We must steward them well. We will fight hard in the Town of Winthrop to do whatever we can to make sure that the Cobbossee Watershed District can celebrate its 50th anniversary in a decade. Thank you, Mr. Speaker.

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

REPORTS OF COMMITTEE

Divided Reports

Majority Report of the Committee on **TRANSPORTATION** reporting **Ought Not to Pass** on Bill "An Act To Allow Media Motor Vehicles To Be Equipped with Amber Auxiliary Lights" (S.P. 123) (L.D. 327)

Signed:
Senator:
COLLINS of York

Representatives:
GILLWAY of Searsport
McLEAN of Gorham
NUTTING of Oakland
PARRY of Arundel
PEOPLES of Westbrook
POWERS of Naples
TURNER of Burlington
VEROW of Brewer
WERTS of Auburn

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

Signed:
Senators:
MAZUREK of Knox
VALENTINO of York

Representative:
THERIAULT of Madawaska

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

READ.
On motion of Representative McCABE of Skowhegan, **TABLED** pending **ACCEPTANCE** of either Report and later today assigned.

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-204)** on Bill "An Act To Clarify the Law Concerning the Threatening Display of Dangerous Weapons"

(H.P. 255) (L.D. 380)

Signed:
Senators:
GERZOFKY of Cumberland
DUTREMBLE of York

Representatives:
DION of Portland
CASAVANT of Biddeford
KAENRATH of South Portland
LAJOIE of Lewiston
MARKS of Pittston
PEASE of Morrill
PLANTE of Berwick

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

Signed:

Senator:
PLUMMER of Cumberland

Representatives:
LONG of Sherman
TYLER of Windham
WILSON of Augusta

READ.

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

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

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

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

ROLL CALL NO. 119

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

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

ABSENT - Beaudoin, Bolduc, Crockett, Hobbins, Kaenrath, Peterson, Priest, Rochelo, Saxton, Turner.

Yes, 84; No, 57; Absent, 10; Excused, 0.

84 having voted in the affirmative and 57 voted in the negative, with 10 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-204)** 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-204)** and sent for concurrence.

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought Not to Pass** on Bill "An Act To Prohibit the Enforcement of Federal Law Placing Restrictions on Firearms or Ammunition"

(H.P. 827) (L.D. 1183)

Signed:

Senators:
GERZOFSKY of Cumberland
DUTREMBLE of York
PLUMMER of Cumberland

Representatives:
DION of Portland
CASAVANT of Biddeford
KAENRATH of South Portland
LAJOIE of Lewiston
MARKS of Pittston
PEASE of Morrill
PLANTE of Berwick
TYLER of Windham

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-219)** on same Bill.

Signed:
Representatives:
LONG of Sherman
WILSON of Augusta

READ.

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

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

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

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

ROLL CALL NO. 120

YEA - Beaulieu, Beavers, Beck, Berry, Boland, Bolduc, Briggs, Brooks, Carey, Casavant, Cassidy, Chapman, Chenette, Chipman, Clark, Cooper, Cotta, Daughtry, DeChant, Devin, Dickerson, Dill, Dion, Doak, Dorney, Espling, Farnsworth, Fowle, Fredette, Frey, Gattine, Gideon, Gilbert, Gillway, Goode, Graham, Grant, Guerin, Hamann, Harlow, Harvell, Hayes, Herbig, Hickman, Hubbell, Jones, Jorgensen, Kaenrath, Kent, Keschl, Kinney, Knight, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby N, Longstaff, Luchini, MacDonald S, Maker, Malaby, Marean, Marks, Mason, Mastraccio, McCabe, McElwee, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, Nelson, Noon, Nutting, Parry, Pease, Peoples, Plante, Pouliot, Powers, Pringle, Rankin, Rotundo, Russell, Rykerson, Sanborn, Saucier, Schneck, Shaw, Short, Stuckey, Theriault, Tipping-Spitz, Treat, Tyler, Verow, Villa, Volk, Welsh, Werts, Mr. Speaker.

NAY - Ayotte, Beaulieu, Bennett, Black, Campbell J, Campbell R, Chase, Crafts, Cray, Davis, Dunphy, Duprey, Evangelos, Fitzpatrick, Gifford, Jackson, Johnson D, Johnson P, Libby A, Lockman, Long, McClellan, Nadeau A, Newendyke, Peavey Haskell, Reed, Sanderson, Sirocki, Stanley, Timberlake, Wallace, Weaver, Willette, Wilson, Winchenbach, Winsor, Wood.

ABSENT - Beaudoin, Crockett, Hobbins, MacDonald W, Peterson, Priest, Rochelo, Saxton, Turner.

Yes, 106; No, 36; Absent, 9; Excused, 0.

106 having voted in the affirmative and 36 voted in the negative, with 9 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought Not to Pass** on Bill "An Act Regarding Subrogation of Medical Payments Coverage" (H.P. 507) (L.D. 756)

Signed:

Senators:

WHITTEMORE of Somerset
WOODBURY of Cumberland

Representatives:

COOPER of Yarmouth
DOAK of Columbia Falls
FITZPATRICK of Houlton
McCLELLAN of Raymond
WALLACE of Dexter

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-203)** on same Bill.

Signed:

Senator:

GRATWICK of Penobscot

Representatives:

TREAT of Hallowell
BECK of Waterville
MORRISON of South Portland
PRINGLE of Windham

READ.

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

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

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

The SPEAKER: The Chair recognizes the Representative from Houlton, Representative Fitzpatrick.

Representative **FITZPATRICK**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to the pending motion. Subrogation is a term denoting a legal right that is reserved by most insurance carriers. Subrogation is the right for an insurer to pursue a third party that caused an insurance loss to their insured. This is done as a means of recovering the amount of the claim paid for the insured for their loss. An example of subrogation is when an insured driver's car is totaled through a fault of another driver. The insurance carrier will reimburse the covered driver under the terms of the policy and then pursue legal action against the driver at fault. If the carrier is successful, it must divide the amount recovered after expenses proportionately with the insured to repay any deductible paid by the insured. In the case of medical payments, the insurance carrier voluntarily pays medical bills incurred due to an auto accident. If the insurance carrier successfully recovers the medical expenses from the party at fault or their insurance carrier, the insured does not receive this reimbursement since they had already been made whole when the carrier covered their medical expenses. Should the medical bills exceed the limits of their policy, they would have the right to sue the at fault party for those additional expenses; however, preventing the insurance company from their right to recover will result in increases to insurance premiums for everyone. In the

auto claim example, we would not expect the insured to receive payment for his automobile from his insurance company and also from the at fault party and the same principle should apply for medical reimbursements. In his testimony in opposition to this bill, Superintendent Eric Cioppa from the Bureau of Insurance said subrogation is a means to recover lost payments from at fault parties and insurers pursue subrogation as part of managing this expense. A subrogation clause in an insurance policy allows the insurance company to be reimbursed by the party that caused the loss and ought to be financially responsible, as opposed to having the policyholder paid twice for the same loss by two different sources. I urge you to follow my light and oppose the pending motion. Thank you, Mr. Speaker, 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 Waterville, Representative Beck.

Representative **BECK**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Please support the pending motion. The pending motion restores a Maine law that promotes settlements of lawsuits related to car accidents, gives meaningful recovery to Mainers who are injured in those accidents, and forbids double dipping by insurance companies who have already received premiums from those injured Mainers who have taken settlements or awards under \$20,000. Mr. Speaker, if you are injured in a car accident, the med pay portion of your car insurance may cover your immediate hospital expenses, and despite the fact that this portion of your car insurance is more like first party insurance, despite that you have already paid premiums, the current law allows insurance companies to step in your shoes and take away, for example, perhaps \$5,000 in medical expenses in a settlement of only \$15,000. Another \$5,000 is paid out for legal expenses and so insurance companies recover, attorneys recover, but injured Mainers pay the price. This is insurance company double dipping, first from years of premiums and then from a settlement or award gained for your legal action. The pending motion would forbid this practice called subrogation in cases where an injured Mainer recovers less than \$20,000. Without this restoration of the law, without the knowledge that one will be secure in recovery, Mainers must take a gamble and go to court. The entire Legislature is aware that our courts are under resourced and thus we should support laws that promote settlements. Despite what you've heard this morning, subrogation is not some ancient right. It is not as American as apple pie. It is a tool historically only applying to property insurance to be applied by a court when the circumstances would make it equitable. It is not equitable for an insurance company to take priority over an injured Mainer injured by the fault of another in such small settlements or awards. Please support the pending motion. Thank you, Mr. Speaker.

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

Representative **TREAT**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. Just to add a few more words in support of accepting the pending motion, the Minority Report did a good job of narrowing the scope of the bill that came to the committee to return the law to what it has been in the past. It is very tailored only to those small amounts, those cases involving small amounts, and we felt that it was an appropriate measure that would ensure that those people injured through no fault of their own could recover sufficiently to compensate them for injuries and for the medical, the emotional stress and other

aspects of automobile injury, which often continue for many years, and the settlements that are achieved are in fact low. The consequence of not passing the pending motion is that many of these smaller recoveries simply do not happen. They are too small to in fact get representation or the amount of the settlement is so small that what someone actually takes home is very, very limited and not in fact commensurate with the harm to them. I think that many of us here have been in these kinds of fender-benders, or our family has. Sometimes the injuries extend for many years and the compensation that is received, including the medical payments, do not in fact fully compensate those injured parties for pain and suffering as well as the medical expenses. So this is a very modest measure. Again, it returns our law to what it has been in the past, and I urge your support of the pending motion.

The SPEAKER: The Chair recognizes the Representative from Raymond, Representative McClellan.

Representative **McCLELLAN**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I won't say much on this either. I think that the definition has been defined, we know what this means, and the term "double dipping" has been used. I guess I'll flip it and say, in a sense, this is a case of double dipping but perhaps for the claimant, the person who is going to receive the money. And you might say, "What's wrong with that? What's wrong with the person who had the accident getting paid twice for the same thing?" But, I mean, the reality is it's a cause and effect, and if that's going to happen, then we need to know that insurance rates are going to go up just to cover that. So, I guess, Mr. Speaker, I'm going to ask that people would please defeat the motion that's on the table right now so we can move to the other bipartisan motion from that committee. Thank you, Mr. Speaker.

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

Representative **PRINGLE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. When this bill first came, I was alongside the majority because I agree that if your insurance, you are not the cause of the accident, someone else is the cause of the accident, your insurance, fortunately, carries these medical payments and helps you get your care that you need initially. But, of course, because the other party was responsible, your company is going to get their company to pay, and if they've already paid, of course they expect to be reimbursed. But as I listen to the testimony before the committee and when the amendment was made to cause this change to apply to claims up to \$20,000. So \$20,000 or less. Again, I'm an outcomes person, so I wanted to look and see. Unfortunately, if one has to hire an attorney, you have to pay your attorney and the attorney is going to get a portion of the settlement and so even though technically that, you know, you don't want to double dip, in essence, what's happening is the claimant isn't really ending up with the money. They are using that money to hire the attorney in order to get the appropriate claim. So I didn't feel that I could vote against it if there was no limit, but for those who have smaller claims, who still needed an attorney to advocate for them, it felt like an appropriate outcome, so that's why I support the minority amendment.

The SPEAKER: The Chair recognizes the Representative from Houlton, Representative Fitzpatrick.

Representative **FITZPATRICK**: Thank you, Mr. Speaker. I just wanted to add a couple of things to what people have said. If it's under \$20,000 they are talking about, a lot of cars might be under \$20,000 and you wouldn't expect your insurance company to pay you \$20,000 and then you go after the at fault party and collect \$20,000 for your car. So it's the same sort of instance

where the insurance company has to reserve that right in order to keep the rates and their expenses down. So if you would please follow my light and oppose this motion. The trial lawyers were the ones that were in favor of this, of course, and so if that has any effect on your vote, I thought I'd put that in.

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

ROLL CALL NO. 121

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

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

ABSENT - Beaudoin, Bolduc, Crockett, Hobbins, Peterson, Priest, Rochelo, Turner.

Yes, 81; No, 62; Absent, 8; Excused, 0.

81 having voted in the affirmative and 62 voted in the negative, with 8 being absent, and accordingly the Minority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (H-203) 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-203)** and sent for concurrence.

Majority Report of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** reporting **Ought Not to Pass** on Bill "An Act Requiring the Labeling of Food Packaging That Contains Bisphenol A"

(H.P. 743) (L.D. 1050)

Signed:

Senators:

BOYLE of Cumberland
SAVIELLO of Franklin

Representatives:

WELSH of Rockport
AYOTTE of Caswell
CAMPBELL of Orrington
COOPER of Yarmouth
GRANT of Gardiner

LONG of Sherman
 REED of Carmel

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-210)** on same Bill.

Signed:
 Senator:
 GRATWICK of Penobscot

Representatives:
 CHIPMAN of Portland
 HARLOW of Portland
 MCGOWAN of York

READ.

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

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

Representative **DEVIN**: Thank you very much, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise today in opposition to the motion on the floor. On July 12, 2012, the Food and Drug Administration stated that baby bottles and children's drinking cups could no longer contain bisphenol A, otherwise known as BPA, which is an estrogen-mimicking industrial chemical used in some plastic bottles and food packaging. However, this ban has a narrow range. In order for parents, caretakers and all consumers to make informed decisions about the products they purchase, this bill will require manufacturers of polycarbonate plastics used to hold or contain products ingested or consumed by humans must be clearly identified as containing or not containing BPA.

Dr. Patricia Hunt and Dr. Deborah Rice released a report titled "Supplemental Information Regarding the Scientific Literature on Bisphenol A" in September 2012 that was prepared for the Maine Board of Environmental Protection and the Maine Department of Environmental Protection which addresses much of what is known about BPA and it's impacts on the human body. Hunt and Rice make four statements in their report: Number one, "There is no disagreement that people are exposed to BPA, and ample evidence exists that free [that is] (active) BPA is present in multiple tissues in humans." Two, "Recent epidemiological studies document adverse effects of BPA on development in the general population." Three, "The FDA 'safe level' of 50 micrograms per kilogram per day is not protective." And finally, four, "Research shows BPA effects on gene expression." Another way of saying this is that is BPA can impact males by causing breast development and can induce facial hair on females. The full report is available via email upon request to me.

If you were sitting in your seat yesterday, you voted to support LD 902. You made a statement to designate BPA as a priority chemical and regulation of BPA in children's products, a major substantive rule of the Department of Environmental Protection. We voted 144-0 that BPA is nasty. We put it at the top of the list for the nasty nasties. Today I ask you to support LD 1050 so that parents, caretakers and all consumers can make informed decisions about the products they purchase. This bill does not require any statement about BPA, just whether it exists within the container. Nothing more, nothing less. You may hear testimony today that does not support this bill. First of all, all the people who have spoken with me, regardless of whether they support this bill or not, agree BPA needs to be removed from our food supply chain. No one denies that. Ms. Cynthia Fischer of

Look's Cannery in Whiting admitted to me BPA is dangerous and should be removed from the canning process. She runs a cannery. She herself told me that her canned products should not be consumed on a regular basis. So as we work to achieve our goal of removing BPA from containers, consumers should have the right to educate themselves as they purchase food products. A simple label will provide consumers that ability. Secondly, there is indeed a federal law that specifically preempts states from including BPA labeling on containers. The Federal Circuit Court in Missouri ruled against labeling. However, Maine is located in a different Circuit Court. Please know that this is the only chemical banned from being on a label. That's bizarre. Why, how this occurred? I do not know. But I do know it's a bad federal law and does a disservice to all American citizens. By enacting this bill into law, we will be in conflict with federal law. My only answer to that is medical marijuana. And the many other laws on our books that are in conflict with the Federal Government. Once again, I stress this is a bad federal law. I will conclude by stating that since we are in agreement about the harmful effects BPA has on human health as evidenced by our unanimous support of LD 902 yesterday morning to place BPA at the top of the nasty nasties, I urge you to join me in voting against the motion that LD 1050 Ought Not to Pass. Let's get this job done and ensure Maine mothers have the tool to properly protect their children, infants and everyone else against BPA. Mr. Speaker, I respectfully 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: The Chair recognizes the Representative from Gardiner, Representative Grant.

Representative **GRANT**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I have no argument with the good Representative from Newcastle, and I want you all to remember everything he said about the science. But I will say to you, labeling does not remove BPA. Use of bisphenol A, or BPA, may only be subject to regulation or to labeling requirements by the FDA under the Food, Drug, and Cosmetic Act. Thus far, the FDA has made a safety determination regarding BPA and has decided not to require labeling. Essentially, the law prohibits any state from establishing labeling information for foods containing BPA that is not identical to the requirements set forth in federal law. Since federal law exempts BPA from labeling, if Maine mandated labeling BPA on food and beverage packaging, this would arguably be in conflict with the exemption provided by the FDA. There is a very strong case to be made that a court would find labeling by Maine to be preempted. Unlike medical marijuana which Maine has had since 1999 with no federal litigation, as has many other states, no other state has required BPA labeling up to now, and to be the first in the nation on a case we are likely to lose could cost our state in excess of a million dollars in costs and legal fees. Even if we win, we wouldn't recover the legal costs of defending the action and if we lose, we would have to pay massive legal fees, so win or lose, it would cost Maine a lot of money at a time when we can least afford it. I'm only aware of one case that has been litigated on this issue and despite an apparently sympathetic court, the judge found the labeling of BPA to be preempted. Please know that the Environment and Natural Resources Committee is currently working on a bill sponsored by Senator Goodall, LD 1181, to move forward with efforts to protect the public from this toxic chemical by expanding efforts established in the Kid Safe Products Act, and by a unanimous vote, as has been referenced, of this House, Maine has successfully created

laws to protect children under 3 from BPA through LD 902. As much as I would philosophically have liked to vote for this bill, from a policy perspective, I just couldn't, in good conscience, put our state in that position. Please follow my light and vote with the Majority Ought Not to Pass. Thank you, Mr. Speaker.

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

Representative **McGOWAN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise as a member of the Minority Report and ask you to oppose this motion. What most touched me during our hearings was we had literally 40 to 50 mothers who came to this hearing and they asked us one simple thing. "Please, please label the food that has this chemical so we will know and we can protect our children." The opportunity and the request is simple. To provide these mothers who took days off from work, who got child care, simply the information to protect their children from a chemical that we voted yesterday unanimously as a chemical of high concern. Thank you, Mr. Speaker.

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

Representative **COOPER**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise reluctantly to vote in favor of the pending motion. As a member of the Environment and Natural Resources Committee and as a person trained in the law, I felt incumbent to follow the law and the evidence, which was that the federal law preempts the states in this matter. I agree completely with the statements that have been made, particularly by the Representative from Newcastle, that this is a terribly dangerous product and should be removed from food containers as well as other products. But there are some things that only the Federal Government can do, and it is incumbent upon us, I think, as citizens and as legislators, to work to make sure that the Federal Government does a better job in testing and banning toxic substances, which, at the present, is really not being done. There is nothing in the law that prevents a manufacturer from voluntarily labeling their products as BPA and many products do so now. Many of the witnesses who came before us knew exactly which kinds of manufacturers have been able to find substitutes for BPA, which is a lining used in the cans of food, which is very effective in keeping microbes out of the food and that's why it's being used, but it's not the only alternative. Unfortunately, those alternatives are not widely available. In fact, they are kept secret by those manufacturers, so more needs to be done to find alternatives and to spread the word about what those alternatives are. So even though we heard emotional and compelling evidence from mothers and others who want to see this labeling done, we have to, as legislators, abide by the law and not put the state through the expense of defending the indefensible. Thank you.

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

Representative **JONES**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. Gratitude to the Representative from Newcastle who pointed out the health effects of bisphenol A. There is one effect, however, that he didn't specifically refer to and I would certainly hope that one of the physicians among this body would address this fact in more detail than I can. Bisphenol A is a hormone mimicker and it does much of its damage in utero. The current ban on BPA in products that are intended for children don't get at some of the root negative effects on the health of our fellow citizens through the consumption of BPA in utero. I respect the opinion of the good Representative from Gardiner, but I pose this question

through the Chair to the body: If we have no ban and we cannot label, how do we indeed protect the safety of our citizens?

The SPEAKER: The Representative from Freedom, Representative Jones, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Rockport, Representative Welsh.

Representative **WELSH**: I'd like to address that. I understand that we can ban the product, but we are not able to label the product according to FDA. I would like to proceed with a few comments.

The SPEAKER: The Representative may proceed.

Representative **WELSH**: Thank you. I agree with everything that has been said about the difficulties and the problems of BPA and that is the reason we passed the bill we did yesterday, as well as we're working hard on the Kid Safe Products Act that will be coming to us shortly. In the Maine DECD testimony, they stated that there really is no known effective alternative to food grade lids and cans containing trace BPA at the moment. That's one of the problems, and as has been stated, there are some companies that are not using that but their methods are kept confidential. To be the first in the nation on a case we're likely to use could cost our state in excess of a million dollars in costs and legal fees. Even if we won, we wouldn't recover the legal cost of defending the action, and if we lost, we would have to pay massive legal fees. I share the grave concern about the health impacts of BPA which is why I supported these other bills, but unfortunately requiring labeling right now is a step I cannot support. I'm convinced that, win or lose, going forward with this particular bill would cost Maine a lot of money at a time when we can least afford it. Because there is a very strong case to be made that a court would find labeling by Maine to be preempted, as much as I would like to vote for this bill, I just cannot in good conscience put our state in that position, and I do ask you to join me in the Ought Not to Pass motion, so a green light, please. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative **CHAPMAN**: Is the Attorney General required to defend a state law that is challenged, or, as is my understanding, does the Attorney General have the prerogative to decide whether or not to defend the law? Thank you.

The SPEAKER: The Representative from Brooksville, Representative Chapman, has posed a question through the Chair to anyone who may care to respond. Seeing none, the Chair recognizes the Representative from Portland, Representative Harlow.

Representative **HARLOW**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise today just to say that this bill is quite simple to me. It allows the consumer to educate themselves about something such as BPA being in products, if they so desire to know that information. If not, they don't have to pay attention to it at all. I find it very interesting that we're talking about the Federal Government as we will be having a resolution come before us from our committee about TSCA. I would like to read something about TSCA because I think it's pertinent to how they have not updated their chemical list in 25 years. Since the EPA published the TSCA inventory-reporting rule on December 23, 1977, the initial reporting period was January to May 1978 for chemical substances in commerce since January 1975. The initial TSCA chemical substance inventory was published 1979; a second version was published in 1982.

And there will be a resolution coming before you originating from the Natural Resources Committee which will be asking the Federal Government to be improving this list. So I find it interesting that we are also talking on the other side of the issue, saying that they do not want us to do this, because they really haven't done very much about chemicals in 25 years. So I hope that you will support, or not support, the Majority Ought Not to Pass. Thank you.

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

Representative **HARVELL**: In answer to the earlier gentleman's question, the Attorney General can or can choose not to defend any particular bill before it, and I've practically gotten a legal degree in labeling in the last six months.

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

Representative **COOPER**: Thank you, Mr. Speaker. Also in answer to the question posed, we were told by the Assistant Attorney General, who appeared before our committee, that his office does have the obligation to defend statutes passed by this body without discretion.

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

Representative **BOLAND**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I had my light on to answer the question also, and I was informed the same way, that the Attorney General does not have a choice, that the Attorney General is obliged to defend any law, and in fact that, constitutionally, any law that is passed by the House, by the Legislature, is assumed constitutional. Therefore, the onus would be on the person to prove that it was not.

On motion of Representative BERRY of Bowdoinham, **TABLED** pending the motion of Representative WELSH of Rockport to **ACCEPT** the Majority **Ought Not to Pass** Report and later today assigned. (Roll Call Ordered)

Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-214)** on Bill "An Act To Allow Municipalities To Stock Ponds"

(H.P. 82) (L.D. 100)

Signed:

Senator:

BURNS of Washington

Representatives:

CRAFTS of Lisbon

DAVIS of Sangerville

EVANGELOS of Friendship

KUSIAK of Fairfield

SHORT of Pittsfield

WOOD of Sabattus

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

Signed:

Senators:

DUTREMBLE of York

HASKELL of Cumberland

Representatives:

SHAW of Standish

BRIGGS of Mexico

ESPLING of New Gloucester

MARKS of Pittston

READ.

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

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

Representative **SHAW**: Thank you very much, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. You may find this odd, but I ask that you vote in opposition to the pending motion. I moved the Majority Report out of respect for the committee process, but the bill came to us, "An Act To Allow Municipalities To Stock Ponds." Municipalities are already allowed to stock ponds with fish from IF and W with a permit, and the vast majority of those requests are fulfilled. What you are voting on right now, the Majority Report, is a Committee Amendment, and what it is, it says, amend the bill by striking out the title and substituting it with the following: 'An Act To Allow the Town of Greene To Stock Allen Pond.' So it went from a pretty general bill to a very specific bill. It goes on to say amend the bill by striking out everything. After the enacting clause and before the summary, inserting the following and it would allow a very specific, the Town of Greene, to stock Allen Pond. It's not very good policy to put in statute that one particular municipality has the authority to stock one particular pond in the state. I would foresee and it's probably the same on all your committees, if you start designating one particular municipality or group, everybody else will follow. But like I said, municipalities already have the authority with the permit from Inland Fisheries and Wildlife to stock ponds. The problem with the Allen Pond, Allen Pond was stocked for many, many years, and what happened was the access site to the pond for the public was bought by a private individual and then closed. So one of the requirements from Inland Fisheries and Wildlife to stock ponds with fish is that there be equitable public access, so that would mean that your constituents and yourselves would be able to have equitable access to the pond if the state's fish are going to be stocked in the pond. Allen Pond does not have equitable access. The town does have an access site. It's a very steep wooded, very small lot that they'll never get a boat launch on. You could potentially carry a canoe or kayak down the hill to the pond, but others that live on the pond would have access to much larger motorboats. Therefore, it would not be equitable access and they have decided not to stock the ponds. If we do decide to stock Allen Pond and your constituents won't have access, that means that fish that would be stocked in other lakes would be reduced because there is only a certain number of fish that Inland Fisheries and Wildlife are able to raise over a course of a year. Like I said before, it would put the Town of Greene into Title 12, being able to stock Allen Pond, and it's not the right thing to do. If they, in the future, restore equitable access, Inland Fisheries and Wildlife will resume stocking the pond for free, just like they did for many years. Thank you very much, Mr. Speaker. Follow my light.

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

Representative **WOOD**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This is my bill. It's my constituents from Greene. The Town of Greene has carryon access to the pond and in order to put a boat launch in, the lot that they have would not meet the EP standards for a boat launch. IF and W requires you to be able to park four vehicles with trailers on a boat launch area. The lot they have is not big enough. In the law that is proposed, if the Town of Greene was to ever ban access from the general public for using the access

that they have, they can no longer purchase fish from IF and W, and also, they do not have to buy the fish from IF and W. They can buy it from an approved hatchery that IF and W approves. So it would not be taking fish from the general public. They would be buying it from a private stocking facility that is approved by IF and W. Mainly, the fact that the Town of Greene is willing to spend their taxpayer dollars which is approved at their town meetings, the people of the Town of Greene are willing to spend the money to purchase the fish, and it's not stopping the general public from accessing Allen Pond. Yes, it does limit it to a carryon access, but the general public is still able to access Allen Pond. I hope you follow my vote, my light, please.

The SPEAKER: The Chair recognizes the Representative from Friendship, Representative Evangelos.

Representative **EVANGELOS**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise in support of the pending motion. The Town of Greene has made an extraordinary effort in raising money for the Allen Pond stocking plan. The town has raised \$10,000 over a period of years at their towns meetings for this project. The plan has the unanimous support of the town selectmen and the community townspeople and businesses are also supportive. The stocking will be done under the supervision of the Inland Fisheries and Wildlife Department, and it's a rare effort of a community coming together and partnering with the state to better a situation. I urge you to support the amended version of LD 100. 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 in support with the good Representative from Standish on the Minority Report, and I'd like to read a little bit from what the Department head submitted for testimony.

"LD 100 will allow municipalities to purchase and stock fish raised by the Department of Inland Fisheries and Wildlife or an approved private hatchery while possibly limiting public access for these same fish resources when stocked in public waters. Providing public access to Maine's public waters is an important mission of the Department of Inland Fisheries and Wildlife, and the public access program is supported and funded by user groups.

"This bill could influence the department's management strategies in regards to what type of fish are stocked when a municipality stocks fish in a public water. It could also create situations where a water body is stocked but public access is inadequate for the fishermen. The municipality stocking the water body may not have methods of stocking that are consistent with the department's objectives and goals and as a result may not be in the best interest of the general public. This bill would also eliminate the technical peer review board as required by department policy.

"It is currently the department's policy to stock fish in waters that provide equitable public access and where waters are suitable to support the size and species of fish stocked."

Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Lisbon, Representative Crafts.

Representative **CRAFTS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This bill really expands opportunity for people to go fishing. It will sell more licenses. It will cause economic growth. It will give opportunities to fish growers to expand their fish growing, and I don't understand why this is not a good thing. I ask you to support the pending motion.

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

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

The SPEAKER: The Representative may pose his question.

Representative **KUMIEGA**: If the town is going to spend municipal dollars to do this, why do they need legislative approval? I mean, it's like stocking a private pond. It seems to me it's like stocking a private pond. They could just do it. Thank you.

The SPEAKER: The Representative from Deer Isle, Representative Kumiega, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Standish, Representative Shaw.

Representative **SHAW**: Thank you very much, Mr. Speaker. Mr. Speaker, the Department of Inland Fisheries and Wildlife does have certain criteria for the fish that are actually being stocked. For instance, you wouldn't want to stock an invasive species in a pond that doesn't already have that species in it. Also, there are biological problems, potentially. There are fish hatcheries that are private that Inland Fisheries and Wildlife potentially may find that they have a pathogen in their fish stock and wouldn't want those fish stocked to municipalities. So if you did start stocking other ponds, private ponds that had no access or very limited access to them, you are reducing the amount of fish that would be stocked in all the other ponds that do have the access for the residents of your communities. Thank you very much.

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

Representative **WOOD**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Sorry for standing again. Allen Pond, the Town of Greene did apply for a permit through the IF and W. They were denied because they didn't have equitable access. But in the bill, it also calls for IF and W to approve any fish to be stocked, and also it would approve the fish hatchery that the Town of Greene would buy the fish from. So if there was a problem with the fish hatchery, then IF and W would not approve it so the Town of Greene would not be able to buy the fish from that fish hatchery, and they would not be able to stock it in the pond. Also in the bill, it calls for IF and W to monitor the stocking, monitor the pond, and the Town of Greene will pick up 100 percent the cost of the stocking to IF and W. Thank you, Mr. Speaker.

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

Representative **SHAW**: Thank you very much, Mr. Speaker. Mr. Speaker, Men and Women of the House. Once again, I strongly urge you to vote with me and reject the pending motion, move on to the Ought Not to Pass. When Allen Pond has equitable access to the general public, IF and W will resume their stocking program on this lake. It's strictly a matter of access to the lake. Thank you very much, Mr. Speaker.

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

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

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

ROLL CALL NO. 122

YEA - Ayotte, Beaulieu, Bennett, Black, Boland, Campbell R, Chase, Clark, Crafts, Cray, Crockett, Davis, Doak, Duprey, Evangelos, Fitzpatrick, Fredette, Gifford, Gillway, Guerin, Harlow, Harvell, Johnson D, Johnson P, Keschl, Kinney, Knight, Kumiega, Kusiak, Libby A, Lockman, Long, MacDonald S, Maker, Malaby, Marean, McClellan, McElwee, Nadeau A, Newendyke, Parry, Pease, Peavey Haskell, Pouliot, Reed, Sanderson, Short, Sirocki, Theriault, Timberlake, Tyler, Wallace, Willette, Wilson, Winchenbach, Wood.

NAY - Beavers, Beck, Berry, Bolduc, Briggs, Brooks, Carey, Casavant, Cassidy, Chapman, Chenette, Chipman, Cooper, Cotta, Daughtry, DeChant, Devin, Dickerson, Dill, Dion, Dorney, Dunphy, Espling, Farnsworth, Fowle, Frey, Gattine, Gideon, Gilbert, Goode, Graham, Grant, Hamann, Hayes, Herbig, Hickman, Hubbell, Jones, Jorgensen, Kaenrath, Kent, Kornfield, Kruger, Lajoie, Libby N, Longstaff, Luchini, MacDonald W, Marks, Mason, Mastraccio, McCabe, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, Nelson, Noon, Nutting, Peoples, Plante, Powers, Priest, Pringle, Rankin, Rotundo, Russell, Rykerson, Sanborn, Saucier, Saxton, Schneck, Shaw, Stanley, Stuckey, Tipping-Spitz, Treat, Verow, Villa, Volk, Weaver, Welsh, Werts, Winsor, Mr. Speaker.

ABSENT - Beaudoin, Campbell J, Hobbins, Jackson, Peterson, Rochelo, Turner.

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

56 having voted in the affirmative and 88 voted in the negative, with 7 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **NOT ACCEPTED**.

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

Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought Not to Pass** on Bill "An Act To Increase Agent Fees for Registration of Certain Recreational Vehicles"

(H.P. 317) (L.D. 467)

Signed:
Senator:
BURNS of Washington

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-213)** on same Bill.

Signed:
Senators:
DUTREMBLE of York
HASKELL of Cumberland

Representatives:
BRIGGS of Mexico
EVANGELOS of Friendship
KUSIAK of Fairfield

READ.

Representative SHAW of Standish moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

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

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

ROLL CALL NO. 123

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

NAY - Boland, Briggs, Chapman, Chipman, Evangelos, Harlow, Kusiak, Moonen, Verow.

ABSENT - Beaudoin, Dion, Dorney, Hobbins, Jackson, Peterson, Rochelo, Short, Turner, Wood.

Yes, 132; No, 9; Absent, 10; Excused, 0.

132 having voted in the affirmative and 9 voted in the negative, with 10 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-216)** on Bill "An Act To Amend the Authorized Hours during Which Liquor May Be Sold and Purchased"

(H.P. 19) (L.D. 15)

Signed:
Senators:
TUTTLE of York
PATRICK of Oxford

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

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

Signed:
 Senator:
 MASON of Androscoggin

Representatives:
 GIFFORD of Lincoln
 JOHNSON of Eddington

Representative MITCHELL of the Penobscot Nation - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (H-216)** Report.

READ.

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

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

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

The **SPEAKER**: The Chair recognizes the Representative from Jay, Representative Gilbert.

Representative **GILBERT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This bill was submitted at the request of a small business owner whom I represent. Currently, a business must wait until 6 a.m. to sell liquor on weekdays. This bill changed the legal hours of sale to 5 a.m. Monday through Saturday. There would be no change in the hours of the Sunday sales. Years ago, many people who worked shift work would work 8-hour shifts. Workers would end their shifts at 3p.m., 11 p.m. or 7 a.m., so this wasn't an issue. Today, workers are more likely to work 12-hour shifts, many ending their workday at 5 p.m. or 5 a.m. In my district and across the State of Maine, there are many workers whose shifts end before 5 a.m. Those having worked all night, their work they are just ending, are not able to purchase alcoholic beverages when their work shift ends. These people should be able to buy these beverages without having to wait until 6 a.m. Businesses should be able to sell these beverages without having to wait until 6 a.m. This proposed change would make life easier for hardworking Mainers and for small businesses seeking to make it in business with such tight profit margins. Passing this bill would help both businesses and customers throughout the State of Maine. Please support them and support the pending motion.

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. When the good Representative from Jay brought this bill forward, I cosigned it and I stand here instead of Toby Heldrin to defend it. I worked for 26 years with Toby Heldrin at the Jay plant and Toby Heldrin likes his beer. Many a Sunday morning that I have seen Toby Heldrin in the winter trying to unthaw a cold one using the tailpipe of his truck because he couldn't buy beer when the shift ended. In the summer, he lugged bags of ice for 26 years to keep his beer cold in the summer months. This is a bill that gives every shift worker in this state the chance to enjoy a cold one after work the same as everybody else. Thank you, Mr. Speaker.

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

Representative **SHAW**: Thank you very much, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise in strong support of my good friend from Jay, Representative Gilbert. I'm

also a shift worker on the railroad presently, although I haven't been there very much because I've been here. I work from 6 at night until about 2 o'clock in the morning, generally getting home around 3, although this may not help me specifically. We could consider this bill and it's probably rare in this body we'd all agree that this is business friendly and worker friendly. So, in the future, I would actually suggest that we eliminate the timeframes at all for liquor sales because I may get out of work at 2 a.m. and want to go by the supermarket and pick up a six-pack for fishing later that morning, and I may not go out fishing until 5 or 6 in the morning, but I wouldn't want to have to make a return trip back out to the store and then go out fishing. So I strongly support the motion and hope you do too. Thanks very much, 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. 124

YEA - Beaulieu, Beavers, Beck, Bennett, Berry, Black, Boland, Bolduc, Briggs, Brooks, Campbell J, Campbell R, Carey, Casavant, Cassidy, Chapman, Chase, Chenette, Chipman, Clark, Cooper, Cray, Daughtry, DeChant, Devin, Dickerson, Dill, Dion, Dunphy, Duprey, Espling, Evangelos, Farnsworth, Fitzpatrick, Fowle, Fredette, Frey, Gattine, Gideon, Gilbert, Goode, Graham, Grant, Hamann, Harlow, Harvell, Hayes, Herbig, Hickman, Hubbell, Jones, Jorgensen, Kaenrath, Kent, Keschl, Kinney, Kornfield, Kumiega, Kusiak, Lajoie, Libby A, Longstaff, Luchini, MacDonald S, MacDonald W, Maker, Malaby, Marean, Marks, Mason, Mastraccio, McCabe, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau A, Nelson, Noon, Nutting, Parry, Pease, Peoples, Plante, Powers, Priest, Pringle, Rankin, Russell, Rykerson, Sanborn, Sanderson, Saucier, Saxton, Schneck, Shaw, Short, Sirocki, Stanley, Stuckey, Theriault, Timberlake, Tipping-Spitz, Treat, Tyler, Villa, Volk, Weaver, Welsh, Werts, Willette, Wilson, Wood, Mr. Speaker.

NAY - Ayotte, Cotta, Crafts, Crockett, Davis, Doak, Gifford, Gillway, Guerin, Johnson D, Johnson P, Knight, Kruger, Libby N, Lockman, Long, McClellan, McElwee, McGowan, Nadeau C, Newendyke, Peavey Haskell, Pouliot, Reed, Rotundo, Verow, Wallace, Winchenbach, Winsor.

ABSENT - Beaudoin, Dorney, Hobbins, Jackson, Peterson, Rochelo, Turner.

Yes, 115; No, 29; Absent, 7; Excused, 0.

115 having voted in the affirmative and 29 voted in the negative, with 7 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-216)** 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-216)** 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. 223) (L.D. 633) Bill "An Act To Grant the Commissioner of Health and Human Services and the Commissioner's Designees the Independent Authority To Issue Adjudicatory Subpoenas" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass**

(S.P. 173) (L.D. 441) Resolve, Directing the Public Utilities Commission To Develop a Plan To Reform Water Regulation Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-94)**

(S.P. 195) (L.D. 505) Resolve, Directing the Commissioner of Agriculture, Conservation and Forestry To Conduct an Internal Review of the Snowmobile Trail Fund (EMERGENCY) Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-102)**

(S.P. 382) (L.D. 1100) Bill "An Act To Update and Revise the Laws Governing the Maine Arts Commission" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-98)**

(S.P. 420) (L.D. 1222) Resolve, To Create a Task Force on Maine's Ethics and Transparency Laws (EMERGENCY) Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-97)**

(S.P. 478) (L.D. 1359) Bill "An Act To Update and Simplify Maine Gasoline Requirements" Committee on **ENVIRONMENT AND NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-107)**

(S.P. 511) (L.D. 1417) Bill "An Act To Amend the Laws Governing Certain Human Services Licensing and Certification Requirements" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-104)**

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.

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

ENACTORS
Emergency Measure

An Act To Protect Title to Real and Personal Property of Public Employees and Public Officials

(H.P. 167) (L.D. 206)
(C. "A" H-174)

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. 137 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 Concerning Fertilizer and Lime Products

(H.P. 707) (L.D. 1009)
(C. "A" H-170)

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

On motion of Representative DILL of Old Town, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENGROSSED**.

On further motion of the same Representative, the rules were **SUSPENDED** for the purpose of **FURTHER RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-170)** was **ADOPTED**.

The same Representative **PRESENTED House Amendment "A" (H-218)** to **Committee Amendment "A" (H-170)** which was **READ** by the Clerk.

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. In 2009, we created a more aggressive fertilizer testing program in order to provide our farmers with accurate and timely analysis of increasingly expensive granular fertilizer products. This bill clarifies the legislative intent by correcting the language to make it clear that this testing program and the accompanying fees and reporting requirements do not apply to industrial byproducts that are already highly regulated by DEP for content storage, testing and reporting, and it also doesn't include sheep manure or cow manure or other manures unless there is an amendment or a guaranteed analysis. And basically, what this amendment does is it puts into the law the terms except for those products for which delivery documentation is required by the Department of Environmental Protection. So if it's already governed or highly regulated by DEP, they are exempted from this rule or this law. Thank you, Mr. Speaker.

Subsequently, **House Amendment "A" (H-218)** to **Committee Amendment "A" (H-170)** was **ADOPTED**.

Committee Amendment "A" (H-170) as Amended by **House Amendment "A" (H-218)** thereto was **ADOPTED**.

Subsequently, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-170) as Amended by House Amendment "A" (H-218)** thereto in **NON-CONCURRENCE** and sent for concurrence.

Emergency Measure

An Act To Make the State's Uniform Commercial Code Compatible with the Federal Electronic Fund Transfer Act

(S.P. 352) (L.D. 1038)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 138 voted in favor of the same and 0 against, and accordingly the 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 4: Rules of Practice, a Major Substantive Rule of the Department of Agriculture, Conservation and Forestry

(H.P. 32) (L.D. 37)

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

Acts

An Act To Provide Local Sales Tax Increment Disbursements
(H.P. 276) (L.D. 401)
(C. "A" H-166)

An Act To Allow a Municipality To Prohibit a Sex Offender
from Residing within 750 Feet of a Recreational Facility
(H.P. 340) (L.D. 498)
(C. "A" H-169)

An Act Regarding Poker Runs Operated by Organizations
Licensed To Conduct Games of Chance
(H.P. 391) (L.D. 572)
(C. "A" H-178)

An Act To Clarify the Laws Governing the Rule-making
Authority of the Maine Forest Service
(H.P. 486) (L.D. 714)
(C. "A" H-171)

An Act To Allow Municipalities To Place Liens for Failure To
Pay Storm Water Assessments
(H.P. 584) (L.D. 833)
(C. "A" H-181)

An Act To Amend Certain Provisions of Law Affecting the
Judicial Branch
(H.P. 603) (L.D. 852)
(C. "A" H-176)

An Act To Increase State Wildlife Revenues and Grow the
Hunting and Fishing Industries
(S.P. 304) (L.D. 879)
(C. "A" S-92)

An Act To Provide Another Alternative to the Civil Order of
Arrest Process
(H.P. 636) (L.D. 912)
(C. "A" H-175)

An Act To Amend the Law Pertaining to Staff in the Office of
the Attorney General
(S.P. 350) (L.D. 1025)
(C. "A" S-90)

An Act To Clarify the Appeal Process of Code Enforcement
Officers and Boards of Appeal
(H.P. 848) (L.D. 1204)
(C. "A" H-173)

An Act Allowing the Harvesting of Yellow Perch with Seines
(H.P. 903) (L.D. 1264)
(C. "A" H-172)

An Act Authorizing the Deorganization of the Town of
Bancroft
(S.P. 442) (L.D. 1280)
(C. "A" S-84)

An Act To Improve the Statutes Governing Road Associations
(S.P. 475) (L.D. 1356)

An Act Relating to Proof of Citizenship for Renewal of a
Driver's License or Nondriver Identification Card
(H.P. 980) (L.D. 1372)
(C. "A" H-179)

An Act To Ensure the Choice of a Pharmacy for Injured
Employees under the Workers' Compensation Act of 1992
(S.P. 483) (L.D. 1376)
(C. "A" S-93)

An Act To Revise the Laws of the Maine Criminal Justice
Academy
(S.P. 518) (L.D. 1432)

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

Resolves

Resolve, To Erect a State Monument to Franco-Americans
(H.P. 377) (L.D. 558)
(C. "A" H-180)

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

An Act To Provide Increased Opportunities on the Allagash
Wilderness Waterway
(S.P. 102) (L.D. 269)
(C. "A" S-85)

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

On motion of Representative JONES of Freedom, was **SET
ASIDE**.

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

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

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

Representative **JONES**: Thank you, Mr. Speaker. You heard
me speak on this in yesterday's session, so I will be brief. What
this bill asks to do is asks the Legislature to take direct
management of party size on the Allagash Wilderness Waterway
which is indeed a state park. It's the opinion of myself and a
minority of this committee that those decisions regarding capacity
and management of the park are best left to park management
and conservation experts.

The SPEAKER: The Chair recognizes the Representative
from Wilton, Representative Black.

Representative **BLACK**: Thank you, Mr. Speaker. Mr.
Speaker, Ladies and Gentlemen of the House. This bill would
increase the group size of using the Allagash Wilderness
Waterway. Currently, the groups on the Allagash waterways are
limited to 12 people. The Department of Parks and Public Plans
testified against this bill and they were doing that on the advice of
the Allagash Wilderness Waterway Management Advisory
Committee, a 20-member stakeholders group which met in
December 2012 and their recommendation was to leave the
Wilderness Waterway the way it is. Also, the Allagash
Wilderness Waterway Advisory Council, which is a seven
member board, voted their recommendations in also. Increasing
the group size is a bad idea. The Allagash is a very special
place. It's a one of a kind area. It is not an ordinary state park
where people go to have parties, play Frisbee, have water fights,
or blow off steam. It is intended to protect a special kind of an
experience. Larger groups will hurt the wilderness experience
the users of the Allagash are seeking. Larger groups will have an
adverse effect on the camping sites by trampling down vegetation
and trees. The campsites are designed for 12 people maximum.
Many guides in this area who lead trips in the Allagash oppose
this bill because their experience that they are trying to provide
for their clients will be harmed by this bill. Twelve is actually on
the high side of allowed group size for this type of wilderness
area. Nationally, many similar type areas are limited to eight or
10. The Allagash is the only wilderness waterway we have in
Maine. It is not intended to be a party river, but rather a place
where people can come and enjoy the beauty and the quiet of
our forest, and watch moose and loons and other birds and
wildlife. I urge you to vote against the pending motion. Thank
you.

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

Representative **DORNEY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I've been down the Allagash at least seven times and it is a wonderful experience, and I would agree with the people who have spoken that this is an unusual experience. If you've never done it, I really encourage it. But having been down this waterway many times, the wilderness experience is a very important part and seeing the wildlife that you are able to see, having the groups, I think, is a big mistake. So I would vote against this motion. Thank you very much.

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 think that my friends, the Representatives from Freedom and Wilton, have summed up the issue. In committee, I voted in the Majority Report, Ought to Pass, but I've seen their light since and I am going to vote against the pending motion. Thank you.

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

ROLL CALL NO. 125

YEA - Ayotte, Beck, Bennett, Berry, Bolduc, Campbell R, Casavant, Chase, Clark, Crafts, Cray, Davis, Dill, Espling, Fowle, Fredette, Gattine, Gifford, Graham, Grant, Guerin, Harvell, Herbig, Kinney, Kumioga, Libby A, Lockman, Long, Longstaff, MacDonald S, MacDonald W, Maker, Marean, Mastraccio, Monaghan-Derrig, Moonen, Nadeau A, Nadeau C, Parry, Peoples, Pouliot, Russell, Rykerson, Sanderson, Saucier, Schneck, Short, Sirocki, Stanley, Timberlake, Villa, Volk, Wallace, Willette, Wilson, Winchenbach, Winsor, Wood, Mr. Speaker.

NAY - Beaulieu, Beavers, Black, Boland, Briggs, Brooks, Campbell J, Carey, Cassidy, Chapman, Chenette, Chipman, Cooper, Cotta, Crockett, Daughtry, DeChant, Devin, Dickerson, Dion, Doak, Dorney, Dunphy, Duprey, Evangelos, Farnsworth, Fitzpatrick, Frey, Gideon, Gilbert, Gillway, Goode, Hamann, Harlow, Hayes, Hickman, Hubbell, Johnson D, Johnson P, Jones, Jorgensen, Kaenrath, Kent, Keschl, Knight, Kornfield, Kruger, Kusiak, Lajoie, Libby N, Luchini, Malaby, Marks, Mason, McCabe, McClellan, McElwee, McGowan, McLean, Moriarty, Morrison, Nelson, Newendyke, Noon, Nutting, Pease, Peavey Haskell, Plante, Powers, Priest, Pringle, Rankin, Reed, Rotundo, Sanborn, Saxton, Shaw, Stuckey, Theriault, Tipping-Spitz, Treat, Tyler, Verow, Weaver, Welsh, Werts.

ABSENT - Beaudoin, Hobbins, Jackson, Peterson, Rochelo, Turner.

Yes, 59; No, 86; Absent, 6; Excused, 0.

59 having voted in the affirmative and 86 voted in the negative, with 6 being absent, and accordingly the Bill **FAILED PASSAGE TO BE ENACTED** and was sent to the Senate.

An Act To Strengthen Maine's Hospitals, Increase Access to Health Care and Provide for a New Spirits Contract

(S.P. 589) (L.D. 1546)
(S. "C" S-108)

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. 126

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

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

ABSENT - Beaudoin, Dion, Hobbins, Jackson, Parry, Peterson, Rochelo, Turner.

Yes, 87; No, 56; Absent, 8; Excused, 0.

87 having voted in the affirmative and 56 voted in the negative, with 8 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

UNFINISHED BUSINESS

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

Bill "An Act To Tax Political Action Committees"

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

- In House, 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** on May 15, 2013.

- In Senate, 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**.

TABLED - May 20, 2013 (Till Later Today) by Representative BERRY of Bowdoinham.

PENDING - FURTHER CONSIDERATION.

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

An Act To Update the Maine Emergency Management Laws
(S.P. 121) (L.D. 326)
(C. "A" S-73)

TABLED - May 20, 2013 (Till Later Today) by Representative
BERRY of Bowdoinham.

PENDING - **PASSAGE TO BE ENACTED.**

Subsequently, the Bill was **PASSED TO BE ENACTED**,
signed by the Speaker and sent to the Senate.

Resolve, To Direct the Department of Health and Human
Services To Study the Ongoing Need for Rental Subsidies to
Provider Agencies

(H.P. 262) (L.D. 387)
(C. "A" H-95)

TABLED - May 21, 2013 (Till Later Today) by Representative
BERRY of Bowdoinham.

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

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

Representative **FARNSWORTH**: Thank you, Mr. Speaker.
Mr. Speaker, Ladies and Gentlemen of the House. On Monday,
we heard a little bit about Pineland and some of the history of that
particular institution. We also heard about some of the good
things that have happened to Pineland since it was closed to our
individuals with developmental and intellectual disabilities. The
big question is where have those people gone? And the fact is
that, years ago, our state made a policy to basically move these
individuals into the community, involved in a process of including
them as a part of our daily life, and we have made significant
progress. In fact, that was the whole point, and even though it
was urged on by a consent decree through the courts,
nonetheless, Pineland was closed in 1995. These individuals are
now living in a much more productive, a much more homelike
environment, an environment that you, yourself, would not mind
living in. The unfortunate thing is that there are no backup
systems and the fact is we really don't want backup systems. We
have developed a system of private providers that allow us to
manage these individuals, even with a lot of different varying
behavioral issues in the community. What we're looking at,
however, is the fact that these providers have been experiencing
some significant issues.

The cost for these operations are divided up into basically
three areas. One is staffing which is covered very effectively by
Medicaid or MaineCare under the waiver program, Section 21;
the second piece is the piece of supplemental security income
that each individual receives and that helps to go toward covering
some of the room and board; and the third piece is a block that
the state has historically assumed responsibility for to sort of
cover the rest of the cost of room and board. Over the years, this
has been deteriorating and eroding to the point where many
providers are finding that it is becoming increasingly difficult,
even with access to food stamps and other kinds of support
systems, to provide the support necessary in order to help people
to continue to live in their homes. This bill was basically
designed to ask the Department and with the cooperation of the
provider community to provide a study to find out exactly what the
costs are and how can we begin to meet those demands and the
responsibility of the state, since we are the ones who basically
have taken this step. The veto basically says that that is not
going to be addressed effectively, even though we're talking
about changes in the way we provide services on a long-term
basis. The issue is now and many of the providers are suffering
greatly and it does have an impact on the services that we

provide to these individuals. I would urge that you consider
moving beyond the position of the Chief Executive and taking a
look at getting the Department to take a closer look at this very,
very pressing issue. Thank you very much.

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. We worked this
bill quite a bit in the HHS Committee and it came out as a
unanimous Ought to Pass as Amended vote. We thought it was
good work. Unfortunately, after it was rejected by the Executive,
we took a little more in-depth look at this, and the way the bill is
crafted, it is going to be causing or may be a little bit more difficult
to gather the information needed as the bill is crafted. So with
that regard, we are going to support and hopefully sustain the
Executive's action. Thank you.

The **SPEAKER**: The Chair recognizes the Representative
from Westbrook, Representative Gattine.

Representative **GATTINE**: Thank you, Mr. Speaker. Mr.
Speaker, I won't repeat anything anyone else has said. If you
believe we need to look at these services and the way they are
delivered and the way they could be delivered more cost
effectively and the way they can be delivered in a way that
reduces waiting lists, in a way that they can be changed to serve
people better, we need to reconsider this veto and support the
work the DHHS Committee did. Thank you very much.

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

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

ROLL CALL NO. 127V

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

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

ABSENT - Beaudoin, Dion, Hobbins, Jackson, Peterson,
Rochelo, Turner, Wood.

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

88 having voted in the affirmative and 55 voted in the
negative, with 8 being absent, and accordingly the Veto was
SUSTAINED.

SENATE PAPERS

Bill "An Act Regarding the Board of Trustees of the Maine Public Broadcasting Corporation"

(S.P. 592) (L.D. 1551)

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.

CONSENT CALENDAR

First Day

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

(H.P. 130) (L.D. 155) Bill "An Act To Streamline the Approval of Accessibility Structures" (EMERGENCY) Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-222)**

(H.P. 1045) (L.D. 1460) Bill "An Act To Update and Clarify the Laws Governing the Operation of Bicycles on Public Roadways" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-221)**

(H.P. 1049) (L.D. 1464) Bill "An Act To Streamline the Laws Related to Transportation" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-220)**

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

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

(S.P. 341) (L.D. 996) Bill "An Act To Improve the Accuracy of Fuel Tax Reporting" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-109)**

On motion of Representative BERRY of Bowdoinham, was **REMOVED** from the First Day Consent Calendar.

The Unanimous Committee Report was **READ**.

On further motion of the same Representative, **TABLED** pending **ACCEPTANCE** of the Committee Report and later today assigned.

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

On motion of Representative CASAVANT of Biddeford, the House adjourned at 12:49 p.m., until 9:00 a.m., Thursday, May 23, 2013 in honor and lasting tribute to Roland Pelletier, Jr., of Biddeford.