

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
52nd Legislative Day
Monday, June 3, 2013

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

Prayer by Pastor Greg Sidders, White Pine Community Church, North Yarmouth.

National Anthem by Carrie Ricker Select Chorus, Litchfield.

Pledge of Allegiance.

Doctor of the day, Kathleen Thibault, D.O., Dover-Foxcroft.

The Journal of Friday, May 31, 2013 was read and approved.

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act To Reduce the Number of Labels of Wine a Retailer Must Stock To Conduct a Wine Tasting"

(S.P. 16) (L.D. 24)

Majority (9) **OUGHT NOT TO PASS** Report of the Committee on **VETERANS AND LEGAL AFFAIRS READ** and **ACCEPTED** in the House on May 29, 2013.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Minority (4) **OUGHT TO PASS AS AMENDED** Report of the Committee on **VETERANS AND LEGAL AFFAIRS** was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-58)** and **ASKED** for a Committee of Conference in **NON-CONCURRENCE**.

The House voted to **INSIST**.

Non-Concurrent Matter

Bill "An Act To Allow Crossbow Hunting during Muzzle-loading Season"

(S.P. 97) (L.D. 264)

Majority (10) **OUGHT NOT TO PASS** Report of the Committee on **INLAND FISHERIES AND WILDLIFE READ** and **ACCEPTED** in the House on May 30, 2013.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Minority (3) **OUGHT TO PASS** Report of the Committee on **INLAND FISHERIES AND WILDLIFE** was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED** and **ASKED** for a Committee of Conference in **NON-CONCURRENCE**.

The House voted to **INSIST**.

Non-Concurrent Matter

Bill "An Act To Reduce Obesity among Schoolchildren"

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

Minority (6) **OUGHT NOT TO PASS** Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS READ** and **ACCEPTED** in the House on May 29, 2013.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Majority (7) **OUGHT TO PASS AS AMENDED** Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-81) AS AMENDED BY SENATE AMENDMENT "A" (S-121)** thereto and **ASKED** for a Committee of Conference in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Bill "An Act To Establish the Mobile Crime Laboratory Fund"

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

Majority (9) **OUGHT NOT TO PASS** Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY READ** and **ACCEPTED** in the House on May 30, 2013.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Minority (4) **OUGHT TO PASS AS AMENDED** Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-112)** and **ASKED** for a Committee of Conference in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Bill "An Act To Allow Media Motor Vehicles To Be Equipped with Amber Auxiliary Lights"

(S.P. 123) (L.D. 327)

Majority (10) **OUGHT NOT TO PASS** Report of the Committee on **TRANSPORTATION READ** and **ACCEPTED** in the House on May 29, 2013.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Minority (3) **OUGHT TO PASS** Report of the Committee on **TRANSPORTATION** was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED** and **ASKED** for a Committee of Conference in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Resolve, To Allow the Use of Live Bait When Ice Fishing in Certain Waters of the State

(S.P. 59) (L.D. 170)

Majority (12) **OUGHT NOT TO PASS** Report of the Committee on **INLAND FISHERIES AND WILDLIFE READ** and **ACCEPTED** in the House on May 29, 2013.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Minority (1) **OUGHT TO PASS** Report of the Committee on **INLAND FISHERIES AND WILDLIFE** was **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED** and **ASKED** for a Committee of Conference in **NON-CONCURRENCE**.

The House voted to **INSIST**.

COMMUNICATIONS

The Following Communication: (S.C. 417)

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

May 31, 2013

Honorable Mark W. Eves

Speaker of the House

2 State House Station

Augusta, Maine 04333

Dear Speaker Eves:

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

Upon the recommendation of the Committee on State and Local Government, the nomination of David R. Cheever of Augusta for reappointment as the State Archivist.

Sincerely,

S/Darek M. Grant

Secretary of the Senate

READ and ORDERED PLACED ON FILE.

REPORTS OF COMMITTEE

Divided Reports

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought Not to Pass** on Bill "An Act Concerning the Removal of Municipal Employees"

(S.P. 394) (L.D. 1133)

Signed:

Senator:

COLLINS of York

Representatives:

CHENETTE of Saco

COTTA of China

MacDONALD of Old Orchard Beach

NADEAU of Winslow

NADEAU of Fort Kent

PEASE of Morrill

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-141)** on same Bill.

Signed:

Senators:

LACHOWICZ of Kennebec

GERZOFISKY of Cumberland

Representatives:

GRAHAM of North Yarmouth

BOLAND of Sanford

HAYES of Buckfield

Came from the Senate with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-141).**

READ.

Representative GRAHAM of North Yarmouth moved that the House **ACCEPT** the Minority **Ought to Pass as Amended** Report.

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

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

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

ROLL CALL NO. 172

YEA - Beavers, Beck, Berry, Boland, Briggs, Brooks, Campbell J, Cassidy, Chapman, Chipman, Cooper, Daughtry, DeChant, Dickerson, Dill, Evangelos, Farnsworth, Fowle, Gattine, Gideon, Gilbert, Goode, Graham, Grant, Hamann, Harlow,

Hayes, Herbig, Hickman, Hobbins, Hubbell, Jones, Jorgensen, Kent, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Longstaff, Luchini, Marks, Mason, McCabe, McGowan, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nelson, Peoples, Plante, Priest, Pringle, Rankin, Rochelo, Rotundo, Russell, Sanborn, Saucier, Saxton, Schneck, Shaw, Short, Stanley, Stuckey, Theriault, Tipping-Spitz, Treat, Verow, Villa, Welsh, Werts, Mr. Speaker.

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

ABSENT - Ayotte, Beaudoin, Bolduc, Carey, Casavant, Devin, Dion, Frey, McLean, Peavey Haskell, Peterson, Powers, Rykerson.

Yes, 74; No, 64; Absent, 13; Excused, 0.

74 having voted in the affirmative and 64 voted in the negative, with 13 being absent, and accordingly the Minority **Ought to Pass as Amended** Report was **ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (S-141)** 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-141)** in concurrence.

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought Not to Pass** on Bill "An Act To Limit MaineCare Reimbursement for Suboxone and Methadone Treatment"

(H.P. 632) (L.D. 908)

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** on same Bill.

Signed:

Senator:

HAMPER of Oxford

Representatives:

MALABY of Hancock

McELWEE of Caribou

SANDERSON of Chelsea

SIROCKI of Scarborough

Representative BEAR of the Houlton Band of Maliseet Indians - of the House - supports the Majority **Ought Not to Pass** Report.

READ.

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

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

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

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

Representative **DICKERSON**: Thank you, Mr. Speaker. Good morning, Ladies and Gentlemen of the House. I come before you today to present LD 908, "An Act To Limit MaineCare Reimbursement for Suboxone and Methadone Treatment." Currently, law does limit to 24 months MaineCare coverage or reimbursement for treatment using methadone. The Department of Health and Human Services may authorize an extension of the 24-month limit. This bill before you would also add the same limit to Suboxone. The bill would remove the ability of the Department to authorize an extension of the 24-month limit for either Suboxone or methadone, and I certainly would entertain moving forward that someone would take a look at that. In some ways, I wanted to bring this bill forward so that we had a considered discussion of this matter because there will be other bills on this matter moving forward. As a result of being a city councilor in Rockland and having a methadone clinic in my community, I have had the experience of sitting on a council that repealed a contract zone license to do a violation of the contract zone for one operator and then renewed a new license for the same clinic for a new operator. This clinic has not yet reopened.

During this process, which took many, many months, I sat in public meetings with both doctors and clinicians in the field of operating methadone and Suboxone clinics, and I listened to their explanation that methadone treatment and then subsequently Suboxone treatment was the only way to treat heroin addiction. I thought it was sort of an irony that one would classify recovery as replacing one addiction with another, given that methadone is also an addictive drug. My musings on this subject must have attracted the attention of constituents in my community who have indeed found other ways to get off heroin without having to resort to a replacement addictive drug. These individuals reached out to me and I sat down with them and I listened to their personal stories. For example, during the time of my council experience with the clinic, the operators who were coming to us to ask to have this clinic talked about how they would work with patients to taper them off methadone, but my constituents who sat down with me affirmed that they needed more and more methadone as time went on because the addictive nature of their disease meant that they needed to take more and more of this drug to have the same effect. I guess probably the compelling story that I heard from one of my constituents that prompted me to have the courage to bring this subject forward and have a discussion was that while he was taking his prescribed dose of methadone and driving, which was safe according to his prescriber, he actually hit another vehicle in traffic and killed the other driver while on a prescribed dosage of methadone and while driving, and that just floored me.

I think the problem we're facing really has been summed up by other people in that we have a program that's largely ignoring, at some levels, the component that could actually work which is counseling and treatment not necessarily involving just taking

another drug. And I hope that moving forward, as a Legislature, that we are courageous enough to actually have that discussion of what real recovery and real treatment actually means, that it isn't simply maintaining an individual on another drug which, in this case, where it's being reimbursed by MaineCare, is costing many millions of dollars. But rather that our discussion could focus on what real recovery might actually look like, instead of cutting out the counseling component or skimping on those components or skipping on group therapies, that we take a look at what that would actually mean. I also heard stories from my constituents that did not necessarily corroborate other stories that I had heard about lives being rebuilt as the result of methadone replacement therapy. I heard stories of people losing custody of their children, of people losing jobs. I heard stories of violence. I heard stories of death. It didn't sound to me like regaining a meaningful productive life, even though we can hear other stories of regaining a meaningful productive life. I heard enough stories during my experience with this issue where enough chaos was happening that I thought, "Wait a minute here, we've got to take a closer look at this because something isn't working." So I hope that even though this is a very difficult subject and there are many, many strong opinions and there are also federal laws involved, I hope that we can approach the subject with courage and we can have a clear considered look at this moving forward, whether it happens today or whether it happens in subsequent sessions, and hopefully that look can involve considered deliberation and real fact and real data that actually assesses what the goal of this program is. Is it to get people off methadone? How long should it take? Have we ever been furnished facts and figures about how many successes there are with the program? These are the kinds of data driven analyses that I think legislators should be basing their decisions on, not so much either emotional testimony which can be on either side of an issue, but we need to instead look at what the goals of a program are and whether they are actually working or not. Thank you very much.

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

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

Representative **JONES**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I have already spoken on this issue before, so I will be brief. When it comes to treatment for opiate and opioid addictions, it's only proper that physicians have a wide variety of tools at their disposal, and I think that this House should defer to their professional judgment. As I mentioned earlier, I can't speak to methadone, but I will speak to Suboxone use. It is effective and in limiting the Medicaid reimbursement to two years could artificially shorten the treatment period for low-income addicts who really want to get their life in order. I would really urge the House to support the pending motion. 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. I have spoken on this issue in the past as well. Right now, the two-year limit on methadone does not go into effect until January of 2015, so we do not have experience with that, but this has been a well studied drug for over 30 years. I have been a Suboxone provider for about seven years and this is a very effective drug to get people

off their drugs. I have had pharmacists, I have had nurses, I have had DHS workers and some of them have thanked me profusely. I have had people who have been able to get off their Suboxone. This is a medication that can be very helpful for people. There is currently a system that if this medicine is medically necessary beyond two years, someone reviews the records to see whether this medication should be continued. There is no reason to place a two-year limit if people still need this medication. This is being reviewed by medical people at DHS. Please support the current proposal. Thank you.

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. 173

YEA - Beavers, Beck, Berry, Boland, Brooks, Cassidy, Chapman, Chenette, Chipman, Cooper, Daughtry, DeChant, Dill, Dorney, Farnsworth, Fowle, Gattine, Gideon, Gilbert, Goode, Graham, Grant, Hamann, Harlow, Herbig, Hickman, Hobbins, Hubbell, Jones, Jorgensen, Kent, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby N, Longstaff, Luchini, MacDonald W, Malaby, Marks, Mason, Mastraccio, McCabe, McClellan, McGowan, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, Nelson, Noon, Peoples, Plante, Priest, Pringle, Rankin, Rochelo, Rotundo, Russell, Sanborn, Saucier, Saxton, Schneck, Shaw, Short, Stanley, Stuckey, Theriault, Tipping-Spitz, Treat, Tyler, Verow, Welsh, Werts, Wood, Mr. Speaker.

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

ABSENT - Ayotte, Beaudoin, Bolduc, Carey, Casavant, Devin, Dion, Frey, McLean, Peterson, Powers, Rykerson.

Yes, 79; No, 60; Absent, 12; Excused, 0.

79 having voted in the affirmative and 60 voted in the negative, with 12 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

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

ORDERS

On motion of Representative HOBBSINS of Saco, the following Joint Order: (H.P. 1125)

ORDERED, the Senate concurring, that the Joint Standing Committee on Energy, Utilities and Technology shall report out, to the House, a bill regarding energy policy that, notwithstanding any provision to the contrary, including but not limited to Joint Rule 206, is sponsored by Representative Hobbins of Saco, Representative Fredette of Newport and Senator Cleveland of Androscoggin.

READ.

This Joint Order required the affirmative vote of two-thirds of those present for **PASSAGE**.

Pursuant to Joint Rule 206 a vote of the House was taken. 125 voted in favor of the same and 1 against, and accordingly the Joint Order was **PASSED**.

Sent for concurrence.

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

REPORTS OF COMMITTEE

Divided Reports

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-286)** on Bill "An Act To Increase Access to Health Coverage and Qualify Maine for Federal Funding"

(H.P. 759) (L.D. 1066)

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

Representative BEAR of the Houlton Band of Maliseet Indians - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (H-286)** Report.

READ.

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

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

Representative **FARNSWORTH**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Two weeks ago, I guess it was, we had an extensive policy discussion about the expansion of Medicaid and this was a very, very valuable and I would say constructive difference of opinion between the two members of the House. However, in the process, we also tried to listen to what those issues were and certainly one of them was separating the two issues, the hospital debt payment and accepting federal dollars for the expansion of health care. We also were listening to the fact that the minority members of our committee were very concerned about building in an opt out clause and so in the amendment, we indeed have taken those

two steps in order to make sure that those issues were addressed very carefully. So without further ado, I would like to urge people to vote for passage of this particular bill. Thank you.

The SPEAKER: The Chair recognizes the Representative from Gorham, Representative Sanborn.

Representative **SANBORN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. As the great Dr. Seuss would say, the time has come, the time is now. We have all the facts. You've heard them in long speeches a week or more ago. What is clear is that we do not need further studies about the Medicaid expansion. Those studies have been done in sophisticated ways by many nonpartisan groups, the Commonwealth Fund, the Kaiser Foundation, and so on. This Legislature cannot improve upon those studies. We will not learn anything we don't already know. We know that we have a broken health care system, one that is not providing efficient quality care and one that leaves many millions of people without care. The Affordable Care Act was put forward to address many of these concerns. Everyone accepts the fact that some parts of this Act are not good and that many changes need to be made. This has been true of most large federal bills in the past. They have been well intended but far from perfect and needed fine-tuning over a number of years to correct the pitfalls. Many of these, such as the Social Security Act and Medicare, are now so much a part of our lives that we would be hard pressed to give them up. We need to come together and work collaboratively to make the ACA better, to right the wrongs. But not accepting the federal funds set aside for our state will only leave a large gap in who gets health care coverage, a gap that makes no rational sense. Here is what worries me. The folks that we will not be covering with MaineCare, if we turn down the 100 percent funding for those between 100 and 130 percent of the federal poverty level, will not be able to afford the premiums and out-of-pocket costs, the copays and deductibles, even with the subsidies provided to purchase health insurance through an exchange. Some of the most needy people will not get care while others less needy will get help. An individual with an income of 100 percent of the federal poverty level guidelines, that's about a \$11,710 annual gross income, could pay up to 21 percent of his or her income or \$2,484 for premiums and out-of-pocket costs for health care coverage in the exchange. Clearly, this is not affordable. A family of three, with an income of 101 percent of the federal poverty guidelines or about \$20,000 gross annual income, could pay up to 25 percent of their income for these premiums and these out-of-pocket costs in an exchange. That's \$4,900. This poor choice will not save Maine taxpayers a cent. Our money will still subsidize other state programs. We will lose a huge opportunity to bring economic growth and stability to our state. More than that, we will allow our working poor to suffer in a way that only increases our costs for health care.

To make the Medicaid expansion more palatable for those who have expressed doubts, two things have happened since our last debate on this issue. First, we have a letter confirming 100 percent coverage for all childless adults. The Commissioner of DHHS need only follow up with readily available information. Secondly, in order to allay any fears of the Federal Government not holding up its end of the bargain to pay the rates agreed upon, 100 percent of the costs for three years and no less than 90 percent thereafter, LD 1066 was amended in committee to allow Maine to opt out of the expansion should the feds renege on their payment agreement. Like Representative Pringle, one of my chief goals in serving in this Legislature is to secure health care coverage for all. Passing LD 1066 moves us significantly closer to that goal. The time has come. The time is now. Thank you.

The SPEAKER: The Chair recognizes the Representative from Hancock, Representative Malaby.

Representative **MALABY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Good morning. I rise in opposition to the pending motion. The motion before us is the proposed expansion of Medicaid for two distinct populations: childless adults, also known as non-categoricals, and parents whose incomes fall below 138 percent of the federal poverty level. The Federal Government has determined that coverage for childless adults previously covered under MaineCare's Section 1115 Demonstration Waiver will qualify as "newly eligible" and hence the state would indeed receive 100 percent federal reimbursement for this population for three years. However, the Federal Government's silence on the issue of parents with incomes below 138 percent of the federal poverty level is somewhat deafening. Unfortunately, those individuals are not newly eligible, as Maine had previously expanded MaineCare to that population and consequently Maine will not receive the 100 percent reimbursement rate that so many other states are receiving. Those individuals, those parents, would under the proposed expansion be reimbursed at our regular FMAP rate, which will decline to 61.55 percent as in October 1st of this year. That expansion would cost the state close to \$24 million per biennium starting next year for those 15,500 individuals. As the federal reimbursement rates decline, the expansion will rise to over \$102 million per biennium starting with the budget of 2018-2019.

Medicaid expansion is one of the four fundamental building blocks of the Affordable Care Act. The choice before us today is not do we expand Medicaid to 138 percent of the federal poverty level or do we not expand MaineCare. That is a false choice that's been brought before you. The discussion we should be having is do we expand Medicaid for those with incomes above 100 percent of the federal poverty level or do we have those individuals access the federal exchanges to receive subsidized health insurance. These exchanges will be available ostensibly October 1st and will permit individuals to select from an array of plans. The Kaiser Family Foundation predicts that for a family of four under age 30 with an income of \$30,000, which is 126 percent of the federal poverty level, can receive a catastrophic health insurance plan for free. That's right. Zero cost in terms of the premium. A more comprehensive plan that would include preventative measures in the essential health benefits packages would be available to that family for a cost of \$50 a month. What's known as the silver level is \$50 a month.

I cannot in good conscience choose Medicaid expansion when the exchanges offer such obvious benefits. They have low-cost coverage. They have choice of catastrophic or comprehensive insurance. It has no cost to the state. It has positive individual incentives to control their health care spending and indeed their own health. And it increases hospital and caregiver coverage as charity care is reduced. It is clear to me that the population of parents and the non-categoricals in the 100 percent to 138 percent of the federal poverty level group must of necessity be induced to participate in the federal exchanges. According to the Kaiser Family Foundation, they will each receive the minimum federally subsidized catastrophic health care package that is free if they are under age 30, but only if they sign up. Upgrades are available depending on the family's health needs. We must find a way to educate that population to sign up through the exchanges for federally subsidized health care.

Two weeks ago, debating a similar bill, I spoke to this body that I would love to see everyone have health insurance. My position on that is unchanged. But I continue to have my doubts about the financial viability of the Affordable Care Act. I would

not be serving the people of my district or of this state well by endorsing the false choice inherent in this bill to expand Medicaid when an alternative form of insurance is available to those populations not currently covered. I can understand some individual's reticence to discuss the alternative approach that I am endorsing. After all, the rollout of the Affordable Care Act has been somewhat less than inspiring. The first part of the ACA to be implemented in 2012 was the CLASS Act, the Community Living Assistance Services and Supports Program. That initiative was intended to establish a long-term care program that would care for our elders and disabled populations. It was projected to produce an \$86 billion cash flow that would help subsidize the implementation of the Affordable Care Act. On Friday, October 14, 2011, Secretary Sibelius of Health and Human Services cancelled the CLASS Act, citing its lack of financial viability. With it went \$86 billion worth of subsidies slated to support Medicaid expansion.

Likewise, the second part of the Affordable Care Act that was to be implemented was the Pre-Existing Condition Insurance Plan. Think of it as a high-risk pool. In effect, since early 2012, this plan was meant to insure some 400,000 Americans who are very high cost health care spenders. Frequently these individuals have serious illnesses including cancer, heart disease and diabetes. The plan was funded with \$5 billion of federal dollars and was designed to be the bridge until the health insurance exchanges commence in 2014, at which time those individuals could then access care through the exchanges. Unfortunately, only 135,000 have enrolled despite the White House projections of some 400,000. More importantly, two weeks ago, Kathleen Sibelius, Secretary of the Health and Human Services, announced that reimbursements to providers were being slashed and enrollment was being capped as the fund is running out of money, which brings us to today and the false choice that we are presented with in this bill. Many in the media and under the dome feel that we must expand Medicaid and place the State of Maine on the hook for some \$400 to \$500 million worth of additional Medicaid expenses over the next 10 years. Have we learned nothing from the last 10 years? And wouldn't you rather have those populations participate in their own health care and health insurance rather than having a dysfunctional system with perverse incentives to be their health care insurer? We have a fiduciary obligation to citizens of Maine and to the taxpayers to explore this option. I do not understand how in good faith people of intelligence can continue to endorse Medicaid expansion with all its inherent risks and perverse incentives when the alternative is clearly superior and less financially risky for the State of Maine. The taxpayers of Maine clearly deserve a second opinion.

I have spoken previously to this body about my perceptions of our dysfunctional health care delivery system. I will not belabor those points here, but I ask your indulgence. On the way to the State House today, I stopped to get gas for my car. Curiously, there were two gas stations some 100 feet apart, and they both offered regular gas at \$3.56, which may be some comment on the virtues of competition. As I stood there pumping the gas I wondered what it would be like if gasoline were sold the same way health insurance is sold. Instead of choosing 87, 89 or 91 octane, what if I was looking at prices dependent upon my income? Could it be that gas would cost nothing for those whose income is less than 138 percent of the federal poverty level? And would my \$3.56 a gallon be merely a copay that I must make so that my insurance company would reimburse for the full price so as to subsidize those who make less than the 138 percent of the federal poverty level? And would the uninsured be willing to pay \$7 per gallon? And if that were true, who would be incented to

drive more, and indeed who is being penalized? And wouldn't we rather move more people into the insured group?

The previous Medicaid expansions in which eligibility had been increased and optional services added currently costs the State of Maine \$177 million. That expansion has cost Maine taxpayers well over \$1 billion in the last 10 years. Those who urged that expansion promised it would reduce the number of the uninsured, reduce charity care, lower ER usage, and have low and predictable costs. In reality, health care costs have grown four times the rate of inflation, enrollment has exploded, there has been a gigantic increase in charity care and programs are now "capped" as the state has no money to pay for those seeking services. Expanding a financially failed program simply does not make sense, especially when we have the alternative of having these people acquire insurance through the exchanges. Why is it that leadership and the media and many have failed to mention moving these people on to the exchanges? Why do they present us with a false choice today? Have we truly vetted the choices before us?

Maine taxpayers know that we need to control our spending. It is our job as legislators to prioritize those spending needs. What about all those people we currently have on waitlists who we are legally and morally obligated to serve but don't have the money to serve? This expansion does not address their needs. Prioritizing spending during tough economic times requires leadership. For too long we have taken the easy way out by saying yes to more and more federal dollars. This has resulted in a never-ending cycle of growing waitlists for our disabled, increased pressure to repeatedly raise taxes, ongoing and annual supplemental budgets and the crowding out of the true investments the state should be making. Take the time to study this issue. Look at both sides. Insist on the facts. There is indeed no deadline. Indeed, if we wanted to do a Medicaid expansion, we could do it on December 31, 2016. I do not support the expansion. I support saying yes to the exchanges. I feel it is my fiduciary duty to the citizens of Maine to tell you so. Thank you, Mr. Speaker.

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. It's probably no surprise I rise today in favor of the pending Ought to Pass as Amended motion. You know, in many respects, the substance of the conversation this morning hasn't changed since we debated this matter late into the night a couple of weeks ago. There have been a couple of critical but important developments that the Representative from Portland outlined a minute ago and the Representative from Gorham also mentioned, but the basic point hasn't changed. We have an opportunity to provide the economic security of health insurance to 70,000 working Maine people. We have the opportunity to provide for 70,000 of our neighbors the benefits of preventive care and better health that we in this chamber all enjoy. We have the opportunity to inject Maine's economy with over \$250 million in economic stimulus and create 3,100 new jobs. We have the opportunity to lighten the burden that charity and uncompensated care have on our providers, especially hospitals, and on consumers who ultimately pay for that care. All of this can be accomplished with three full years of federal funding and without any impact on Maine's MaineCare budget. Maine people, Maine businesses, Maine's budget, our MaineCare program, all benefit and all are strengthened. So often in this chamber we debate legislation where there are winners and losers. In this case, there are only winners.

We heard about the changes that have been made. A number of people when we debated this a couple of weeks ago said that they wanted separate bills. They have separate bills. They said they wanted to have some assurance that if the Federal Government dropped this unprecedented matched rate, that we would be able to opt out. The bill before you does all those things. But let me spend a little bit more time telling you about the third development. Maine has now received a fifth letter from the Federal Government affirming their commitment to fund newly eligible Mainers at 100 percent and telling us what to do to get the feds' immediate approval. That's the Federal Government's term. If we simply respond to their letter, the Federal Government will immediately, their word, provide us with the confirmation of 100 percent funding. So we now have five different letters since February. The first letter is dated Valentine's Day, which is appropriate, because this has to be the most aggressive courtship you will ever see to a state from Washington, D.C. One letter to the MaineCare Director, one to the Speaker, one to the Senate President, one to the DHS Commissioner, and one to the Executive himself all saying the same thing. We want to give you this money. All DHHS has to do is ask. No need to delay or do a costly actuarial study.

Another important point, because this has been the source of so much discussion, is that in the letter the Federal Government confirmed that they are giving us the best deal they possibly can under the law. One hundred percent for three years, 95 percent in the fourth year and slowly ramping down to 90 percent after three years after that. It will remain at 90 percent and won't be subject to periodic fluctuations, up or down, like the regular match rate. In any event, if the feds do reduce their commitment, the bill before you ceases Maine's participation. The Federal Government does not have the authority to give us more or waive additional requirements. The deal on the table is the best deal for Maine and for working Mainers, and we need to take it now so that we can be ready. January 1st is less than seven months away. There is work to be done before. Again, this is a time-limited offer. We can opt in at any time, but the offer of 100 percent federal funding for three years starts on January 1, 2014, and ends on December 31, 2016. So we can't wait. We have to do this now.

I want to address a couple of points that the Representative from Hancock made. The Federal Government is very clear we cannot do a partial expansion. We cannot push people from 100 to 138 percent into the exchange and the Representative from Gorham outlined how onerous those premiums and deductibles would be, but we can't provide for the people under 100 percent and push the people from 100 to 138 into the exchange. That just isn't possible. So the idea that we could somehow do a hybrid or a partial expansion is expressly prohibited by the Federal Government. You know, sitting on the DHHS Committee, we hear a lot about how we are making our MaineCare program more efficient and more effective, that our MaineCare program has one of the lowest growth rates of any Medicaid program in the United States. How our spending has been relatively flat now for several years. How we've received \$31 million from the Federal Government to make our system more efficient and to change our delivery system. How we've totally revamped our transportation system to make it more cost effective and to better serve people. How we've implemented health homes and emergency department diversion. So again, the idea that we are not doing things to make the program more efficient is not true based upon everything that we hear in the HHS Committee from the Department of Human Services. The waiting lists that the Representative from Hancock mentioned, there are waiting lists and it is unfortunate that we have waiting

lists. But again, the people that are on waiting lists for waiver services are receiving MaineCare. You know, they are not receiving the specific packet of services in home and community-based and I wish that we could do that, but this acceptance of federal funds doesn't provide an opportunity to cure that. I hope we can find a solution to that, but that's not something that we can do but by accepting these funds. Previous expansions have kept the rate of uninsured and Maine's rate of uninsured has gone down since previous expansions, even during the Great Recession that we all just suffered through, where unemployment rose and providers dropped health insurance. So previous expansions based on the facts have had a positive impact and Maine has benefited from previous expansions.

This initiative has a zero dollar fiscal note. It will actually save Maine money. The Kaiser Foundation and the Heritage Foundation, it's been quoted here many times, estimate that Maine will save almost \$700 million. Covering more Mainers mean that people receiving 100 percent state funded mental health and substance abuse services will be eligible for MaineCare and those services will receive 100 percent federal funding. People who apply currently under disability categories and receive a 62 percent match rate will now be eligible for 100 percent match. Covering more Mainers mean that services paid for by GA will be paid for 100 percent. There are even opportunities and programs outside of DHHS including the Department of Corrections. This bill is structured so that these savings will be tracked and set aside in a fund to offset any future General Fund costs once the small state match kicks in after three years. We don't need to study this. We've put things in place to account for savings, put them in a place and use them or we can do that in an ongoing basis, but we do need to accept this money now.

Men and Women of the House, we debate matters in this chamber every day and they are all important, but there are moments that really matter, moments that rise in front of us and present us with an opportunity to do immeasurable good for the people we serve, moments that allow us to fundamentally improve people's lives in immediate and in dramatic ways, moments that allow us to literally save lives. This is one of those moments. This moment demands action. We can't allow the people who count on us to become collateral damage in some ideological war. We can sit here and use our political beliefs as a shield or we can put our partisanship aside and stand together on behalf of people who need our help the most, people who cannot afford to get sick but certainly cannot afford insurance, people who work hard but still struggle to pay their household bills, people who have been hit hard over the past few years and haven't fully bounced back. This is not the time for partisan bickering. There is too much at stake. This isn't about whether you are for or against the ACA or ObamaCare. This is about being for working Mainers who deserve the security of a family doctor. This isn't about whether you support the President or support our Executive. This is about whether you support the people who sent you here and need your help. This isn't about whether you trust or distrust the Federal Government. This is about the trust that a few thousand Mainers from your hometown and your district put in you to be their Representative and to make their lives healthier and safer and better. Those are the only people you need to think about today when the moment comes to cast your vote. I hope this measure will get the strong bipartisan support it deserves and urge you to support the Majority Report. Thank you very much, Mr. Speaker.

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

Representative **SIROCKI**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to the pending motion. Mark Twain once said there are lies, damned lies, and statistics. Numbers can be twisted, manipulated. President John Adams once said facts are stubborn things. I have heard that this is a time-limited offer, and that is true. The deadline is December 31, 2016. Before considering further expansion of our Medicaid enrollment, let's look at the evidence. True or false: We currently already have 1 in 4 Mainers already enrolled in Medicaid. True. Maine has about 25 percent of 330,000 people currently enrolled. True or false: Our neighbor, New Hampshire, with similar demographics has 118,000 people enrolled in Medicaid or 9 percent of their population. True. This means that Maine already has almost three times as many enrolled than New Hampshire. True or false: We currently have a waitlist of 3,100 disabled and elderly Mainers hoping for Medicaid services. True. Let me repeat that number – 3,100 of our neediest are waiting. This is nothing short of shameful. True or false: Some of these individuals have been waiting years. True. True or false: The Federal Government limits the number of slots we can fill for the disabled. False. We can apply for as many slots as we need. It is up to us to prioritize. True or false: Covering 69,500 more individuals will be free. False. That is false as in not true, only some of the expansion is covered at 100 percent for three years, not all of it. Parents are not covered at 100 percent. Only part of the expansion is free. The Maine Department of Health and Human Services will need 93 new fulltime employees just to administer the newly enrolled. This will cost hardworking taxpayers \$14 million, 50 percent of the cost will be paid by our federal tax dollars and 50 percent will be paid for in state dollars. Any way you slice it, 100 percent of this cost is paid for by us, the taxpayer. This means that we need to find \$7 million in just administrative costs for the state. The actual price tag for the next biennium is \$24 million because some of the expansion will only be matched at 61.5 percent, not 100 percent free, and the price tag does not remain flat, it inflates, it expands, it more than doubles in the next biennium to \$69 million and when the true cost hits us in a few years, when the free deal runs out, it will cost \$150 million per biennium. This is staggering.

Now, here is where the statistics get interesting. We have been given some numbers that claim that expanding coverage will save us money. Well, when I sat down and looked at the numbers, things just didn't add up. We were made promises back in 2001. We bought them. We were promised that if we expand, we will experience less emergency room usage. We were promised that the hospitals would save because charity care would decrease. We were promised many more people would have health insurance, and we were promised that we would save money over the long term because people will have easier access to preventative timely health care, thus their health care costs will go down. So we expanded coverage and Medicaid enrollment exploded by 78 percent in 10 years. I could not find any evidence that even one of these promises came true. Emergency room usage is up. Numbers of those with coverage remain flat. We spend a billion dollars more on Medicaid. Health care costs have grown four times the rate of inflation. Charity care has grown tremendously. And as if all of that is not bad enough, programs for our disabled are now capped with thousands on waitlists and many projects are taking a back seat including construction jobs for our roads, bridges and schools. Our Judiciary needs more money. The list goes on. It is clear. Medicaid is cannibalizing our state budget and we still owe the hospitals \$484 million in past due bills directly attributable to the last expansion. This means that some hospitals have had to

resort to taking out lines of credit with interest to pay their bills. To give you an idea of how expensive that is, the daily interest on \$484 million at a 3 percent interest rate is \$38,870 every day. The last expansion certainly did not help the hospitals. We are routinely told that Medicaid is the payor of last resort, not first resort. The intent of the Patient Protection and Affordable Care Act is to help individuals by offering subsidies and tax credits so they can enroll in affordable plans through the exchange. Its stated purpose is not to enroll as many as possible into the Medicaid program. For now, before we expand the Medicaid charity care program to those who are able bodied, let's prioritize our limited resources and put the disabled and elderly at the front of the line. We can always consider further expansion later. Mr. Speaker, I would also request a roll call.

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. I heard about did we learn anything in the last 10 years. Well, I've been here 11 years and what I've learned is that the same people that want to deny the middle class health care are the ones that stand up and say the same thing over and over, but it's just different people this time. These same people in this chamber have health care and it's paid for by the people they are so heartbroken and concerned about, the taxpayer, but I don't see them giving up their health care. Maybe I should put a bill in and watch the lights and see who wants to give it up, if they are so concerned about the taxpayer and not the middle class people of this state. We had about six or seven governors that criticized the President and criticized their candidate in the last election. Their candidate was the former Governor of Massachusetts who implemented health care down there and it's working, and they criticized him. But now the governor of Ohio thinks it's wonderful, the governor of Arizona thinks it's wonderful, the governor of Florida thinks it's wonderful, and the governor of Iowa thought it was wonderful last week, and there's more. So I don't think the people in this chamber kind of gets it. We already have socialized medicine. We take care of our poor. Let's get on with it and take care of the middle class. I had open heart surgery in 2011. It cost close to a quarter of a million dollars and if I didn't have health insurance, I would have been better off to die. Thank you, Mr. Speaker.

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

Representative **PRINGLE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise to urge you again to support the Majority Ought to Pass as Amended Report. I am told Winston Churchill said that you can count on Americans to do the right thing, after they've tried everything else. I have been in medical practice for 36 years, until last November when I won my election, and I have watched us go to a point where 1 in 7 Americans does not have health insurance, and I have seen the disability that can result from lack of health insurance and I have watched people die because they were presented with late stage disease. We have never tried covering everyone in this country, so we talk about data from this, this, this, but none of those things that they are referring to have occurred under a system where everybody was covered, like 40 other countries in this world that do provide universal coverage to all of their people. Our system, the Affordable Care Act, is actually very closely modeled to the German system which was started under Kaiser Wilhelm more

than 100 years ago, and all of those countries cost less per person to provide health care and provide better outcomes. I would ask you to help us give it a try for three years, especially when we have the SIM grant where we are going to, Maine as an innovator is going to look at ways to improve our delivery of care to our existing Medicaid population. Why not capitalize on that by adding to it this group of people who, and I wish they were middle class, but if you're making an income of \$12,000 a year, up to \$16,000 a year, I don't know if any of you live on that, but that is certainly not middle income. I know when my daughter graduated from college we were thrilled that she got recruited into a job that paid her \$29,000 a year with benefits in the '90s. She still couldn't afford everything. My husband and I had to help her with a down payment for a car lease so that she could make it. So I have taken care of, in my 36 years of practice, 10 years of private practice where almost everybody was insured. My other 20 years have been in safety-net clinics where I've cared for a lot of the working poor and I can tell you that finding \$44 a month, when all you make is \$16,000 a year, is not easy.

And to comment in response to my good friend, the Representative from Hancock, catastrophic health insurance may help you if you get a new diagnosis of cancer or you're in an automobile accident, but it's not particularly helpful for chronic illnesses such as asthma or diabetes, and the catastrophic policies usually have a high deductible and if you're making \$16,000 a year, you don't have that \$7,500 in your savings account to pay that initial part of your coverage. With regard to the waitlist, most of, I think, the confusion that comes is that MaineCare is not only health insurance, but it provides long-term care insurance and the people who are costing the most, the 5 percent that cost up to 80 percent, are people with developmental or intellectual disabilities or people who really need long-term care with behavioral issues. I would make the argument that we ought to look and see if we can reduce the number of people going forward that have those problems by insuring everybody. If we were to give this a try for the three years, where we have 100 percent reimbursement, why don't we see what we can accomplish? We have never tried insuring everybody in this country and I think it's time to give that experiment a try and see what happens. Thank you.

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

Representative SANDERSON: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. First, I would like to address what the good Representative from Windham just said about how if folks had better health insurance, perhaps we wouldn't have some of these folks on the waitlists. I'm not sure how having health insurance is going to stop folks from – and I'm going to use a term that's not politically correct because we like to change the name of things – it's going to help folks who suffer from severe mental retardation. No amount of insurance will stop anybody from being born with severe and persistent physical and cognitive disabilities. It happens. How we address it going forward, though, is we make sure that those who are on our system right now are covered prior to expanding to a new population. This 3,100 people that we have, they are getting the most basic of health care right now, but what they are not receiving are the home and community-based services that keep them sliding backwards. We have folks aging out a system and going on to the Section 2129 waiver system and their services that they used to have stopped. They started making progress, but that stops because they are on a waitlist now. This is not good for them, it's not good for their families, and it's not good for the communities who, these folks, have a real potential if given the proper support services of having a part of. Now the ACA

was crafted and the whole expansion piece with particular mandates in place; however, when those mandates were removed by the highest court in the land, it changed the rules, rules the feds have not gone back and readdressed. Comparing Maine to other states, it's like comparing apples to oranges. Some of these other states I'm hearing mentioned on the floor today were not an early expansion state. Maine is an early expansion state. We are not going to benefit like some of these other states are. The good Representative from Gorham said that Social Security and Medicare, these are programs that we can't live without now. Well, Social Security is pretty tenuous at this time and Medicare for seniors is being gutted to the tune of \$788 billion to pay for this expansion. It is also expected, because of this gutting with the Medicare reimbursement rates, it is expected to cost Maine hospitals millions in the next few years. Let's look back over the last few years. Every year we seem to be debating cuts to providers. Why, because we can't afford current programming. Cuts to programming, cuts to seniors, cuts to children's programming, cuts to education, cuts to revenue sharing. The education and the revenue sharing cuts come because we can't afford the current programming under the DHHS and the DHHS is consuming the lion's share of our budget with a ferocious appetite that cannot be stopped.

The good Representative from Westbrook said that spending is flat overall. Well, yes, he's right. It is flat overall in the DHHS budget, but I think it's disingenuous to say it's flat overall without saying the federal portion, that includes both federal and state. The federal portion has been reduced, but the state portion has gone up tremendously, tremendously. This program is not free. There are going to be costs that are above and beyond what we're currently trying and struggling to support. Even now, we're currently debating a budget and over \$400 million of what we're trying to close in our current budget negotiations, out of that, a tremendous amount of that are obligations for the current programming we have in the Department of Health and Human Services. The Department is working diligently to support what we have right now, conduct reforms to make sure that we have the adequate resources to support the people that we have currently on the program. Our program currently is kind of on a foundation of sand. It's shifting all the time. To add 70,000 more people on a program that is built on a foundation of sand right now, it's not the right thing to do. We need to stabilize what we have first. It hurts nothing to wait a few months. It hurts nothing to wait a few months. This does not go into implementation until January 1, 2015. If we wait, if we explore, if we find out definitively what the contract is going to look like with the Federal Government, we have the opportunity to make better choices as a whole instead of on ideological lines.

The Representative from Westbrook also said that we received another letter. We did, dated May 24, 2013, and in this letter, the Department, the Federal Government said that they are ready and willing to work with us to make sure that we stabilize our programming. They also said they have reached a tentative – tentative – that's not an assurity, it's tentative – conclusions that the individuals that they are looking to expand to says they may appear that Maine did not offer the coverage needed to reach the benchmark. Appears, tentative conclusions. It said should Maine elect to cover these individuals and CMS is able to confirm that the newly eligible matching rate will apply. None of this is sure. It also, in the last paragraph, says, where it was referenced, that they can immediately provide us with confirmation. It says if we can confirm that we did not provide these services. I am hearing if we can confirm, if it appears, tentative. Nothing is etched in stone until these studies are done, until we know exactly what the Federal Government will cover us

at, tentatively doesn't cut it for me. I will be voting against the pending motion and I hope the rest of you will too. Let's not expand our Medicaid system on that foundation of sand that is always shifting out from under us. Let's cover the folks that we have now. Let's look at our most needy, make sure they are cared for, and then we look at expanding. Thank you.

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

Representative **McGOWAN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am really pleased to hear that the Representative from Hancock and myself share a goal, which is that all people have access to health care in Maine. Where we may differ is his view that subsidies under the exchange would take care of this, and I wish to read to you from the website on the subsidy calculator, which says "Additionally, states have the option to expand their Medicaid programs to cover all people ... up to 138% of the federal poverty level (which is about \$33,000 for a family of four). In states that opt out of expanding Medicaid, some people making below this amount will ... be eligible for Medicaid, some will be eligible for subsidized coverage through Marketplaces, and others will not be eligible for subsidies." I'm tired of health care for some. I think we have an obligation to provide it for all.

The SPEAKER: The Chair recognizes the Representative from Amherst, Representative Lockman.

Representative **LOCKMAN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to the pending motion and to echo the comments of my good friend, the Representative from Hancock, who referred to Medicaid as a dysfunctional system with perverse incentives. I haven't heard any rebuttal to that this morning. I also want to make reference to the waitlists that we've heard about. Currently, there are 3,100 seriously disabled Maine people waiting for care, and frankly, I think it's scandalous that we're talking about adding an additional 70,000 nondisabled people while this situation exists. What's wrong with us? What's wrong with this picture? Certainly those 70,000 people, those nondisabled people, will benefit from being added to the MaineCare rolls. But let's be honest. Who else will benefit? That would be Maine's ravenous nonprofit sector where CEOs can earn \$300,000 a year serving the poor. It's nice work if you can get it. I say it's time to get our priorities straight and I urge you to vote no on the pending motion. Thank you, Mr. Speaker.

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

Representative **GRANT**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. A couple of weeks ago, we debated this bill, it was a combination bill and many of my good colleagues on the other side expressed concern about those issues being wedded together. Though I felt very strongly that they were connected, I understand that you felt on the other side that these things didn't belong together and that you wanted to have a chance to hear them separately, so here you have the chance. Many of you spoke very passionately about the fact that if you had the opportunity to vote on these issues separately that you would consider being open to expanding Medicaid coverage and accepting the federal funds. I will be watching that board today in hope that those of you who did feel strongly, that you wanted to have the opportunity for the Mainers that are now not covered to be covered. I will be watching and hoping that now that they are separated, you will feel that you can do that. We, in good conscience, separated the issues so that that would give you that change, and we ask you to exercise that conscience. We know that all of you want to do what's right for Maine and many of you disagree on the way to do that, but I do hope that

those of you who wanted these issues to be debated separately will take that opportunity and cover 70,000 Mainers today. Thank you.

The SPEAKER: The Chair recognizes the Representative from Berwick, Representative Plante.

Representative **PLANTE**: Thank you, Mr. Speaker. I'd like to first echo what the words are from the good Representative from Amherst. I, too, believe that the overwhelming compensation package is available at nonprofits and across the board are something we need to seriously consider. We're doing the work of the people. We're not trying to do this to benefit ourselves. But we need to look at the expansion in Massachusetts as a model for what we're doing here, that's the basis for the Affordable Care Act passed in March 2010. We've had three years to do this and three years we have failed to truly make an honest effort at this. So to say we need to take another year to review it, sounds as if it's just a delayed tactic rather than actually taking the initiative to fix the problem and to deal with Medicaid expansion in and of itself. Before the record, when it came to the expansion of Medicaid, when it came to the payments that the State of Massachusetts had to make, it changed its health safety net as a way of which to pay back hospitals, a 38 percent savings in the very first year. That amounts to \$132,148,800 in one year. Their uninsured rate dropped from 5.7 percent to 2.7 percent and they required three things in their expansion of Medicaid, which is part of the Patient Protection and Affordable Care Act, of which we didn't enact these portions in our expansion of Medicaid a decade ago. That was to provide subsidies to help low and middle-income residents to purchase insurance, to have an employer responsibility requirement, and to have a requirement of individuals to have insurance. That is the substantial difference between what we do today and the expansion the state had 10 years ago, and is the reason why Massachusetts is the model for the country for insuring its citizens and keeping costs within range of what people can actually afford. Thank you.

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

Representative **DORNEY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just want to make a couple of comments. One thing you may not realize is the Health and Human Services Committee actually amended this bill based on what people were telling us over the last few weeks and one of the questions was whether or not we will get the full match, and we're talking about the full match for the extra people and that's why there is some confusion, I think. So we amended the bill so that if we do not get the full match for the expansion, then there is a way for us to opt out. So we amended the bill so it would make it easier to do that. I also wanted to quote from the application from the SIM grant that the State of Maine just recently received, \$33 million from the Federal Government that they expected, over the next three years, to save MaineCare dollars, \$472 million; commercial insurance, \$554 million; and Medicare, \$248 million in the State of Maine. We are undergoing a very big change in the way we are going to be delivering health care in the State of Maine, so I think that the expansion will help this and we are already on this track to have significant savings in health care costs, hopefully, for the State of Maine with a SIM grant. Again, I wanted to say about the waiting list, people on the waiting lists have health insurance. They have MaineCare. The waiting lists are for other issues like housing subsidies, things like that. We need to solve this problem and hopefully we do, but they do have health insurance. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Gorham, Representative Sanborn.

Representative **SANBORN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I apologize for rising twice, something I have never done before. But I just wanted to make it clear that if we do not accept the federal funds, we will still have 3,100 people on the waitlist for the Section 21 and 29 waivers. Talk about stubborn facts. Talk about false arguments. We will have no more funding to move the people off that list than we have when we accept the federal funds. 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 also apologize. My first time ever rising a second time on an issue. Very, very briefly, again, it is unfortunate to hear costs not quoted correctly. Originally, when DHHS came before our committee, they did say that they were going to have to hire 93 people and that would be covered by 50 percent match. Upon further conversation with them and questioning, we now know that we're actually getting an enhanced match for the administrative costs, which is something we don't get for other services. So those costs are half of what was quoted earlier and what the HHS originally told us they were going to be. I also very briefly want to say that the reason the CMS uses the word "tentative" in the letter is because, again, we've gotten five letters and the Department won't respond to them. The bill you have before us, it's unfortunate we have to do this, directs the Department to actually go back to CMS and do the work that needs to be done to secure the funding. You know, it is really unfortunate looking back and seeing the effort that this Department went through last year to apply for waivers and to sue the Federal Government to remove people from our federal MaineCare program, our federally funded MaineCare program, and now we have to take these steps. I mean I just wish they would put a fraction of the effort into helping people get insurance in this effort, as they've put into trying to take insurance away from people last year. Thank you very much.

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

Representative **HERBIG**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. Just briefly, I wanted to, myself and other members of the Waldo County delegation received a letter from the Executive Director of Waldo County General Hospital in Belfast on Friday, saying that Waldo County Hospital supports the expansion of MaineCare. Our hospitals are experiencing increased levels of charity care and the expansion will provide affordable access to health care for more people. This was from himself, the board, and there is 700 employees. Thank you.

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. As you may know, I, along with the good Representative from Livermore Falls and the good Senator from Yarmouth, put together the Common Ground Caucus at the beginning of our session with the hope and the goal to reach beyond partisanship. This is the time. This is the time. We are not in D.C. We are in Maine. We come together for the benefit of all people. We must move beyond partisanship and listen to my good colleagues who are physicians and myself as a nurse practitioner. This is real. Please, this is real. I would refer you to the article in the *Maine Sunday Telegram*, when they, a couple who will not survive without

Medicaid expansion, period. So I ask my colleagues and friends to find the common ground. Senator Snowe wrote a book about this. Let us not become so divided that we can't find the common good and the common ground. Thank you.

The SPEAKER: The Chair recognizes the Representative from the Houlton Band of Maliseet Indians, Representative Bear.

Representative **BEAR**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Briefly, two points. I think that in listening to the members speak on the letters that went back and forth between the Federal Government and the Department, that in my experience, language such as "appears" or "may" as to eligibility for reimbursements are as solid as you can get a commitment as regards to potential eligibility for funding. That until we actually get into the program and expand it, only then can they say, yes, we now see that you are eligible. That's the point I'm going to make on that. The second is I had a general membership meeting with the tribe yesterday, Sunday, with the Houlton Band of Maliseet Indians and clearly I get the message from elders who are widows. These women have said that they strongly urge this body to pass this bill that will expand the health care for those in need. Thank you.

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

Representative **MCCABE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. It's clear. We can pick and choose and we can cherry-pick facts and figures, but it's clear that this will lower the cost of Maine hospitals. We've heard from hospital CEOs. I've heard from mine that they want this. Accepting these federal dollars will lower the cost system wide. This will help us free up money to spend in education, infrastructure, public safety and make local investments. I think it's key that we also look at the job creation that's tied to this. This is looking at creating over 3,100 new jobs. If you represent a district like mine, a rural district in Central Maine where a hospital is located, it should be very clear to you that the jobs that that hospital and the health care providers tied to that hospital can create. These are good jobs, good paying jobs and that's why I will be voting yes today.

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

Representative **HICKMAN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise to support the pending motion. Why, because there are too many farmers and too many farmworkers over the great State of Maine, some of the hardest working people I have ever known, who cannot afford health insurance. I want as many farmers in Maine to remain as healthy as we can, so we can continue to work from sunup to sundown with all our might to grow and produce the food we need to remain as healthy as we can and feed all our people. I do not consider Maine farmers needy. I do not consider Maine farmers freeloaders. Still, some of them need our help. No healthy farmers, no wholesome food. I ask that we come together, set aside our differences. Do right by the people of the great State of Maine and vote Ought to Pass as Amended on LD 1066. 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. 174

YEA - Beavers, Beck, Berry, Boland, Briggs, Brooks, Campbell J, Carey, Cassidy, Chapman, Chenette, Chipman, Cooper, Crockett, Daughtry, DeChant, Dickerson, Dill, Dorney, Evangelos, Farnsworth, Fowle, Gattine, Gideon, Gilbert, Goode, Graham, Grant, Hamann, Harlow, Hayes, Herbig, Hickman,

Hobbins, Hubbell, Jones, Jorgensen, Kaenrath, Kent, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby N, Longstaff, Luchini, MacDonald S, MacDonald W, Marks, Mason, Mastraccio, McCabe, McElwee, McGowan, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, Nelson, Noon, Peoples, Plante, Powers, Priest, Pringle, Rankin, Rochelo, Rotundo, Russell, Sanborn, Saucier, Saxton, Schneck, Shaw, Short, Stanley, Stuckey, Theriault, Tipping-Spitz, Treat, Tyler, Verow, Villa, Weaver, Welsh, Werts, Mr. Speaker.

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

ABSENT - Ayotte, Beaudoin, Bolduc, Casavant, Devin, Dion, Frey, McLean, Peterson, Rykerson, Wood.

Yes, 89; No, 51; Absent, 11; Excused, 0.

89 having voted in the affirmative and 51 voted in the negative, with 11 being absent, and accordingly, the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (H-286)** 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-286)** and sent for concurrence.

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought Not to Pass** on Bill "An Act To Protect Public Health by Regulating Excessive Wood Smoke as a Nuisance"

(H.P. 860) (L.D. 1215)

Signed:

Senator:

HAMPER of Oxford

Representatives:

FARNSWORTH of Portland

CASSIDY of Lubec

DORNEY of Norridgewock

MALABY of Hancock

McELWEE of Caribou

SANDERSON of Chelsea

SIROCKI of Scarborough

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-284)** on same Bill.

Signed:

Senators:

CRAVEN of Androscoggin

LACHOWICZ of Kennebec

Representatives:

GATTINE of Westbrook

PRINGLE of Windham

STUCKEY of Portland

Representative BEAR of the Houlton Band of Maliseet Indians - of the House - supports the Majority **Ought Not to Pass Report.**

READ.

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

The SPEAKER: The Chair recognizes the Representative from Gorham, Representative Sanborn.

Representative **SANBORN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. As the sponsor of this bill, I would encourage you to support the Ought Not to Pass Report. I believe that this was a well-intended bill that was trying to help people who were being choked out of their homes by wood smoke and trying to give them another option to make a legal complaint. With that said, it's a difficult problem to resolve and I think that it needs a different approach, so I am encouraging you to go ahead and accept the Majority Ought Not to Pass Report. Thank you.

On motion of Representative McCABE of Skowhegan, the Bill and all accompanying papers were **INDEFINITELY POSTPONED.** Sent for concurrence.

Majority Report of the Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-288)** on Bill "An Act To Prohibit a Health Insurance Carrier from Establishing a Separate Premium Rate Based on Geographic Area"

(H.P. 136) (L.D. 161)

Signed:

Senators:

GRATWICK of Penobscot

WOODBURY of Cumberland

Representatives:

TREAT of Hallowell

BECK of Waterville

COOPER of Yarmouth

MORRISON of South Portland

PRINGLE of Windham

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

Signed:

Senator:

WHITTEMORE of Somerset

Representatives:

DOAK of Columbia Falls

FITZPATRICK of Houlton

McCLELLAN of Raymond

WALLACE of Dexter

READ.

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

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

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass** on Resolve, Regarding Legislative Review of Portions of Chapter 2: Rules Concerning the Processing of Applications and Other Administrative Matters, a Major Substantive Rule of the Department of Environmental Protection (EMERGENCY)

(H.P. 612) (L.D. 861)

Signed:

Senators:

VALENTINO of York
TUTTLE of York

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-277)** on same Resolve.

Signed:

Senator:

BURNS of Washington

Representatives:

BEAULIEU of Auburn
CROCKETT of Bethel
GUERIN of Glenburn
PEAVEY HASKELL of Milford

READ.

Representative PRIEST of Brunswick moved that the House **ACCEPT** the Majority **Ought to Pass** Report.

On further motion of the same Representative, **TABLED** pending his motion to **ACCEPT** the Majority **Ought to Pass** 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-280)** on Bill "An Act To Ensure Efficiency in the Unemployment Insurance System"

(H.P. 482) (L.D. 690)

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.

On further motion of the same Representative, **TABLED** 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 Not to Pass** on Bill "An Act To Avoid Conflicts of Interest in State Government Labor Relations"

(H.P. 1025) (L.D. 1436)

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" (H-287)** on same Bill.

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 Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought Not to Pass** on Bill "An Act To Ensure Safe School Grounds"

(H.P. 675) (L.D. 961)

Signed:

Senators:

JACKSON of Aroostook
SHERMAN of Aroostook

Representatives:

DILL of Old Town

BLACK of Wilton
CRAY of Palmyra
MAREAN of Hollis
TIMBERLAKE of Turner

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-285)** on same Bill.

Signed:

Senator:

BOYLE of Cumberland

Representatives:

HICKMAN of Winthrop

JONES of Freedom

KENT of Woolwich

NOON of Sanford

SAUCIER of Presque Isle

READ.

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

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

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

The **SPEAKER**: The Chair recognizes the Representative from Falmouth, Representative Nelson.

Representative **NELSON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Two years ago, I presented on the floor of this House LD 837, "An Act To Protect Children's Health and Promote Safe Schools and Child Care Centers by Limiting the Use of Pesticides." The Legislature passed an amended bill at that time. This bill, the version that is before you, builds on that passage of that legislation two years ago. This will ensure a safe school environment for our children. Pesticides are toxic chemicals used to control and kill unwanted living organisms such as weeds or insect pests. Because these are poisons, many people have begun to study if their impact goes beyond their intended targets. There is a growing body of medical and scientific evidence suggesting that children are particularly susceptible to the harmful effects of some pesticides, including those that have been shown to be nerve poisons, carcinogens, reproductive toxins or hormone disruptors. We can't protect our children from every threat, but we do know how to provide a safe environment where they can thrive and learn. Children face greater exposure to and danger from pesticides. They are physically small. Their organ systems are still developing. They take in more air relative to their body weight than adults. Typical behavior in sports or general play keeps them regularly on or near the ground. They put their hands close to or on their faces and in their mouths. Scientific studies report higher levels of pesticide residues in children ages 6 to 11 than other age categories. I am sure that you are aware of the growing number of children who have allergic reactions to many products – peanuts, eggs, wheat – and there is growing evidence of allergic reactions to the many chemicals which children are exposed to every day. We can't eliminate all environmental hazards, but we can act to minimize those hazards, particularly when it comes to the daily environment of our children. Quite simply, lawn chemicals are poisons. When we send our children to school, we expect that they will not only be in a creative and supportive educational and social environment, but we expect them to be in a safe physical environment. Parents work hard to

protect their children from dangers and we need to ensure that children are also safe when they are at school. A growing number of towns and states are restricting pesticide use on school and public grounds. Camden, Ogunquit, Scarborough and Brunswick have adopted alternative lawn care methods for municipal properties including schools. These policies restrict toxic chemical use. Connecticut prohibits the application of pesticides on grounds of any public or private school with students in grade 8 or lower. Alternative lawn care methods for school athletic fields and playgrounds have been shown to yield savings, financial savings, after three to four years, when compared with chemical intensive lawn care methods, and because many lawn chemicals are made from petroleum, their prices are subject to the volatility of the oil market.

LD 961 restricts the use of chemical pesticides on school grounds. Exceptions to this restriction can occur in a situation that poses a health threat to a student or a staff member, or when the presence of animals or insects has been identified as a public health nuisance. They can be used on school athletic fields, only when there is a 14-day waiting period after the application of the pesticides which will, I believe, ensure that the athletic fields are much safer for athletic activity. This waiting period will encourage schools to investigate other alternatives to maintaining their athletic fields, which will not require them to close the field to activities for two weeks. Pesticides can also be used on school agricultural fields in accordance with the manufacturer's instructions. These relatively modest, common sense practices will, I believe, provide a safer environment for our children when they are outside getting physical activity. I think that we owe it to our children to seek and implement the safest and affordable alternative to maintaining school grounds. Maine has often led in environmental policies that protect our unique and beautiful environment. We have led in product safety legislation and in public notification. This legislation ensures a safer environment for our precious children. I urge you to support the report before you to ensure safe school grounds for our children. Thank you, Mr. Speaker.

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

Representative **DICKERSON**: Thank you, Mr. Speaker. I just wanted to mention that to add to the list that the previous Representative just gave you of towns and municipalities that have adopted alternative pesticides and fertilizers standards. Rockland has joined in the list of municipalities that are going to be setting the standard for adopting an IPM management and no pesticides and fertilizers as much as possible. We've just passed an ordinance amendment to do that and I was delighted to see that this was on our calendar because it's very important and it's entirely possible. Everybody is excited about it in Rockland, even the people who were a little bit dubious about it at first. Of course, I'm going to have to run around and show everybody how to sprinkle vinegar on their weeds and things, but it will be fun. So I really hope everybody supports this. It's really important to the kids. They have no idea when they go out on playing fields that they might be playing in something they shouldn't be playing in, and there is lots of other ways to deal with these kinds of things now and so please support this measure.

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

Representative **CRAY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. We have, in this bill, I am on the Majority Report, the Ought Not to Pass Report, we have another bill coming up that was a Resolve that was put up in the 125th Legislature, last year, to study all the safety for pesticides on lawns, on schools and on school grounds, and in

that, we've adopted, with a unanimous report on another bill that's coming up, we have a unanimous report to adopt the major substantive rules which the Board of Pesticides Control put into effect because of that Resolve. That's why I will not be supporting the Minority Ought to Pass.

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

ROLL CALL NO. 175

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

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

ABSENT - Ayotte, Beaudoin, Casavant, Cotta, Devin, Dion, Frey, Gifford, McLean, Peterson, Rykerson.

Yes, 84; No, 56; Absent, 11; Excused, 0.

84 having voted in the affirmative and 56 voted in the negative, with 11 being absent, and accordingly, the Minority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-285)** 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-285)** and sent for concurrence.

Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES AND THE CONGRESS OF THE UNITED STATES TO PROVIDE TO THE HOULTON BAND OF MALISEET INDIANS JUST AND EQUITABLE COMPENSATION COMPARABLE TO THE SETTLEMENT PROVIDED TO THE PENOBSCOT NATION AND THE PASSAMAQUODDY TRIBE

(H.P. 963)

Signed:

Senators:

VALENTINO of York
BURNS of Washington
TUTTLE of York

Representatives:

PRIEST of Brunswick

BEAULIEU of Auburn
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 to Pass as Amended by Committee Amendment "A" (H-278)** on same Joint Resolution.

Signed:

Representative:

CROCKETT of Bethel

READ.

Representative BEAR of the Houlton Band of Maliseet Indians moved that the Joint Resolution be **INDEFINITELY POSTPONED**.

The SPEAKER: The Chair recognizes the Representative from the Houlton Band of Maliseet Indians, Representative Bear.

Representative **BEAR**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I've motioned to have this item and all its accompanying papers be Indefinitely Postponed today. That doesn't mean you have to agree with me, however. This Joint Resolution isn't my idea. To begin with just a little background. In January, I was invited to present the Maliseet perspective before the Judiciary Committee, which is a Joint Committee of the Senate and the House, and I was pleased to do so and in relating our story, our perspective, it became apparent that there was some interest and I received feedback in the form of questions. One of the questions was with regard to my report on the Maine Claims Settlement Act and our perspective on it was that perhaps you might want to consider submitting to us for our consideration some sort of resolution or a bill that could address the issue of the difference between the compensation that was provided to Maliseets in that Settlement Act of 32 years ago and that which was provided to the Penobscot and the Passamaquoddy Tribes. It seemed clear to them, as it has been for us as Maliseets, that there is a huge difference, \$81.5 million on the one hand and then on our side \$900,000. What we're talking about is not comparing two different scenarios. We're talking about a substantial settlement that went to our sister tribes and for many millions of acres of land that had been claimed, and then with regard to the Maliseets, our land claimed, which was approximately 4.5 million acres of land comprising most of northern Maine, including all of Aroostook County and beyond. It seemed to the committee, as it has to us, that that was somewhat out of balance and so I took the initiative and took the idea to the Revisor's Office and they researched, they wrote and they came up with the Resolution that was then presented, albeit late, to the Legislative Council. In that process, the Legislative Council, because it was after cloture, had to approve it being furthered for consideration. Both the Republican and the Democrat leadership, as well as the Speaker, heard my request, and they approved it and on it went to the House for consideration. In the meantime, there was an opinion by the Attorney General which raised some issues, some concerns, and I then responded to it, or attempted to, in the Judiciary Committee, but due to the change in rules on notices and the pace that had picked up of recent, I suppose I missed my actual hearing and could only get to the work session. As you know, the rules, you really aren't going to be able to make a submission, so here's my chance in making this motion, that

there is no risk in standing with the Maliseet people I submit to you. All we have asked in this Joint Resolution is that you agree that there is an imbalance, that it was not fair and equitable is not the issue. What it is, you are merely standing with us as we make our request to the United States Government, to the President of the United States, for reconsideration of the compensation portion of the Maine Claims Settlement Act. There were things said, that there was a comprehensive negotiation, that it was a detailed negotiation. I spoke with my elders recently. Fortunately, our negotiator is still living. Mr. Terry Polchies, our first chairman of the Maliseet Tribe, confirmed that we were not part of the negotiation. We were given an ultimatum because of the timeframe, before President Carter had ended his term in office, President Reagan coming on, that they felt that it had to move quickly to resolve the claim that the Passamaquoddy and Penobscot had advanced. The Maliseets didn't have the time, weren't part of the negotiation, and he says it was an ultimatum. That clearly in and of itself can't be considered fair. In the committee, the Judiciary Committee, and I have to praise and thank my friend, the sole supporter of this resolution, the Representative from Bethel, for standing up with me. But that's what brings us here today, is that I'm making this motion that it be killed but perhaps you will agree that it ought not be, that in fact there is no danger to the State of Maine. The Maliseet Tribe will stand here, as the Representative, and tell you that this is not some backdoor way to sue the State of Maine because we didn't get a fair deal. This is none of that. This is all about asking for an obvious imbalance to be corrected and that if you agree with me or the resolution and disagree with me on motion, then I ask you to make that known today. But I do appreciate the opportunity to have presented to the Judiciary Committee, to the Legislative Council and to speak before you on this issue. Again, if it's an order, I also would apologize. Perhaps I was just under a misunderstanding that when I was urged to submit a bill or a resolution, such as this, I was perhaps a little reading too much into it. So if that's the case, I would apologize, but I will leave it in your hands to decide what to do. Thank you, Mr. Speaker.

Representative JONES of Freedom **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE** the Joint Resolution.

Fewer than one-fifth of the members present expressed a desire for a roll call which was not ordered.

Representative JONES of Freedom **REQUESTED** a division on the motion to **INDEFINITELY POSTPONE** the Joint Resolution.

The Chair ordered a division on the motion to **INDEFINITELY POSTPONE** the Joint Resolution.

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

Representative **PRIEST**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I was hoping not to have to speak on this issue, but perhaps I am going to have to speak on the issue. If you look at the Committee Report, you can see that all but one were in favor of Ought Not to Pass, and the one was Representative Crockett from Bethel, who was willing to give our good fellow Representative from the Maliseet Tribe a chance to speak, and he did so. I think you need to know the reasons we voted against this if we are going to have a division and go from there. The Maliseet Tribe did get something out of settlement. They got federal recognition. They hadn't had federal recognition before. When they got federal recognition as a recognized federal tribe, that brought with all the federal benefits that come to a federally recognized tribe in Maine under the Settlement Act. They also got \$900,000 which was given out

by the Passamaquoddy and Penobscot Tribes to them. That was not part of the original settlement, but they gave that \$900,000 to them. It's clear that if we were to pass this resolution, we would be in favor of opening up the Indian Land Claims Settlement Act. Those of you who remember what this Settlement Act dealt with will recall that, for a while, all the land claims, all the land titles in the northern part of the state, one-third of the state, were in doubt. Banks were not willing to loan until this matter was resolved. This was a very grave situation that was finally settled under the Settlement Act which was approved by Congress and approved by this House. As much as I sympathize with the good Representative from the Maliseet Tribe, I am not willing to undergo a reopening of that without a great deal more work and study, and so I do recommend that you stick with the Ought Not to Pass Report.

The **SPEAKER**: The Chair recognizes the Representative from the Houlton Band of Maliseet Indians, Representative Bear.

Representative **BEAR**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I appreciate the kind words of the Representative who just spoke. Just to clarify, the Maine Indian Claims Settlement Act, the reopening of it is not our goal. Our goal is to ask the State of Maine to stand with the Tribe as we make a request to the United States. The Settlement Act has been opened twice before already, once for the Migmaw who have obtained recognition and once for the Houlton Band to protect the lands that might someday be acquired and can be put into trust and not subject to seizure due to nonpayment of taxes, but that's not our goal. Our goal is simply to, and it would not be unprecedented, for the Land Claims to be opened up and it's not of risk at all to the State of Maine. We are not looking to sue the State of Maine and ask for anything, not one penny and not one inch, as Governor Brennan said at one point, from the State of Maine. That is not our goal. What has been recognized by members of the Judiciary Committee, and we agree with as well, is that there is an imbalance. The Chief of the Passamaquoddy Tribe supports this. Many members in this House had signed on and I don't recall exactly how long the list was but there represents no fiscal note here, there is no cost to the State of Maine, it will involve no money from the State of Maine, and it may not involve any money at all. But the point is that this is not a reopening of the Maine Claims Settlement Act, per se. This is simply standing with us, as you have in this body, on behalf of the people who are less powerful, who are weaker. In the past, you have revisited the treatment of the disabled in this state, you have revisited the treatment of Maliseet children who are in foster care in the state and are now supporting a commission that is examining the impacts of that and will report to this body, so we go back and we correct things. The State of Maine corrects things and what I am simply asking in this resolution, which was the intent, is that you do the right thing and acknowledge that something wasn't exactly right, that in fact the Maliseet being expected to give up all rights to land for, in comparison to what the Passamaquoddy and Penobscot got, for \$900,000, which Maine and the United States, neither provided, but came from the tribes. They wanted to close that deal before the new presidential administration came in, and we agreed with that. But federal recognition was not something that we obtained. We had federal recognition, as we all know, from the very beginning. The Treaty of Watertown in 1776 is the very first treaty the United States had entered into with any foreign government and that government was ours, the Maliseet Nation, and we did not get the United States recognition. We extended recognition to the United States. We were the first ones to acknowledge the United States of America as a sovereign nation, and they were proud of that, that Americans would acknowledge the United States, and

that's what they considered the Maliseets. They considered the Maliseets as Americans and they were proud that we acknowledged them as the first in the world. So that's the context of this statement about federal recognition. We didn't get federal recognition out of the Settlement Act. We had federal recognition. We gave it to the United States hundreds of years before that, so to say that we got federal recognition is not accurate. We already had it and the treaty, which is still valid and still exists, is proof of that. Thank you very much, Mr. Speaker.

A vote of the House was taken. 107 voted in favor of the same and 22 against, and accordingly the Joint Resolution was **INDEFINITELY POSTPONED**. Sent for concurrence.

CONSENT CALENDAR

First Day

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

(H.P. 26) (L.D. 33) Resolve, Regarding Legislative Review of Portions of Chapter 27: Standards for Pesticide Applications and Public Notification in Schools, a Major Substantive Rule of the Board of Pesticides Control (EMERGENCY) Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-308)**

(H.P. 320) (L.D. 470) Bill "An Act Regarding Working Waterfront Projects" Committee on **ENVIRONMENT AND NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-302)**

(H.P. 593) (L.D. 842) Bill "An Act To Facilitate the Use of Electronic Monitoring To Prevent Domestic Violence" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-296)**

(H.P. 627) (L.D. 903) Bill "An Act To Enhance the Development and Implementation of Integrated Pest Management Programs" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-291)**

(H.P. 805) (L.D. 1140) Bill "An Act To Amend the State Government Evaluation Act" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-309)**

(H.P. 847) (L.D. 1203) Bill "An Act To Encourage Financing of Manufactured Housing for the Workforce" Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-298)**

(H.P. 1022) (L.D. 1433) Bill "An Act To Amend the Laws Governing Mental Responsibility for Criminal Conduct" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-297)**

(H.P. 1117) (L.D. 1550) Bill "An Act To Make Supplemental Allocations from the Highway Fund for the Expenditures of State Government Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2013" (EMERGENCY) Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-292)**

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

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

(H.P. 934) (L.D. 1315) Bill "An Act To Ensure the Safety of Compounded Drugs" Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-299)**

On motion of Representative FREDETTE of Newport, was **REMOVED** from the First Day Consent Calendar.

The Committee Report was **READ**.

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

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

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

ROLL CALL NO. 176

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

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

ABSENT - Ayotte, Beaudoin, Casavant, Devin, Dion, Frey, McLean, Peterson, Rykerson, Villa.

Yes, 86; No, 55; Absent, 10; Excused, 0.

86 having voted in the affirmative and 55 voted in the negative, with 10 being absent, and accordingly the **Unanimous Ought to Pass as Amended Report** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-299)** 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-299)** and sent for concurrence.

ENACTORS

Emergency Measure

An Act Regarding Reconstruction of Residential Structures on Sand Dunes

(S.P. 384) (L.D. 1102)

(C. "A" S-132)

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

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.

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

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

ROLL CALL NO. 177

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

NAY - Beaulieu, Bennett, Black, Campbell R, 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, Knight, Libby A, Lockman, Long, MacDonald S, Maker, Malaby, Marean, McClellan, McElwee, Nadeau A, Newendyke, Nutting, Parry, Pease, Peavey Haskell, Pouliot, Reed, Sanderson, Sirocki, Timberlake, Turner, Tyler, Volk, Wallace, Weaver, Willette, Wilson, Winchenbach, Winsor, Wood.

ABSENT - Ayotte, Beaudoin, Casavant, Devin, Dion, Frey, McLean, Peterson, Rykerson, Villa.

Yes, 83; No, 58; Absent, 10; Excused, 0.

83 having voted in the affirmative and 58 voted in the negative, with 10 being absent, and accordingly the Bill **FAILED PASSAGE TO BE ENACTED** and was sent to the Senate.

Acts

An Act To Stabilize Education Funding by Reducing the Impact of Changes in Property Valuation

(S.P. 51) (L.D. 130)
(C. "A" S-128)

An Act To Improve the Military Bureau Laws

(S.P. 78) (L.D. 242)
(C. "A" S-131)

An Act To Provide Clarity to Priority Chemical Reporting Requirements

(S.P. 153) (L.D. 373)

An Act To Require a Warrant To Obtain the Location Information of a Cell Phone or Other Electronic Device

(S.P. 157) (L.D. 415)
(C. "A" S-106)

An Act To Improve Maine's Charter School Laws

(S.P. 171) (L.D. 439)
(C. "A" S-127)

An Act To Allow Charter Schools To Request Waivers from Certain Requirements

(S.P. 267) (L.D. 729)
(C. "A" S-137)

An Act Regarding the Maine Guaranteed Access Reinsurance Association

(S.P. 404) (L.D. 1167)
(C. "A" S-126)

An Act To Clarify the Law Regarding Advertising Signs outside Premises Licensed To Sell Alcohol

(S.P. 457) (L.D. 1318)
(C. "A" S-129)

An Act To Increase the Monetary Limit for Card Games

(S.P. 474) (L.D. 1355)
(C. "A" S-130)

An Act To Amend the Motor Vehicle Laws

(S.P. 494) (L.D. 1392)
(C. "A" S-133)

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.

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

Resolve, Regarding Temporary Campgrounds

(S.P. 215) (L.D. 625)
(C. "A" S-134)

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

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

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

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

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

ROLL CALL NO. 178

YEA - Beaulieu, Beavers, Beck, Bennett, Berry, Black, Boland, Bolduc, Briggs, Brooks, Campbell J, Campbell R, Carey, Cassidy, Chapman, Chenette, Chipman, Clark, Cooper, Cotta, Crafts, Cray, Crockett, Daughtry, Davis, DeChant, Dickerson, Dill, Doak, Dorney, Dunphy, Duprey, 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, Jorgensen, Kaenrath, Kent, Keschl, Kinney, Knight, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby A, Libby N, Lockman, Long, Longstaff, Luchini, MacDonald S, MacDonald W, Maker, Malaby, Marean, Marks, Mason, Mastraccio, McCabe, McClellan, McElwee, McGowan, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau A, Nadeau C, Nelson, Newendyke, Noon, Nutting, Parry, Pease, Peavey Haskell, Peoples, Plante, Pouliot, Powers, Priest, Pringle, Rankin, Reed, Rochelo, Rotundo, Russell, Sanborn, Sanderson, Saucier, Saxton, Schneck, Shaw, Short, Sirocki, Stanley, Stuckey, Theriault, Timberlake, Tipping-Spitz, Treat, Turner, Tyler, Verow, Volk, Wallace, Weaver, Welsh, Werts, Willette, Wilson, Winchenbach, Winsor, Wood, Mr. Speaker.

NAY - NONE.

ABSENT - Ayotte, Beaudoin, Casavant, Chase, Devin, Dion, McLean, Peterson, Rykerson, Villa.

Yes, 141; No, 0; Absent, 10; Excused, 0.

141 having voted in the affirmative and 0 voted in the negative, with 10 being absent, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

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

The House recessed until 2:00 p.m.

(After Recess)

The House was called to order by the Speaker.

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

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment Friday, May 31, 2013, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

An Act To Amend the Laws Relating to Secession by a Municipality from a County (EMERGENCY)

(H.P. 1004) (L.D. 1408)

(C. "A" H-197)

TABLED - May 30, 2013 (Till Later Today) by Representative FREDETTE of Newport.

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.

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

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

ROLL CALL NO. 179

YEA - Beaulieu, Beavers, Beck, Bennett, Berry, Black, Boland, Bolduc, Briggs, Brooks, Campbell J, Campbell R, Carey, Casavant, Cassidy, Chapman, Chase, Chenette, Chipman, Clark, Cooper, Cotta, Crafts, Cray, Crockett, Daughtry, Davis, DeChant, Dickerson, Dill, Doak, Dorney, Dunphy, Duprey, 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, Jorgensen, Kaenrath, Kent, Keschl, Kinney, Knight, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby N, Lockman, Long, Longstaff, Luchini, MacDonald S, MacDonald W, Maker, Malaby, Marean, Marks, Mason, Mastraccio, McCabe, McClellan, McElwee, McGowan, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau A, Nadeau C, Nelson, Newendyke, Noon, Nutting, Parry, Pease, Peavey Haskell, Peoples, Plante, Pouliot, Powers, Priest, Pringle, Rankin, Reed, Rochelo, Rotundo, Russell, Sanderson, Saucier, Schneck, Shaw, Short, Sirocki, Stanley, Stuckey, Theriault, Tipping-Spitz, Treat, Turner, Tyler, Verow, Villa, Volk, Wallace, Weaver, Welsh, Werts, Willette, Winchenbach, Winsor, Wood, Mr. Speaker.

NAY - NONE.

ABSENT - Ayotte, Beaudoin, Devin, Dion, Libby A, McLean, Peterson, Rykerson, Sanborn, Saxton, Timberlake, Wilson.

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

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

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

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

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

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

TABLED - May 31, 2013 (Till Later Today) by Representative BERRY of Bowdoinham.

PENDING - **FURTHER CONSIDERATION**.

Subsequently, on motion of Representative FARNSWORTH of Portland, the House voted to **INSIST** and **ASK** for a **COMMITTEE OF CONFERENCE**. Sent for concurrence.

Bill "An Act Regarding Subrogation of Medical Payments Coverage"

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

- In House, 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)** on May 22, 2013.

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

TABLED - May 31, 2013 (Till Later Today) by Representative BERRY of Bowdoinham.

PENDING - **FURTHER CONSIDERATION**.

The House voted to **INSIST**.

Joint Order, Establishing the Commission To Study Transparency, Costs and Accountability of Health Care System Financing

(H.P. 1123)

TABLED - May 31, 2013 (Till Later Today) by Representative TREAT of Hallowell.

PENDING - **PASSAGE**.

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

Representative **TREAT**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I want to tell you a little bit about this procedurally so you understand what it is before you vote and then, secondly, about the substance of it. This was a Joint Order that was on our calendar yesterday and because of that, the text is not known to you so I had a green sheet distributed that has the text on it so that you know what we are voting on. Just so you understand, this came in as an LD, LD 1453, which also established a study to look at hospital pricing and through the course of the committee discussions and voting, we changed it pursuant to Joint Rule 353 to be in the proper format for a legislative study, which is a joint study resolution. So what is before you is in fact a joint study resolution. It was a bipartisan majority vote of the committee, 11-2, to vote in favor of it, and then just briefly, what is this that we're voting on. I think

we all know that health care issues have become very controversial in this day and age, but there are a few things that absolutely everyone seems to agree on. One of them is that we need to focus on costs and find out more about why costs are so high and what to do about them, and the second thing is that we need to make our health care systems more competitive and one way to do that is to provide information about costs so that people can compare and do comparison shopping, and those who are kind of outliers can perhaps figure out how to get those costs down. That's what this does, it's just a study, and I encourage your vote in support. Thank you.

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

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

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

Representative **FITZPATRICK**: Thank you, Mr. Speaker. The green sheet, I'm not sure what day that was passed out, but I don't have one on my desk. Will the Representative from Hallowell respond?

The **SPEAKER**: For members who use the Paperless Chamber, if you typically do and have opted to use that system instead of getting paper handouts, it would be under the Paperless Chamber, under the tab "Handouts." If not, hopefully there is a neighbor that can share the information with you as well.

The Chair recognizes the Representative from Hancock, Representative Malaby.

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

The **SPEAKER**: The Representative may pose his question.

Representative **MALABY**: Thank you, Mr. Speaker. The good Representative from Hallowell cited an LD that seemingly preceded this and it sounded as if it was quite similar, and I am wondering if we can ask her to repeat that number so that I can look at it.

The **SPEAKER**: The Representative from Hancock, Representative Malaby, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Hallowell, Representative Treat.

Representative **TREAT**: Thank you, Mr. Speaker. I'd be happy to respond to that question. It's LD 1453, "An Act to Increase the Transparency of Charges and Expenses of Hospitals That Receive State Funding." That bill had a complete public hearing and of course a series of work sessions, and during the work sessions, we turned it into the joint study resolution that is before us today.

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

Representative **SANDERSON**: Thank you, Mr. Speaker. After hearing what the good Representative from Hallowell just said, I'm not quite sure what to do. I mean, the committee voted out, on the Senator from the other body, Senator Gratwick's bill, Ought Not to Pass, but now we have a Joint Order here. I mean, I think I kind of believe that what we ought to do, if we are going to have something come through this body, it needs to go through the full committee process with the full votes from the committee and be presented with an LD number, just like everything else. I'm sure this has been done in the past, but I will be voting against this because I feel as though it's a way to circumnavigate the system that we have in place. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Waterville, Representative Beck.

Representative **BECK**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Please support passage of the Joint Order. As the Representative from Hallowell commented, there was a full hearing on an LD and Joint Orders for study are very common. There is nothing interesting or suspicious about the pending motion.

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

Representative **FITZPATRICK**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I agree. We did have a full hearing and we voted Ought Not to Pass unanimously.

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

Representative **TREAT**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. That's absolutely true. The vote on the bill was a unanimous Ought to Pass because we were going to put forward, as a committee, a Joint Resolution to create a study commission and the vote on that was 11-2. Now, it could of, I suppose, gone back to the committee so that we could vote again, but we are in the end days of the Legislature, I would hope, and if you look at the two, they are both studies and very similar, I would expect that most people would be comfortable with this and it is something that is done on a regular basis in the Legislature. Often, things are drafted in the Revisor's Office in the direction of someone coming in with a proposal and ultimately it gets changed into a Joint Order so that it is in compliance with the Joint Rules, and if you take a look at the Joint Rules that we have, which are in our little book, Rule 353 does have the specifics about what should be in a Joint Order and so this now is in a format that is in compliance with the Joint Rules and the substance essentially has not changed, except it is more acceptable to the hospitals than the original version of the bill. So I hope that you will go along with the bipartisan majority of the committee and support the passage of the resolution before us. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Mapleton, Representative Willette.

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

The **SPEAKER**: The Representative may pose his question.

Representative **WILLETTE**: Thank you. I was just curious. I was on Paperless Chamber and I didn't see a fiscal note, but I know with nine legislators on a committee it's got to have some sort of expense, if they are going to meet a few times through the next few months.

The **SPEAKER**: The Representative from Mapleton, Representative Willette, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Hallowell, Representative Treat.

Representative **TREAT**: Thank you, Mr. Speaker. An excellent question from the good Representative. Indeed, there will be a fiscal note. If it does pass the House and the other body, it will go on to the study table that the other body has on its calendar. If you turn to the last page of the other body's calendar, you will see there is a study table there and all bills that are passed as legislative studies will go on to that table, and then at a later point in the session, the legislative leadership will make a decision whether or not to fund any of those studies out of the Legislature's budget.

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

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

The **SPEAKER**: The Representative may pose her question.

Representative **SANDERSON**: The good Representative from Hallowell, Representative Treat, said that this was a bipartisan committee venture. Could someone please tell us who on the committee voted in favor of this? What's the Committee Report on this?

The **SPEAKER**: The Representative from Chelsea, Representative Sanderson, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Hallowell, Representative Treat.

Representative **TREAT**: Thank you, Mr. Speaker. Everyone voted for it, except two members. Representative McClellan and Representative Fitzpatrick did not support it.

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

Representative **McCLELLAN**: So busted, I guess. I'm standing up here. Thank you, Mr. Speaker. I look back and I remember this bill, and I believe the reason I didn't support it was because it does seek information. In the testimony we had from the Maine Hospital Association, Mr. Speaker, was that a lot of this information is already available on website and people just don't go there and look for it. Thank you, Mr. Speaker.

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

ROLL CALL NO. 180

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

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

ABSENT - Ayotte, Beaudoin, Devin, Dion, McLean, Peterson, Rykerson, Saxton, Timberlake.

Yes, 83; No, 59; Absent, 9; Excused, 0.

83 having voted in the affirmative and 59 voted in the negative, with 9 being absent, and accordingly the Joint Order was **PASSED**. Sent for concurrence.

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 31, 2013 (Till Later Today) by Representative **FREDETTE** of Newport.

PENDING - Motion of Representative **HERBIG** of Belfast to **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 Scarborough, Representative Volk.

Representative **VOLK**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. LD 865 puts Maine in line with many other states. There are 44 other states across the country that have already accomplished contract indemnity reform. The way it works is that, in current law, owners of construction projects can require contractors to assume all liability for injury and damage, and these are small businesses, often times. Further, they require a contractor to defend the owner in court, even if the contractor had no responsibility for the damage or injury. This type of provision can assign a tremendous amount of risk to a contractor. One injury that wasn't even the fault of the contractor could potentially shut down their small business, and I have spoken to a business owner who spent about \$100,000 defending a case in court which, in his opinion, was not his fault. In sum, this bill says that whoever causes injury or damage on a construction site in Maine is the party responsible. This bill says that liability cannot be shifted through boilerplate language in a construction contract. The Minority Report will promote higher levels of safety and awareness on construction sites in Maine and protect a large majority of Maine's construction companies. So I urge you to oppose the pending motion and follow my light. Thank you.

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

Representative **HERBIG**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. LD 865 is tailored to help a contractor at the direct expense of the owner without substantial evidence of need. I would also like to mention that this is the fourth time this bill has been proposed in the Legislature and it has yet to pass. Thank you.

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. 181

YEA - Beaulieu, Beavers, Berry, Bolduc, Briggs, Brooks, Campbell J, Carey, Casavant, Cassidy, Chapman, Chenette, Chipman, Cooper, DeChant, Dickerson, Dill, Dorney, Evangelos, Farnsworth, Fowle, Frey, Gattine, Gideon, Gifford, Gilbert, Goode, Grant, Hamann, Harlow, Harvell, Herbig, Hickman, Hobbins, Hubbell, Jones, Jorgensen, Kaenrath, Knight, Kornfield, Kruger, Kumiega, Lajoie, Libby N, Longstaff, Luchini, MacDonald S, MacDonald W, Maker, Marks, Mason, Mastraccio, McCabe, McGowan, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, Noon, Peoples, Plante, Powers, Priest, Pringle, Rankin, Rochelo, Rotundo, Russell, Sanborn, Sanderson, Saucier, Schneck, Shaw, Stanley, Stuckey, Theriault, Tipping-Spitz, Treat, Turner, Verow, Villa, Welsh, Werts, Mr. Speaker.

NAY - Beck, Bennett, Black, Boland, Campbell R, Chase, Clark, Cotta, Crafts, Cray, Crockett, Daughtry, Davis, Doak, Dunphy, Duprey, Espling, Fitzpatrick, Fredette, Gillway, Graham, Guerin, Hayes, Jackson, Johnson D, Johnson P, Kent, Keschl, Kinney, Kusiak, Libby A, Lockman, Long, Malaby, Marean,

McClellan, McElwee, Nadeau A, Nelson, Newendyke, Nutting, Parry, Pease, Peavey Haskell, Pouliot, Reed, Short, Sirocki, Tyler, Volk, Wallace, Weaver, Willette, Wilson, Winchenbach, Winsor, Wood.

ABSENT - Ayotte, Beaudoin, Devin, Dion, McLean, Peterson, Rykerson, Saxton, Timberlake.

Yes, 85; No, 57; Absent, 9; Excused, 0.

85 having voted in the affirmative and 57 voted in the negative, with 9 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** in **NON-CONCURRENCE** and sent for concurrence.

SENATE DIVIDED REPORT - Majority (8) **Ought Not to Pass** - Minority (5) **Ought to Pass as Amended by Committee Amendment "A" (S-138)** - Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** 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)

- In Senate, Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

TABLED - May 31, 2013 (Till Later Today) by Representative HERBIG of Belfast.

PENDING - Motion of same Representative to **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 Scarborough, Representative Volk.

Representative **VOLK**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. LD 431 is a very interesting bill. It harkens back to the 125th Legislature where we took up this issue and it was a little bit difficult for some of the members of the Labor, Commerce, Research and Economic Development Committee to deal with that at that point in time. So the Department went back and worked on it and came back with a bill which 11 parties testified for, including small businesses, the Department of Economic and Community Development, and the Department of Education. We had one party testify against and that was Maine School Management, which is basically the association which represents superintendents in the State of Maine. One party testified neither for nor against. So we asked the Department of Labor to work with the superintendents group, the only entity opposing the bill, to come up to an agreement. Very cordial meetings resulted in the amendment that represents the Minority Report. The Department of Labor amended the original bill to provide minors a choice and amended the work permit to include summer school verbiage. Some of the committee thinks that there was no problem because, in their town, the process works well. That is not the experience of all school districts across the state, particularly in rural districts. We need this slight change in law to give all minors the opportunity to earn money, explore types of careers, occupations and industries, and gain important soft skills that will aid them throughout their careers. Mr. Speaker, and Ladies and Gentlemen of the House, we're trying to instill the ethics of being a good worker, a strong worker in our students, and to have an impediment for them even to get a job makes this very difficult in some cases. This is for summer employment.

Still, some on the committee were concerned that minors should be in school. If a minor is in summer school, it usually lasts about four hours a day maximum. That's basically if they are taking all of their classes over again. I would guess it would be about four hours a day. Typically, they are only taking math again, or English again, or history, one particular course, maybe two courses that they failed. The Department of Labor will check with the superintendent's office to ensure the minor is in good standing. If the minor were to misrepresent any aspect of the application, the permit could be revoked. Consider the parents. It is ultimately up to the parents if the minor works. This bill preserves parental rights while incorporating them into the permission's process. It offers minors and parents a choice to obtain their work permits directly through the bureau during the summer months only. They can continue to get their work permit by going through their superintendent's office. The superintendent's office is not cut out of this equation and all of you should have received a letter, a copy of the letter that was sent to the chairs of the LCRED Committee from Maine School Management Association affirming that they support this bill, they no longer oppose it. Alternatively, the bureau can issue the work permit directly. This would save time for the minors and allow them to start work and earn money more quickly. Currently, minors must obtain the permit by going through their superintendent's office. This works well when school is in session, but often results in delays due to vacations and limited summer staffing at superintendents' offices during the summer. The bureau and the Governor's office received several complaints per week about the delays. That's several complaints per week about the delays. This is an issue. This is a problem for kids who simply want to be able to have a summer job. Delay is of concern when the weeks available to work are so limited to begin with for the summer hiring season. The superintendents were verifying the minor's age, making the determination of eligibility requirements to ensure that a minor is in good standing and filling in the applicable information on the permit. The bureau has the responsibility and the authority to review permits in supplemental documentation, ensure the minor is of legal age, issue the permit and oversee the process.

Under this legislation, minors can also apply online through the Department. The Department would verify age, ensure the workplace is allowable and that the work is nonhazardous, validate the permit and send it directly to the minor. For the small minority of teens who are enrolled in summer school, the bureau will verify that the minor is in good standing by checking with the superintendent's office. This bill opens up areas of work for minors, areas that conform with federal law. Bowling alleys and movie theaters would be allowed as places to work under this bill. Both are allowed under federal law. Minors are not allowed to work with hazardous equipment and that would not change under this bill. Forty-seven other states allow minors to work in movie theaters and 44 other states allow minors to work in bowling alleys. Four of the six New England states allow minors to work in movie theaters and bowling alleys performing nonhazardous work. Because parental permission is required on the permit application, parents who object to the employment of their minor in either facility can just refuse to sign the permit as they currently do for every other job for which a minor has applied. This bill amends an obsolete section of law that addresses triplicate permits and a master permit system. This bill is offered as emergency legislation so that the bill will be effective in time for the summer of 2013. If needed, we could strip the emergency language, but then it would not be effective until next summer, okay? And again, you should have all received a copy from the superintendent stating they are no longer in opposition to this bill.

In fact, they support this bill. Thank you.

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

Representative **CAMPBELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The Department of Labor is concerned about the business in the summer and getting the kids in there to work the minimum wage, or whatever, even less. Our concern was the children themselves, that if they have to go to school, summer school or anything else, the big concern is that they do that, not go out and make some nickel and dimes in a bowling alley that will make the kids happy for the summer. We're going to get these kids educated. If the superintendents were taking care of it before, why don't the superintendents continue and let the Department of Labor take care of the small business? 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 work that we did on LD 431 in committee, it was explained that there was a problem in delays regarding minors getting permits for their summer work, and it was explained that LD 431 had been created to address this. However, this piece of legislation goes far beyond addressing this issue. It could be easily fixed by an approved administrative or clerical system such as having this online or faxing these documents or emailing. This legislation is completely not necessary. Removing the superintendent from this process is neglectful and could put at risk some of our most vulnerable students, those that are in summer school. Education should always be our priority, particularly with Maine students under the age of 16. It's important to keep in mind two things when we are altering child labor laws. Number one, we should always do this most carefully, and number two, education is our most sound economic investment and that should always be something that we keep in mind as we consider legislation of this nature. I urge you to support the pending motion.

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

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

The SPEAKER: The Representative may pose her question.

Representative **GRAHAM**: When a student is hired for a summer job, let's say at a grocery store or a movie theater, and then they decided to continue their work until the fall, into the winter months through the school year, do they need to get the superintendent's okay or do they just continue in that job without any input from the superintendent's office?

The SPEAKER: The Representative from North Yarmouth, Representative Graham, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Belfast, Representative Herbig.

Representative **HERBIG**: Thank you, Mr. Speaker. The question that was posed is actually very unclear. Currently, right now, any permit that a minor seeks needs to be approved by the superintendent. It will be very unclear whether as to if they have this permit and extend it to the school, exactly how that would be handled, and I think that that illustrates a further concern regarding this legislation. Thank you.

The SPEAKER: The Chair recognizes the Representative from Hancock, Representative Malaby.

Representative **MALABY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I employ young people intermittently during the summer and I've found the process of procuring this permit to be somewhat onerous now, particularly that our district has merged into a much larger district.

I know that while I only have to travel 30 miles or so to get a work permit for a young person, there are other people whom I represent who have to travel in the order of 60, in addition to which they find that it's easier, actually, to call and then go to the Department of Labor to get these permits. But my real poignant point is that I think as we employ young people during the course of the summer, they learn values about work and about teamwork, and I think it's a very positive thing. I think facilitating that is something that we're obligated to do. If you note, in the bill, it has language to the effect that the student, if he or she is still attending summer school, has to be current and truant and such. So I support or I actually oppose the motion on the floor, I support the bill, and I thank you.

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

Representative **SANDERSON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. In answer to the good Representative Graham's question, Department of Labor laws for minors are very, very clear. Once they go into the school year, they are very limited to what they can work and those certainly are very clearly defined and most employers certainly know them well.

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

Representative **MASTRACCIO**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I think that what's important about this is to remember what the job of kids is under the age of 16. The job is to go to school, it is not to work, and I think that one of the issues we have – excuse me, but I think that it's really important to remember that we have labor laws for a reason and one of the reasons they were linked in this way was to ensure that children were working in jobs that were appropriate for them and the appropriate hours. It was linked this way for a reason and that is why I think that you should support the Majority Ought Not to Pass Report. 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 wanted to answer the good Representative from North Yarmouth's question regarding once the school year resumes. All this bill does is address acquiring the permit process. It does not make any other changes to any of the laws governing minors and their work, other than the ones I talked about permitting them to work in bowling alleys and movie theaters away from the machinery that might be hazardous to them. So it doesn't make any other changes. It simply allows for the Department of Labor to facilitate that process in the event of a superintendent's office not being able to help the student and their parents. Thank you.

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

Representative **CAMPBELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Why don't we just let it be the way it is, then? We're not denying children to get a job in the summer, but we want the superintendents to continue doing what they were doing before and let the Department of Labor take care of the Department of Labor.

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. 182

YEA - Beavers, Beck, Berry, Bolduc, Briggs, Brooks, Campbell J, Carey, Casavant, Cassidy, Chapman, Chenette, Chipman, Cooper, Daughtry, DeChant, Dickerson, Dill, Dorney,

Evangelos, Farnsworth, Fowle, Frey, Gattine, Gideon, Gilbert, Goode, Graham, Grant, Hamann, Harlow, Herbig, Hickman, Hobbins, Hubbell, Jones, Jorgensen, Kaenrath, Kent, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby N, Longstaff, Luchini, MacDonald W, Marks, Mastraccio, McCabe, McGowan, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, Nelson, Noon, Peoples, Plante, Powers, Priest, Pringle, Rankin, Rochelo, Rotundo, Russell, Sanborn, Saucier, Schneck, Shaw, Short, Stanley, Stuckey, Theriault, Tipping-Spitz, Treat, Verow, Villa, Welsh, Werts, Mr. Speaker.

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

ABSENT - Ayotte, Beaudoin, Devin, Dion, McLean, Peterson, Rykerson, Saxton, Timberlake.

Yes, 83; No, 59; Absent, 9; Excused, 0.

83 having voted in the affirmative and 59 voted in the negative, with 9 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

Reference was made to Bill "An Act To Reduce Obesity among Schoolchildren"

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

In reference to the action of the House on June 3, 2013 whereby it Insisted and Joined in a Committee of Conference, the Chair appointed the following members on the part of the House as Conferees:

Representative KUSIAK of Fairfield
Representative PRINGLE of Windham
Representative WILSON of Augusta

CONSENT CALENDAR

First Day

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

(S.P. 217) (L.D. 627) Bill "An Act Relating to Orally Administered Cancer Therapy" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-160)**

(S.P. 395) (L.D. 1134) Bill "An Act To Allow Collaborative Practice Agreements between Authorized Practitioners and Pharmacists" Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-161)**

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.

COMMUNICATIONS

The Following Communication: (H.C. 186)

**STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION**

AUGUSTA, MAINE 04333-0001

May 31, 2013

The 126th Legislature of the State of Maine

State House

Augusta, Maine

Dear Honorable Members of the 126th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 1201, "Resolve, Directing the Workers' Compensation Board To Study the Issue of Addressing Psychological and Physical Harm to Employees Due to Abusive Work Environments."

The Workers' Compensation Board does not have the expertise to study the effects of bullying in the workplace. Additionally, it is unclear what the Legislature hopes to achieve from this study. Maine law already provides employees the ability to collect compensation for specific injuries which occur in the workplace, whether physical or psychological. I cannot understand what additional policy recommendations could come forward from this study. If individual legislators have specific ideas, they should bring them forward on their own merits and let the debate occur.

The other issue is the continual march of resolves directing executive branch studies. While each one may be able to be completed "within existing resources," the cumulative effect is a significant drain on Executive Branch resources. I have written time and again that the Legislature should seek to utilize legislative staff for these efforts, or provide additional funds to agencies to complete these numerous studies. Until that time, I remain strongly concerned with each Resolve that reaches my desk.

For these reasons, I return LD 1201 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage

Governor

READ and ORDERED PLACED ON FILE.

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

(H.P. 845) (L.D. 1201)

(C. "A" H-129)

The **SPEAKER**: The Chair recognizes the Representative from Freeport, Representative Gideon.

Representative **GIDEON**: Thank you, Mr. Speaker. Mr. Speaker, Women and Men of the House. I rise today in opposition to the pending motion. The Resolve before you today gained unanimous support in its committee vote. It directs the Worker's Compensation Board to study the issue of addressing psychological and physical harm to employees due to abusive work environments. What is abuse in the workplace? It is the malicious, repeated, and health harming mistreatment of individuals at their place of work. When workplace abuse is present, work does not get done, employer productivity is adversely affected, and the health of employees is harmed.

Current discrimination and harassment laws rarely address bullying concerns. If physical or mental harm is proven, then worker's compensation can kick in. But, that doesn't address the root of the problem, because it is a remedy only after an injury has occurred. Bullying doesn't just happen in the schoolyard, or with tweens and teens via social media. It happens in the workplace too. In fact, 35 percent of adult Americans report being bullied at work. When this sort of workplace abuse does happen, it is a job killer. It threatens health, careers, witnesses and affected families. The ultimate goal of this legislation is to encourage employers to create policies, which will discourage

abuse in the workplace. Doing so would protect the families in Maine who are honest, law-abiding, hardworking people. It will ensure that they are treated fairly as they labor at their workplaces each day. Thank you, Mr. Speaker.

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

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

ROLL CALL NO. 183V

YEA - Beavers, Beck, Berry, Bolduc, Briggs, Brooks, Campbell J, Carey, Casavant, Cassidy, Chapman, Chenette, Chipman, Cooper, Daughtry, DeChant, Dickerson, Dill, Dorney, Esping, 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, Sanborn, Saucier, Schneck, Shaw, Short, Stanley, Stuckey, Theriault, Tipping-Spitz, Treat, Verow, Villa, Welsh, Werts, Mr. Speaker.

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

ABSENT - Ayotte, Beaudoin, Devin, Dion, McLean, Peterson, Rykerson, Saxton.

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

87 having voted in the affirmative and 56 voted in the negative, with 8 being absent, and accordingly the Veto was **SUSTAINED**.

COMMUNICATIONS

The Following Communication: (H.C. 187)

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

May 31, 2013

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

Dear Honorable Members of the 126th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 1366, "An Act To Require Public Schools To Offer Instruction Related to Cardiopulmonary Resuscitation and the Use of an Automated External Defibrillator."

As I wrote to the Legislature on LD 1139 in the 125th Legislature, CPR is an important life-saving technique and I encourage all Maine citizens to undertake training so that we, the people of Maine, are prepared in an emergency. Further, Automated External Defibrillators have saved a number of lives over the years and should be at the ready during large public gatherings.

However, this bill mandates instruction in all of Maine's public schools in accordance with rules to be adopted by the Department of Education. Those rules are supposed to ensure that the programs public schools offer are done without additional cost to the public schools. It is difficult, if not impossible, to develop a program that can be provided in every public school at no cost.

I have heard time and again from teachers, principals, and administrators that Maine's high cost of education is due to continued unfunded mandates from Augusta. If the Legislature truly believes this policy is necessary and requires a state law, then the bill should be resubmitted and funded with a reasonable estimate of the total cost, instead of directing the Department of Education to do the impossible, creating a statewide program at no cost. As I said in the beginning, training in CPR and AEDs is a noble goal, but it is one that should occur through an individual approaches for each community, rather than a state law. For these reasons, I return LD 1366 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,
S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

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

(H.P. 974) (L.D. 1366)
(C. "A" H-164)

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

COMMUNICATIONS

The Following Communication: (H.C. 190)
APPORTIONMENT COMMISSION

May 30, 2013

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

The Apportionment Commission is pleased to submit its proposal for districts pursuant to Article IV, Part First, Section 3 of the Maine Constitution, Article IV, Part Second, Section 3 of the Maine Constitution, and Article IX, Section 25 of the Maine Constitution. I am pleased to report that this proposal comes with the unanimous approval of the Apportionment Commission.

I would like to take this opportunity to thank the Commission members and staff members of the Democratic and Republican parties for their thorough and collegial work on this proposal.

Please let me know if you have any questions.

Sincerely,
S/Michael Friedman, Esq.
Chairman

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

**REPORTS OF COMMITTEE
Divided Reports**

Majority Report of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-301)** on Bill "An Act To Ensure Maine's Preparedness for Hazardous Oil Spills"

(H.P. 957) (L.D. 1340)

Signed:

Senators:

BOYLE of Cumberland
GRATWICK of Penobscot
SAVIELLO of Franklin

Representatives:

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

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

Signed:

Representative:

LONG of Sherman

READ.

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

The Bill was **READ ONCE. Committee Amendment "A" (H-301)** 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-301)** and sent for concurrence.

Majority Report of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-300)** on Bill "An Act To Make Minor Changes and Corrections to Statutes Administered by the Department of Environmental Protection"

(H.P. 1074) (L.D. 1497)

Signed:

Senators:

BOYLE of Cumberland
GRATWICK of Penobscot
SAVIELLO of Franklin

Representatives:

WELSH of Rockport
CHIPMAN of Portland
COOPER of Yarmouth
GRANT of Gardiner
HARLOW of Portland
McGOWAN of York
REED of Carmel

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

Signed:

Representatives:

CAMPBELL of Orrington
LONG of Sherman

READ.

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

The Bill was **READ ONCE. Committee Amendment "A" (H-300)** 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-300)** and sent for concurrence.

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

Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-290)** on Bill "An Act To Increase Revenue for the ATV Recreational Management Fund"

(H.P. 635) (L.D. 911)

Signed:

Senators:

DUTREMBLE of York
HASKELL of Cumberland

Representatives:

SHAW of Standish
BRIGGS of Mexico
EVANGELOS of Friendship
KUSIAK of Fairfield
MARKS of Pittston
WOOD of Sabattus

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

Signed:

Senator:

BURNS of Washington

Representatives:

CRAFTS of Lisbon
DAVIS of Sangerville
ESPLING of New Gloucester
SHORT of Pittsfield

READ.

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

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

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

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

Representative **SHAW**: Mr. Speaker, this was a bill brought to us by ATV Maine. It would increase the registration fee by \$5 for both residents and nonresidents. The entire increase would go to the trail maintenance fund, so I don't particularly, myself at least, see this as a tax increase, so to speak, or whatnot. Only people that are enjoying the sport will end up paying for it. Once again, it was brought to us by ATV Maine. ATVing in Maine is now up to a \$300 million annual economic impact, mostly in rural Maine, by the way, and western rural Maine. The trails are very expensive to build and maintain. Fuel prices for the vehicles that they use to maintain these trails has tripled over the years. The cost for the registration has not kept up with it. The ATV clubs that are doing all this work are volunteer organizations, and, quite frankly, they put their hard work, sweat and their own money into the trail system to keep it open. Once again, it's a \$300 million economic impact to the State of Maine. It's kind of peaking as snowmobiling is right now and if we don't do something, it's probably going to start its decline which would be unfortunate. So I would strongly recommend that you vote with me and Accept the Majority Ought to Pass as Amended Report. 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. 184

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

NAY - Beaulieu, Bennett, Black, Campbell R, Chase, Clark, Crafts, Cray, Davis, Doak, Dunphy, Duprey, Espling, Fitzpatrick, Fredette, Gifford, Gillway, Guerin, Harvell, Hickman, Jackson, Johnson D, Johnson P, Jones, Keschl, Knight, Libby A, Lockman, Long, MacDonald S, Maker, Marean, McClellan, McElwee, Nadeau A, Newendyke, Noon, Nutting, Parry, Pease, Peavey Haskell, Reed, Sanderson, Short, Timberlake, Turner, Volk, Wallace, Weaver, Willette, Winchenbach, Winsor.

ABSENT - Ayotte, Beaudoin, Devin, Dion, McLean, Peterson, Rykerson, Saxton, Sirocki.

Yes, 90; No, 52; Absent, 9; Excused, 0.

90 having voted in the affirmative and 52 voted in the negative, with 9 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (H-290) 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-290)** and sent for concurrence.

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-293)** on Bill "An Act To Require the Return of Excess Funds by a Municipality That Forecloses on Real Estate"

(H.P. 602) (L.D. 851)

Signed:

Senators:

VALENTINO of York
BURNS of Washington
TUTTLE of York

Representatives:

PRIEST of Brunswick
GUERIN of Glenburn
MONAGHAN-DERRIG of Cape Elizabeth
MOONEN of Portland
MORIARTY of Cumberland

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

Signed:

Representatives:

BEAULIEU of Auburn
CROCKETT of Bethel
DeCHANT of Bath
PEAVEY HASKELL of Milford

READ.

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

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

Representative **PRIEST**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. This bill has to do with what happens when you foreclose, when a municipality forecloses, upon a house whose occupants have not paid their taxes. Essentially, what we have is an amendment, which says that a municipality is allowed to adopt an ordinance that allows the municipality to return the proceeds from the sale and final disposition of tax acquired property to the former owner. Proceeds must first be used to cover all back taxes, interests, costs and other unpaid municipal expenses, either associated with the disposition of the tax acquired property or assessed or charged against the property prior to disposition. The ordinance must provide for standards governing the return of the proceeds and the procedures to ensure that the interests of the taxpayers of the municipality are protected. What I would remind the House is that this is strictly voluntary on the part of the municipality. They do not have to adopt such an ordinance. If they want to keep all the proceeds, they can do so. But if they want to return them to a former owner of the house that's been sold, then they can do that as well. Thank you.

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 Rockland, Representative Dickerson.

Representative **DICKERSON**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. This situation first came to my attention four years ago when I was first elected to the Rockland City Council. We had foreclosed on a home and after a lot of negotiation between the former owner and many attempts at re-conveyance on the part of the city failing and a

variety of notices going back and forth, the city was not able to come to acceptable terms with the former homeowner and put the home out to public bid. So the city realized a sizable profit, \$60,000, actually, and all of that went into an account that we have in the City of Rockland called the Land Sales Reserve Account. I was a little upset. I mean, in fairness to my city, they try very, very hard to work with individuals who are facing a tax or a sewer lien foreclosure. I am really fortunate to work with a lot of very wonderful people in my city. They work very, very hard for people. But we are in an interesting position being on the coast, where if you happened to have purchased your home some years ago and then you fall on hard economic times and, you know, a variety of circumstances occur and the city happens to foreclose on your home, either through tax or sewer lien, it is very likely that there is going to be sizable assets involved. So I put together a bill because I wanted to do a local ordinance that set something up, but I was told by city staff that it was not possible to do it at the local level because state statute was silent on the matter and it had to be taken care of at the state level. So I thought, all right, I'll go take care of it at the state level, and that's where we are today four years later, trying to take care of it here at the state level. So initially, the Maine Municipal Association was going to oppose this bill because they didn't want to create a mandate, and, you know, that was understandable, and a gentleman from another city that was completely different than my city came and said, "Well, actually, this works very differently in our city. Very rarely do we have situations where there is excess revenue and the city benefits." So we all sat down together, this gentleman from Bangor and the Maine Municipal Association and myself, and we said, okay, well how can we make this work for everybody so that this works for you guys, you can either do it or not do it, Rockland can come up with their own solution. And so what we came up with was just language that basically said, hey, if this is something that you want to go ahead and look at it, you can craft language to do it. After your expenses are taken care of in your city, after your legal fees, everything else, if you would so chose to return these assets to the former homeowner so that they don't lose their nest egg, then you do that and it can be done with a vote of your town council or your city council; however, you want to do it once you get that ordinance in place. So you could potentially decide on a case by case basis if you wanted to. It's up to the towns and the cities. I really, really, really would love it if you guys could help us out here because we've had a number of situations like this and it would just be so nice if the City of Rockland could write something in their local ordinance to take care of this issue. It has been an ongoing issue and people in my city really hate this. They feel as though the city is funding this Land Sale Reserve Account through these foreclosures and it's just not right. So I hope you can help me out by addressing this thing that's not right, in which a lot of people came together who were going to oppose it and instead came to a consensus solution, and it's a good thing. So I hope you can help us out. Thank you.

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

Representative **CROCKETT**: Thank you, Mr. Speaker. Mr. Speaker, Members of the House. I will make my comments brief because, well, those are the best kinds of comments. The reason I was against this in committee is because if you've ever been through a title search – and that's what I do for a living – what happens is when a tax foreclosure takes place, the town has a great deal of authority in this process. In fact, they don't have to go through the typical foreclosure process. It's not like a bank foreclosure at all. The person is put on notice, the lien is recorded in the registry of deeds; however, prior to the

foreclosure taking place, the town is supposed to put any mortgage owners on notice, and that's the statute. No matter what we do here today, that will still be the issue. However, that means nothing about mechanic's liens. If someone, a carpenter in your town put in \$20,000 into a house that just got foreclosed, they will get wiped out by the tax foreclosure because the tax foreclosure is a very powerful process, and that's why municipalities have restraints on what they can do with the money. That's why we are here today. Now, the real issue is this is a dramatic departure because what it does is it actually encourages people to go through a foreclosure process with the town rather than put it up for sale prior to. So you are making the town the real estate broker, you are making them the bank, you are making them clear the title in hopes that the mortgager didn't respond in the foreclosure process, which just happened not long ago in one of my towns of Eustis. So what happens is if this law were in place, the proceeds would go back to the person who didn't pay their taxes rather than to the mortgager or the mechanic's lien. That's why it's a dramatic departure from existing law, that it's been that way for a number of years. In fact, this has such implications in tax, it really should have been in front of the Tax Committee and not in Judiciary, but because it had the word "foreclosure" in it, we were blessed with its attendance on our committee. So with that being said, I would urge you to vote against the pending motion and hopefully if the second floor does anything about it, you'll have a second opportunity at this down the road. Thank you.

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

Representative **GUERIN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of LD 851 as a member of the Judiciary Committee that heard this bill. Some of the concerns that the good Representative from Bethel raised had to do with the liens. The towns actually do have to check the liens before they begin the foreclosure process, so that already would be known by the towns. I think there were some weaknesses in the bill as it was originally written, but the compromise that just allowed the towns to give extra money back if they wanted to was the deciding factor for me. I think that it's only fair to the local board, for them to be able to look at the case that is being considered. If these people are abusing the system and trying to somehow cheat people out of their money, the town has the right to keep the money. But in many of our coastal communities, our traditional families are losing their property to taxes and I think this is an area where we need to be extremely clear in the law. If the town wants to give the money back to the family that is above all the costs of the town, then I believe they should be allowed the choice to do that. Thank you.

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

Representative **BOLAND**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just wanted to rise in support of this bill. This is actually something that has been on my mind for a while as a professional title examiner for many years, and it has been brought to my attention recently by a friend from New York who made me aware of some really bad things going on there with people in towns taking advantage of the situation, really to get money back into the municipalities. In Maine, I don't think we've seen a problem so far, but I worry that it could come forward and I took it up with one of the top real estate lawyers in this state, traditionally a member of the real estate bar, and he had the same concerns and was in support of this sort of thing. So I would just encourage people to allow the people who, through unhappy happenstance, find themselves in

this situation to maybe hope that they can get something out of their home. Thanks.

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. 185

YEA - Beavers, Beck, Berry, Boland, Bolduc, Briggs, Brooks, Campbell J, Carey, Cassidy, Chapman, Chenette, Chipman, Clark, Cooper, Cotta, Crafts, Daughtry, DeChant, Dickerson, Dill, Doak, Dorney, Espling, Evangelos, Farnsworth, Fowle, Frey, Gattine, Gideon, Gilbert, Goode, Graham, Grant, Guerin, Hamann, Harlow, Hayes, Herbig, Hickman, Hobbins, Hubbell, Jones, Jorgensen, Kaenrath, Kent, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby N, Lockman, Longstaff, Luchini, MacDonald S, MacDonald W, Marks, Mason, Mastraccio, McCabe, McGowan, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau A, Nadeau C, Nelson, Newendyke, Noon, Nutting, Pease, Peoples, Plante, Powers, Priest, Pringle, Rankin, Reed, Rochelo, Rotundo, Russell, Sanborn, Saucier, Schneck, Shaw, Sirocki, Stanley, Stuckey, Theriault, Tipping-Spitz, Treat, Tyler, Verow, Villa, Volk, Welsh, Werts, Willette, Mr. Speaker.

NAY - Beaulieu, Bennett, Black, Campbell R, Casavant, Chase, Cray, Crockett, Davis, Dunphy, Duprey, Fitzpatrick, Fredette, Gifford, Gillway, Harvell, Jackson, Johnson D, Johnson P, Keschl, Kinney, Knight, Libby A, Long, Maker, Malaby, Marean, McClellan, McElwee, Parry, Peavey Haskell, Pouliot, Sanderson, Short, Timberlake, Turner, Wallace, Weaver, Wilson, Winchenbach, Winsor, Wood.

ABSENT - Ayotte, Beaudoin, Devin, Dion, McLean, Peterson, Rykerson, Saxton.

Yes, 101; No, 42; Absent, 8; Excused, 0.

101 having voted in the affirmative and 42 voted in the negative, with 8 being absent, and accordingly the Majority **Ought to Pass as Amended Report** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-293)** 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-293)** and sent for concurrence.

Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-307)** on Bill "An Act To Amend the Law Regarding Affordable Housing Tax Increment Financing"

(H.P. 863) (L.D. 1218)

Signed:

Senators:

HASKELL of Cumberland
MILLETT of Cumberland

Representatives:

GOODE of Bangor
BROOKS of Winterport
KNIGHT of Livermore Falls
LIBBY of Lewiston
MAREAN of Hollis
MOONEN of Portland
STANLEY of Medway
TIPPING-SPITZ of Orono

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

Signed:

Senator:

THOMAS of Somerset

Representatives:

BENNETT of Kennebunk
JACKSON of Oxford

READ.

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

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

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

On motion of Representative GOODE of Bangor, **TABLED** pending his motion to **ACCEPT** the Majority **Ought to Pass as Amended Report** and later today assigned. (Roll Call Ordered)

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Align the Formation of Governing Boards of Career and Technical Education Regions with That of Other Public Schools"

(H.P. 1035) (L.D. 1441)

Signed:

Senators:

MILLETT of Cumberland
JOHNSON of Lincoln

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-313)** on same Bill.

Signed:

Senator:

LANGLEY of Hancock

Representative:

JOHNSON of Greenville

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

READ.

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

Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought Not to Pass** on Bill "An Act To Provide for the Aroostook Band of Micmacs Certain Rights Regarding Hunting, Fishing and Wildlife Management" (H.P. 995) (L.D. 1399)

Signed:
Senators:
BURNS of Washington
HASKELL of Cumberland

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-289)** on same Bill.

Signed:
Senator:
DUTREMBLE of York

Representatives:
EVANGELOS of Friendship
KUSIAK of Fairfield

READ.

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

Representative KUSIAK of Fairfield **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.

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

CONSENT CALENDAR

First Day

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

(H.P. 349) (L.D. 530) Bill "An Act To Apply the Standard of Best Educational Interest to Superintendent Agreements for Transfer Students" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-316)**

(H.P. 438) (L.D. 619) Bill "An Act To Prohibit the Sharing of Personal Information by State Agencies" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-319)**

(H.P. 658) (L.D. 934) Bill "An Act To Amend the Laws on Extended Warranties for Used Cars To Make Terms of Coverage Transparent" Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-320)**

(H.P. 776) (L.D. 1107) Bill "An Act To Provide a Uniform Process for the Use of Orders Awarding Parental Rights and

Responsibilities To Dispose of a Child Protective Case" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-318)**

(H.P. 802) (L.D. 1137) Bill "An Act To Facilitate Veterans' and Their Spouses' Access to Employment, Education and Training" Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-321)**

(H.P. 941) (L.D. 1316) Bill "An Act Regarding Computers Used To Commit a Crime or Facilitate the Commission of a Crime" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-317)**

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

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

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment Friday, May 31, 2013, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

Expression of Legislative Sentiment Recognizing Ciara Tolman, of Lincoln

(HLS 283)

TABLED - May 20, 2013 (Till Later Today) by Representative WILLETTE of Mapleton.

PENDING - PASSAGE.

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

Expression of Legislative Sentiment Recognizing Mitchell Sibley, of Maxfield

(HLS 284)

TABLED - May 20, 2013 (Till Later Today) by Representative WILLETTE of Mapleton.

PENDING - PASSAGE.

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

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

Representative **TIMBERLAKE**: Because I was gone here for this afternoon, I missed some votes and I'd just like to be on the record for the votes. On LD 431, I would have voted no. On House Paper 1123, I would have voted no. On LD 865, I would have voted no. It's beginning to become a habit here. LD 1408, I would have voted yes. Thank you.

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

On motion of Representative **TIMBERLAKE** of Turner, the House adjourned at 3:48 p.m., until 9:00 a.m., Tuesday, June 4, 2013.