

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
51st Legislative Day
Friday, May 31, 2013

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

Prayer by Pastor Robert Ernich, Emmanuel Bible Baptist Church, Plymouth.

National Anthem by Gary Winn, DO, MPH, Arundel.

Pledge of Allegiance.

Doctor of the day, Gary Winn, DO, MPH, Arundel.

The Journal of yesterday was read and approved.

SENATE PAPERS

Bill "An Act To Maintain Competition among Electricity Suppliers Serving Northern Maine"

(S.P. 595) (L.D. 1553)

Came from the Senate, **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** and ordered printed.

REFERRED to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** in concurrence.

Non-Concurrent Matter

Bill "An Act To Encourage Transparency in the Disclosing of the Ingredients in Vaccinations for Children"

(H.P. 505) (L.D. 754)

Minority (5) **OUGHT TO PASS** Report of the Committee on **HEALTH AND HUMAN SERVICES READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED** in the House on May 29, 2013.

Came from the Senate with the Majority (8) **OUGHT NOT TO PASS** Report of the Committee on **HEALTH AND HUMAN SERVICES READ** and **ACCEPTED** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Bill "An Act Regarding Subrogation of Medical Payments Coverage"

(H.P. 507) (L.D. 756)

Minority (5) **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-203)** in the House on May 22, 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**.

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

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

Non-Concurrent Matter

Bill "An Act To Protect Local Input in Economic Development and Redevelopment Efforts"

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

Minority (6) **OUGHT TO PASS** Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED** in the House on May 29, 2013.

Came from the Senate with the Majority (7) **OUGHT NOT TO PASS** Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT READ** and **ACCEPTED** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

COMMUNICATIONS

The Following Communication: (H.C. 184)

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

May 29, 2013

Honorable Mark W. Eves

Speaker of the House

2 State House Station

Augusta, Maine 04333

Dear Speaker Eves:

This is to inform you that, pursuant to Title 3 M.R.S.A., §154, I am withdrawing my nomination of Robert D. Somerville for appointment as a member of the Board of Trustees, Maine Maritime Academy.

This nomination is currently pending before the Joint Standing Committee on Education and Cultural Affairs.

Thank you for your assistance in this matter.

Sincerely,

S/Paul R. LePage

Governor

READ and **ORDERED PLACED ON FILE**.

The Following Communication: (H.C. 185)

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

May 29, 2013

Honorable Mark W. Eves

Speaker of the House

2 State House Station

Augusta, Maine 04333

Dear Speaker Eves:

This is to inform you that, pursuant to Title 3 M.R.S.A., §154, I am withdrawing my nomination of Honorable Michael H. Clarke for appointment as a member of the Maine Labor Relations Board.

This nomination is currently pending before the Joint Standing Committee on Labor, Commerce, Research and Economic Development.

Thank you for your assistance in this matter.

Sincerely,

S/Paul R. LePage

Governor

READ and **ORDERED PLACED ON FILE**.

The Following Communication: (H.C. 183)

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

May 31, 2013

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

Dear Speaker Eves:

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

Criminal Justice and Public Safety

L.D. 1233 An Act Regarding Cyberbullying

Education and Cultural Affairs L.D. 1130 An Act To Create a Virtual School Managed by the State

L.D. 1524 An Act To Address the Burden Placed on Students as a Result of Requirements To Take Remedial Courses

L.D. 1526 An Act To Include Debt Service for Local School Construction Projects in the Required Local Share of Education Funding

Energy, Utilities and Technology

L.D. 827 An Act To Increase Access to Natural Gas

L.D. 1537 An Act To Promote the Delivery of Natural Gas to Central Maine

Health and Human Services

L.D. 1538 Resolve, To Establish a Task Force on Poverty and Personal Responsibility

State and Local Government

L.D. 1539 Resolve, To Restore the Integrity of the State Pay System (EMERGENCY)

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.**

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Resolve, To Establish the Study Group To Examine the Issue of Medicaid Expansion

(H.P. 1124) (L.D. 1556)

Sponsored by Representative FREDETTE of Newport.

Cosponsored by Representatives: PARRY of Arundel, TYLER of Windham, WILLETTE of Mapleton.

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

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

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

Sent for concurrence.

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

ORDERS

On motion of Representative TREAT of Hallowell, the following Joint Order: (H.P. 1123)

ORDERED, the Senate concurring, that the Commission To Study Transparency, Costs and Accountability of Health Care System Financing is established as follows.

1. Commission To Study Transparency, Costs and Accountability of Health Care System Financing established.

The Commission To Study Transparency, Costs and Accountability of Health Care System Financing, referred to in this order as "the commission," is established.

2. Membership. The commission consists of 9 members appointed as follows:

A. Four members of the Senate appointed by the President of the Senate, including members from each of the 2 parties holding the largest number of seats in the Legislature; and

B. Five members of the House of Representatives appointed by the Speaker of the House, including members from each of the 2 parties holding the largest number of seats in the Legislature.

3. Commission chairs. The first-named Senator is the Senate chair of the commission and the first-named member of the House is the House chair of the commission.

4. Appointments; convening of commission. All appointments must be made no later than 30 days following passage of this order. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been made. When the appointment of all members has been completed, the chairs of the commission shall call and convene the first meeting of the commission. If 30 days or more after the passage of this order a majority of but not all appointments have been made, the chairs may request authority and the Legislative Council may grant authority for the commission to meet and conduct its business.

5. Duties. The commission shall:

A. Review and evaluate the current data reported by hospitals and other health care facilities in the State pursuant to state and federal law relating to charges, costs of providing services, revenue and other financial data and make recommendations for standardizing financial reporting to enhance transparency to the public of health care costs;

B. Make recommendations for changes and modifications to the current data reporting requirements so that hospitals and other health care facilities publicly report charges, negotiated rates for public and private payors, advertising fees, lobbying expenses, administrative costs and other expenses in a transparent manner. The commission shall consider the costs of implementing any recommendations and the impact of public reporting of negotiated rates on proprietary information held by public and private payors;

C. Make recommendations for increasing transparency to the public of data relating to the costs, price and negotiated rates for health care services in an accessible manner;

D. Seek public input from individuals, hospitals, health care providers, insurers, 3rd-party payors, government-sponsored health care programs and interested organizations;

E. Consult and collaborate with stakeholders and experts in the fields of health care and hospitals and public policy; and

F. Examine any other issues to further the purposes of the study.

The commission may solicit health care cost data and information from both the public and private sectors to help inform the commission's work, including, but not limited to, the data and information of the Department of Health and Human Services, the Maine Health Data Organization, a statewide health care management association, a statewide hospital association and a statewide public health association.

6. Meetings. The commission shall hold at least 4 meetings.

7. Staff assistance. The Legislative Council shall provide necessary staffing services to the commission. The commission may invite the Department of Health and Human Services, the Maine Health Data Organization, the Department of Professional and Financial Regulation, Bureau of Insurance and other agencies of State Government to provide additional staff support or assistance to the commission.

8. Report. The commission shall submit a report and any suggested legislation for presentation to the Joint Standing Committee on Health and Human Services and the Joint Standing Committee on Insurance and Financial Services no later than December 4, 2013.

READ.

On motion of Representative TREAT of Hallowell, **TABLED** pending **PASSAGE** and later today assigned.

On motion of Representative RANKIN of Hiram, the following House Order: (H.O. 24)

ORDERED, that Representative Jane P. Pringle of Windham be excused May 20 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Megan M. Rochelo of Biddeford be excused May 22 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Sharon Anglin Treat of Hallowell be excused May 29 for legislative business.

READ and PASSED.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

the mast dedication and flag raising ceremony for the six 120-foot tall "masts" representing the masts of the schooner *Wyoming*, built in 1909 and one of the largest wooden sailing ships ever built in North America, at the Maine Maritime Museum in Bath. The present *Wyoming* evocation, the largest outdoor sculpture in New England, is composed of 2 structures, which are replicas of the original ship's bow and stern, spanning almost 450 feet of the Maine Maritime Museum's riverfront campus. The bow structure is almost 6 stories high and the stern is almost 4 stories high. The installation of the 6 masts is meant to evoke the size and scale of the original ship. In the 50th anniversary year of the Maine Maritime Museum, we join the good citizens of Bath in celebrating this special event honoring the strong seafaring heritage of the State;

(HLS 360)

Presented by Representative DeCHANT of Bath. Cosponsored by Senator GOODALL of Sagadahoc, Representative KENT of Woolwich.

On **OBJECTION** of Representative DeCHANT of Bath, was **REMOVED** from the Special Sentiment Calendar.

READ.

The SPEAKER: The Chair recognizes the Representative from Bath, Representative DeChant.

Representative **DeCHANT**: Good morning. Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise to speak on this Sentiment, 5-1, and I ask, what are your plans for tomorrow? The weather forecast plans to be in the high mid-80s and so I have a suggestion to make to the folks in the House. This Saturday, tomorrow, is an exciting moment for the Maine Maritime Museum, residents of Maine and anyone interested in the maritime history. I have passed out, in a flurry of your paperwork, please pick up the one that has the picture of a seafaring vessel on it. This one will be dedicated to the six masts of the *Wyoming*, the life-size sculpture that was completed in 2006. This is on the location where the original ship was constructed in the Percy & Small Shipyard. Since then, it has become the largest outdoor sculpture in New England, and is among the most visited and photographed sites in Maine. You really do need to see this. The stern section, almost four stories tall, sits near the riverbank and seemingly waits to enter into the river at high tide as its namesake did more than 100 years before. The construction of the schooner of *Wyoming* began in April of 1909 and she was launched on December 15th of that year. So although impressive and awe-inspiring in its current form, on Saturday, tomorrow, we will celebrate the goal of raising the sixth mast of the *Wyoming*. This event is open to the public and admission for the museum will be free that day. So join us tomorrow and make plans to come to Bath in the near future, the City of Ships. Thank you.

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

Recognizing:

John Boland, of New Gloucester, who is retiring after serving with distinction for 36 years with the Department of Inland Fisheries and Wildlife. For the past 3 years, Mr. Boland has served as the Director of the Bureau of Resource Management, which oversees the fisheries and wildlife divisions in the department. During his career, he has been instrumental with a number of initiatives, has had a broad influence on policy and has been vital to the department's recent reorganization. He was named Employee of the Year and received the Kenneth Anderson Award for outstanding service and dedication. Mr. Boland has also been recognized by organizations outside of the department, such as the Sportsman's Alliance of Maine and the Phippsburg Rod and Gun Club. We send our appreciation to Mr. Boland for his many years of commitment to fisheries and wildlife and to the State. We congratulate him and send him our best wishes on his retirement;

(HLS 365)

Presented by Representative ESPLING of New Gloucester. Cosponsored by Senator CLEVELAND of Androscoggin, Senator DUTREMBLE of York, Senator HASKELL of Cumberland, Representative SHAW of Standish, Representative BRIGGS of Mexico, Representative KUSIAK of Fairfield, Representative MARKS of Pittston, Representative SHORT of Pittsfield, Representative DAVIS of Sangerville, Representative CRAFTS of Lisbon, Representative WOOD of Sabattus, Representative EVANGELOS of Friendship.

On **OBJECTION** of Representative ESPLING of New Gloucester, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **ESPLING**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am pleased to be able to speak on this Sentiment today. John Boland is a neighbor of mine, living down the road a bit from where I live. I actually met his lovely wife first on one of my first door-to-door excursions and have been glad to get to know John as he has represented the Department of Inland Fisheries and Wildlife before our committee many times. John has a longevity and accomplished record that is not easily matched. Thank you, John, for your many years of service to our great state. Thank you.

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

Representative **SHAW**: Thank you very much, Mr. Speaker. Mr. Speaker, Men and Women of the House. It's my pleasure also to rise and talk about John Boland, the Director of Resource Management at the Department of Inland Fisheries and Wildlife. And while he may be a neighbor of the good Representative from New Gloucester, a lot of his life's work was around my district, the Sebago Lake region. Now that John is retiring, as a fisheries biologist, I hope maybe he can get me out fishing on Sebago Lake and show me a few tricks out there. John also timed his retirement perfectly with the end of our committee work because he just loved coming over to the State House and getting grilled by different various committee members over the years. So we'd like to wish John a very happy retirement. Thank you, Mr. Speaker.

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

Representative **BRIGGS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I, too, rise and stand before you today to recognize a great employee of the Department of Inland Fisheries and Wildlife. John Boland has been front and center for many years. John has been a valuable team player and has served the Department at his best. As representative, he has always been there when I or the IF and W Committee has needed him, always happy to assist you with whatever your needs may be. His positive attitude just permeated throughout the Department and the committee. I wish John all the happiness he deserves as he turns to the next chapter in his life. Hopefully, I will see him in our travels to the Mooselook/Rangeley area as that will be his, I'm assuming, his home away from home. Thank you.

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

Representative **MONAGHAN-DERRIG**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would be remiss and in big trouble from my family if I did not wish Johnny Boland a happy retirement. We grew up with his family. We remain very close friends with his family, his sisters and his mom, Jan. My dad was great friends with his dad, Jack Boland. They shared many memories together, some I really can't talk too much about, but I know that Johnny knows what I'm talking about. So I too want to wish him a very happy retirement and I hope to see him at Rett's this summer.

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

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

UNFINISHED BUSINESS

The following matter, in the consideration of which the House was engaged at the time of adjournment yesterday, had

preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

SENATE DIVIDED REPORT - Majority (7) Ought Not to Pass - Minority (5) Ought to Pass as Amended by Committee Amendment "A" (S-125) - Committee on LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT on Bill "An Act Regarding Contract Indemnification"

(S.P. 290) (L.D. 865)

- In Senate, Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-125)**.

TABLED - May 29, 2013 (Till Later Today) by Representative HERBIG of Belfast.

PENDING - ACCEPTANCE OF EITHER REPORT.

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

On motion of Representative FREDETTE of Newport, **TABLED** pending the motion of Representative HERBIG of Belfast to **ACCEPT** the Majority **Ought Not to Pass** Report and later today assigned.

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 Repeal the Restriction on Employers Regarding Firearms Kept in an Employee's Vehicle"

(S.P. 98) (L.D. 265)

Signed:

Senators:

DUTREMBLE of York
PLUMMER of Cumberland

Representatives:

DION of Portland
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** on same Bill.

Signed:

Senator:

GERZOFKY of Cumberland

Representatives:

CASAVANT of Biddeford
KAENRATH of South Portland
LAJOIE of Lewiston
PLANTE of Berwick

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

READ.

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

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-79)** on Bill "An Act Regarding the Sale of Firearms at Gun Shows"

(S.P. 100) (L.D. 267)

Signed:

Senators:

GERZOFKY of Cumberland
DUTREMBLE of York

Representatives:

DION of Portland
CASAVANT of Biddeford
KAENRATH of South Portland
LAJOIE of Lewiston
PLANTE of Berwick

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

Signed:

Senator:

PLUMMER of Cumberland

Representatives:

LONG of Sherman
MARKS of Pittston
PEASE of Morrill
TYLER of Windham
WILSON of Augusta

Came from the Senate with the Minority **OUCHT NOT TO PASS** Report **READ** and **ACCEPTED**.
READ.

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

Majority Report of the Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought Not to Pass** on Bill "An Act To Give Retroactive Effect to the State Employee Health Commission's Reconsideration of Hospital Ratings"

(S.P. 50) (L.D. 129)

Signed:

Senators:

GRATWICK of Penobscot
WHITTEMORE of Somerset
WOODBURY of Cumberland

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-144)** on same Bill.

Signed:

Representative:

BECK of Waterville

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

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

Majority Report of the Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-146)** on Bill "An Act To Clarify Uninsured Vehicle Coverage for Multiple Claimants"

(S.P. 218) (L.D. 628)

Signed:

Senators:

GRATWICK of Penobscot
WHITTEMORE of Somerset
WOODBURY of Cumberland

Representatives:

TREAT of Hallowell
BECK of Waterville
COOPER of Yarmouth
DOAK of Columbia Falls
MORRISON of South Portland
PRINGLE of Windham
WALLACE of Dexter

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

Signed:

Representatives:

FITZPATRICK of Houlton
McCLELLAN of Raymond

Came from the Senate with the Majority **OUCHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-146)**.

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-146)** 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-146)** in concurrence.

Majority Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought Not to Pass** on Bill "An Act To Amend the Laws Governing the Work Permit Process for Minors and To Conform the Laws Governing Allowable Places of Work for Minors to Federal Law" (EMERGENCY)

(S.P. 163) (L.D. 431)

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 to Pass as Amended by Committee Amendment "A" (S-138)** 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 NOT TO PASS** Report **READ** and **ACCEPTED**.

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.

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought Not to Pass** on Bill "An Act To Establish a People's Veto Process for Actions of County Commissioners"

(S.P. 33) (L.D. 82)

Signed:
Senators:
LACHOWICZ of Kennebec
COLLINS of York

Representatives:

GRAHAM of North Yarmouth
BOLAND of Sanford
CHENETTE of Saco
HAYES of Buckfield
NADEAU of Winslow
NADEAU of Fort Kent
PEASE of Morrill

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-140)** on same Bill.

Signed:
Representative:
COTTA of China

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

READ.

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

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-271)** on Bill "An Act To Restore the Resource Development Centers to Full Operation"

(H.P. 503) (L.D. 752)

Signed:
Senators:
CRAVEN of Androscoggin
LACHOWICZ of Kennebec

Representatives:

FARNSWORTH of Portland
CASSIDY of Lubec
DORNEY of Norridgewock
GATTINE of Westbrook
McELWEE of Caribou
PRINGLE of Windham
STUCKEY of Portland

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

Signed:
Senator:
HAMPER of Oxford

Representatives:

MALABY of Hancock
SANDERSON of Chelsea
SIROCKI of Scarborough

READ.

Representative FARNSWORTH of Portland 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 **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-272)** on Bill "An Act To Improve the Administration of the Child Care Subsidy Program and To Prevent Erroneous Termination of Child Care Services"

(H.P. 579) (L.D. 828)

Signed:
Senators:
CRAVEN of Androscoggin
LACHOWICZ of Kennebec

Representatives:

FARNSWORTH of Portland
CASSIDY of Lubec
DORNEY of Norridgewock
GATTINE of Westbrook
PRINGLE of Windham
STUCKEY of Portland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-273)** on same Bill.

Signed:

Senator:
HAMPER of Oxford

Representatives:
MALABY of Hancock
McELWEE of Caribou
SANDERSON of Chelsea
SIROCKI of Scarborough

READ.

Representative FARNSWORTH of Portland 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 **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-263)** on Bill "An Act To Allow a Junior Hunter To Take One Antlerless Deer without an Antlerless Deer Permit"

(H.P. 83) (L.D. 101)

Signed:
Senators:
DUTREMBLE of York
BURNS of Washington
HASKELL of Cumberland

Representatives:
SHAW of Standish
BRIGGS of Mexico
CRAFTS of Lisbon
DAVIS of Sangerville
EVANGELOS of Friendship
MARKS of Pittston
SHORT of Pittsfield
WOOD of Sabattus

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

Signed:
Representatives:
ESPLING of New Gloucester
KUSIAK of Fairfield

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-263)** 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-263)** and sent for concurrence.

Majority Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-256)** on Bill "An Act To Protect Earned Pay"

(H.P. 842) (L.D. 1198)

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

READ.

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

The same Representative further moved that the House **TABLE** the Majority **Ought to Pass as Amended** Report pending her motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report and later today assigned.

The SPEAKER: The Chair recognizes the Representative from Embden, Representative Dunphy.

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

The SPEAKER: The Representative may pose his question.

Representative **DUNPHY**: Why are we Tabling all of these bills? We came down here to do business, sir, and with all due respect, we should be doing business.

The SPEAKER: The Chair will answer that question. There is a method to our madness. What we would like to do is clear as much stuff off the calendar as we can and then go back to those that are going to be debated. So the plan for today is to get through the calendar, move all those that are not going to be debated, that go under the hammer, and then go back to the beginning of the divided report calendar to take up the business that we had Tabled today. The Representative may proceed.

Representative **DUNPHY**: At some point are we not going to have to deal with these?

The SPEAKER: We will deal with them today.

Representative **DUNPHY**: Thank you, sir.

Subsequently, the Majority **Ought to Pass as Amended** Report was **TABLED** by Representative HERBIG of Belfast pending her motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report and later today assigned.

Majority Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-257)** on Resolve, Regarding Legislative Review of Portions of Chapter 17: Rules Regarding Proof of Ownership and Recruitment by Employers Employing Foreign Laborers To Operate Logging Equipment, a Major Substantive Rule of the Department of Labor (EMERGENCY)

(H.P. 893) (L.D. 1259)

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 to Pass** on same Resolve.

Signed:

Senator: CUSHING of Penobscot

Representatives:

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

READ.

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

The Resolve was **READ ONCE. Committee Amendment "A" (H-257)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Resolve was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-257)** and sent for concurrence.

Majority Report of the Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-266)** on Bill "An Act To Allow 2 Eligible Organizations To Jointly Hold a Game of Beano or Bingo"

(H.P. 126) (L.D. 151)

Signed:

Senators:

TUTTLE of York
MASON of Androscoggin

Representatives:

LUCHINI of Ellsworth
BEAULIEU of Auburn
FOWLE of Vassalboro
GIFFORD of Lincoln
KINNEY of Limington
LONGSTAFF of Waterville
RUSSELL of Portland
SAUCIER of Presque Isle

SCHNECK of Bangor

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

Signed:

Senator:

PATRICK of Oxford

Representative:

JOHNSON of Eddington

READ.

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

The Bill was **READ ONCE. Committee Amendment "A" (H-266)** 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-266)** and sent for concurrence.

Majority Report of the Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought Not to Pass** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Restrict the Voting Privileges of Persons Incarcerated for Murder or Class A Crimes

(H.P. 392) (L.D. 573)

Signed:

Senators:

TUTTLE of York
PATRICK of Oxford

Representatives:

LUCHINI of Ellsworth
LONGSTAFF of Waterville
RUSSELL of Portland
SAUCIER of Presque Isle
SCHNECK of Bangor

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-267)** on same RESOLUTION.

Signed:

Senator:

MASON of Androscoggin

Representatives:

BEAULIEU of Auburn
FOWLE of Vassalboro
GIFFORD of Lincoln
JOHNSON of Eddington
KINNEY of Limington

READ.

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

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

CONSENT CALENDAR

First Day

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

(S.P. 44) (L.D. 123) Bill "An Act To Ensure Proper Anatomical Recovery of Human Bodies and Body Parts" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-149)**

(S.P. 130) (L.D. 350) Bill "An Act To Amend the Laws Governing Gambling" Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-142)**

(S.P. 312) (L.D. 891) Bill "An Act To Create Uniform Claims Paying Practices in Long-term Care Insurance Policies" (EMERGENCY) Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-147)**

(H.P. 775) (L.D. 1106) Bill "An Act To Develop a Grant Program To Establish a Teacher-led School Model" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass**

(H.P. 314) (L.D. 464) Bill "An Act To Change Compensation for Career and Technical Education Region Cooperative Board Meeting Attendance" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-279)**

(H.P. 540) (L.D. 789) Bill "An Act To Lessen the Impact of High Feed and Fuel Costs on Maine Dairy Farmers" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-281)**

(H.P. 713) (L.D. 1015) Bill "An Act To Expand Crossbow Hunting" Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-274)**

(H.P. 996) (L.D. 1400) Resolve, Directing the Attorney General To Confer with Tribal Governments To Establish Procedures Regarding the Tribal Provisions of the Federal Violence Against Women Act of 1994 Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-275)**

(H.P. 1038) (L.D. 1444) Bill "An Act Relating to Title Insurers Issuing Closing or Settlement Protection" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-283)**

(H.P. 1066) (L.D. 1485) Bill "An Act Relating to Insurance Company Formation and Dissolution" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-282)**

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 and the House Papers were **PASSED TO BE ENGROSSED or PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

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

ENACTORS
Emergency Measure

An Act To Create an Open Enrollment Period Consistent with Federal Regulations for Health Insurance Exchanges

(H.P. 563) (L.D. 812)
(C. "A" H-240)

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. 130 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

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

(H.P. 1065) (L.D. 1484)
(S. "A" S-120)

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. 127 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 Department of Education To Examine School Security

(H.P. 629) (L.D. 905)
(C. "A" H-227)

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

Representative FREDETTE of Newport **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. 161

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, Daughtry, Davis, DeChant, Devin, Dickerson, Dill, Dion, Doak, Dorney, Dunphy, Espling, Evangelos, Farnsworth, Fitzpatrick, Fowle, Fredette, Frey, Gattine, Gideon, Gifford, Gilbert, Gillway, Goode, Graham, Grant, Guerin, Hamann, Harlow, Harvell, Hayes, Herbig, Hickman, Hobbins, Hubbell, Jackson, Johnson D, Johnson P, Jones, Kaenrath, Kent, Keschl, Kinney, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby N, Lockman, Long, Longstaff, Luchini, MacDonald S, MacDonald W, Maker, Malaby, Marean, Marks, Mason, Mastraccio, McClellan, McElwee, McGowan, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, Nelson, Newendyke, Noon, Nutting, Parry, Pease, Peavey Haskell, Peoples, Plante, Pouliot, Powers, Priest, Pringle, Rankin, Reed, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Sanderson, Saucier, Schneck, Shaw, Short, Sirocki, Stanley, Theriault, Timberlake, Tipping-Spitz, Treat, Turner, Tyler, Villa, Weaver, Werts, Willette, Wilson, Winchenbach, Winsor, Wood, Mr. Speaker.

NAY - Duprey.

ABSENT - Beaudoin, Bolduc, Campbell R, Crockett, Jorgensen, Knight, Libby A, McCabe, McLean, Nadeau A, Peterson, Saxton, Stuckey, Verow, Volk, Wallace, Welsh.

Yes, 133; No, 1; Absent, 17; Excused, 0.

133 having voted in the affirmative and 1 voted in the negative, with 17 being absent, and accordingly and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Acts

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

(H.P. 97) (L.D. 115)
(S. "A" S-105)

An Act To Improve Insurance Coverage for First Responders

(S.P. 71) (L.D. 235)
(C. "A" S-76)

An Act Criminalizing Trafficking in Contraband in State Hospitals Serving Adults

(S.P. 87) (L.D. 251)
(C. "A" S-124)

An Act To Increase Patient Choice in Health Care Facilities and Health Care Settings

(S.P. 179) (L.D. 447)
(C. "A" S-122)

An Act Regarding Timber Harvesting on Land Managed by the Division of Parks and Public Lands

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

An Act To Enable Municipalities To Establish Business Development Loan Programs Using Municipally Raised or Appropriated Money

(H.P. 405) (L.D. 586)
(C. "A" H-229)

An Act To Make Records of External Review Proceedings Overseen by the Bureau of Insurance Confidential

(S.P. 239) (L.D. 648)
(C. "A" S-113)

An Act To Improve Access to Career and Technical Schools

(H.P. 487) (L.D. 715)
(C. "A" H-223)

An Act To Examine Fees Charged by Municipalities Concerning Outdoor-related Activities

(H.P. 608) (L.D. 857)
(C. "A" H-224)

An Act To Streamline, Amend and Clarify Certain Professional and Occupational Licensing Statutes

(S.P. 292) (L.D. 867)
(C. "A" S-115)

An Act Regarding the Disclosure of Certain Records in Criminal Matters

(H.P. 623) (L.D. 900)

An Act To Allow Municipalities To Petition the Department of Marine Resources To Establish Dive-only Areas for Scallops in Mooring Fields

(S.P. 324) (L.D. 946)
(C. "A" S-110)

An Act To Provide for and Recognize the Right of the Houlton Band of Maliseet Indians To Fish for Marine Organisms

(H.P. 666) (L.D. 953)
(C. "A" H-225)

An Act To Improve the Accuracy of Fuel Tax Reporting

(S.P. 341) (L.D. 996)
(C. "A" S-109)

An Act To Improve Efficiency in the Collection of Beverage Containers

(S.P. 362) (L.D. 1080)
(C. "A" S-116)

An Act To Clarify the Criteria of the Health Professions Loan Program as It Affects Physicians Practicing Neurology-psychiatry

(S.P. 375) (L.D. 1093)
(C. "A" S-119)

An Act To Address Human Trafficking, Sex Trafficking and Prostitution

(H.P. 824) (L.D. 1159)

An Act To Enhance Efforts To Use Locally Produced Food in Schools

(H.P. 829) (L.D. 1185)
(C. "A" H-233)

An Act To Promote and Expand Awareness of the Educational Opportunity Tax Credit

(H.P. 926) (L.D. 1300)
(C. "A" H-238)

An Act To Amend the Motor Fuel Distribution and Sales Act

(S.P. 479) (L.D. 1360)

An Act To Increase Mileage Reimbursement and Compensation for Jurors

(H.P. 1012) (L.D. 1424)
(C. "A" H-232)

An Act To Clarify the Permitted Use of Aquatic Pesticides

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

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

(H.P. 1033) (L.D. 1439)

An Act To Amend the Laws Pertaining to Employee Health Insurance

(H.P. 1072) (L.D. 1495)

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 Commissioner of Professional and Financial Regulation To Convene a Working Group To Consider Reforms of the Practices of the Nursing Home Administrators Licensing Board

(H.P. 374) (L.D. 555)
(C. "A" H-241)

Resolve, To Review and Amend the Rules Regarding Hospital Charity Care Guidelines

(H.P. 429) (L.D. 610)
(C. "A" H-236)

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

An Act To Protect Newborns Exposed to Drugs or Alcohol

(H.P. 194) (L.D. 257)
(C. "A" H-234)

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

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

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

An Act Concerning the Collection of Sales Tax by Any Businesses Making Sales to Persons in Maine

(H.P. 251) (L.D. 346)
(C. "A" H-194; S. "A" S-118)

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

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

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

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

Representative FREDETTE of Newport **REQUESTED** that the Clerk **READ** the Committee Report.

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

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

ROLL CALL NO. 162

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

NAY - Crafts, Davis, Gifford, Johnson D, Long, Peavey Haskell, Timberlake, Turner, Willette, Wood.

ABSENT - Beaudoin, Bolduc, Campbell R, Crockett, Knight, Libby A, McCabe, McLean, Nadeau A, Peterson, Saxton, Verow, Wallace.

Yes, 128; No, 10; Absent, 13; Excused, 0.

128 having voted in the affirmative and 10 voted in the negative, with 13 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Resolve, Directing the Department of Professional and Financial Regulation To Conduct a Sunrise Review Regarding the Proposal To License Recreational Therapists

(S.P. 443) (L.D. 1281)
(C. "A" S-117)

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

On motion of Representative FREDETTE of Newport, was **SET ASIDE**.

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

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

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

ROLL CALL NO. 163

YEA - Beavers, Beck, Berry, Boland, Briggs, Brooks, Campbell J, Carey, Casavant, Cassidy, Chapman, Chenette, Chipman, Cooper, Daughtry, Devin, Dickerson, Dill, Dion, Dorney, Evangelos, Farnsworth, Fowle, Frey, Gattine, Gideon, Gilbert, Goode, Grant, Hamann, Harlow, Hayes, Herbig, Hickman, Hobbins, Hubbell, Jones, Jorgensen, Kaenrath, Kent, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby N, Longstaff, Luchini, MacDonald W, Marks, Mason, Mastraccio, McGowan, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, Nelson, Noon, Peoples, Plante, Powers, Priest, Pringle, Rankin, Rochelo, Rotundo, Russell, Rykerson, 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, DeChant, Doak, Dunphy, Duprey, Espling, Fitzpatrick, Fredette, Gifford, Gillway, Guerin, Harvell, Jackson, Johnson D, Johnson P, Keschl, Kinney, Lockman, Long, MacDonald S, Maker, Malaby, Marean, McClellan, McElwee, Newendyke, Nutting, Parry, Pease, Peavey Haskell, Pouliot, Reed, Sanderson, Sirocki, Timberlake, Turner, Tyler, Volk, Weaver, Willette, Wilson, Winsor, Wood.

ABSENT - Beaudoin, Bolduc, Campbell R, Graham, Knight, Libby A, McCabe, McLean, Nadeau A, Peterson, Saxton, Verow, Wallace.

Yes, 85; No, 53; Absent, 13; Excused, 0.

85 having voted in the affirmative and 53 voted in the negative, with 13 being absent, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

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

CONSENT CALENDAR

First Day

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

(S.P. 566) (L.D. 1511) Bill "An Act Regarding Coordinated Access to Public Records of State Agencies" Committee on **JUDICIARY** reporting **Ought to Pass**

(S.P. 265) (L.D. 727) Bill "An Act Establishing Health Care Practitioner Transparency Requirements" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-154)**

(S.P. 316) (L.D. 939) Bill "An Act To Restore Maine's Groundfishing Industry" Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-152)**

(H.P. 154) (L.D. 193) Bill "An Act To Authorize InterCoast Career Institute To Grant the Degree of Associate Degree in Applied Science" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass**

(H.P. 587) (L.D. 836) Bill "An Act Regarding the Use of Mobile Poultry Processing Units" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass**

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

There being no objection, the Senate Papers were **PASSED TO BE ENGROSSED** or **PASSED TO BE ENGROSSED** as

Amended in concurrence and the House Papers were **PASSED TO BE ENGROSSED** and sent for concurrence.

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-276)** on Bill "An Act To Prevent the Reduction in Adoption Subsidy after an Agreement Has Been Signed by the Prospective Adoptive Parents and the Department of Health and Human Services" (EMERGENCY)

(H.P. 761) (L.D. 1068)

Signed:

Senators:

VALENTINO of York
BURNS of Washington
TUTTLE of York

Representatives:

BEAULIEU of Auburn
CROCKETT of Bethel
DeCHANT of Bath
GUERIN of Glenburn
MONAGHAN-DERRIG of Cape Elizabeth
MOONEN of Portland
MORIARTY of Cumberland
PEAVEY HASKELL of Milford
VILLA of Harrison

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

Signed:

Representative:

PRIEST of Brunswick

Representative MITCHELL of the Penobscot Nation - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (H-276)** Report.

READ.

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

The Bill was **READ ONCE. Committee Amendment "A" (H-276)** 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-276)** and sent for concurrence.

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

HOUSE DIVIDED REPORT - Majority (9) **Ought to Pass as Amended by Committee Amendment "A" (H-271)** - Minority (4) **Ought Not to Pass** - Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Restore the Resource Development Centers to Full Operation"

(H.P. 503) (L.D. 752)

Which was **TABLED** by Representative FARNSWORTH of Portland pending his motion to **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 Deer Isle, Representative Kumiega.

Representative **KUMIEGA**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. As sponsor of the bill, I'd like to give you a little bit of background information. The resource development centers, or RDCs, were a statewide network that offered professional development and technical assistance to child care providers and helped parents access child care subsidies, referred parents to licensed and certified child care centers, and gave parents information and education on how to choose a quality child care provider for their child, and that's pretty important because if you think about, if it's a single parent or two parents that work fulltime, the child may spend eight, nine, 10 hours a day in a child care situation and most parents don't really know. I mean, you know if the people care about the kid, but knowing what a good curriculum is and what a good quality child care experience is, isn't something that you just know. The RDC contracts were not renewed in the last biennium and these important services were brought in-house at DHHS. At the public hearing, conflicting testimony was presented. A representative for child care providers testified that technical assistance and professional development opportunities had declined, and maybe more importantly the parent education piece had significantly declined and the referral services were not as good as they used to be. Testimony from the Department of Health and Human Services was that they were providing those services and they felt like they were doing a good job. The bill, as amended, simply asks for that to be verified. It asks for a study on what kind of participation there was in these programs before. It asks for a parent satisfaction survey. It asks for data so that the Legislature and the coming Legislature can make an informed decision as to how good the services are that are being provided now, and how that compares to what was being provided before. So I hope you will join me in supporting this Resolve. Thank you very much.

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

Representative **SANDERSON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The good Representative is right. We did hear from the Department of Health and Human Services saying that they have, you know, had some very good luck with how this has transitioned now and asking to study and have the Department report back on how they're doing is kind of counterproductive. They did that at the public hearing. They let us know that there has been no reduction in services available to families to locate child care. You know, they let us know that they are currently completing a two-year contract with the University of Maine to provide the training, technical assistance and professional development and system coordination. I'm not sure that there is really anything here to study. Thank you very much.

The **SPEAKER**: The Chair recognizes the Representative from Hampden, Representative Duprey.

Representative **DUPREY**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I own one of the largest daycare provider center agencies in the State of Maine. I have four large daycare centers in the Bangor area, so this bill has actually affected me personally. A couple of years ago when they wanted to get rid of the RDCs, I was kind of against it

because we had a good relationship with them to get a lot of our training and stuff. But over the last two years, I've noticed that I haven't had any reduction. It's working really well with the state. I haven't had any problems that we had before at the RDCs, so I will be voting against the pending motion.

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. I rise in support of this motion. I am a pediatric nurse practitioner, but I worked in child care health consulting and early childhood education is one of the best investments we can make. When I first worked in childhood education in 2001-2002, for every dollar we invested, we had a \$7 return. Well, now every dollar we invest is a \$14 return. Resource development centers are a very important way to encourage quality early childcare education, and again I emphasize quality. That's the goal and I urge you to follow my light. Thank you.

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

Representative **FARNSWORTH**: Thank you, Mr. Speaker. I just wanted to make a short statement in terms of the fact that we did get confusing or different points of view in the committee hearing and I think it would really be valuable to have a chance to take a much closer look at exactly what impact the withdrawing or centralizing has had, especially taking a poll on the part of parents and childcare providers, to make sure that we are doing the best job we can. As Representative Graham has indicated, quality childcare is the goal and that becomes the critical factor, and what we need to do is continually work toward the quality issue. 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. 164

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, Frey, 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, Mason, Mastraccio, McElwee, McGowan, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, Nelson, Noon, Peoples, Plante, Powers, Priest, Pringle, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Saucier, Schneck, Shaw, Short, Stanley, Stuckey, Theriault, Tipping-Spitz, Treat, Villa, Welsh, Werts, Mr. Speaker.

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

ABSENT - Beaudoin, Bolduc, Campbell R, Knight, Libby A, McCabe, McLean, Nadeau A, Peterson, Saxton, Verow, Wallace.

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

87 having voted in the affirmative and 52 voted in the negative, with 12 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE**. **Committee Amendment "A" (H-271)** 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-271)** and sent for concurrence.

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

HOUSE DIVIDED REPORT - Majority (8) **Ought to Pass as Amended by Committee Amendment "A" (H-272)** - Minority (5) **Ought to Pass as Amended by Committee Amendment "B" (H-273)** - Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Improve the Administration of the Child Care Subsidy Program and To Prevent Erroneous Termination of Child Care Services"

(H.P. 579) (L.D. 828)

Which was **TABLED** by Representative FARNSWORTH of Portland pending his motion to **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.

Representative DUPREY of Hampden asked leave of the House to be excused from voting on L.D. 828 pursuant to House Rule 401.12.

The Chair granted the request.

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. 165

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, Frey, 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, Mason, Mastraccio, McGowan, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, Nelson, Noon, Peoples, Plante, Pouliot, Powers, Priest, Pringle, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Saucier, Schneck, Shaw, Short, Stanley, Stuckey, Theriault, Tipping-Spitz, Treat, Villa, Welsh, Werts, Wilson, Mr. Speaker.

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

ABSENT - Beaudoin, Bolduc, Campbell R, Knight, Libby A, McCabe, McLean, Nadeau A, Peterson, Saxton, Verow, Wallace.

Yes, 88; No, 50; Absent, 12; Excused, 1.

88 having voted in the affirmative and 50 voted in the negative, with 12 being absent and 1 excused, and accordingly

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-272)** 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-272)** and sent for concurrence.

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

HOUSE DIVIDED REPORT - Majority (8) Ought to Pass as Amended by Committee Amendment "A" (H-256) - Minority (5) Ought Not to Pass - Committee on LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT on Bill "An Act To Protect Earned Pay"

(H.P. 842) (L.D. 1198)

Which was **TABLED** by Representative HERBIG of Belfast pending pending her motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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. I rise in support of LD 1198. Being laid off is a terrible thing. It is a challenge that can only be truly understood by those who have experienced it themselves. It can create instability for the most stable, responsible and hardworking employee and their family. To suddenly not have a weekly paycheck or health insurance for your family is absolutely devastating. So imagine you are loyal to your employer and don't take any vacations, meanwhile your coworker takes every vacation and sick day available to them. Then you both get laid off. Your coworker gets to receive his unemployment check immediately. You, however, are told that the vacation time you have earned and you have rolled over for years is being taken away from you in exchange for an unemployment check. In 2011, Maine law was changed that when a person who has vacation paid in excess of four weeks wages or holiday pay is disqualified for receiving unemployment benefits for that week the remuneration is due. This does not exist in any other state. This is unique to Maine. This bill removes those disqualifications and makes this process far more fair for a hardworking, loyal employee that has been laid off at no fault of their own. A constituent of mine who was in this very position explained it well. Imagine my surprise to learn that if I get laid off, the rules have now changed. Now I will not be able to collect unemployment until my earned vacation time is used up. The money that would have been given to me now very well may be given to one of my coworkers who didn't save his vacation time when I was saving mine. He was vacationing when I was working. It's not vacation time, it's earned time. It puts people who have been most loyal to their employers at a disadvantage in an already trying time. It kicks people when they are down. A vote in favor of LD 1198 is a vote in support of Maine's most loyal, hardworking employees. I urge you to support the pending motion.

The **SPEAKER**: The Chair recognizes the Representative from Hampden, Representative Duprey.

Representative **DUPREY**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise today in opposition to the pending motion. In each of my five terms, I've come across newly elected legislators who need to be educated

sometimes on the unemployment system, because when I got out of the Navy and started my first company, I had no idea how a business would operate, but I quickly learned. I want the members of this body to have all of the information at your fingertips, so you can make an educated decision about how the Unemployment Insurance Trust Fund works. It is a very common misconception that unemployment insurance is paid by the employee. A lot of people think that sometimes it's paid half by the employee and half by the company, just like Social Security. That's not true. Unemployment insurance is a tax paid 100 percent by the employer that says if an employee loses his or her job through no fault of their own, the Unemployment Trust Fund that is administered by the Department of Labor, you can temporarily draw money from that account.

How much is this tax? I will just use my company for example. I have 45 employees, and I pay about 2.5 percent of an employee's wages up to the first \$12,000 and I also pay 1 percent up to the first \$7,000 towards federal unemployment. That's about \$370 per employee or about \$16,000 a year. This is meant as an insurance payment, a temporary safety net that allows a worker to put food on the table and pay bills temporarily while he/she aggressively looks for a job. Well, that's how it's supposed to work. The bill is entitled, "An Act to Protect Earned Pay." It would give you the impression that someone stands to lose earned pay. That is simply not the case. When an employee loses his or her job through no fault of their own, and have qualified to receive a weekly payment from the Unemployment Insurance Trust Fund, he or she agrees to declare any income received during that time when they are drawing from the unemployment compensation fund. So if they are working, if they take a temporary job and make \$90 in that week for a couple of hours' worth of work, their unemployment check would be offset by that \$90. It may not be fair, but that's the way it is. Now once you find a job making more than what you receive in unemployment, your trust fund payments will stop, thus preserving the funds for others to use.

Since the Unemployment Trust Fund is meant to be a temporary safety net, current law says that if an employee receives a payment, a lump sum payment, of 4 weeks or more of vacation pay, a person's weekly insurance payment is offset, or reduced to zero. This bill will allow them to get their 4, 5, 8, or 10 weeks of accumulated vacation pay which is paid as a lump sum paid to them, and also get a check that week. That is not what temporary insurance is designed for. Denying them one week of insurance payment will not hurt them financially, because they just got a check that same week for 4 or more weeks of severance payment.

This is another tax on small business. The fiscal note is over \$250,000 to implement this bill, most of which will be absorbed by small businesses. It might be small in comparison to some of the more dangerous anti-business bills this session, but nonetheless, death by 1,000 paper cuts is just as deadly to Maine's struggling businesses. I urge you to oppose the pending motion and if a roll call hasn't been requested, I request that it be taken by the yeas and nays.

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

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

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

Representative **CAMPBELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The gentleman that just spoke, the Representative who just spoke said

something about it isn't fair, but that's the way it is. Well, what we're trying to do is make it fair, make it fair to the middleclass worker who has earned their vacation and deserves to be able to take it when the time comes for vacation, not to supplement the unemployment insurance, as he calls it, small business, because that's the law. He has to pay into that and he has to pay the vacation, so he shouldn't be taken off the hook at the expense of the worker. Thank you, Mr. Speaker.

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

ROLL CALL NO. 166

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, Frey, 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, Maker, Marks, Mason, Mastraccio, McCabe, McGowan, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, Nelson, Noon, Peoples, Plante, Powers, Priest, Pringle, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Saucier, Schneck, Shaw, Short, Stanley, Stuckey, Theriault, Tipping-Spitz, Treat, Turner, Villa, Welsh, Werts, Mr. Speaker.

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

ABSENT - Beaudoin, Bolduc, Campbell R, Cotta, Knight, Libby A, McLean, Nadeau A, Peterson, Saxton, Verow, Wallace.
Yes, 89; No, 50; Absent, 12; Excused, 0.

89 having voted in the affirmative and 50 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-256)** 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-256)** and sent for concurrence.

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

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

REPORTS OF COMMITTEE
Divided Reports

Majority Report of the Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-123)** on Bill "An Act To Amend the Health Plan Improvement Law Regarding Prescription Drug Step Therapy and Prior Authorization"

(S.P. 329) (L.D. 984)

Signed:

Senators:

GRATWICK of Penobscot
WOODBURY of Cumberland

Representatives:

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

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

Signed:

Senator:

WHITTEMORE of Somerset

Representative:

FITZPATRICK of Houlton

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-123)**.

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-123)** 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-123)** in concurrence.

Majority Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-143)** on Bill "An Act To Create the Aging in Place Program" (S.P. 473) (L.D. 1354)

Signed:

Senators:

PATRICK of Oxford
CLEVELAND of Androscoggin
CUSHING of Penobscot

Representatives:

HERBIG of Belfast
CAMPBELL of Newfield
GILBERT of Jay
HAMANN of South Portland
LOCKMAN of Amherst
MASON of Topsham
MASTRACCIO of Sanford
WINCHENBACH of Waldoboro

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

Signed:
 Representatives:
 DUPREY of Hampden
 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-143)**.

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-143)** 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-143)** in concurrence.

UNFINISHED BUSINESS

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

HOUSE DIVIDED REPORT - Majority (8) **Ought to Pass as Amended by Committee Amendment "A" (H-131)** - Minority (5) **Ought Not to Pass** - Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Provide Flexibility in the State Prevailing Wage and Benefit Rates"

(H.P. 762) (L.D. 1069)

TABLED - May 8, 2013 (Till Later Today) by Representative McCABE of Skowhegan.

PENDING - Motion of same Representative to **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. Mr. Speaker, Ladies and Gentlemen of the House. I rise to oppose the pending motion. LD 1069 poses many concerns for Maine's construction industry and was opposed by the Maine Department of Labor and Maine's leading construction organizations for numerous reasons, one of which is due to the fact that it is an unfunded mandate and creates a new liability for the cost of enforcement. Adding this new mandate to the Department's already unfunded mandate to enforce current prevailing wage laws will likely result in even less effective enforcement of prevailing wage laws that are already on the books. Under the proposed bill, employers are allowed flexibility to determine the value of their benefits and reduce the cash wage to employees, provided that the total amount of the two equals the sum of the predetermined rate established by the Bureau of Labor Standards. Now I will admit that in committee, this originally sounded pretty harmless to me, but after listening to the Department and hearing the burden it would place on them in enforcement has caused me to change my mind. If a benefit threshold is not set, there is potential for inconsistency in the

allotment of wages and benefits. This could become extremely confusing and burdensome for both employers and employees as you can imagine. Currently, there is a lot of work being done to ensure that Maine's prevailing wage laws are more fair and effective and predictable for both employers and employees alike. Predictability is very important in our business environment. In light of these reasons, I would encourage you to vote Ought Not to Pass. Please 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. 167

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, Frey, 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, Mason, Mastraccio, McCabe, McGowan, Monaghan-Derrig, Moonen, Moriarty, Nadeau C, Nelson, Noon, Peoples, Plante, Powers, Priest, Pringle, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Saucier, Schneck, Shaw, Short, Stanley, Stuckey, Theriault, Tipping-Spitz, Treat, Villa, Welsh, Werts, Mr. Speaker.

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

ABSENT - Beaudoin, Bolduc, Campbell R, Dion, Knight, Libby A, McLean, Nadeau A, Peterson, Saxton, Verow, Wallace.

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 as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-131)** was **READ** by the Clerk.

Representative DeCHANT of Bath **PRESENTED House Amendment "A" (H-252) to Committee Amendment "A" (H-131)**, which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Bath, Representative DeChant.

Representative **DeCHANT**: Thank you, Mr. Speaker. In government contracting, the prevailing wage is defined as an hourly wage, usual benefits and overtime paid to the majority of workers, laborers, mechanics within a particular sector. Typically, prevailing wages are established by regulatory agencies for each trade and occupation employed in the performance of public work. So this is standard that is based on a federal law, the Francis Bacon Act, and so it has been existing and it's something that is going to have a chance that we can revise it. This bill addresses the growing problem in the construction industry. Contractors that take care of their employees by offering benefit packages are under increasing pressure to find themselves less and less able to bear the strain. When Maine passed the prevailing wage law, it was passed on the premise that the state, as the dominant purchaser of construction services, should neither inflate compensation nor drive a race to the bottom. The current situation demonstrates that this premise is not being met. We sought to protect

employers for unscrupulous businesses that sought to drive their compensation as low as possible. What is left is done to stop the practice that gives contractors who pay no benefits the competitive advantage on public work construction projects while penalizing contractors who honestly try to take care of their people. During public hearing, Maine contractors came out and testified in support of this bill saying it gained them a bit more flexibility in meeting the prevailing wage. This amendment protects low-wage workers' paychecks by disallowing the above mentioned flexibility below a certain threshold. The threshold is determined by taking the average of a wage determination for that specific wage. The wage determinations are set by the Bureau of Labor Standards each year and are by county, by county. This would set a threshold that would be different in Washington County than it is in Cumberland County, thus making it more fair for the entire area. I encourage you to vote in favor of this bill and this amendment.

Representative FREDETTE of Newport **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-252) to Committee Amendment "A" (H-131)**.

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

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

Representative **GILBERT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I stand in strong support of LD 1069, "An Act To Provide Flexibility in the State Prevailing Wage and Benefit Rates," for stability is the key to success and the current system does not allow that. Some employers supply their employees with a benefit package that includes health coverage as well as retirement benefits. Flexibility with the distribution of wages and benefits is only fair to contractors working under the State of Maine's prevailing wage determination as long as they meet the final determined wage and benefit package amount. For example, what difference does it make if the final determination rate is \$25 an hour, whether the employer pays \$15 an hour in wages and \$10 an hour in benefits, or \$10 an hour in wages and \$15 in benefits? As long as the paid wage and benefits package equals the rate as specified by the State of Maine prevailing wage. This bill would allow companies to compensate their employees at the required level, but do it in a way that may be more advantageous to employees and to the employer. Health insurance and retirement benefits are very important to some employees. It would allow the state prevailing wage requirements to be met without cutting these benefits. Additionally, the state and employers in Maine would significantly reduce the cost of reporting and reviewing if the only thing that mattered was the final package amount paid to employees. Companies who work under the state prevailing wage would benefit from this simplification of the current law. All contractors would be working on an equal basis when it comes down to the final complete rate, with benefits, that it pays its employees. Costs could also be reduced for reporters and reviewers. I urge you to support this motion before us.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Adoption of House Amendment "A" (H-252) to Committee Amendment "A" (H-131). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 168

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

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

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

ABSENT - Beaudoin, Bolduc, Briggs, Campbell R, Knight, Lajoie, Libby A, McLean, Nadeau A, Peterson, Saxton, Verow, Wallace.

Yes, 85; No, 53; Absent, 13; Excused, 0.

85 having voted in the affirmative and 53 voted in the negative, with 13 being absent, and accordingly **House Amendment "A" (H-252) to Committee Amendment "A" (H-131) was ADOPTED**.

Committee Amendment "A" (H-131) as Amended by House Amendment "A" (H-252) thereto was 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-131) as Amended by House Amendment "A" (H-252) thereto and sent for concurrence**.

SENATE DIVIDED REPORT - Majority (7) Ought Not to Pass - Minority (6) Ought to Pass - Committee on LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT on Resolve, To Direct the Department of Economic and Community Development To Adopt Certain Eligibility Requirements Regarding Community Development Block Grants (S.P. 560) (L.D. 1499)

- In Senate, Minority **OUGHT TO PASS Report READ and ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED**.

TABLED - May 30, 2013 (Till Later Today) by Representative BERRY of Bowdoinham.

PENDING - ACCEPTANCE OF EITHER REPORT.

Subsequently, Representative HERBIG of Belfast moved that the House **ACCEPT** the Minority **Ought to Pass Report**.

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

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

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

Representative **WINCHENBACH**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise to speak in opposition to this bill. In testimony in the LCRED Committee, the DECD shared that when the community development block grant was developed, the legislative intent was to have the guidelines of process set by rulemaking process. This process involves multiple public forums each year, followed by approval of the rules by the Attorney General and HUD. The reason the DECD suggested smaller communities combining is not that it is necessarily better, but that it is more impactful. With

reduced funding, the DECD was trying to find a way to encourage smaller communities to work together so that more communities could see the benefit of the grant money. The DECD has no problem removing the guideline for small communities banding together, but said that this should be done through the rulemaking process. Putting something in legislation is not necessary and circumvents the process of developing guidelines based on citizen input, a process the Legislature created when the program was established. Making changes through legislative action starts chipping away at the flexibility of the Department that has to work with citizens to make the program as effective as possible. 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. The change that is being referred to was made to rulemaking and I do not think that this was intentional; however, it did force 443 of 610 Maine communities ineligible from this program. This is 90 percent of Aroostook County's community. Clearly, it discriminates against small communities. It also poses problems because communities will have trouble planning because these rules can change every year. This legislation makes this program fair, it makes it clear, and it makes it nondiscriminatory towards small communities. Thank you.

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

Representative **VOLK**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just want to point out that we did hear testimony. This sort of grant process makes it less likely for these small towns to receive these grants because their applications aren't as strong if the benefit is not as great, and so this was an attempt by the Department to actually help these communities indirectly by encouraging them to group together. This does not exclude communities. It simply encourages them, sort of creates a pathway for them to have a stronger application so that their projects are more likely to receive the money that they are hoping for. Thank you.

The SPEAKER: The Chair recognizes the Representative from Harrison, Representative Villa.

Representative **VILLA**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. As a selectman, I represented Harrison on the Cumberland County Community Development Block Grant Municipal Oversight Committee for six years, the last year as vice chairman. The Community Development Block Grant program funded activities must meet the following objectives: Benefit low and moderate-income persons, prevention and elimination of slum and blight conditions, and meeting community development needs having a particular urgency. The Cumberland County program never excluded a municipality from applying for a housing assistance grant based on population. Such a move prevents small rural towns from applying for a federally funded program and puts them at a disadvantage. Having worked to implement the county's program and see its success, I am shocked at the DECD's action. This bill prevents what is, at best, disturbing and, at worst, a discriminated action against small Maine municipalities. I urge you to support the Minority Ought to Pass Report. Thank you.

Representative **FREDETTE** of Newport **REQUESTED** that the Clerk **READ** the Committee Report.

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

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

ROLL CALL NO. 169

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

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

ABSENT - Beaudoin, Bolduc, Campbell R, Knight, Lajoie, Libby A, McLean, Nadeau A, Peterson, Saxton, Verow, Wallace.

Yes, 84; No, 55; Absent, 12; Excused, 0.

84 having voted in the affirmative and 55 voted in the negative, with 12 being absent, and accordingly the Minority **Ought to Pass Report was ACCEPTED.**

The Resolve was **READ ONCE.**

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

Under further suspension of the rules the Resolve was **PASSED TO BE ENGROSSED** in concurrence.

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

An Act To Protect Newborns Exposed to Drugs or Alcohol
(H.P. 194) (L.D. 257)
(C. "A" H-234)

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

Representative **FREDETTE** of Newport **REQUESTED** a roll call on **PASSAGE TO BE ENACTED.**

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

Representative BERRY of Bowdoinham **REQUESTED** that the Clerk **READ** the Committee Report.

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

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

ROLL CALL NO. 170

YEA - Ayotte, Beaulieu, Beavers, Beck, Bennett, Berry, Black, Boland, Briggs, Brooks, Campbell J, Casavant, Cassidy, Chapman, Chase, Chenette, Chipman, Clark, Cooper, Cotta, Crafts, Cray, Crockett, Daughtry, Davis, DeChant, Devin, Dickerson, Dill, Dion, Doak, Dorney, Dunphy, Duprey, Espling, Evangelos, Farnsworth, Fitzpatrick, Fowle, Fredette, Frey, Gideon, Gifford, Gilbert, Gillway, Goode, Graham, Grant, Guerin, Hamann, Harlow, Harvell, Hayes, Herbig, Hobbins, Hubbell, Jackson, Johnson D, Johnson P, Jorgensen, Kaenrath, Kent, Keschl, Kinney, Kornfield, Kruger, Kumiega, Kusiak, Libby N,

Lockman, Long, Longstaff, Luchini, MacDonald S, MacDonald W, Maker, Malaby, Marean, Marks, Mason, Mastraccio, McCabe, McClellan, McElwee, McGowan, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, Nelson, Newendyke, Noon, Nutting, Parry, Pease, Peavey Haskell, Peoples, Plante, Pouliot, Powers, Priest, Pringle, Rankin, Reed, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Sanderson, Saucier, Schneck, Shaw, Short, Sirocki, Stanley, Theriault, Timberlake, Tipping-Spitz, Treat, Turner, Tyler, Villa, Volk, Weaver, Welsh, Werts, Willette, Wilson, Winchenbach, Winsor, Wood, Mr. Speaker.

NAY - Gattine, Hickman, Jones, Stuckey.

ABSENT - Beaudoin, Bolduc, Campbell R, Carey, Knight, Lajoie, Libby A, McLean, Nadeau A, Peterson, Saxton, Verow, Wallace.

Yes, 134; No, 4; Absent, 13; Excused, 0.

134 having voted in the affirmative and 4 voted in the negative, with 13 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

SENATE PAPERS

Bill "An Act To Strengthen Maine's Hospitals and To Provide for a New Spirits Contract" (EMERGENCY)

(S.P. 596) (L.D. 1555)

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

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

CONSENT CALENDAR

First Day

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

(S.P. 437) (L.D. 1276) Bill "An Act To Provide Stable Funding for Research and Development in Maine" Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-157)**

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

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought Not to Pass** on Bill "An Act Regarding Patient-directed Care at the End of Life"

(H.P. 758) (L.D. 1065)

Signed:

Senators:

CRAVEN of Androscoggin
HAMPER of Oxford
LACHOWICZ of Kennebec

Representatives:

FARNSWORTH of Portland
CASSIDY of Lubec
DORNEY of Norridgewock

GATTINE of Westbrook
MALABY of Hancock
McELWEE of Caribou
PRINGLE of Windham
SANDERSON of Chelsea
SIROCKI of Scarborough

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

Signed:

Representative:

STUCKEY of Portland

Representative BEAR of the Houlton Band of Maliseet Indians - of the House - supports the Minority **Ought to Pass** Report.

READ.

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

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

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

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

Representative **BROOKS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The first thing I'd like to do is call to your attention two items that were left on your desk this morning about this bill. One is that Vermont is the first New England state to adopt legislation that is very much like the one that I am proposing for you here today, and the other piece is a column that was published by the *Bangor Daily News* last summer and it is a column by a very highly respected Dr. Erik Steele, who writes a column often for the *Bangor Daily News*. In his column, he talks about reconsidering his position on physician-assisted dying. This is not the first time that I've brought this bill forward. A number of you may know, back when I was here before, I brought it forward and it was not passed. As a matter of fact, it failed, despite the fact that a number of surveys that were done throughout the state indicated that it was favored by well over 50 percent of the folks. This is a question of choice. This is not a mandate. This is not an issue that is forcing people to die before their time. This is the kind of issue that we talk about all of the time. I have the right to choose and if we are talking about some of the things that first come up about choose, I have that right and my wife has that right. My father had that right. After two and a half years of pain and suffering, because he was suffering from the disease of cancer, he died. But in that two and a half year span, he suffered greatly. When my father, who was alive, came to me and held my hand and cried and said he had been diagnosed with cancer in the lungs, "Why didn't I quit smoking?" he asked me. Was that the cause or was it the cause of the paper mill that he worked in is immaterial. He had it and they told him it was stage 4 or 5 and that he had a few months to live. His miracle was that he lived two and a half years, but his pain that he endured in that last couple of years, for me, was unbearable. For him, I can assume the same. He didn't have the opportunity to tell me how bad it was, and he would not have been able to participate in this bill, I'll put that right out front, because the cancer metastasized to his brain and when it did, I watched him, a man bigger than me, 6'2", but you can tell by my size that it may be genetic because he looked a lot like me, I watched him wither and die over that two and half years. By the

time he died and I was called – I didn't get there in time to say "Goodbye," he died when I was on the way – he weighed about 50 pounds and he writhed in pain.

Turn the clock forward a few years and in my marriage to my beloved wife Mary, her dad was dying. He was at a hospital in Bangor and he was in the ward that I think internally it would be referred to as the "death and dying ward." He, too, had a disease that had taken over his body. There was no hope. The doctors had said that. No hope. He was within six months of dying and little did we know that it was within days, actually. He was comatose. He couldn't speak, he couldn't tell us how bad the pain was, except that he was in a hospital bed with the railings up and the pad that you might put around like an infant child, so they wouldn't injure themselves on the rails, and he rocked back and forth, often going into a fetal position, pushing his legs and head and arms against the side of this rail and grimacing and groaning. When the doctor came through the door, my sister-in-law said, "Can't you do anything about his pain?" The doctor said, "He's already on high doses of morphine. I don't dare turn it up." He was within hours of his death and the doctor was fearful that he might become addicted to morphine or he might die. My sister-in-law, with the courage of my knowledge about how my father died, turned to him and said, "You do it or when you leave the room I'll do it." There were several other family members in the room and we had all talked about that, in particular my wife who, you know, it was her dad too, and they cried and the doctor went over to the IV table and he did something that we were not allowed to witness, but I suspect he turned up the morphine. We decided to have a vigil. Me, my wife, my sisters-in-law, other family members sat beside his bed day and night, but we only had to do it for a day and a half, and at 3 o'clock in the morning he passed. Damn it, excuse me. He passed without pain. He passed in a prone position face up, unlike those few days that I was there. This is a bill of options. This is a bill saying not that this must happen, but this is a bill that says here at the end of life when you are writhing in pain, another option at the end of life is to say and to work with the doctor of your choice, to fill out a piece of paper, both of you, that says simply that I agree that the medication that I am asking you for may hasten my death, and after the doctor signs that, it may well happen and when it does, the point of this bill is that no one can be held responsible.

When I first brought this bill up, there was a gentleman in Bar Harbor that I became acquainted with and he was a doctor and he had very severe respiratory problems. When I went down to visit with him, he was very supportive of the legislation. He had a CO2 container or some kind of container the size of a day bed that sat on the porch of his cottage, and when I asked him what it was, I said, "Is that oxygen?" because he said, "No, no, that's how I'll die." He had intended and he told his family that he was going to do that. One day when they were away, he did it, and this is a very courageous story that I am about to tell you. His wife came home before he had died. She called an ambulance, had him resuscitated and brought him back to life, and at the hospital he was very angry because he had finally decided to put the mask on because the pain was so severe. His choice. When he came home from the hospital he said, and he told me the story himself, "Why did you do that? Why did you revive me when you knew I knew it?" And she said, "Because you didn't tell us when you were going to go and you didn't give your two daughters an opportunity to grieve and to say goodbye." Three weeks later, he told her. They gathered as many of the members of the family together in the house. One daughter decided not to be there when he died and she came over later. And he turned on his container of death fuel, I guess, and he passed away and nobody helped him to die, but also nobody stopped him. I bring

up that case because after that was all over and said and done, she said, "I cannot testify, although I believe in what my husband did, the reason that I can't is because under the law I could be held responsible, because I didn't stop what he was doing." "We watched," she said, "as he passed, and then we had a vigil and we stood around him and we said prayers, and then we called 911." The man had a choice, he had a right, and that's what this bill presents. It does not present any kind of mandate. It presents instead an opportunity that when you sign up for hospice at the end of your life with a doctor, and with this bill it will be two doctors, sign off that you are incurable and you have about six months left to live, you can make the pact with your medical people that no longer can anyone in the family, nor the doctor, be held liable for you passing. It is an opportunity to resolve the pain, but when you use or it is administered too much and you die, no one is held responsible. In hospitals, though I doubt very seriously that they would testify about this, there are death wards. That's not punishment. That's an opportunity for those people to be kept pain free.

As I said, in Vermont, recently, that was passed by the Legislature and I'm not sure, I'm waiting to find out whether the Governor signed it into law. He is supportive. That will be the first New England state. You know, if you've read about physician-assisted suicide, as it was called once, this is called patient-directed care at the end of life. It's in Oregon. There aren't an awful lot of cases, but to my knowledge there have been no more, no suits at all. No one is challenging this law because it gives people the right. I believe it's in Washington State and in British Columbia and is going to happen. I had someone from the Maine Medical Association say to me the other day, "You know, before we leave this scene and are no longer involved in politics, it will be part of our life, just like hospice, just like palliative care." I don't mean to indicate, by bringing up the names of those organizations, that they support this process. I don't mean that at all and if you talk to them, they probably do not, nor did a lot of members of the Health and Human Services Committee. I certainly do after watching my dad and watching my father-in-law both pass with great pain.

Now, I want to tell you another ironic story. Another member of my family died. His name was Ritter and he was a Doberman pincher and he was a family member. He was my wife's only family member; she had no children at that time. Every night, Ritter would go out for a run in the backyard and one night he didn't come back and we found him in the road. He was still alive and I put him in the back of my vehicle, and he was whining and whimpering, and we took him to the vet, and the next morning after they looked at him and x-rayed him, they said that the pickup truck that hit him pulverized his pelvis. "We can hook him up to a contraption where he can use his front legs and run," and my wife said, "He's 14 years old. You all know what that means in dog years." His health was beginning to fail, so she said, tearfully, "No." The doctor disappeared and came back in a few minutes and the other option was there. The dog was lying in a cage, not being able to move anything from his ribs down and his head resting on his wife's lap, the doctor administered, the vet administered a shot. Within minutes, the dog's eyes closed and he was at peace. Nobody broke the law there. We treat our animals, our family members, a dog, a man's best friend, sometimes better than we treat our brothers.

This is a difficult and very emotional bill for me. I've managed, unlike a couple of days ago, to be able to talk about this without the tears, but believe me, I've wrestled with this horribly, horribly. When my dad died, my mother was ill and she was 90 years old, and she said, "Never hook me up to a machine, never do extraordinary lifesaving measures, but I

cannot, I cannot under any circumstances, do what you are offering with your bill." I said to her, "That's fine. But do you support me as your son?" She said, "Absolutely." Because this is a choice, this gives people that option. Who are we to say in the law that you must lay and suffer through great pain before that pain subsides with some kind of medication, even if it hastens your passing? There are precautionary steps in this bill, as it is patterned after Vermont's and other states, so that we don't make mistakes and so that people's deaths aren't premature. And I know of no case where anybody who has participated in this, it's in the hundreds in Oregon, who weren't diagnosed as dying within six months.

So I say to you, although I know that the job is a significantly uphill climb with the Majority Ought Not to Pass from the committee, I would like one day, when my genetic history comes back to haunt me, to be able to take part in a bill like this. My father was born and brought up in Brewer, Maine, a good, strong, French Catholic family with 16 children. That's right, 16 children. My father went to work in the mill when he was nine years old because his dad got injured. That's not the point. Of the 16, one died in an automobile accident. Every single one of the rest of the family, at one time or another during their lives, contacted cancer, most of whom died of cancer. And again, you can blame it on the mill where they all worked. Well, perhaps it was the asbestos and all of that, that was then accepted in mills like that, maybe some. But I'm genetically predisposed to this? My wife is a breast cancer survivor. It was detected in her 14 years ago and she had a double mastectomy. They did some studies. Her mother, her aunt, her grandmother all died of breast cancer. One of my sister-in-laws has the exact cancer and she had a double mastectomy, and the other one said, "I want a prosthetic surgery done to remove both of my breasts, because if my mother, my grandmother, my aunt, my two sisters all have been victims of cancer, my choice is to remove them." And that is what I am making for a point. My sister is alive today and I can't tell you whether it's because she had them removed, but I can tell you that she is very healthy and she's been healthy for 10 years. My wife has been healthy for 14 years because she had choices, the folks who don't have choices about dying. I say give them a nice, comfortable way to rest and pass into the next life. Mr. Speaker, thank you very much.

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

Representative **BEAVERS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I oppose the motion on the floor. Last year, one of my 75-year-old volunteers asked me to submit this bill for patient-directed end-of-life care. I did submit the title last May, but due to my focus on jobs, energy and foreclosure fraud prevention bills, I was about to let it go in January when I met Representative Brooks who was willing to go forward. Last summer, this requesting volunteer was diagnosed with cancer. After surgery, chemo, radiation and medical marijuana, she has been able to go on a 3-week trip to China with her husband, and also to play with a baby panda, which was the last item she had on her bucket list, and it was also the reason she was not able to be here to testify in favor of this bill, which she still supports.

We seniors are quickly becoming the largest growing demography in Maine. According to a State Planning Office Report of 2007 entitled *Maine's Aging Population: A Survey of Potential Economic Implications*, "Maine has the highest median age of any state in the United States and can reasonably expect the pattern of aging to continue. Maine's proportion of elderly residents is projected to almost double between 2000 and 2030." This is the good news and it's bad news. LD 1065 will help

reduce some of the bad in bad news. I believe there is nothing worse than losing control over one's own life at any age. If the time comes when a Maine resident is deemed by professionals to have no chance of surviving an illness, it is only fair that this suffering person has a right to a choice for their own end-of-life care. This does not require terminally ill individuals to make such a choice; it merely gives them the choice. I repeat, this does not require a terminally ill person to make such a choice; it merely gives them the option while they are of sound mind. A dying individual should not have to feel burdened by the effects of their illness on their loved ones in addition to dealing with their own failing future. How many of us have lost or seen others lose loved ones who linger painfully, unnecessarily and for long periods of time? And for whose sake? To what end? We treat pets more humanely than we often treat ill parents. Terminal illness can erode personal pride, dignity and whatever time is left.

The esteemed analyst and preparer of this bill, Jane Orbeton, summarizes the amended LD 1065 simply by saying: It requires the physician to submit copies of the documents to the physician's licensing board. The documents are confidential health care information, are not subject to disclosure and are not public records. The amendment requires review and agreement of a second physician. It provides immunity to the second physician and licensure protection. I urge you to pass LD 1065, as amended. It is modeled after laws passed in Oregon in 1998, Washington in 2009 and, as Representative Brooks indicated, in Vermont a couple of weeks ago. Several other states, including Connecticut and New Jersey are considering similar bills this year. Please give us the opportunity to make a choice when we are of sound mind. Thank you.

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

Representative **RUSSELL**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I think it goes without saying that this is not an easy issue. It's certainly not one that I ever thought that I would be rising on, but I do rise in opposition of the pending motion. I was asked to introduce this by two people. One was as the last wish of a dying man. That's a pretty profound request and it really took me awhile to get to a place where I was willing to do it, but how do you say "No" to someone who is dying when this is the one thing that they would like to see before they pass? And I appreciate that the good Representative from Winterport, Representative Brooks, took this issue up and led with dignity on this, because I certainly didn't have the time to take a leadership role on it or give it the attention it deserves. But when someone who is passing away asks for the opportunity to have their voice heard, you have to put in a bill. But I was also asked two years ago by a dear friend of mine named Laurie, whose mom became ill with cancer, and I declined then, but it got me to thinking, and it was really hard to decline because her mom, Osa, was really special to all of us. I have a really close group of friends that go way back. And Osa was just a dear soul and the cancer took her from us about a year ago, but it didn't do so easily or lightly as most people would probably expect, but it was worse in some instances. She had a choice and some would argue it's a false choice. Her choice was that she could be riddled with pain and nausea and misery through the chemo that was tearing her body apart, or, and before I say this the faint of heart might want to turn away and not listen, the second choice was to literally have her head explode because her brain was expanding so dramatically that it would have broken her skull. I wouldn't wish that on my worst enemy. I would certainly not wish that on a dear old soul like Osa was. It was very difficult to say "No" to put this bill in two years ago, but when the gentleman asked, I had to step up and I had to put it in, and I had to speak

on the floor today and I don't know if what I say is going to change anybody's mind on this, because this was as difficult of a decision for me as I think it may be for others, but I think that I want people to have a different choice. I actually want them to have a real choice. And I can't say at the end of my life, thankfully I hope it's going to be a ways from now, what would happen or whether I'd ever be able to make a choice like this for myself, but I've also never been in such pain for so long that begging for mercy would be better and begging for death would be better than the future that was laid out before me and the present that I was living through. So I will be voting in opposition to the pending motion, in honor of Osa, in honor of her daughter, my dear friend, Laurie, and in honor of the gentleman who asked me to take a stand on this last year about two weeks before he passed away, and I hope other folks will follow their heart as well and I make no judgments about where people stand on this because this is not an easy issue, but I appreciate that it is being put forth and that I hope folks will give it the dignity that it deserves because, as in life, we should provide a death that is also with dignity. 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. For me, on this particular bill, the combination of the data from the states that have gone before us, and my own sense of compassion trumps my fear, I think the intersection of the data and the compassion gives us an opportunity to make a change. I would urge you to vote against the pending motion, giving the opportunity for the Minority Report to be approved. Thank you.

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

Representative **STUCKEY**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I am on the Minority Report on this bill for two reasons. One, because of my respect for my good friend from Winterport, Representative Brooks, and two, because my mother was a member of the Hemlock Society from the time she was a teenager. Last year, my mother, who was 91, finally got to the point in her life where she had lived it out and she knew it. She was in a situation where she was afforded the best care and treatment available, and she was, as I said, had been, from the time she was a teenager, been preparing herself, I'm sure, for this moment. She had a living will that I was the secondary executor to behind my father, when I was much too young, and she asked me to sign on and I cavalierly said, "Sure." Then my father went and had an aortal aneurism and died in about 45 minutes, and that moved me from the secondary person on her living will to her first. That's when I started to finally understand what end-of-life planning was all about. I'm not going to, I can't go and I wouldn't take you through all of it, but suffice it to say, a year ago, a little over a year ago, my mom fell and had possibly broken some bone in her back, it was her third fall in four years, and in the course of doing an x-ray, they picked up a little bit of the bottom part of lungs and there were polyps on the lungs and the radiologist, as they are required to do, called us in. My mother was still of sound mind, so my job was not yet in play, but I was part of the conversation when the doctor said, "It's my duty to inform you that those polyps may well be lung cancer, should we proceed with further tests?" which my mother said, very promptly, "No." And they returned her to the skilled nursing unit in the place where she lived and then shortly after that, they had to move her to an assisted living apartment and they consulted with hospice because she was in pain and they were looking to be able to use the right medications to alleviate that pain. Unfortunately, because she had refused the

further x-rays and the diagnosis, she had not been diagnosed as terminally ill, so she was ineligible for hospice. She accepted that with I think the courage that didn't surprise any of us and stopped eating. Well, it didn't take long before she had lost enough weight, so that she was then eligible for the palliative care. Hospice came in and the end of her life was, I won't say it was pain free, it was painful, I'm sure, in physical and mental ways, but she was able to gather her family around her and go out with the dignity and courage that I – this is the first time I have talked about it out loud and I thank you for indulging me with that – because it scared me and it gave me incredible admiration for the strength my mother had. But I'm not sure I'd have that courage. I look at my father who went out like that and my mom who took herself out in a very short number of weeks, and I hope I have some of those genes, but I am, I guess, afraid I might not. I wrestled with it earlier this morning and I am standing up here to tell you that I am opposed to the pending motion and in favor of the bill because I want, selfishly, to have the opportunity and right to make those decisions for myself. Thank you, Mr. Speaker.

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. As you probably have noticed, the committee voted this Ought Not to Pass, except for one exception, and I just want to be sure that you know what you're voting before because this bill essentially allows the doctor to administer the lethal dose of medication. It's not just the choice of the patient being able to choose to take the lethal dose of medication. This actually allows the doctor to administer it. So if this is really what you want to choose, that's up to you. I guess, for me, it goes a little bit too far, so I just want to be sure that you know what you're voting for. I think the other thing I would say is that end-of-life care has changed a lot in the last 30 years since I've been a physician, and I remember one patient in 30 years where we could not control their pain, and that was many, many years ago. The experience that the good Representative from Winterport experienced with his relatives, I don't think would happen anymore. We have very good end-of-life care. We have very good hospice care. We've learned a lot about palliative care. So I guess I'm not sure we actually need this bill and I will actually be voting against this motion. Thank you. I am voting with the motion, I'm sorry.

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

Representative **JONES**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. This bill gets to the heart of our fundamental unalienable rights – life, liberty, pursuit of happiness. Our life is indeed our most precious possession. We have a right to it or to dispose of it as we wish. Most of us would agree that when it comes to decisions regarding our very existence, that those decisions should be held by ourselves alone. It's a question of liberty, of allowing us to make decisions regarding our own fate, especially decisions about the issues of great moment, the true existential questions, and also, though perhaps having listened to the stories of my good brothers and sisters here, not pursuit of happiness but release from suffering. The sovereignty of the individual is the key at play here. With deference to the good physician who spoke about this bill, I do understand that one of the oaths that physicians take is to do no harm. I would argue that as a final or ultimately act of compassion, perhaps a relief from suffering as a higher good. Thank you, Mr. Speaker.

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. This is a tremendous issue for all of us, for we have loved ones and we all will, at one time in our life, we don't get to do it twice, be at the end of it and we will all be facing, potentially, end-of-life care. As the good Representative Dorney said, a lot has changed over the years and patients right now do essentially have a way to choose. They can refuse medication, they can be offered comfort measures only, and the measures that they take for comfort, right now, are actually very effective. As a CNA working on the floor of Maine Veterans Home, caring for those who served and many other seniors, I sat beside a lot of our seniors who were reaching their time of passage. I never saw any of them in excruciating pain because we were able to control that, the nurses were able to control that with the proper amounts of medications that were here. We've heard a lot of personal stories and one of the things that I think we should be aware of that, okay, maybe we have the right to choose and you can choose by refusing medications, by refusing life extending treatments in the case of, for example, you know, ventilators, etcetera, but what about the natural process at the end of life? I, too, have a story. I sat with my mom the last five days of her life. I slept in a wheelchair beside her bed. The night before my mother passed away, she said to me, "It's not like I thought it would be." We were way beyond the "What are you talking about?" I looked at her and I said, "So dying is not what you thought it would be, Mom?" I said, "What is it like for you?" She said, "It's peaceful." And I was very glad to hear that. I would really, really hate to rob somebody of the natural progression of death by utilizing medications to bring that life to an end, without having them have the opportunity to maybe have this most incredible passage that my mom had the opportunity to have. Don't take that away from people. They already have the right to choose.

In regard to we're more humane to our pets than we are our parents and our grandparents, probably not many of us in here have not had a loved pet that we've had to take to the vet and they get the shot, but I heard from some nurses after this hearing and some of the things that I heard were really disturbing. This is not a shot that we give to those that we love. It's pills, sometimes lots of pills. Someone who is sick, someone who is elderly and having them have to take anywhere from 50 to 70 pills. That just sounds horrendous and it's not something that I can support. So I hope you will go with the pending motion of Ought Not to Pass. Thank you.

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

Representative **GATTINE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise in support of the Majority Report and I'm not going to repeat things that the Representative from Chelsea and the Representative from Norridgewock said, although I am in agreement with them and I certainly am not prepared to share some of the similar compelling personal stories that we've heard today, which are obviously very powerful. But as many of the folks in this House, I've watched loved ones and people I care for in the last stages of life, and watched the pain and suffering. But the one thing that I wanted to add to the conversation today is that to point out during the deliberation of this before the HHS Committee, we did hear from a number of advocates, both for the elderly and for the disabled people, who expressed extreme concern about the idea of assisted suicide, about the value judgment it places, about the quality of life of people with disabilities. I think both the advocates and some consumers presented very, very compelling testimony and I want to make sure that their voice was heard in

this. The concern is really that, you know, these decisions in states where assisted suicide is allowed aren't necessarily always made for the purposes of alleviating pain, but they are made based upon a value judgment about the quality of people's lives. And people with disabilities and elderly people who spoke at the committee were extremely concerned about that and were opposed to this measure, and that's one of the reasons why I am going to support the Ought Not to Pass Report. Thank you very much.

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

Representative **COOPER**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just want to add another story that shows a different side of this debate, and we've heard some very heartbreaking stories and I know that in those situations the choice would have been very clear to the loved one as well as the families, but I know of another story. Friends of mine, their mother, was ill with a variety of debilitating diseases and severe depression, and she had been in that condition for many years. It was my understanding that none of these ailments were necessarily terminal in nature, but she was ready to die, she had had enough, and so her children made it happen. It wasn't legal in those times for the doctor to administer the lethal dose, so they took it upon themselves to do it. I tell you this story because I think the mother did it for her children, because taking care of a dying or a very ill parent is a burden and parents sometimes don't want to lay that on their family, and I think life is too sacred for us to make those choices permissible. I think people are not animals. We have to hold it to a different standard and we must not allow our very sick elderly or otherwise ill people think that they are doing us a favor by taking their own life. Thank you.

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

Representative **BROOKS**: Thank you, Mr. Speaker. I apologize for rising a second time, but I wanted to get up and tell you some, to me, it's good news, from my good friend, Representative Hubbell, of Bar Harbor, who sent me a note saying that the Vermont Governor signed the bill into law on May 21st. I've got a couple of other things that I want to absolutely clarify. This is absolutely a choice. I hope that it doesn't bring to families or to ill people any kind of pressure. At the end of my life, should it be sooner or much later, I hope, I want my death to be in dignity. I would like to pass like my mother did. I found her on the kitchen floor of my house after having had a brain aneurism. And she told me once, she told me a thousand times, to please be gentle at the time of her death because she had taken care of my father in their home for those two and a half years. During that time, and I apologize for the graphic things I am about to say, she changed his diapers, she washed his entire body and he laid there without dignity. He was a big, strong, strapping mill worker. He hunted and he fished with the best of them. He was a tough guy. At times in my youth, I looked up at him as if he were John Wayne, and I thought that perhaps if he ever got angry at me I might really find out. We didn't have much of a relationship until he got really, really sick at the end of his life, and we held hands a lot and we talked an awful lot. Dignity was important to this mill laborer and had he been aware of the fact that he was lying in a hospital bed in the living room of his home, not in control of anything including his bowels, he would have probably said, "Please help me with this."

I have another friend who lived in Winterport. His name was Lee Grunney. He died not long after I went to see him for the last time, and he was sitting in a makeshift kind of highchair and he was tied up with a blanket because his muscles had all gone.

You know what that is? Lou Gehrig's disease. He couldn't eat, he couldn't talk, but he could cry, he could sing, and he kept mumbling these things, and I said to his wife, who still is a very dear friend of mine, "What's he saying?" She said, "He wants to die." His mind was very active. It doesn't attack your brain, this debilitating disease that tears your muscles apart. But he sat there in sadness and in pain, and all of this pain is physical, you know. You lay there and you can't control any part of your body. It is horrifying, I imagine, to be trapped in a body that has completely given up on you and you know it. This is an option, ladies and gentlemen. This is not euthanasia. This is not all the things that, at some point back when I brought this up first, people accused us of. This is an opportunity for folks to die with what's left of their dignity. I certainly would love to see a lot of people vote against the pending motion, so that we can bring the Minority motion forward, to perhaps then send a message to people that we do care, that we give them the opportunity to make a choice. Thank you, Mr. Speaker. I think that bell meant my time was up.

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 am sorry I am speaking twice, but I just wanted to follow up on what the Representative from Westbrook had said. What the people have testified in our committee is that if someone has a guardian and therefore someone else can make medical decisions for them because they are disabled, they have mental illness that causes disability, that kind of thing. So if they have a guardian, then that guardian can make the decision to administer a lethal dose of medication or do this with this bill. So that's one of the concerns about the people who had disabilities, is that somebody else could make that decision for them.

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. 171

YEA - Ayotte, Beck, Bennett, Berry, Black, Casavant, Cassidy, Chase, Clark, Cooper, Cotta, Crafts, Cray, Crockett, Davis, Dickerson, Dion, Doak, Dorney, Dunphy, Espling, Farnsworth, Fitzpatrick, Fowle, Fredette, Frey, Gattine, Gideon, Gifford, Gilbert, Gillway, Goode, Graham, Grant, Guerin, Harvell, Herbig, Hobbins, Jackson, Johnson D, Johnson P, Kinney, Kornfield, Kumiega, Lockman, Long, Longstaff, Luchini, MacDonald S, MacDonald W, Maker, Malaby, Marean, Marks, Mastraccio, McCabe, McClellan, McElwee, Monaghan-Derrig, Morrison, Nadeau C, Nelson, Newendyke, Nutting, Parry, Pease, Peavey Haskell, Plante, Pouliot, Powers, Pringle, Rankin, Reed, Rochelo, Rotundo, Sanborn, Sanderson, Saucier, Schneck, Short, Sirocki, Stanley, Timberlake, Tipping-Spitz, Treat, Turner, Tyler, Villa, Volk, Welsh, Willette, Wilson, Winchenbach, Winsor, Mr. Speaker.

NAY - Beaulieu, Beavers, Boland, Briggs, Brooks, Campbell J, Carey, Chapman, Chenette, Chipman, Daughtry, DeChant, Devin, Dill, Duprey, Evangelos, Hamann, Harlow, Hayes, Hickman, Hubbell, Jones, Jorgensen, Kaenrath, Kent, Keschl, Kruger, Kusiak, Libby N, Mason, McGowan, Moonen, Moriarty, Noon, Peoples, Priest, Russell, Rykerson, Shaw, Stuckey, Weaver, Werts, Wood.

ABSENT - Beaudoin, Bolduc, Campbell R, Knight, Lajoie, Libby A, McLean, Nadeau A, Peterson, Saxton, Theriault, Verow, Wallace.

Yes, 95; No, 43; Absent, 13; Excused, 0.

95 having voted in the affirmative and 43 voted in the negative, with 13 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

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

On motion of Representative WINCHENBACH of Waldoboro, the House adjourned at 12:27 p.m., until 9:00 a.m., Monday, June 3, 2013.