

# 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  
48th Legislative Day  
Tuesday, May 28, 2013

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

Prayer by Reverend Wayne Sawyer, Thomaston Baptist Church.

National Anthem by Nezinscot Valley Voices, Hartford-Sumner Elementary School.

Pledge of Allegiance.

Doctor of the day, Kristin Mitchell, D.O., Augusta.

The Journal of Thursday, May 23, 2013 was read and approved.

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

**SENATE PAPERS**  
**Non-Concurrent Matter**

Bill "An Act To Require the Collection of Sales Tax by any Business Making Sales to Persons in Maine"

(H.P. 251) (L.D. 346)

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-194)** in the House on May 20, 2013.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-194) AND SENATE AMENDMENT "A" (S-118)** in **NON-CONCURRENCE**.

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

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

**UNFINISHED BUSINESS**

The following matter, in the consideration of which the House was engaged at the time of adjournment Thursday, May 23, 2013, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

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

(H.P. 228) (L.D. 319)

(C. "A" H-81)

TABLED - May 20, 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 Bowdoinham, Representative Berry.

Representative **BERRY**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise in opposition to the pending motion and to ask that we today in the House sustain the veto of the Executive. I do so not because in any way this body wishes to retreat from the issue of marketplace fairness and a fairness to our bricks and mortar retailers who support our little league teams and send their staff to volunteer in the communities and hire locally, but because we have found a way to do both. By our previous action today, whereby we Receded and Concurred on Item 1-1, we have chosen in keeping with the unanimous wishes of the Taxation Committee to go forward with

both state actions to take e-fairness into our own hands and to take our state's destiny into our own hands, and also to go forward with tracking and supporting the pending federal legislation that will position us to do so there as well. E-fairness must be a two-pronged effort. I want to thank the entire Taxation Committee for their hard work to do both prongs of the issue and to act on both the federal and the state's opportunities here, and I want to thank them for their unanimous work on both sides of this issue. And I also want to thank the staff of the Chief Executive. I think that we have resolved the issue that led to the veto by the Executive. And so again, I want to ask that we vote today to sustain the veto. Thank you, Mr. Speaker.

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

Representative **FREDETTE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just want to join in a bipartisan way in joining and supporting Representative Berry in his speech today. Thank you.

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. 130V**

YEA - NONE.

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

ABSENT - Beaudoin, Bolduc, Campbell R, Clark, Frey, Kent, Kusiak, Libby A, Mason, Peavey Haskell, Peterson, Pringle, Russell, Rykerson, Saxton.

Yes, 0; No, 136; Absent, 15; Excused, 0.

0 having voted in the affirmative and 136 voted in the negative, with 15 being absent, and accordingly the Veto was **SUSTAINED**.

**Non-Concurrent Matter**

Bill "An Act To Amend the Laws Governing Weight Tolerance for Certain Vehicles"

(H.P. 1065) (L.D. 1484)

**PASSED TO BE ENGROSSED** in the House on May 20, 2013.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-120) in NON-CONCURRENCE.**

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

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**Non-Concurrent Matter**

Bill "An Act To Join in a Prohibition on Motor Fuel Containing Corn-based Ethanol"

(H.P. 97) (L.D. 115)

**PASSED TO BE ENGROSSED** in the House on May 8, 2013.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-105) in NON-CONCURRENCE.**

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

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**Non-Concurrent Matter**

Bill "An Act To Amend the Notice of Risk to Personal Data Act To Further Protect Consumers"

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

Minority (6) **OUGHT TO PASS AS AMENDED** Report of the Committee on **INSURANCE AND FINANCIAL SERVICES READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-151)** in the House on May 15, 2013.

Came from the Senate with the Majority (7) **OUGHT NOT TO PASS** Report of the Committee on **INSURANCE AND FINANCIAL SERVICES READ** and **ACCEPTED** in **NON-CONCURRENCE.**

Representative TREAT of Hallowell moved that the House **INSIST.**

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

Representative TREAT: Thank you very much, Mr. Speaker. Mr. Speaker, Men and Women of the House. I hope you will stick with your previous action. The bill, as amended, clarifies ambiguities that are in current law in order to ensure that consumers will be notified in a timely manner when their personal data is at risk. Current law already requires that notice be given as expeditiously as possible and without unreasonable delay. Current law also requires notice when misuse of data not only has occurred, but where it is reasonably possible that misuse may occur. Unfortunately, current law is somewhat ambiguous, however, because there is no particular timeframe in the law and, as a result, we have had instances where notification has been delayed for an extremely long period of time. If this law had been in effect last year, in fact, a situation where a notice was delayed for seven months when 35,000 people had their personal information, including their home addresses, their bank accounts and their Social Security numbers went missing at a very large financial institution, at a national institution in this state, if this law had been in effect at that time, they would have been notified at least by a 60-day timeframe.

Now one thing that this law does do is it maintains a notification and the opportunity for law enforcement to delay notification, if in fact providing notice to the public of what has happened would interfere with an ongoing investigation. I note that there are four other states that have specific notification time. They are Florida, Ohio, Vermont and Wisconsin, and in each of those states, the notification time is a 45-day time period, not the longer 60 days in this bill as amended. I just also note that privacy and data breaches are a serious and growing problem, and just a recent search of the Privacy Rights Clearinghouse

database found that in the first four months of 2013 alone, there have been 180 privacy breaches involving 932,608 records, and that's just what has been publicly reported. Obviously, under our current law, institutions can go a long time without publicly reporting. And I'd also note that data shows that a quarter of those persons whose data has gone missing or found where there is a breach have actually have that data compromised. In other words, 25 out of every 100 are actually victims of identity fraud if their data goes missing. The bill before us is a reasonable measure. It simply clarifies current law to better protect consumer privacy at the same time that it gives insurance companies, banks, credit unions, merchants and big banks and other institutions that have access to our Social Security numbers and financial records, the time they need to investigate. I hope that you will follow my light. Mr. Speaker, I request a roll call.

The same Representative **REQUESTED** a roll call on the motion to **INSIST.**

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 to Insist. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 131**

YEA - Beaulieu, Beavers, Berry, Boland, Briggs, Brooks, Carey, Casavant, Cassidy, Chapman, Chase, Chenette, Chipman, Cooper, Daughtry, DeChant, Devin, Dickerson, Dill, Dion, Doak, Dorney, Evangelos, Farnsworth, Fowle, Fredette, Gattine, Gideon, Gilbert, Gillway, Goode, Graham, Grant, Hamann, Harlow, Herbig, Hickman, Hobbins, Hubbell, Jones, Jorgensen, Kaenrath, Kent, Keschl, Kinney, Knight, Kornfield, Kruger, Kumiega, Lajoie, Libby N, Longstaff, Luchini, MacDonald W, Mastraccio, McCabe, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, Nelson, Noon, Peoples, Plante, Powers, Priest, Rankin, Rochelo, Rotundo, Sanborn, Saucier, Schneck, Shaw, Stanley, Stuckey, Theriault, Tipping-Spitz, Treat, Verow, Villa, Welsh, Werts, Willette, Winchenbach, Wood, Mr. Speaker.

NAY - Ayotte, Beck, Bennett, Black, Campbell J, Cotta, Crafts, Cray, Crockett, Davis, Dunphy, Duprey, Esping, Fitzpatrick, Gifford, Guerin, Harvell, Hayes, Jackson, Johnson D, Johnson P, Lockman, Long, MacDonald S, Maker, Malaby, Marean, Marks, McClellan, McElwee, Nadeau A, Newendyke, Nutting, Parry, Pease, Pouliot, Reed, Sanderson, Short, Sirocki, Timberlake, Turner, Tyler, Volk, Wallace, Weaver, Wilson, Winsor.

ABSENT - Beaudoin, Bolduc, Campbell R, Clark, Frey, Kusiak, Libby A, Mason, Peavey Haskell, Peterson, Pringle, Russell, Rykerson, Saxton.

Yes, 89; No, 48; Absent, 14; Excused, 0.

89 having voted in the affirmative and 48 voted in the negative, with 14 being absent, and accordingly the House voted to **INSIST.**

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**COMMUNICATIONS**

The Following Communication: (H.P. 1120)

**CITY OF AUBURN, MAINE**

Jonathan LaBonte, Mayor

IN CITY COUNCIL

RESOLVE 03-05132013

**Expressing the Opposition of the City Council of the City of Auburn to Proposals to Shift the Burden off Funding State Government to the Property Tax and Property Tax Payer.**

WHEREAS, the State Administration has submitted a proposed budget for the coming biennium that will shift the funding state

government to the property tax by eliminating or significantly modifying longstanding revenue sharing and property tax relief programs; and

WHEREAS, the proposal to suspend municipal revenue sharing would result in a \$2.4 million revenue loss to the City of Auburn and, representing 6.4% of the City's general fund operating budget and \$1.19 on the property tax rate; and

WHEREAS, the proposal to redirect the excise tax on tractor trailers, despite the presence of Maine's largest dry goods port within our City limits, is estimated to reduce City revenue available for road construction by an additional \$300,000 or \$0.14 cents on the tax rate; and

WHEREAS, eliminating the homestead exemption in FY 15 for those under 65 will increase taxes for no longer qualifying residents by \$196 on the net median home value in that year if the City's tax rate remains unchanged, representing a tax increase of over 6.67% for most of those losing the exemption; and

WHEREAS, low and moderate income residents under the age of 65 who now qualify for the state property tax circuit breaker program will no longer qualify for it in the coming budget year; and

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

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

WHEREAS, further staffing and expenditure reductions of the magnitude to remove or mitigate these losses, without financial support to implement shared service or consolidation efforts, would undermine the City's ability to provide local public services; NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUBURN, that the City Council hereby expresses its strong opposition to provisions included in the recently proposed state budget that would shift the burden of funding state government to the property tax and property taxpayer. These proposals, even if consolidation efforts were pursued, would lead to an increase in property taxes in Auburn, taxes which often are unrelated to the ability of property owners to pay, or require further service reductions. And while consolidation efforts, even if fully implemented at the start of the new fiscal year, would not be sufficient to replace revenue sharing, the City Council does stand ready to discuss how state incentives could advance those opportunities;

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

A TRUE COPY ATTEST

S/Susan Clements-Dallaire, City Clerk

Passage on 5/13/2013, 6-0-1 (Councilor Crowley was out of the room during the vote).

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

Sent for concurrence.

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The Following Communication: (H.C. 178)

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

May 28, 2013

Honorable Millicent M. MacFarland

Clerk of the House

2 State House Station

Augusta, Maine 04333

Dear Clerk MacFarland:

Please be advised that pursuant to his authority, Governor Paul R. LePage has nominated the following:

On May 22, 2013

M. Michelle Hood of Bar Harbor and

Kevin P. McCarthy of Falmouth for reappointment to the Board of Trustees, University of Maine System.

Pursuant to P&SL 1967, Chapter 229, these reappointments are contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Education and Cultural Affairs.

David J. Mitchell of Calais for appointment as a District Court Judge.

Pursuant to Title 4, MRSA §157, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Judiciary.

Judge John V. Romei of Machias for appointment to Active Retired Status in the Maine District Court.

Pursuant to Title 4, MRSA §157-B, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Judiciary.

Sincerely,

S/Mark W. Eves

Speaker of the House

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

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The Following Communication: (H.C. 179)

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

May 28, 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:"

Education and Cultural Affairs

L.D. 751 An Act To Limit the Effect of Standardized Tests on Teacher Evaluations

L.D. 1481 An Act To Ensure the Success of Maine Students (EMERGENCY)

Energy, Utilities and Technology

- L.D. 795 An Act To Amend the Net Energy Billing Program To Allow Participation by Certain Municipal Entities
- L.D. 1146 An Act To Encourage the Use of Renewable Energy
- L.D. 1403 Resolve, To Require the Public Utilities Commission To Amend Its Rules Regarding Net Energy Billing

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

Sincerely,  
S/Millicent M. MacFarland  
Clerk of House

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

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The Following Communication: (S.C. 396)

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

May 23, 2013

Honorable Millicent M. MacFarland  
Clerk of the House  
2 State House Station  
Augusta, Maine 04333

Dear Clerk MacFarland:

Please be advised the Senate today insisted to its previous action whereby it committed Bill "An Act To Expand Eligible Project Costs in Development Districts" (H.P. 289) (L.D. 413) and accompanying papers to the Committee on Taxation, in non-concurrence.

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

**READ** and **ORDERED PLACED ON FILE.**

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The Following Communication: (S.C. 397)

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

May 23, 2013

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

Dear Speaker Eves:

In accordance with 3 M.R.S.A. §158 and Joint Rule 506 of the 126th Maine Legislature, please be advised that the Senate today confirmed the following nominations:

Upon the recommendation of the Committee on Agriculture, Conservation and Forestry, the nomination of Everett Worcester of Orneville for appointment to the Land Use Planning Commission.

Upon the recommendation of the Committee on Agriculture, Conservation and Forestry, the nomination of Gwendolyn R. Hilton of Starks for appointment to the Land Use Planning Commission.

Upon the recommendation of the Committee on Inland Fisheries and Wildlife, the nomination of Donald F. Dudley of Patten for appointment to the Inland Fisheries and Wildlife Advisory Council.

Upon the recommendation of the Committee on Inland Fisheries and Wildlife, the nomination of Gunner J. Gundersen of Walpole for appointment to the Inland Fisheries and Wildlife Advisory Council.

Upon the recommendation of the Committee on Inland Fisheries and Wildlife, the nomination of Richard A. Fortier of Caribou for appointment to the Inland Fisheries and Wildlife Advisory Council.

Sincerely,  
S/Darek M. Grant  
Secretary of the Senate

**READ** and **ORDERED PLACED ON FILE.**

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**REPORTS OF COMMITTEE**

**Divided Reports**

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought Not to Pass** on Bill "An Act To Establish the Mobile Crime Laboratory Fund"

(S.P. 238) (L.D. 647)

Signed:

Senator:  
PLUMMER of Cumberland

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-112)** on same Bill.

Signed:

Senators:  
GERZOFISKY of Cumberland  
DUTREMBLE of York

Representatives:

CASAVANT of Biddeford  
PLANTE of Berwick

Came from the Senate with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-112).**

**READ.**

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

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

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought Not to Pass** on Bill "An Act To Establish the Computer Crimes Unit Fund and Authorize the Department of Public Safety To Accept Donations for the Fund"

(S.P. 428) (L.D. 1234)

Signed:  
Senator:  
PLUMMER of Cumberland

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

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

Signed:  
Senators:  
GERZOFKY of Cumberland  
DUTREMBLE of York

Came from the Senate with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-114)**.

**READ.**

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

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-121)** on Bill "An Act To Reduce Obesity among Schoolchildren"

(S.P. 397) (L.D. 1160)

Signed:  
Senators:  
MILLETT of Cumberland  
JOHNSON of Lincoln

Representatives:  
MacDONALD of Boothbay  
DAUGHTRY of Brunswick  
NELSON of Falmouth  
POULIOT of Augusta  
RANKIN of Hiram

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

Signed:  
Senator:  
LANGLEY of Hancock

Representatives:  
HUBBELL of Bar Harbor  
JOHNSON of Greenville

KORNFELD of Bangor  
MAKER of Calais  
McCLELLAN of Raymond

Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (S-121)** Report.

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-81) AS AMENDED BY SENATE AMENDMENT "A" (S-121)** thereto.

**READ.**

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

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

Majority Report of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** reporting **Ought to Pass** on Bill "An Act To Clarify the Permitted Use of Aquatic Pesticides"

(S.P. 516) (L.D. 1430)

Signed:  
Senators:  
BOYLE of Cumberland  
GRATWICK of Penobscot  
SAVIELLO of Franklin

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

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

Signed:  
Representative:  
McGOWAN of York

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

**READ.**

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

The Bill was **READ ONCE**.

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** in concurrence.

Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on Bill "An Act To Require a Warrant To Obtain the Location Information of a Cell Phone or Other Electronic Device"

(S.P. 157) (L.D. 415)

Signed:

Senators:

VALENTINO of York  
BURNS of Washington  
TUTTLE of York

Representatives:

PRIEST of Brunswick  
BEAULIEU of Auburn  
CROCKETT of Bethel  
PEAVEY HASKELL of Milford  
VILLA of Harrison

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-106)** on same Bill.

Signed:

Representatives:

DeCHANT of Bath  
GUERIN of Glenburn  
MONAGHAN-DERRIG of Cape Elizabeth  
MOONEN of Portland  
MORIARTY of Cumberland

Came from the Senate with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-106)**.

**READ.**

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

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

Majority Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass** on Bill "An Act Regarding Timber Harvesting on Land Managed by the Division of Parks and Public Lands"

(S.P. 184) (L.D. 491)

Signed:

Senators:

PATRICK of Oxford  
CLEVELAND of Androscoggin

Representatives:

HERBIG of Belfast  
CAMPBELL of Newfield  
GILBERT of Jay  
HAMANN of South Portland  
MASON of Topsham  
MASTRACCIO of Sanford

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

Signed:

Senator:

CUSHING of Penobscot

Representatives:

DUPREY of Hampden  
LOCKMAN of Amherst  
VOLK of Scarborough  
WINCHENBACH of Waldoboro

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

**READ.**

Representative **HERBIG** of Belfast moved that the House **ACCEPT** the Majority **Ought to Pass** Report.

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

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

The **SPEAKER**: The Chair recognizes the Representative from Waldoboro, Representative Winchenbach.

Representative **WINCHENBACH**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise to speak in opposition of this bill. This bill would block the Department of Agriculture, Conservation and Forestry's Division of Parks and Public Lands from contracting for timber harvesting on land under its management, if the contractor uses people employed under the federal labor certification process for employment of foreign workers in logging. This bill violates the Fourteenth Amendment to the United States Constitution as well as six of the same. It may also be in violation of Article I, Section 6-A, of the Maine Constitution, "Discrimination against persons prohibited." I urge you to follow my light and thank you.

The **SPEAKER**: The Chair recognizes the Representative from Belfast, Representative Herbig.

Representative **HERBIG**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. LD 491 is most simply about promoting the hiring of Maine loggers who have for years gone underemployed and unemployed as a result of logging contractors unethically and illegally hiring Canadian workers instead. Opponents of this legislation claim that there is a shortage of Maine loggers. This is simply not the case. These loggers are underutilized as their jobs are being given to Canadian loggers for less money and less benefits. This is all happening on state land. A vote for LD 491 is a vote for Maine loggers and a vote for Maine jobs. I urge you to vote Ought to Pass on LD 491.

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

Representative **CAMPBELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. What this bill does is take care of our own northern loggers. As you know, the Canadians who come over across the border when they work, they have health care. Our own loggers do not have health care, so they have to compete with that. Times are hard enough now without us worrying about taking care of the Canadians, and let's take care of our own. Thank you, Mr. Speaker.

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

**ROLL CALL NO. 132**

YEA - Beavers, Beck, Berry, Boland, Briggs, Brooks, Campbell J, Carey, Casavant, Cassidy, Chapman, Chenette, Chipman, Cooper, Daughtry, DeChant, Devin, Dickerson, Dill, Dion, Dorney, Evangelos, Farnsworth, Fowle, Gattine, Gideon, Gilbert, Goode, Graham, Grant, Hamann, Harlow, Herbig, Hickman, Hobbins, Hubbell, Jones, Jorgensen, Kaenrath, Kent,



Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby N, Longstaff, Luchini, MacDonald W, Marks, Mastraccio, McCabe, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, Nelson, Noon, Peoples, Plante, Pouliot, Powers, Priest, Rankin, Rochelo, Rotundo, Sanborn, Saucier, Schneck, Shaw, Short, Stanley, Stuckey, Theriault, Tipping-Spitz, Treat, Verow, Villa, Welsh, Werts, Wilson, Mr. Speaker.

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

ABSENT - Beaudoin, Bolduc, Campbell R, Frey, Libby A, Mason, Peavey Haskell, Peterson, Pringle, Russell, Rykerson, Saxton.

Yes, 85; No, 54; Absent, 12; Excused, 0.

85 having voted in the affirmative and 54 voted in the negative, with 12 being absent, and accordingly the Majority **Ought to Pass** Report was **ACCEPTED**.

The Bill was **READ ONCE**.

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** in concurrence.

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Majority Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-117)** on Bill "An Act To Provide for Licensing of Recreational Therapists"

(S.P. 443) (L.D. 1281)

Signed:

Senators:

PATRICK of Oxford

CLEVELAND of Androscoggin

Representatives:

HERBIG of Belfast

CAMPBELL of Newfield

GILBERT of Jay

HAMANN of South Portland

MASON of Topsham

MASTRACCIO of Sanford

WINCHENBACH of Waldoboro

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

Signed:

Senator:

CUSHING of Penobscot

Representatives:

DUPREY of Hampden

LOCKMAN of Amherst

VOLK of Scarborough

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-117)**.

**READ.**

Representative HERBIG of Belfast 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 Scarborough, Representative Volk.

Representative **VOLK**: Thank you, Mr. Speaker. This is an issue that we looked at very carefully in our committee and the problem is it would call for a sunrise review, which is a fairly lengthy process for any department to undergo, and unfortunately, the sunrise review on this issue of recreational therapists was already done in the recent history. So just a few years ago, we've already had a sunrise review on this issue, and I think that one of the things that we hopefully have all taken away with us over this session is that under existing resources, it still places an unnecessary, at times, burden upon our already overworked and likely underpaid state employees. So I would ask that you follow my light. Thank you.

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

**ROLL CALL NO. 133**

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

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

ABSENT - Beaudoin, Bolduc, Campbell R, Frey, Libby A, Mason, Peavey Haskell, Peterson, Pringle, Rykerson, Saxton.

Yes, 86; No, 54; Absent, 11; Excused, 0.

86 having voted in the affirmative and 54 voted in the negative, with 11 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-117)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-117)** in concurrence.

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought Not to Pass** on Bill "An Act To Ensure Accountability in State Contracts" (S.P. 406) (L.D. 1169)

Signed:  
Senator:  
COLLINS of York

Representatives:  
BOLAND of Sanford  
BOLDUC of Auburn  
COTTA of China  
HAYES of Buckfield  
MacDONALD of Old Orchard Beach  
NADEAU of Fort Kent  
PEASE of Morrill

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-67)** on same Bill.

Signed:  
Senator:  
LACHOWICZ of Kennebec

Representatives:  
GRAHAM of North Yarmouth  
CHENETTE of Saco

Came from the Senate with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-67)**.

**READ.**

Representative GRAHAM of North Yarmouth 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 North Yarmouth, Representative Graham.

Representative **GRAHAM**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This bill is simply a bill about transparency. Our administration has made a firm commitment to transparency in our government, as well as the two bodies. State and local governments have shifted from many public services to private contractors in the past 15 years, but laws regarding contracting haven't kept pace to ensure transparency as well as proper quality and cost saving comparisons. These quality and cost saving comparisons can't be made without this transparency. Also, truly it's difficult for the general public to directly compare public and private sector costs due to differences in available information. This bill should be supported. This bill is about transparency. We want to be sure that people understand what they're getting when they are sending things out to bid. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Buckfield, Representative Hayes.

Representative **HAYES**: Thank you, Mr. Speaker. Mr. Speaker, Women and Men of the House. I rise in opposition to the pending motion. When this came before our committee, this basically boiled down to a cost-benefit analysis for the bulk of us on the committee and the majority of us decided that the

additional information that would be provided by putting this particular piece of legislation into law was not justified, in terms of the benefits that would flow from it. And I'm going to ask that the Clerk read the Committee Report and ask that you follow my light when you vote. Thank you.

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 Saco, Representative Chenette.

Representative **CHENETTE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would also rise in support of the pending motion. I would also echo the sentiments of the good Representative from North Yarmouth. This is "An Act To Ensure Accountability in State Contracts." I want to draw your attention to that word "accountability." I would also add the word "transparency" to that. Currently, the process allows information to be made upon request. I would ask each of you to think in your seats privately how many people know how to access that information? How many people know that that's easily accessible? Oh wait, it's not. All this bill does is insure that the information in terms of tracking your taxpayer money is easily accessible online. That's all this does. We can track it in a public sector. Now we can track it in a private sector, if this passes. The information that would be provided online would include a description of the property, products or services, the estimated cost of providing the property, products or services, the estimated duration of the contract, the estimated number of people to be employed in fulfilling the contract, and a list of any interim or final reports required. This is about transparency and being able to track taxpayer money, so I would urge you to follow my light. Thank you.

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

Representative **PEASE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to this. We heard this in committee. We dealt with it. If you look at the Committee Report, it's overwhelming for this, against this, I should say. But the biggest thing is it doesn't do anything. It's just another bill that looks good, it does not expand anything, but it's just another way of looking at something that is going to be more costly to people that are doing contracts on behalf of the state and communities. Thank you.

The SPEAKER: The Chair recognizes the Representative from China, Representative Cotta.

Representative **COTTA**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This is a solution looking for a problem. The report from the committee, if you look at the way the votes came out, we looked at this, and in particular, the Bureau of General Services, when we talked to them about the information that is requested, they are able to respond in a timely manner. Now, as I've heard earlier, somebody said you can't find the information. If you can use your phone, they'll give it for you. So again, like I said, this, I oppose this motion. I would hope that the House will actually sit back and think about this for a second. The information is available. Once again, the buzzword is "transparency," but it is a solution looking for a problem. There is not a problem currently. Thank you.

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. 134**

YEA - Beavers, Beck, Berry, Brooks, Carey, Casavant, Cassidy, Chapman, Chenette, Chipman, Cooper, Daughtry, DeChant, Devin, Dickerson, Dion, Farnsworth, Fowle, Gattine, Gideon, Gilbert, Goode, Graham, Grant, Hamann, Herbig, Hickman, Hobbins, Jorgensen, Kornfield, Kruger, Kumiega, Lajoie, Longstaff, Luchini, MacDonald W, Marks, Mastraccio, McCabe, McGowan, Monaghan-Derrig, Moonen, Morrison, Noon, Peoples, Plante, Powers, Priest, Rankin, Rochelo, Rotundo, Sanborn, Saucier, Schneck, Shaw, Stuckey, Theriault, Tipping-Spitz, Treat, Verow, Villa, Welsh, Werts, Mr. Speaker.

NAY - Ayotte, Beaulieu, Bennett, Black, Boland, Briggs, Campbell J, Chase, Clark, Cotta, Crafts, Cray, Crockett, Davis, Dill, Doak, Dorney, Dunphy, Duprey, Espling, Evangelos, Fitzpatrick, Fredette, Gifford, Gillway, Guerin, Harlow, Harvell, Hayes, Hubbell, Jackson, Johnson D, Johnson P, Jones, Kaenrath, Kent, Keschl, Kinney, Knight, Kusiak, Libby N, Lockman, Long, MacDonald S, Maker, Malaby, Marean, McClellan, McElwee, McLean, Moriarty, Nadeau A, Nadeau C, Nelson, Newendyke, Nutting, Parry, Pease, Pouliot, Reed, Russell, Sanderson, Short, Sirocki, Stanley, Timberlake, Turner, Tyler, Volk, Wallace, Weaver, Willette, Wilson, Winchenbach, Winsor, Wood.

ABSENT - Beaudoin, Bolduc, Campbell R, Frey, Libby A, Mason, Peavey Haskell, Peterson, Pringle, Rykerson, Saxton.

Yes, 64; No, 76; Absent, 11; Excused, 0.

64 having voted in the affirmative and 76 voted in the negative, with 11 being absent, and accordingly the Minority **Ought to Pass as Amended Report was NOT ACCEPTED.**

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

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Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-99)** on Bill "An Act Relating to the Sales Tax Exemption on Depreciable Equipment Used in Commercial Wood Harvesting"

(S.P. 272) (L.D. 734)

Signed:

Senators:

HASKELL of Cumberland  
MILLETT of Cumberland

Representatives:

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

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

Signed:

Senator:

THOMAS of Somerset

Representatives:

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

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-99).**

**READ.**

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

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

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Seven Members of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** report in Report **"A" Ought to Pass as Amended by Committee Amendment "A" (S-76)** on Bill "An Act To Improve Insurance Coverage for Volunteer First Responders"

(S.P. 71) (L.D. 235)

Signed:

Senator:

PATRICK of Oxford

Representatives:

HERBIG of Belfast  
CAMPBELL of Newfield  
GILBERT of Jay  
HAMANN of South Portland  
MASON of Topsham  
MASTRACCIO of Sanford

Five Members of the same Committee report in Report **"B" Ought to Pass as Amended by Committee Amendment "B" (S-77)** on same Bill.

Signed:

Senator:

CUSHING of Penobscot

Representatives:

DUPREY of Hampden  
LOCKMAN of Amherst  
VOLK of Scarborough  
WINCHENBACH of Waldoboro

One Member of the same Committee reports in Report **"C" Ought Not to Pass** on same Bill.

Signed:

Senator:

CLEVELAND of Androscoggin

Came from the Senate with Report "A" **OUGHT TO PASS AS AMENDED** **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-76).**

**READ.**

Representative HERBIG of Belfast moved that the House **ACCEPT** Report "A" **Ought to Pass as Amended.**

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

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

Representative MORIARTY of Cumberland asked leave of the House to be excused from voting on L.D. 235 pursuant to House Rule 401.12.

The Chair granted the request.

The SPEAKER: The Chair recognizes the Representative from Scarborough, Representative Volk.

Representative **VOLK**: Thank you, Mr. Speaker. I object to the current motion and would like to speak to my objection.

The SPEAKER: The Representative may proceed.

Representative **VOLK**: Thank you. LD 235 opens a door to what I would call a very slippery slope and I'd like to point out to the option of covering volunteer first responders from tone to tone is already available and taken advantage of by many, many municipalities in the form of supplemental insurance, which they can purchase at very affordable rates. We heard testimony, I believe it was in the range of hundreds of dollars, I don't have my file exactly, but it was not a large sum of money. Many municipalities are already taking advantage of that, but to put it in statute really opens the door to where how do we draw a line? Who is going to be covered? Are we going to have doctors covered as soon as they receive a phone call and are called into work, that they would be allowed to file a worker's comp claim based upon slipping on their own stairs, tripping over a child's toy, falling on their own slippery driveway? Do we have workers that are called in because a machine has broken down? Same thing. Would they suddenly be able to file a claim? We heard a lot of testimony from interested parties. The director of Workers' Compensation, Director Sighinolfi, as well as many other people who testified that this is really a dangerous precedence to put into law, and again, it's a practice that many municipalities are already able to basically accommodate. Thank you.

The SPEAKER: The Chair recognizes the Representative from Newfield, Representative Campbell.

Representative **CAMPBELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This isn't about doctors, lawyers or Indian chiefs. This is about volunteer firemen. Some of them firemen might be doctors, they might be loggers, they might be truck drivers, they might be contractors, but they are volunteers and not only put their life on the line, they put their whole family on the line when they answer a call that they don't get paid for, most of them, they are volunteers, to respond to a fire or an automobile accident. And if they do get hurt, they can't go to work to their regular job. They have no income whatsoever, and that's what this is all about. If the alarm goes off at three o'clock in the morning and they run down the stairs and go out and fall on the ice in the driveway and break a leg, they will have something to fall back on. As it is now, they put their own regular job in jeopardy and their family's life in jeopardy to take care of their family, and that's why we voted to pass this bill. These are volunteers. They're not doctors, lawyers or Indian chiefs. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Belfast, Representative Herbig.

Representative **HERBIG**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. LD 235, as amended, is a fair bill. During recent blizzards, responders from all over, 20, 30, 40 miles away, have had to respond to emergency calls. As we previously mentioned, these are firefighters, first responders. Many of them have other jobs and really need this coverage should something happen to them. It should also be mentioned that this diminished sense of security, that firefighters, first responders and their families will be taken care of if hurt on a response call has created a serious issue of recruitment and retention all over the state. These are important services to all of our communities. No matter the case of injury, we have an obligation to help these responders because they are risking all to help us. This must include bell to bell coverage. I urge you to

support all Maine firefighters and all Maine first responders by supporting the current motion.

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

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

The SPEAKER: The Representative may pose his question.

Representative **HICKMAN**: Thank you, Mr. Speaker. Can someone clarify for me what a rebuttable presumption is, a rebuttable presumption, and could someone further clarify what the difference is between Amendment "A" and Amendment "B"?

The SPEAKER: The Representative from Winthrop, Representative Hickman, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Scarborough, Representative Volk.

Representative **VOLK**: Thank you, Mr. Speaker. I wish to try to answer my fellow legislator's questions. My understanding, and I am not an attorney, would be that a rebuttable presumption deals with who the burden of proof is on and so what this would do is this would actually, the injured person in this case, I believe, would have to prove that their injury occurred because they were responding to the tone and not in the case of they didn't actually have any intention of responding to the tones, because we do have to keep in mind not all responders respond to every tone. So one of the unfortunate circumstances of this bill is that somebody may have gotten injured at their home or on someone else's property with no intention of ever responding to that tone. There is also no way of documenting when that occurred, whether it occurred when they were, again, in the process of responding or whether it occurred, you know, an hour before a tone went off or at some other point during the day. So that was one question that I hope I've answered correctly. Am I allowed to answer the question about the other Committee Amendment? Okay. There is some confusion in the law or among some volunteer first responders or municipalities about when the liability for workers' compensation occurs and the Committee Amendment "B" simply defines that once the first responder has hit a private way, so if they leave their driveway and they are then able to make a worker's comp claim, for example, if they go off the road because the road is slippery, because in that case the municipality is actually at fault. Thank you.

The SPEAKER: The Chair recognizes the Representative from Belfast, Representative Herbig.

Representative **HERBIG**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. Just to address the difference between the two reports. First, the big difference is that the Majority Report includes from the beginning of the tone, the Minority Report just includes public ways. This particularly poses a problem in more rural areas because this would not cover private roads, long driveways, things of that nature. So it would still be sort of diminishing that sense of security for our firefighters and first responders.

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

Representative **DEVIN**: Thank you very much, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This bill is partially the result of an accident that occurred in Lincoln County within the last decade. A volunteer fireman received a call in the middle of the night and in his rush to get to his car fell down the stairs and very seriously hurt himself, and he hurt himself so that his livelihood has been affected. He was not covered under any sort of insurance. It's had a tremendous financial impact on him and his family. This individual is a volunteer. He got up in the middle of the night to answer an emergency of one of his

neighbors. He's on the clock, he's working as he is getting out of his bed. I'm sleeping soundly in my bed that night, Mr. Speaker. I am comfy, I am cozy. He is working to help me and my neighbors in my community when he gets on a state road or once he gets out of his front door. He's working once he is getting up out of bed. We need to cover these people from the time they get the phone call to the time the job is done. Thank you very much and I hope that you will follow my light and support this bill.

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

Representative **MASTRACCIO**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I just wanted to stand up to talk about the rebuttable presumption. That is an assumption made by the court, one that is taken to be true unless someone comes forward to contest it and prove otherwise, and in this case, instead of the person slipping on the ice, the volunteer responder, and worker's comp assuming that he just slipped on the ice and that it had nothing to do with him rushing for the job, they would have to prove that he either deliberately didn't plow his road or sand his ice in order for him to be considered not covered under worker's comp with the bill before you. So it's kind of like your presumed innocent until you are proven guilty, so in other words, it's assumed that he was injured in the line of duty unless they can prove that he, through some error or mishap of his own, not related to him going to the job. So I hope that you will vote with the Majority Ought to Pass as Amended Committee Amendment "A." Thank you.

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

Representative **PEASE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of this bill in that as a fire chief for 21 years, a member of the volunteer fire service for over 35, this thing of public ways has never been answered. When we've gotten to issues through worker's comp, sometimes it's a paved road, sometimes it's a plowed road. Many people in the rural area do not live on paved roads. Many firefighters, EMS personnel, etcetera, live at their cottages, their camps in the summer, which are camp roads. They may respond in the middle of the night to wires down somewhere. In coming out of their road, a tree may fall. The question I have for you to pose is we're talking about whether someone might hurt themselves some other way and we don't trust them with the worker's comp. These are people, I hope, you trust in the middle of your house, in the middle of the night, when you've got a fire going, you've got a person that's fallen, can't get up, you've got a person with a heart attack or some other thing going on. You trust them through your door. Why would we not trust what few cases we have a year through the worker's comp system? I think that's the question. Do you trust these people to come to your home to help you or do you not trust them and you're afraid that one or two a year might defraud something? Thank you.

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

Representative **CAMPBELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. My good friend across the aisle hit it right on the button, right on the button. I've seen firemen sitting there in the morning, they've been fighting fires all night long, with ice circles on their mustache, and that's no lie. And they didn't go to work that day, certainly didn't get a day's pay because they were worried about the people that they represented as volunteer firefighters, but their regular day job was a day of pay lost. And they didn't get that back. And they put their life on the line. And if we can't trust them, who can we

trust? We are nickel and diming, and as I said before, it upset people. It's all about money with some people.

The **SPEAKER**: The Chair recognizes the Representative from Scarborough, Representative Volk.

Representative **VOLK**: Thank you, Mr. Speaker. I apologize for rising again. I just want to remind members of the body that this is already something that with the purchase of a supplemental insurance policy, municipalities can quite affordably accommodate. So I would encourage our municipalities to purchase those policies, so that they are covering their first responders, whether they are volunteer or paid. And I also would like to point out that while it sounds good to say that we would like to be able to cover these heroic people, municipalities have no control over things that happen on other people's private property or on private roads, whether they are long camp roads or long driveways or anything else. They don't have any control over what happens on my property, inside my home, in my yard. They don't have any control over anything, except for public ways. Thank you.

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

Representative **McCABE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. We have an opportunity to open that door and do what's right for our call firefighters. In Skowhegan, we are a community that has a part-time fire department as well as a call fire department. When there is a call, you drive by the fire department and the trucks in the dooryard there are trucks that are filled with company logos and company names. These are people that are self-employed. They are people that, if hurt, will lose money, and their families will go without. The good Representative in the back spoke a little bit about a story of a firefighter who fell. I have another story, not in my district but in a neighboring district, of a woman who was a first responder, who was responding in an ice storm and actually slipped and fell and broke her leg and was not covered under worker's comp and is part of a smaller community. So I think today we have the opportunity to do what's right and stand up for our firefighters, whether or not they are full-time or whether or not they are call. So I will be voting to support the pending motion. Thank you.

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

#### ROLL CALL NO. 135

YEA - Ayotte, Beavers, Beck, Berry, Boland, Briggs, Brooks, Campbell J, Carey, Cassidy, Chapman, Chenette, Chipman, Cooper, Cray, Crockett, Daughtry, DeChant, Devin, Dickerson, Dill, Dion, Doak, Dorney, Evangelos, Farnsworth, Fowle, Gattine, Gideon, Gilbert, Goode, Graham, Grant, Hamann, Harlow, Herbig, Hickman, Hobbins, Hubbell, Jones, Jorgensen, Kaenrath, Kent, Knight, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby N, Longstaff, Luchini, MacDonald S, MacDonald W, Maker, Marks, Mastraccio, McCabe, McGowan, McLean, Monaghan-Derrig, Moonen, Morrison, Nadeau A, Nadeau C, Nelson, Noon, Pease, Peoples, Plante, Pouliot, Powers, Priest, Rankin, Rochelo, Rotundo, Russell, Sanborn, Saucier, Schneck, Shaw, Short, Stanley, Stuckey, Theriault, Tipping-Spitz, Treat, Tyler, Verow, Villa, Weaver, Welsh, Werts, Wilson, Wood, Mr. Speaker.

NAY - Beaulieu, Bennett, Black, Casavant, Chase, Clark, Cotta, Crafts, Davis, Dunphy, Duprey, Espling, Fitzpatrick, Fredette, Gifford, Gillway, Guerin, Harvell, Hayes, Jackson, Johnson D, Johnson P, Kinney, Lockman, Long, Malaby, Marean, McClellan, McElwee, Newendyke, Nutting, Parry, Reed,

Sanderson, Sirocki, Timberlake, Turner, Volk, Wallace, Willette, Winchenbach, Winsor.

ABSENT - Beaudoin, Bolduc, Campbell R, Frey, Keschl, Libby A, Mason, Peavey Haskell, Peterson, Pringle, Rykerson, Saxton.

Yes, 96; No, 42; Absent, 12; Excused, 1.

96 having voted in the affirmative and 42 voted in the negative, with 12 being absent and 1 excused, and accordingly Report "A" **Ought to Pass as Amended** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-76)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-76)** in concurrence.

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Majority Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought Not to Pass** on Bill "An Act To Protect Local Input in Economic Development and Redevelopment Efforts"

(H.P. 1057) (L.D. 1476)

Signed:

Senators:

PATRICK of Oxford  
CLEVELAND of Androscoggin  
CUSHING of Penobscot

Representatives:

HERBIG of Belfast  
GILBERT of Jay  
HAMANN of South Portland  
MASTRACCIO of Sanford

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

Signed:

Representatives:

CAMPBELL of Newfield  
DUPREY of Hampden  
LOCKMAN of Amherst  
MASON of Topsham  
VOLK of Scarborough  
WINCHENBACH of Waldoboro

**READ.**

Representative HERBIG of Belfast moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

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#### CONSENT CALENDAR

##### First Day

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

(S.P. 479) (L.D. 1360) Bill "An Act To Amend the Motor Fuel Distribution and Sales Act" Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass**

(S.P. 239) (L.D. 648) Bill "An Act To Make Records of External Review Proceedings Overseen by the Bureau of

Insurance Confidential" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-113)**

(S.P. 292) (L.D. 867) Bill "An Act To Streamline, Amend and Clarify Certain Professional and Occupational Licensing Statutes" Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-115)**

(S.P. 324) (L.D. 946) Bill "An Act To Allow Municipalities To Petition the Department of Marine Resources To Establish Dive-only Areas for Scallops in Mooring Fields" Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-110)**

(S.P. 362) (L.D. 1080) Bill "An Act To Improve Efficiency in the Collection of Beverage Containers" Committee on **ENVIRONMENT AND NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-116)**

(H.P. 623) (L.D. 900) Bill "An Act Regarding the Disclosure of Certain Records in Criminal Matters" Committee on **JUDICIARY** reporting **Ought to Pass**

(H.P. 824) (L.D. 1159) Bill "An Act To Address Human Trafficking, Sex Trafficking and Prostitution" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass**

(H.P. 1033) (L.D. 1439) Bill "An Act To Repeal Certain Maine Criminal Code Provisions Addressing So-called Bath Salts Containing Synthetic Hallucinogenic Drugs and Instead To Define Them as Schedule W Drugs" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass**

(H.P. 1072) (L.D. 1495) Bill "An Act To Amend the Laws Pertaining to Employee Health Insurance" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass**

(H.P. 374) (L.D. 555) Resolve, Directing the Nursing Home Administrators Licensing Board To Amend Its Rules To Permit Certain Registered Nurses To Serve as Administrators of Nursing Facilities and To Change Provisions Governing Continuing Education Requirements Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-241)**

(H.P. 429) (L.D. 610) Resolve, To Amend the Rule Regarding Certain Mandatory Charity Care Policies To Be Consistent with MaineCare and the Federal Patient Protection and Affordable Care Act Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-236)**

(H.P. 563) (L.D. 812) Bill "An Act To Create an Open Enrollment Period Consistent with Federal Regulations for Health Insurance Exchanges" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-240)**

(H.P. 629) (L.D. 905) Resolve, Directing the Department of Education To Develop School Building Security Plans Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-227)**

(H.P. 829) (L.D. 1185) Bill "An Act To Enhance Efforts To Use Locally Produced Food in Schools" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-233)**

(H.P. 1012) (L.D. 1424) Bill "An Act To Increase Mileage Reimbursement and Compensation for Jurors" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-232)**

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

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

(H.P. 687) (L.D. 973) Bill "An Act To Make Veterans' Property Tax Exemption Applications Confidential" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-231)**

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**.

**ENACTORS**

**Emergency Measure**

An Act To Update and Simplify Maine Gasoline Requirements (S.P. 478) (L.D. 1359) (C. "A" S-107)

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

**Emergency Measure**

Resolve, Directing the Commissioner of Agriculture, Conservation and Forestry To Conduct an Internal Review of the Snowmobile Trail Fund

(S.P. 195) (L.D. 505) (C. "A" S-102)

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

**Emergency Measure**

Resolve, To Create a Task Force on Maine's Ethics and Transparency Laws

(S.P. 420) (L.D. 1222) (C. "A" S-97)

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

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

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

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

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

**ROLL CALL NO. 136**

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

**NAY** - Bennett, Jackson, Johnson D, Long, McClellan, Nadeau C, Weaver, Winsor.

**ABSENT** - Beaudoin, Bolduc, Briggs, Campbell R, Chase, Crockett, Frey, Hayes, Kumiega, Libby A, Mason, Peavey Haskell, Peterson, Pringle, Rykerson, Saxton, Stuckey.

Yes, 126; No, 8; Absent, 17; Excused, 0.

126 having voted in the affirmative and 8 voted in the negative, with 17 being absent, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

**Acts**

An Act To Grant the Commissioner of Health and Human Services and the Commissioner's Designees the Independent Authority To Issue Adjudicatory Subpoenas

(S.P. 223) (L.D. 633)

An Act To Amend the Laws Governing Prosecution of Individuals Possessing a Controlled Substance under Certain Circumstances

(H.P. 735) (L.D. 1044) (C. "A" H-205)

An Act To Update and Revise the Laws Governing the Maine Arts Commission

(S.P. 382) (L.D. 1100) (C. "A" S-98)

An Act To Amend the Laws Governing Certain Human Services Licensing and Certification Requirements

(S.P. 511) (L.D. 1417) (C. "A" S-104)

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



**Resolves**

Resolve, Directing the Public Utilities Commission To Develop a Plan To Reform Regulation of Consumer-owned Water Utilities

(S.P. 173) (L.D. 441)  
(C. "A" S-94)

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

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

**UNFINISHED BUSINESS**

The following matters, in the consideration of which the House was engaged at the time of adjournment Thursday, May 23, 2013, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

An Act To Protect Public Health at Public Institutions of Higher Education

(H.P. 318) (L.D. 468)  
(C. "A" H-77)

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 Chipman.

Representative **CHIPMAN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I sponsored LD 468 in an effort to protect the health of our students, faculty and the general public from the harmful effects of secondhand smoke. When the public hearing was held on this bill, there was absolutely no opposition at the public hearing. In fact, the bill received a strong bipartisan Ought to Pass recommendation and was passed here in the House and in the other body unanimously with no debate. You may hear from some folks, I'm not sure if they'll speak here today, but you may hear that campuses are already doing this. The fact of the matter is we have 15 state universities and community college campuses this bill would impact, and of those 15, only six currently prohibit smoking and two are moving in the direction of prohibiting smoking, but seven have made no effort to prohibit smoking on their college campuses. We already prohibit smoking in all of our state parks and we've had no problems with that state policy. This bill is pretty straightforward. It is an effort to establish a consistent policy in all of our state universities and community colleges that will protect the health of students, faculty and the general public from the indisputable harmful effects of secondhand smoke, just as we already have done in all of our state parks. Please join me in supporting LD 468.

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. The good Representative who just spoke before me was right. You are going to hear that campuses are already doing this. They already have a timeline in place where they are transferring all the campuses to non-tobacco facilities. We don't need a law to make them do this. They are already going there on their own because they recognize that this is good policy for our universities. Thank you.

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

Representative **CHIPMAN**: Thank you, Mr. Speaker. Just briefly, I want to point out that seven of our campuses, six community colleges and the Maine Maritime Academy, have no plan in place to prohibit smoking on their campuses. This bill would establish a consistent policy for our public campuses so that when you go from one campus to another, you know what the policy is, no smoking. Currently, you can go to USM, no smoking; go to SMCC, smoking; go to Orono, no smoking; and so on. Across the state we have a patchwork of policies right now that is inconsistent. This would eliminate that patchwork and establish something that is consistent, that will work, just as it has done in our state parks. 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 serve on the Health and Human Services Committee and we had heard lots of testimony on this law. I think it's common sense that we are moving in the direction of getting rid of tobacco and smoking on college campuses, and I encourage you to vote to do so. Thank you very much.

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

Representative **FARNSWORTH**: Thank you, Mr. Speaker. I would like to support a vote in favor of this particular motion because it does represent what I consider to be a consistent policy on the part of the state, and that is to avoid not only firsthand but also secondhand smoke effects. This would take and bring the university and college system into line with that particular policy. Thank you.

The SPEAKER: The Chair recognizes the Representative from Scarborough, Representative Sirocki.

Representative **SIROCKI**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just would like to share with you some information from some testimony we received on this bill from Ryan Low of Maine's Public Universities/ University of Maine System, whereby he says that five of the seven campuses of the University of Maine System are now tobacco free with the final two going tobacco free within the next nine months. Thank you.

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. 137V**

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

NAY - Ayotte, Beaulieu, Bennett, Black, Chase, Clark, Cotta, Crafts, Cray, Crockett, Davis, Doak, Dunphy, Duprey, Espling, Fitzpatrick, Fredette, Gifford, Gillway, Harvell, Jackson, Johnson D, Johnson P, Keschl, Kinney, Knight, Lockman, Long,



MacDonald S, Maker, Malaby, Marean, McClellan, McElwee, McLean, Nadeau A, Newendyke, Nutting, Parry, Pease, Reed, Sanderson, Sirocki, Theriault, Timberlake, Turner, Tyler, Wallace, Weaver, Willette, Wilson, Winchenbach, Winsor, Wood.

ABSENT - Beaudoin, Bolduc, Campbell R, Dion, Frey, Libby A, Mason, Peavey Haskell, Peterson, Pringle, Rykerson, Saxton.

Yes, 85; No, 54; Absent, 12; Excused, 0.

85 having voted in the affirmative and 54 voted in the negative, with 12 being absent, and accordingly the Veto was **SUSTAINED**.

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SENATE REPORT - **Ought to Pass as Amended by Committee Amendment "A" (S-109)** - Committee on **TAXATION** on Bill "An Act To Improve the Accuracy of Fuel Tax Reporting"

(S.P. 341) (L.D. 996)

- In Senate, Unanimous **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-109)**.

TABLED - May 22, 2013 (Till Later Today) by Representative BERRY of Bowdoinham.

PENDING - **ACCEPTANCE OF COMMITTEE REPORT**.

Representative FREDETTE of Newport **REQUESTED** a roll call on the motion to **ACCEPT** the Unanimous Committee 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 Unanimous Committee Report. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 138**

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

NAY - NONE.

ABSENT - Beaudoin, Bolduc, Campbell R, Dion, Frey, Libby A, Mason, Peavey Haskell, Peterson, Pringle, Rykerson, Saxton.

Yes, 139; No, 0; Absent, 12; Excused, 0.

139 having voted in the affirmative and 0 voted in the negative, with 12 being absent, and accordingly the Unanimous Committee Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-109)** was **READ** by the Clerk and **ADOPTED**

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-109)** in concurrence.

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

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An Act To Protect Vulnerable Adults from Exploitation

(H.P. 346) (L.D. 527)

(C. "A" H-189)

TABLED - May 23, 2013 (Till Later Today) by Representative FREDETTE of Newport.

PENDING - **PASSAGE TO BE ENACTED**. (Roll Call Ordered)

The SPEAKER: A roll call having been previously 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. 139**

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

NAY - NONE.

ABSENT - Beaudoin, Bolduc, Campbell R, Dion, Frey, Libby A, Mason, Peavey Haskell, Peterson, Pringle, Rykerson, Saxton.

Yes, 139; No, 0; Absent, 12; Excused, 0.

139 having voted in the affirmative and 0 voted in the negative, with 12 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

**REPORTS OF COMMITTEE**

**Divided Reports**

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-238)** on Bill "An Act To Promote and Expand Awareness of the Educational Opportunity Tax Credit"

(H.P. 926) (L.D. 1300)

Signed:

Senators:

MILLETT of Cumberland  
JOHNSON of Lincoln  
LANGLEY of Hancock

Representatives:

MacDONALD of Boothbay  
DAUGHTRY of Brunswick  
HUBBELL of Bar Harbor  
JOHNSON of Greenville  
KORNFIELD of Bangor  
McCLELLAN of Raymond  
NELSON of Falmouth  
POULIOT of Augusta  
RANKIN of Hiram

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-239)** on same Bill.

Signed:

Representative:

MAKER of Calais

Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (H-238)** Report.

**READ.**

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

The Bill was **READ ONCE. Committee Amendment "A" (H-238)** 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-238)** and sent for concurrence.

Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought Not to Pass** on Bill "An Act To Enhance the Protection of Native Fish Species"

(H.P. 364) (L.D. 545)

Signed:

Senators:

DUTREMBLE of York  
BURNS of Washington  
HASKELL of Cumberland

Representatives:

SHAW of Standish  
BRIGGS of Mexico  
CRAFTS of Lisbon  
DAVIS of Sangerville  
ESPLING of New Gloucester

EVANGELOS of Friendship

KUSIAK of Fairfield

MARKS of Pittston

SHORT of Pittsfield

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

Signed:

Representative:

WOOD of Sabattus

**READ.**

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

Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought Not to Pass** on Bill "An Act To Give Certain Landowners First Priority for Antlerless Deer Permits"

(H.P. 363) (L.D. 544)

Signed:

Senators:

DUTREMBLE of York  
HASKELL of Cumberland

Representatives:

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

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

Signed:

Senator:

BURNS of Washington

Representative:

BRIGGS of Mexico

**READ.**

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

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 rise in opposition of the pending motion and I'd like to explain why. My constituent has asked me to submit this bill for him. He is from Canton. I would like to share with you a little bit of the history of this and the reasoning. As the summary reads, "This bill amends the current antlerless deer hunting permit system to require that all antlerless deer permits available in a wildlife management district be issued to landowners who own at least 25 contiguous acres of land open to hunting by the public and have applied for the permit. It also provides that if the number of available antlerless deer permits in a wildlife management district exceeds the number of eligible landowner applications, the remaining

permits must be issued to junior hunters who have applied for an antlerless deer permit in that district."

I'd also like to now read my constituent's brief testimony to give you a better understanding as to where he is coming from, and it reads as follows:

I feel that all landowners that open their land to hunting should receive an antler less deer permit if they apply for said permit. The future of hunting in the State of Maine lies with the landowner and the youth. The landowners should have first priority, the youth after that, then any leftover permits should go into a general drawing. The way it is now the landowners are encouraged to leave their land open to hunting and year after year do not receive a permit themselves but their neighbors who own house lots or rent get permits and can hunt antler less deer on the landowners property. Is that fair? I have talked to several landowners in my area that have not received a permit in three or four years that are about ready to post their land to hunting. In the small area around me that would amount to over one thousand acres of land being posted. If that happened all over the state eventually there would be no land left open to hunting. I do not want to see that happen and I am sure you don't either. If a landowner applies and receives an antler less deer permit he or she should be required to keep the permit themselves and not be allowed to transfer said permit to a non-landowner. I don't believe that the landowners that apply for permits would use all of the permits, leaving some for the general drawing. The State of Maine says they want better relationships with landowners, and they are always encouraging the youth to be involved in the sport and I believe this is a good way to help on both accounts. I feel that without the landowners allowing hunting on their land the future of hunting will be jeopardized. The youth are the future hunters in the state and are also important to the sport if it is going to continue.

Mr. Speaker, Ladies and Gentlemen of the House, I respectfully ask your support for the Minority Report. Thank you.

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

Representative **SHAW**: Thank you very much, Mr. Speaker. With all due respect to my good friend from Mexico, Representative Briggs, I would ask that you support the report that's on the board right now. Right now, we give 25 percent of the any-deer permits to landowners first. There is a bill coming up that will give the next 25 percent to junior hunters and the rest go into the lottery for everybody to get selected on. Basically, a lot of people would like to be able to get out and hunt, and get the any-deer permits. A lot of people can't afford to own 25 acres or more, so I think the system has been refined over the years. The first 25 percent already go to the landowners. In fact, each person in the landowner's family can put in for a permit, so they do get a substantial number of any-deer permits. Over the last couple of years, the permits were decreased substantially. They've been increased back to historic levels, so all the landowners, even at the 25 percent, at this point, should probably receive an any-deer permit anyway. So I ask you to follow my light. Accept the Majority Ought Not to Pass Report. Thank you, Mr. Speaker.

Representative BRIGGS of Mexico **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. 140**

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

NAY - Beavers, Black, Briggs, Chapman, Cray, Gifford, Harlow, Hickman, Maker, Nadeau C, Timberlake, Turner, Verow.

ABSENT - Beaudoin, Bolduc, Campbell R, Crockett, Frey, Libby A, Mason, Nutting, Peavey Haskell, Peterson, Pringle, Rykerson, Saxton.

Yes, 125; No, 13; Absent, 13; Excused, 0.

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

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-234)** on Bill "An Act To Protect Newborns Exposed to Drugs or Alcohol"

(H.P. 194) (L.D. 257)

Signed:

Senators:

CRAVEN of Androscoggin  
HAMPER of Oxford  
LACHOWICZ of Kennebec

Representatives:

FARNSWORTH of Portland  
CASSIDY of Lubec  
DORNEY of Norridgewock  
MALABY of Hancock  
McELWEE of Caribou  
SANDERSON of Chelsea  
SIROCKI of Scarborough

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-235)** on same Bill.

Signed:

Representatives:

GATTINE of Westbrook  
STUCKEY of Portland

Representative BEAR of the Houlton Band of Maliseet Indians - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (H-234)** Report.

**READ.**

Representative FARNSWORTH 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. 141**

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

NAY - Beavers, Boland, Carey, Chipman, Gattine, Graham, Hickman, Jones, Rotundo, Sanborn, Shaw, Stuckey.

ABSENT - Beaudoin, Bolduc, Campbell R, Crockett, Frey, Libby A, Mason, Peavey Haskell, Peterson, Pringle, Rykerson, Saxton.

Yes, 127; No, 12; Absent, 12; Excused, 0.

127 having voted in the affirmative and 12 voted in the negative, with 12 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-234)** 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-234)** and sent for concurrence.

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-229)** on Bill "An Act To Enable Municipalities To Establish Business Development Loan Programs Using Municipally Raised or Appropriated Money"

(H.P. 405) (L.D. 586)

Signed:

Senators:

LACHOWICZ of Kennebec

COLLINS of York

Representatives:

GRAHAM of North Yarmouth  
BOLAND of Sanford  
BOLDUC of Auburn  
CHENETTE of Saco  
MacDONALD of Old Orchard Beach  
NADEAU of Fort Kent  
PEASE of Morrill

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

Signed:

Representatives:

COTTA of China  
HAYES of Buckfield  
NADEAU of Winslow

**READ.**

Representative GRAHAM of North Yarmouth 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 North Yarmouth, Representative Graham.

Representative **GRAHAM**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This bill was brought to us by the good Representative from Greenville and it really is as its title, "An Act To Enable Municipalities To Establish Business Development Loan Programs Using Municipally Raised or Appropriated Money." We had a good hearing on this. We came out with the Majority Report, but the Majority Report as Amended and the amendment is the committee changes the bill to require a municipality to receive approval at a referendum election before raising and appropriating money to establish a revolving loan fund program to assist in local job creation and retention. So that's what the bill does, and again, this came as the Majority Report and we heard excellent testimony from the good Representative from Greenville.

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. 142**

YEA - Ayotte, Beaulieu, Beavers, Beck, Berry, Black, Boland, Briggs, Brooks, Campbell J, Carey, Casavant, Cassidy, Chapman, Chase, Chenette, Chipman, Clark, Marks, Cooper, Crafts, Cray, Daughtry, Devin, Dickerson, Dill, Dion, Doak, Dorney, Dunphy, Duprey, Espling, Evangelos, Farnsworth, Fitzpatrick, Fowle, Gideon, Gifford, Gilbert, Goode, Graham, Grant, Guerin, Hamann, Harlow, Harvell, Herbig, Hickman, Hobbins, Hubbell, Johnson P, Jones, Jorgensen, Kaenrath, Kent, Kinney, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby N, Lockman, Luchini, MacDonald S, MacDonald W, Maker, Malaby, Marks, Mastraccio, McCabe, McClellan, McElwee, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau A, Nelson, Noon, Parry, Pease, Plante, Pouliot, Powers, Priest, Rankin, Reed, Rochelo, Rotundo, Russell, Sanborn, Sanderson, Saucier, Schneck, Shaw, Short, Sirocki, Stanley, Stuckey, Theriault, Timberlake, Tipping-Spitz, Treat, Tyler, Verow, Villa, Volk,

Weaver, Welsh, Werts, Willette, Wilson, Winchenbach, Winsor, Wood, Mr. Speaker.

NAY - Bennett, Cotta, Crockett, Davis, DeChant, Fredette, Gattine, Gillway, Hayes, Jackson, Johnson D, Keschl, Knight, Long, Longstaff, Marean, Nadeau C, Newendyke, Nutting, Peoples, Turner, Wallace.

ABSENT - Beaudoin, Bolduc, Campbell R, Frey, Libby A, Mason, Peavey Haskell, Peterson, Pringle, Rykerson, Saxton.

Yes, 118; No, 22; Absent, 11; Excused, 0.

118 having voted in the affirmative and 22 voted in the negative, with 11 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (H-229) 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-229)** and sent for concurrence.

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### CONSENT CALENDAR

#### First Day

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

(S.P. 87) (L.D. 251) Bill "An Act Criminalizing Trafficking in Contraband or Alcoholic Beverages in State Hospitals Serving Adults" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-124)**

(S.P. 179) (L.D. 447) Bill "An Act To Increase Patient Choice in Health Care Facilities and Health Care Settings" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-122)**

(S.P. 375) (L.D. 1093) Bill "An Act To Clarify the Criteria of the Health Professions Loan Program as It Affects Physicians Practicing Neurology-psychiatry" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-119)**

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

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

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

Representative **KUSIAK** : Mr. Speaker, I was absent when Roll Call No. 131 was taken. Had I been here, I would have voted yea on LD 158. Thank you.

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

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On motion of Representative BECK of Waterville, the House adjourned at 11:27 a.m., until 9:00 a.m., Wednesday, May 29, 2013 in honor and lasting tribute to William E. Grover, Sr., of Waterville, Katharine "Kay" Bangs Mayer, of Belgrade Lakes and our Soldiers who have served our Country so that we could have the freedoms we enjoy today.