

# 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  
55th Legislative Day  
Thursday, June 6, 2013

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

Prayer by Reverend Dr. Susan Stonestreet, United Christian Church, Lincolnville Center.

National Anthem by Falmouth Middle School Jazz Band, "Iron Twinkies."

Pledge of Allegiance.

Doctor of the day, Steven Wilson, M.D., Morrill.

The Journal of yesterday was read and approved.

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**COMMUNICATIONS**

The Following Communication: (H.C. 195)

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

June 5, 2013

Honorable Mark W. Eves

Speaker of the House

2 State House Station

Augusta, Maine 04333

Dear Speaker Eves:

Pursuant to Joint Rule 310, the following Joint Standing Committee has voted unanimously to report the following bill out "Ought Not to Pass:"

Taxation

L.D. 1141

An Act To Increase the Sales Tax To Support Revenue Sharing

L.D. 1256

An Act To Establish Tax Fairness

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

Sincerely,

S/Millicent M. MacFarland

Clerk of House

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

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

**Recognizing:**

the student members of the Falmouth Middle School Jazz Band, "Iron Twinkies," who won the 2013 State Middle School Instrumental Jazz Festival in Division I. It is the 12th time the school's band has been named the State Middle School Instrumental Jazz Champions. We send our congratulations and best wishes to the members of the band on this remarkable achievement;

(HLS 367)

Presented by Representative NELSON of Falmouth.

Cosponsored by Senator WOODBURY of Cumberland, Representative DION of Portland.

On **OBJECTION** of Representative NELSON of Falmouth, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

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

Representative **NELSON**: Thank you, Mr. Speaker. I rise to express my enormous pride in the jazz band program at Falmouth Middle School. These are seventh and eighth graders at Falmouth Middle School and, as you heard, for the 12th year in the row, they are the State Champions of the Division I Instrumental Jazz Festival. Their leader, Jerry Barry, obviously has them well trained and if any of you were around, you heard their concert before the session, which was up above in the rotunda, above the Hall of Flags. There are a number of their parents here with them today. We've spent a lot of time in this House talking about STEM, on the Education Committee talking about STEM issues. What I like to talk about is STEAM because I can assure you that the arts and music is alive and well in Falmouth. The Iron Twinkies chose their own name. It's a great name. I just wanted to congratulate them on their achievement and thank them for coming today and representing Falmouth so well in this chamber. Thank you, Mr. Speaker.

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

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**ORDERS**

On motion of Representative TREAT of Hallowell, the following Joint Resolution: (H.P. 1129) (Cosponsored by Senator JACKSON of Aroostook and Representatives: AYOTTE of Caswell, MAKER of Calais, McCABE of Skowhegan, ROTUNDO of Lewiston, Senators: PATRICK of Oxford, SHERMAN of Aroostook)

**JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES, THE UNITED STATES CONGRESS AND THE UNITED STATES TRADE REPRESENTATIVE REGARDING THE USE OF TRADE PROMOTION AUTHORITY IN INTERNATIONAL TRADE POLICY**

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

WHEREAS, the State strongly supports international trade when fair rules of trade are in place and seeks to be an active participant in the global economy, and the State seeks to maximize the benefits and minimize any negative effects of international trade; and

WHEREAS, existing trade agreements have effects that extend significantly beyond the bounds of traditional trade matters, such as tariffs and quotas, and can undermine Maine's constitutionally guaranteed authority to protect the public health, safety and welfare and its regulatory authority; and

WHEREAS, a succession of federal trade negotiators from both political parties over the years have failed to operate in a transparent manner and have failed to meaningfully consult with the State on the far-reaching effect of trade agreements on state and local laws, even when obligating the State to comply with the terms of these agreements; and

WHEREAS, Article II, Section 2 of the United States Constitution empowers the President of the United States "...by and with the advice and consent of the Senate, to make treaties, provided two thirds of Senators present concur..."; and

WHEREAS, the trade promotion authority implemented by the United States Congress and the President of the United States with regard to international trade and investment treaties and agreements entered into over the past several years, commonly known as fast-track negotiating authority, does not adequately

provide for the constitutionally required review and approval of treaties; and

WHEREAS, the United States Trade Representative, at the direction of the President of the United States, is currently negotiating or planning to enter into negotiations for several multilateral trade and investment treaties, including the Trans-Pacific Partnership Agreement and the Trans-Atlantic Trade and Investment Partnership; and

WHEREAS, proposals are under consideration to review these and future trade and investment agreements pursuant to a fast-track model; and

WHEREAS, the current process of consultation with states by the Federal Government on trade policy fails to provide a way for states to meaningfully participate in the development of trade policy, despite the fact that trade rules could undermine state sovereignty; and

WHEREAS, under current trade rules, states have not had channels for meaningful communication with the United States Trade Representative, as both the Intergovernmental Policy Advisory Committee on Trade and the state point of contact system have proven insufficient to allow input from states, and states do not always seem to be considered as a partner in government; and

WHEREAS, the President of the United States, the United States Trade Representative and the Maine Congressional Delegation will have a role in shaping future trade policy legislation; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge and request that future trade policy include reforms to improve the process of consultation both between the Executive Branch and Congress and between the Federal Government and the states; and be it further

RESOLVED: That We, your Memorialists, respectfully urge and request that the fast-track model of consultation and approval of international treaties and agreements be rejected with respect to pending agreements and agreements not yet under negotiation; and be it further

RESOLVED: That We, your Memorialists, respectfully urge and request that the President of the United States, the United States Congress and the United States Trade Representative seek to develop a new middle ground approach to consultation that meets the constitutional requirements for treaty review and approval while at the same time allowing the United States Trade Representative adequate flexibility to negotiate the increasingly complicated provisions of international trade treaties; and be it further

RESOLVED: That We, your Memorialists, respectfully urge and request that the President of the United States, the United States Congress and the United States Trade Representative seek a meaningful consultation system that increases transparency, promotes information sharing, allows for timely and frequent consultations, provides state-level trade data analysis, provides legal analysis for states on the effect of trade on state laws, increases public participation and acknowledges and respects each state's sovereignty; and be it further

RESOLVED: That We, your Memorialists, respectfully urge and request that each instance in which trade promotion authority is authorized by the United States Congress be limited to a specific trade agreement to help ensure the adequate review and approval of each international trade treaty; and be it further

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

Trade Representative and to each Member of the Maine Congressional Delegation.

**READ.**

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

Representative **TREAT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This Joint Resolution was drafted and unanimously endorsed by the voting members of the Maine Citizen Trade Commission. I am presenting it today as the current House Chair of the Commission. The cosponsors of the Resolution are all of the legislative members of the Commission, plus our two most recent past Chairs, the Representative from Calais, Representative Maker, and the Representative from Lewiston, Representative Rotundo. For those unfamiliar with it, the Commission was established in 2003 to provide an ongoing state mechanism to assess the impact of international trade policies and agreements on Maine's state and local laws, on our business environment and working conditions. Right now, the U.S. Trade Representative is in the third year of negotiations over a Trans-Pacific trade pact involving 11 countries, including Vietnam and most recently Japan. Even after it is finalized, additional countries could join and China has already expressed interest. The text of this agreement is not public and it won't be until after the negotiators finalize it. Under the U.S. Constitution, treaties with foreign governments can only be agreed to with the advice and consent of the U.S. Senate. Yet in the past decade, under administrations of both parties, Congress has agreed to waive its authority to review the details of these treaties and voted up or down in a speeded-up "fast track" process. This Resolution calls on our members of Congress, the President and the U.S. Trade Representative to comply with the Constitution and to properly review these treaties which would have significant negative as well as positive implications for Maine businesses and citizens. I'll just give you one example. The goal of the Trans-Pacific treaty is to reduce all tariffs to zero among countries in the agreement, including on footwear manufactured in Vietnam, a country that does not meet Maine or U.S. working conditions and has some of the lowest wages in the world. If the treaty includes the provision, it will destroy many hundreds of jobs in New Balance factories here in Maine. Our members of Congress have already expressed concern about this possible provision. They should have the ability to review the details of these treaties and not be rushed to vote up or down without any possibility of amendment. As a Commission, we urge your support of this Resolution, which will help protect Maine jobs and insure that the Constitution of the United States is complied with. Thank you.

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

Representative **AYOTTE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I do want to support what Representative Treat said in reference to the Maine Citizen Trade Commission. I was appointed to this Commission by former Governor Baldacci and I found it to be very enlightening and encouraging to listen to some of the proceedings at the meeting. What the overall purpose of the meeting is, and I am going to speak on perhaps a more mundane level as opposed to theoretical level than metaphysical level. I am going to speak on a more general level here. I was appointed to the committee because I come from the Maine-Canadian border in Aroostook County, and I always have an avid interest in the wood industry and the lumber industry, and I saw firsthand how many of our timber trees, are going to Canadian sawmills at about a rate of millions of dollars and being returned to us in a value added fashion at the tune of billions of dollars. These are

jobs that could very well be used in the United States. Also, I can tell you that the Citizen Trade Policy Commission, the Maine Trade Policy Commission, has an overall general interest in doing business with countries that avoid slave labor. We are encouraged not to do business with countries that utilize child labor. We try to do business with countries that do not discriminate against minority groups, women or other minority groups. We encourage doing business with countries that do not exploit endangered species. Generally speaking, it is a general overall monitoring commission that aims at watching how the United States does business and protecting our own jobs.

One of the things that I want to speak on is that some of these treaties are negotiated in such a manner that leaves many of our negotiators at a loss as to exactly how the treaties are being negotiated. For example, the World Trade Organization has ruled against countries, ruled against countries of origin, to put countries of origin on beef labels. This is bad for our products. We discourage this. We are encouraging more open contract agreements, etcetera. Lastly, it's important that the treaties being negotiated are not negotiated in secret, are negotiated more openly and this is one of the reasons the people sitting on the Maine Citizen Trade Policy Commission are sending this Resolution, to try to get this point across that these contracts should be more open to our manufacturers and our producers. I thank you very much, Mr. Speaker, and I encourage you to support this Resolution.

The SPEAKER: The Chair recognizes the Representative from Calais, Representative Maker.

Representative **MAKER**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would agree with both prior speakers and I just would like to leave you with this. This Resolution urges that an essentially secret document negotiated over several years should not be rushed through constitutionally required oversight of the U.S. Senate.

Subsequently, the Joint Resolution was **ADOPTED**.  
Sent for concurrence.

**REPORTS OF COMMITTEE**  
**Divided Reports**

Majority Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-195)** on Bill "An Act To Help Small Farmers in Selling Raw Milk and Homemade Food Products"

(S.P. 444) (L.D. 1282)

Signed:  
Senator:  
JACKSON of Aroostook

Representatives:  
DILL of Old Town  
HICKMAN of Winthrop  
JONES of Freedom  
KENT of Woolwich  
SAUCIER of Presque Isle

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

Signed:  
Representatives:  
BLACK of Wilton  
CRAY of Palmyra  
MAREAN of Hollis  
NOON of Sanford

TIMBERLAKE of Turner

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-195)**.

**READ.**

Representative DILL of Old Town 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.

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. 211**

YEA - Beavers, Bennett, Berry, Boland, Briggs, Brooks, Campbell J, Campbell R, Carey, Casavant, Cassidy, Chapman, Chipman, Cooper, Crockett, Daughtry, DeChant, Devin, Dickerson, Dill, Dion, Dunphy, Duprey, Evangelos, Farnsworth, Fowle, Frey, Gattine, Gideon, Gilbert, Gillway, Goode, Graham, Grant, Hamann, Harlow, Harvell, Hayes, Herbig, Hickman, Jones, Jorgensen, Kaenrath, Kent, Keschl, Kornfield, Kumiega, Kusiak, Lajoie, Libby A, Libby N, Lockman, Longstaff, Luchini, MacDonald W, Maker, Malaby, Marks, Mason, Mastraccio, McCabe, McElwee, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau A, Nadeau C, Nelson, Peavey Haskell, Peoples, Plante, Pouliot, Powers, Pringle, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Saucier, Saxton, Schneck, Shaw, Short, Sirocki, Stanley, Stuckey, Theriault, Tipping-Spitz, Treat, Verow, Villa, Volk, Werts, Mr. Speaker.

NAY - Ayotte, Beaulieu, Black, Chase, Chenette, Clark, Cotta, Crays, Cray, Davis, Doak, Dorney, Espling, Fitzpatrick, Fredette, Gifford, Guerin, Hubbell, Jackson, Johnson D, Johnson P, Kinney, Knight, Long, MacDonald S, Marean, McClellan, Newendyke, Noon, Parry, Pease, Reed, Sanderson, Timberlake, Tyler, Wallace, Weaver, Willette, Wilson, Winchenbach, Winsor, Wood.

ABSENT - Beaudoin, Beck, Bolduc, Hobbins, Kruger, Nutting, Peterson, Priest, Turner, Welsh.

Yes, 99; No, 42; Absent, 10; Excused, 0.

99 having voted in the affirmative and 42 voted in the negative, with 10 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-195)** 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-195)** in concurrence.

Majority Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought Not to Pass** on Bill "An Act To Establish the Livestock Damage Compensation Fund"

(S.P. 450) (L.D. 1307)

Signed:

Senator:

SHERMAN of Aroostook

Representatives:

DILL of Old Town

CRAY of Palmyra

JONES of Freedom

KENT of Woolwich

MAREAN of Hollis

TIMBERLAKE of Turner

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-169)** on same Bill.

Signed:

Senators:

JACKSON of Aroostook

BOYLE of Cumberland

Representatives:

BLACK of Wilton

HICKMAN of Winthrop

NOON of Sanford

SAUCIER of Presque Isle

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-169)**.

**READ.**

Representative DILL of Old Town 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**: 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. 212**

YEA - Ayotte, Beaulieu, Beavers, Beck, Bennett, Berry, Black, Boland, Briggs, Brooks, Campbell J, Campbell R, Carey, Casavant, Chapman, Chase, Chenette, Chipman, Clark, Cooper, Cotta, Crafts, Cray, Crockett, Daughtry, Davis, DeChant, Devin, Dickerson, Dill, Dion, Doak, Dorney, Dunphy, Duprey, Espling, Evangelos, Farnsworth, Fitzpatrick, Fowle, Fredette, Frey, Gattine, Gideon, Gifford, Gilbert, Gillway, Goode, Graham, Grant, Guerin, Hamann, Harlow, Harvell, Hubbig, Hubbell, Jackson, Johnson D, Johnson P, Jones, Jorgensen, Kaenrath, Kent, Keschl, Kinney, Knight, Kornfield, Kumiega, Kusiak, Lajoie, Libby A, Libby N, Lockman, Long, Longstaff, Luchini, MacDonald S, MacDonald W, Maker, Malaby, Marean, Marks, Mason, Mastraccio, McClellan, McElwee, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau A, Nadeau C, Nelson, Newendyke, Nutting, Parry, Pease, Peoples, Plante, Pouliot, Powers, Pringle, Rankin, Reed, Rochelo, Rotundo, Russell, Sanborn, Sanderson, Saucier, Saxton,

Schneck, Shaw, Short, Sirocki, Stanley, Stuckey, Theriault, Timberlake, Tipping-Spitz, Treat, Tyler, Verow, Villa, Volk, Wallace, Welsh, Werts, Willette, Wilson, Winchenbach, Winsor, Wood, Mr. Speaker.

NAY - Hayes, Hickman, Noon, Peavey Haskell, Rykerson, Weaver.

ABSENT - Beaudoin, Bolduc, Cassidy, Hobbins, Kruger, McCabe, Peterson, Priest, Turner.

Yes, 136; No, 6; Absent, 9; Excused, 0.

136 having voted in the affirmative and 6 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.

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Improve Professional Development Opportunities for Teachers and Other Public School Employees"

(S.P. 392) (L.D. 1131)

Signed:

Senators:

MILLETT of Cumberland

LANGLEY of Hancock

Representatives:

JOHNSON of Greenville

MAKER of Calais

McCLELLAN of Raymond

NELSON of Falmouth

RANKIN of Hiram

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-192)** on same Bill.

Signed:

Senator:

JOHNSON of Lincoln

Representatives:

MacDONALD of Boothbay

DAUGHTRY of Brunswick

HUBBELL of Bar Harbor

KORNFIELD of Bangor

POULIOT of Augusta

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

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

**READ.**

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

Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on Bill "An Act Regarding the Law Pertaining to the Confidentiality of Enhanced 9-1-1 System Information and Records"

(S.P. 188) (L.D. 495)

Signed:

Senators:

VALENTINO of York  
TUTTLE of York

Representatives:

PRIEST of Brunswick  
BEAULIEU of Auburn  
CROCKETT of Bethel  
DeCHANT of Bath  
MONAGHAN-DERRIG of Cape Elizabeth  
MOONEN of Portland  
PEAVEY HASKELL of Milford  
VILLA of Harrison

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-151)** on same Bill.

Signed:

Senator:

BURNS of Washington

Representatives:

GUERIN of Glenburn  
MORIARTY of Cumberland

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

**READ.**

Representative BERRY of Bowdoinham moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

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Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-163)** on Bill "An Act To Amend the Law Pertaining to Defective or Unreasonably Dangerous Goods"

(S.P. 462) (L.D. 1331)

Signed:

Senators:

VALENTINO of York  
TUTTLE of York

Representatives:

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

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

Signed:

Senator:

BURNS of Washington

Representatives:

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

Representative MITCHELL of the Penobscot Nation - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (S-163)** Report.

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-163)**.

**READ.**

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

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

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Majority Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-187)** on Bill "An Act To Provide Integrated Community-based Employment and Customized Employment for Persons with Disabilities"

(S.P. 471) (L.D. 1352)

Signed:

Senators:

PATRICK of Oxford  
CLEVELAND of Androscoggin  
CUSHING of Penobscot

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-188)** on same Bill.

Signed:

Representatives:

DUPREY of Hampden  
VOLK of Scarborough

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-187) AS AMENDED BY SENATE AMENDMENT "A" (S-196)** thereto.

**READ.**

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-187)** was **READ** by the Clerk.

**Senate Amendment "A" (S-196) to Committee Amendment "A" (S-187) was READ by the Clerk and ADOPTED.**

**Committee Amendment "A" (S-187) as Amended by Senate Amendment "A" (S-196) thereto was ADOPTED.**

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-187) as Amended by Senate Amendment "A" (S-196)** thereto in concurrence.

Majority Report of the Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-179)** on Bill "An Act To Provide Transparency in Fund-raising by and Lobbying of a Governor-elect"

(S.P. 347) (L.D. 1023)

Signed:

Senators:

TUTTLE of York  
PATRICK of Oxford

Representatives:

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

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

Signed:

Senator:

MASON of Androscoggin

Representatives:

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

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-179)**.  
**READ.**

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

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**: 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. 213**

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

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

**NAY** - Ayotte, Beaulieu, Bennett, Black, Campbell R, Chase, Clark, Cotta, Crafts, Cray, Crockett, Davis, Doak, Dunphy, Duprey, Espling, Fitzpatrick, Fredette, Gifford, Gillway, Guerin, 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, Short, Sirocki, Timberlake, Tyler, Volk, Wallace, Weaver, Willette, Wilson, Winchenbach, Winsor, Wood.

**ABSENT** - Beaudoin, Bolduc, Harvell, Hobbins, Kruger, Peterson, Priest, Turner.

Yes, 86; No, 57; Absent, 8; Excused, 0.

86 having voted in the affirmative and 57 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" (S-179)** 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-179)** in concurrence.

Majority Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-339)** on Bill "An Act To Clarify the Laws Establishing the Department of Agriculture, Conservation and Forestry" (**EMERGENCY**)  
(H.P. 588) (L.D. 837)

Signed:

Senators:

JACKSON of Aroostook  
SHERMAN of Aroostook

Representatives:

DILL of Old Town  
BLACK of Wilton  
CRAY of Palmyra  
HICKMAN of Winthrop  
MAREAN of Hollis  
NOON of Sanford  
SAUCIER of Presque Isle  
TIMBERLAKE of Turner

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

Signed:

Representatives:

JONES of Freedom  
KENT of Woolwich

**READ.**



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

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

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Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-348)** on Bill "An Act To Promote the Financial Literacy of High School Students"

(H.P. 594) (L.D. 843)

Signed:

Senators:

MILLETT of Cumberland  
JOHNSON of Lincoln  
LANGLEY of Hancock

Representatives:

MacDONALD of Boothbay  
DAUGHTRY of Brunswick  
JOHNSON of Greenville  
MAKER of Calais  
McCLELLAN of Raymond  
POULIOT of Augusta  
RANKIN of Hiram

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-349)** on same Bill.

Signed:

Representatives:

HUBBELL of Bar Harbor  
KORNFELD of Bangor  
NELSON of Falmouth

Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (H-348)** Report.

**READ.**

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

The Bill was **READ ONCE. Committee Amendment "A" (H-348)** 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-348)** and sent for concurrence.

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Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-341)** on Bill "An Act To Improve Care Coordination for Persons with Mental Illness"

(H.P. 353) (L.D. 534)

Signed:

Senators:

CRAVEN of Androscoggin  
HAMPER of Oxford  
LACHOWICZ of Kennebec

Representatives:

FARNSWORTH of Portland  
CASSIDY of Lubec  
DORNEY of Norridgewock  
GATTINE of Westbrook  
MALABY of Hancock  
McELWEE of Caribou  
PRINGLE of Windham  
SANDERSON of Chelsea  
SIROCKI of Scarborough

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

Signed:

Representative:

STUCKEY of Portland

**READ.**

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

The Bill was **READ ONCE. Committee Amendment "A" (H-341)** 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-341)** and sent for concurrence.

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Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-342)** on Resolve, Directing All Relevant Agencies of State Government To Work in Concert with a Plan To End and Prevent Homelessness To Ensure That Resources Are Available To End Homelessness in the State

(H.P. 417) (L.D. 598)

Signed:

Senators:

CRAVEN of Androscoggin  
LACHOWICZ of Kennebec

Representatives:

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

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

Signed:

Senator:

HAMPER of Oxford

Representatives:

McELWEE of Caribou  
SANDERSON of Chelsea  
SIROCKI of Scarborough

**READ.**

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

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.

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. 214**

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

NAY - Ayotte, Beaulieu, Bennett, Black, Campbell R, Chase, Clark, Cotta, Crafts, Cray, Crockett, Davis, Doak, Dunphy, Duprey, Espling, Fitzpatrick, Fredette, Gifford, Gillway, Guerin, Harvell, 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, Sirocki, Timberlake, Tyler, Volk, Wallace, Weaver, Willette, Winsor.

ABSENT - Beaudoin, Bolduc, Hobbins, Peterson, Turner.

Yes, 94; No, 52; Absent, 5; Excused, 0.

94 having voted in the affirmative and 52 voted in the negative, with 5 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Resolve was **READ ONCE**. **Committee Amendment "A" (H-342)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Resolve was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-342)** and sent for concurrence.

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Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-343)** on Bill "An Act To Improve Law Enforcement Access to Prescription Monitoring Program Data"

(H.P. 712) (L.D. 1014)

Signed:

Senators:

CRAVEN of Androscoggin  
HAMPER of Oxford

Representatives:

FARNSWORTH of Portland  
MALABY of Hancock

McELWEE of Caribou  
SANDERSON of Chelsea  
SIROCKI of Scarborough

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

Signed:

Senator:

LACHOWICZ of Kennebec

Representatives:

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

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

**READ.**

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

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

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Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-344)** on Resolve, To Direct the Department of Health and Human Services To Convene a Task Force To Study the Incidence of Cancer in the State

(H.P. 727) (L.D. 1032)

Signed:

Senators:

CRAVEN of Androscoggin  
LACHOWICZ of Kennebec

Representatives:

FARNSWORTH of Portland  
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 Resolve.

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-344)** Report.

**READ.**

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

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

Majority Report of the Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought Not to Pass** on Bill "An Act To Require Health Insurers To Provide Coverage for Nutritional Wellness and Illness Prevention Measures and Products"

(H.P. 474) (L.D. 682)

Signed:

Senators:

GRATWICK of Penobscot  
WOODBURY of Cumberland

Representatives:

TREAT of Hallowell  
COOPER of Yarmouth  
FITZPATRICK of Houlton  
McCLELLAN of Raymond  
MORRISON of South Portland  
PRINGLE of Windham  
WALLACE of Dexter

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-347)** on same Bill.

Signed:

Senator:

WHITTEMORE of Somerset

Representatives:

BECK of Waterville  
DOAK of Columbia Falls

**READ.**

Representative TREAT of Hallowell moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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. This is a bill that I have brought before and I bring it now, of course, for the last time because I am term-limited out, but I think it's a very worthy bill. What it does is it requires insurance coverage with nutritional and wellness and prevention measures under two conditions, one that the health care provider has found that it is beneficial for the patient, and something that they think is advisable and that they strongly recommend. It is a choice that is permissive for doctors, if they care to advise their patients to do something like that. It comes from my own experience with the results with nutritional strategies from nutritionists and nutritional supplements and that sort of thing, and how well it has worked in many cases. It's interesting now because of course the Maine Medical Association argues against this, as do all the medical associations, but they are medical associations. Their thing is medicine, so that's understandable. It's interesting that last week we had them arguing against doctors being directed to do something to advise patients, and now in this instance, they argue against allowing them to do something on their own. So it's kind of an interesting situation.

I wanted to bring up a few things. One, Dr. Jerome Kassirer, who is a very highly esteemed doctor at Tufts New England Medical Center, and was the guest lecturer for the opening of this year's medical class at Central Maine Medical Center and Tufts's program. He wrote a book entitled, *On the Take: How Medicine's Complicity with Big Business Can Endanger Your Health*, highly respected, invited to do the opening lecture at Maine. He is considered a wonderful doctor. The subject of his lecture was how conflicts of interest are endangering our profession and he talked about the many billions of dollars that are spent to influence doctors to do certain things paid for by industry. He advised the incoming class of medical students that there are problems with just relying on "evidence-based medicine." He said not to trust it unless you first know who performed it and who paid for it and what the design of it was, because much of it is geared to promote certain products. He asked them to question the standard of care which all doctors follow. He asked them to look at who sets the standards. Often they have conflicts of interest, such that they direct the recommendations to benefit their own businesses. He asked them to look at medical associations, to look at what other interest members may have. He particularly called out the National Kidney Foundation because the members are so highly conflicted. Finally, he advised them not to go to medical conferences because they are circuses. He told them to stay away. He was worried about the public's declining trust in the medical profession and that is something that was a serious concern to him, but it results from people finding that they're not getting some help that they need from traditional products and they are finding help with going the health route. He also testified before the Senate Select Committee on Aging to the same effect. Now, he's a well-respected man and he spoke very well. So I wanted to just point that out to you, that this is not something that some crazy citizens are making up. They want to have choices and if their doctor is inclined to notice that they do well with those choices, this bill allows that their coverage can help them pay for it.

The Maine Medical Association criticizes my four years of work on this bill, puts it down. The first year, the committee unanimously chose to send letters to the Health and Human Services Committee and the Governor's office asking them to promote understanding of what nutritional strategies can do to reduce the health care crisis that we have in this country. The next two years, it didn't even get out of committee. This year, there were four people on the Minority Report, Representative Beaudoin is not shown for some reason, and this year, again, of course the Maine Medical Association was against it. They said that they support consumer choice in the use of products addressed in LD 682, but they do not consider them part of essential health benefits. Nutrition is not considered by them as part of nutritional health benefits. Well, they recognize that some people may benefit by dietary supplements in nutrition and wellness products. They just didn't want to support that option. The Harvard Pilgrim Health testified. They said dietary supplements do not undergo the same type of clinical trials as FDA approved pharmaceuticals and are not prescribed in a clinical sense. They don't necessarily go through clinical trials because they are food. When you go to the grocery store, you will not see clinical trials posted about the oranges and the spaghetti and what else you buy there. They do not have to meet the same standards as drugs because they aren't drugs. They are not implicitly dangerous. There are not chemicals in toxins and that sort of thing. So when we talk about supporting wellness and prevention, we need to follow it up with action and not just say we support it. We need to tell people that we support

it to the point that if they are willing to take some action, we are willing to support them and encourage insurers to incentivize them in that way. Now, the Bureau of Insurance said that the cost to increase the premium would be about 0.4 percent, four hundredths of a dollar. For a \$500 premium, that would amount to \$2 a month for people to have that option of having things taken care of that are healthy. The Bureau of Insurance also said now it could cost more if there was significant increases in utilization. My guess is if there was an increased utilization, that would probably mean that would lower utilization of drugs, surgery and those other things. They said that while they could estimate the additional cost of 0.41 percent, they would not estimate the possible savings by people finding a healthier route.

I would also like to remind you that in 2009, Governor Baldacci, in the State of the State Address, said, "Good health takes more than an insurance card. It requires all of us to be as healthy as we can be – preventing diseases that drive up our health care costs. Health care premiums are growing four times faster than wages. The costs are straining family and business budgets." And I would add state budgets. "Chronic illness, like diabetes, asthma, heart and lung diseases, account for about 30 percent of premium costs or about \$350 million dollars a year in Maine." The estimated additional costs by having this available would be \$160,000 as opposed to \$350 million. Can we imagine we might save at least that amount of the \$350 million? He went on because he supported nutritional supports. So I just wanted to point those things out to you and I just wanted to add that if you look at Measures of Growth and Focus from the Maine Economic Growth Council, you'll find that one of their top priorities is wellness and prevention, and they point out that Maine's overweight rate is about 37 percent and it stays there. Nutritional strategies can often be very helpful for that at a very low cost. They also said appropriate policies in public education that encourage healthier behaviors and improve access to healthier choices are needed to improve Maine's overweight and obesity rates and reduce the prevalence of chronic disease. As we've heard time and time again, chronic disease is best dealt with by healthy lifestyle choices. So this bill is presented as an option for people and doctors to safely and cost effectively choose healthy choices if they want to. It doesn't require anything else. I must say also that the Making Maine Work study also pointed to wellness and prevention as key choices for them.

Lastly, I would just say that one of the people who testified is a cancer patient. He had a brain tumor for about a year and a half. He endured chemotherapy and he said he prayed every night for the doctor to take him, it was so miserable for him, and then he decided to go the other route. In nine months, the remaining part of the tumor was gone by using a doctor in Portland who worked with this sort of alternative and had him use strictly organic food, stay away from things like sugar and other items, and use a high dose of vitamin C. I know three people whose cancer tumors have gone away with high dose vitamin C administered by a doctor. So there are many reasons and OPEGA has done a study on the prisons and they use so much medication there, the prisoners are begging for healthy solutions. But when I spoke to them about it, the prison authority said, "Well, what would the medical people say?" So we've got to open up if we care about wellness and prevention and lowering costs and offering options, we believe in choice in many situations and this is a choice allowed to doctors and helped by coverage. Thank you. I know I've gone long. Thank you for your patience. I'd like a roll call please.

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

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

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

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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'd like to explain to you why the majority of the Insurance and Financial Services Committee voted Ought Not to Pass on this measure. First of all, it is a mandate. It's not just about choice. It is an insurance mandate and it requires every insurance plan covered by our mandate policies to cover these nutritional supplements and other products. That will cost money and, in fact, it will cost money in the state budget of over \$158,000 and it will cost money in the highway budget of over \$57,000. Also, under the Affordable Care Act, new mandates may be required to be paid for in the state budget, even for policies that are not state employee policies. We don't have the full cost figures on that, but it was the judgment of the committee that if we are going to go down the road of paying for additional mandates, there were some other mandates that we are studying this summer that we believe have a higher level of importance than this particular measure. The second issue about it and just let me say briefly that in terms of incentivizing prevention and wellness, both federal law, under the Affordable Care Act, and Maine law, most recently, under PL 90, last year, have very specific provisions allowing for and strongly encouraging insurance companies to incentivize prevention and wellness. So that piece is already part of current law.

I just want to read one thing which is the other reason that our committee, the majority of which voted against this measure, and that is that there are indeed some issues with safety, and I just want to read some things that perhaps you are not aware of, in terms of what this would cover and how they are not necessarily regulated right now by any safety authority. This would cover dietary supplements and herbal remedies that currently do not undergo FDA approval for evidence of safety and efficacy. It will cover products that are not reviewed to see whether or not they are of the strength they say they are, the purity that they say they are, and are not reviewed for the packaging and labeling, and they do not have to meet FDA requirements if someone gets sick and has an adverse effect from one of these. There has been issues with some of these products containing anabolic steroids and other drug substances, and there has actually been quite a big concern about that, and those are products that, again, insurance companies will be mandated to pay for. It was the judgment of the majority that this measure is not appropriate for passage and we would encourage you strongly to vote with us, Ought Not to Pass, on the pending motion, to vote green on the pending motion. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Saco, Representative Chenette.

Representative **CHENETTE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to the current motion. I want to read to you the summary of what the bill actually does. "The purpose of this bill is to improve health, reduce health care usage and costs and help prevent disease through nutritional wellness and illness prevention measures and allow for nonpharmacological health

care alternatives for enrollees who choose them. The bill requires that health insurance policies provide coverage for nutritional wellness and illness prevention measures that are shown to be beneficial to the enrollee and are recommended by the enrollee's physician ...." Ladies and Gentlemen of the House, this is about preventative care. This is about choice. I've been hearing this concern about the purity of nutritional supplements. I don't know about you, but when I turn on the TV and get bombarded by pharmaceutical companies trying to sell us different products, "This bill causes death," we're not concerned about that, but we're concerned about some of the ingredients in a nutritional supplement? I find that really interesting. This bill provides an additional tool for physicians and doctors if it's necessary for the particular patient, if that particular disease or illness warrants it. It just provides an additional tool. I want the doctor, my doctor, to make the best informed decision about what my individual health care decisions are all about, what's going to be the best remedy, the situation, not what's forced down by private companies. So, for me, the question is very simple. Do we favor the health of our constituents or protecting the health of insurance companies? Thank you, Mr. Speaker.

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

Representative **PRINGLE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise to encourage you to support the Majority Ought Not to Pass motion and I have several very brief comments. First, I would like to support all of the comments of our Chair, Representative Treat, from Hallowell, who expressed very well the thoughtful approach of the committee. We heard many bills asking us to mandate insurance coverage for many types of treatment. I would comment that it's very helpful to have comparative effectiveness studies of various treatments so that insurance companies can make a choice. I would also note that the reason I believe most medical associations did not support this is that many providers do often recommend diet and exercise as their first treatment for many, many, many conditions – high blood pressure, heart disease. The first line of therapy in all guidelines is alteration in diet and improved exercise, and if I were to request an increased insurance coverage, it would be for visits to registered dietitians who have a broad and unbiased view of nutrition. With regard to Big Pharma, let's remember that there are also nutraceutical industries that have the same financial interests, so that these same rules ought to be applied. We do know in the medical profession that there can be conflict of interest and there has been huge work by our professional organizations to have sunshine laws, and I think many of you may have seen recently a publication in the newspaper of various physicians who receive reimbursement, and it may be that they are just going to do an educational talk, but still, it's funded by Pharma. So you can have that information as you make decisions or view whether or not your provider has bias. I can tell you also that the professional organizations have worked very hard to remove conflict of interest of Pharma in professional life. I did attend the lecture that Dr. Kassirer gave. He is a very distinguished physician and he is one of those who has moved very much for the sunshine laws. But with due respect to my good colleague from Sanford, I think she takes some of his comments out of context and interprets them according to her goals with regard to this bill. Thank you.

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

Representative **BOLAND**: Thank you, Mr. Speaker. I just had to remind you and the Ladies and Gentlemen of the House

that, again, nutrition is not chemicals, toxins, things that are not natural to your body. Now there are, I'm sure, better quality ones, lesser quality ones, but we don't have a crisis of problems with them and they are not – FDA looks at drugs, it doesn't look at food stuff. As far as testing them, something I mentioned the last week or two on vaccines, the ingredients on them are not safety tested for their toxins so, you know, they get a pass. As far as the cost from the suggestions of the committee, thinking of what this would cost, it comes out to about \$1.25 per person, per year. What we are currently spending on chronic conditions is about \$285 per person, per year. I believe we can improve on that cost. 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. 215

YEA - Ayotte, Beaulieu, Bennett, Berry, Black, Brooks, Campbell J, Campbell R, Carey, Casavant, Cassidy, Chapman, Chase, Clark, Cooper, Crockett, Daughtry, Davis, Devin, Dickerson, Dill, Dion, Dorney, Dunphy, Duprey, Espling, Farnsworth, Fitzpatrick, Fowle, Fredette, Frey, Gattine, Gideon, Gilbert, Gillway, Goode, Graham, Grant, Hamann, Herbig, Hobbins, Hubbell, Jackson, Johnson D, Johnson P, Keschl, Kinney, Kornfield, Kruger, Kumiega, Lajoie, Libby A, Libby N, Lockman, Longstaff, Luchini, MacDonald W, Maker, Malaby, Marean, Marks, Mason, Mastraccio, McCabe, McClellan, McElwee, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau A, Nadeau C, Nelson, Noon, Nutting, Pease, Peavey Haskell, Plante, Pouliot, Priest, Pringle, Rankin, Reed, Rochelo, Rotundo, Rykerson, Sanborn, Saucier, Saxton, Schneck, Shaw, Short, Sirocki, Tipping-Spitz, Treat, Tyler, Villa, Volk, Wallace, Weaver, Welsh, Werts, Willette, Wilson, Winchenbach, Winsor, Wood, Mr. Speaker.

NAY - Beavers, Beck, Boland, Briggs, Chenette, Chipman, Crafts, Cray, DeChant, Doak, Evangelos, Gifford, Guerin, Harlow, Harvell, Hayes, Hickman, Jones, Kaenrath, Kent, Knight, Kusiak, Long, MacDonald S, Newendyke, Parry, Peoples, Powers, Russell, Sanderson, Stanley, Stuckey, Timberlake, Verow.

ABSENT - Beaudoin, Bolduc, Cotta, Jorgensen, Peterson, Theriault, Turner.

Yes, 110; No, 34; Absent, 7; Excused, 0.

110 having voted in the affirmative and 34 voted in the negative, with 7 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

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Majority Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought Not to Pass** on Bill "An Act To Reform Employer-provided Benefits"

(H.P. 690) (L.D. 976)

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-328)** 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 Not to Pass** Report.

The SPEAKER: The Chair recognizes the Representative from Arundel, Representative Parry.

Representative **PARRY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This is a bill I put in after it came to my attention that we had employers that were paying people to not take their company insurance and go on MaineCare. I think that, and I realize MaineCare is an entitlement, but if people are offered insurance through their work, the company should not be able to pay them to not take the insurance. It was an interesting thing that happened during the public hearing, that after speaking, being asked a lot of tough questions, if it was really happening, the person that got up to speak against the bill admitted doing it, and I don't think that it ever happened in all the public hearings that I heard, in my committees or any time I testified, so it was just amazing to me the only person against it admitting that that employer was paying people to not take their insurance and to go on MaineCare. It just makes no sense to me why, if somebody is off an insurance, they should be taking it and using these dollars in these tough times, in DHHS, that those dollars are used for people that truly need insurance and not for ones that have been offered insurance through their employer. Mr. Speaker, I ask for a roll call.

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

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

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

Representative **HERBIG**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. While it is certainly a problem that some large employers expect and, at times, even advise their employees to apply for MaineCare, LD 976 does not address this problem, nor does it provide a solution. This legislation would harm some of Maine's most vulnerable workers, for example, foodservice workers in our schools or educational support personnel that serve our children every day. These people often make less than the cost of a two-person insurance plan. To be perfectly honest, cash in lieu of benefits in instances like this save our school districts money while providing a pathway for coverage for these Maine workers. Why should we penalize them and their employers for at least offering some additional compensation. LD 976 creates far more problems while it fails to provide any sort of solution. I urge you to support the current motion.

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

**ROLL CALL NO. 216**

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

NAY - Ayotte, Beaulieu, Bennett, Black, Campbell R, Chase, Clark, Crafts, Cray, Crockett, Davis, Doak, Dunphy, Duprey, Espling, Evangelos, Fitzpatrick, 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, Shaw, Sirocki, Timberlake, Tyler, Volk, Wallace, Weaver, Willette, Wilson, Winchenbach, Winsor, Wood.

ABSENT - Beaudoin, Bolduc, Carey, Cotta, Fredette, Jorgensen, Peterson, Theriault, Turner.

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** and sent for concurrence.

**CONSENT CALENDAR**

**First Day**

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

(S.P. 231) (L.D. 641) Bill "An Act To Exempt Farmers from Certain Oversight in Shoreland Areas" Committee on **ENVIRONMENT AND NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-164)**

(H.P. 910) (L.D. 1271) Bill "An Act To Increase Transparency in Reporting of Party Committees, Political Action Committees and Ballot Question Committees" Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-340)**

(H.P. 959) (L.D. 1342) Bill "An Act To Ensure Just and Reasonable Sewer Utility Rates" Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-352)**

(H.P. 960) (L.D. 1343) Bill "An Act To Improve Work Readiness for Families Facing Significant Barriers to Employment" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-345)**

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

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

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

**ENACTORS**  
**Emergency Measure**

An Act To Ensure the Continuation of Dairy Farming  
(S.P. 148) (L.D. 368)  
(C. "A" S-170)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 130 voted in favor of the same and 2 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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**Emergency Measure**

An Act To Strengthen Maine's Wildlife Laws  
(S.P. 423) (L.D. 1225)  
(C. "A" S-173)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 128 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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**Emergency Measure**

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

(H.P. 1117) (L.D. 1550)  
(C. "A" H-292)

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

Representative BERRY of Bowdoinham **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. 217**

YEA - Ayotte, Beaulieu, Beavers, Beck, Bennett, Berry, Black, Boland, Briggs, Brooks, Campbell J, Campbell R, Carey, Casavant, Cassidy, Chapman, Chase, Chenette, Chipman, Clark, Cooper, Cotta, Crafts, Cray, Crockett, Daughtry, Davis, DeChant, Devin, Dickerson, Dill, Dion, Doak, Dorney, Dunphy, Duprey, Espling, Evangelos, Farnsworth, Fitzpatrick, Fowle, Frey, Gattine, Gideon, Gifford, Gilbert, Gillway, Goode, Graham, Grant, Guerin, Hamann, Harlow, Harvell, Hayes, Herbig, Hickman, Hobbins, Hubbell, Jackson, Johnson D, Johnson P, Jones, Kaenrath, Kent, Keschl, Kinney, Knight, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby A, Libby N, Lockman, Long, Longstaff, Luchini, MacDonald S, MacDonald W, Maker, Marean, Marks, Mason, Mastraccio, McCabe, McClellan, McElwee, McGowan, McLean, 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, Rotundo, Russell, Rykerson, Sanborn, Sanderson, Saucier, Saxton, Schneck, Shaw, Short, Sirocki, Stanley, Stuckey, Theriault, Timberlake, Tipping-Spitz, Treat, Tyler,

Verow, Villa, Volk, Wallace, Weaver, Welsh, Werts, Willette, Wilson, Winchenbach, Winsor, Wood, Mr. Speaker.

NAY - NONE.

ABSENT - Beaudoin, Bolduc, Fredette, Jorgensen, Malaby, Peterson, Rochelo, Turner.

Yes, 143; No, 0; Absent, 8; Excused, 0.

143 having voted in the affirmative and 0 voted in the negative, with 8 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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**Emergency Measure**

Resolve, Regarding Pesticide Applications and Public Notification in Schools

(H.P. 26) (L.D. 33)  
(C. "A" H-308)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 92 voted in favor of the same and 44 against, and accordingly the Resolve **FAILED FINAL PASSAGE** and was sent to the Senate.

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**Emergency Measure**

Resolve, Regarding Legislative Review of Portions of Chapter 17: Rules Regarding Proof of Ownership and Recruitment by Employers Employing Foreign Laborers To Operate Logging Equipment, a Major Substantive Rule of the Department of Labor

(H.P. 893) (L.D. 1259)  
(C. "A" H-257)

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

Representative WILLETTE of Mapleton **REQUESTED** a roll call on **FINAL PASSAGE**.

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

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

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

**ROLL CALL NO. 218**

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

NAY - Ayotte, Beaulieu, Bennett, Black, Campbell R, Chase, Clark, Cotta, Crafts, Cray, Crockett, Davis, Doak, Dunphy, Duprey, Espling, Fitzpatrick, Gifford, Gillway, Guerin, Hayes, 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,

LEGISLATIVE RECORD - HOUSE, June 6, 2013

Timberlake, Tyler, Volk, Wallace, Weaver, Willette, Wilson, Winchenbach, Winsor, Wood.

ABSENT - Beaudoin, Bolduc, Carey, Fredette, Harvell, Jorgensen, Peterson, Rochelo, Turner.

Yes, 86; No, 56; Absent, 9; Excused, 0.

86 having voted in the affirmative and 56 voted in the negative, with 9 being absent, and accordingly the Resolve **FAILED FINAL PASSAGE** and was sent to the Senate.

**Acts**

An Act Relating to the Unlawful Cutting of Trees  
(S.P. 26) (L.D. 59)  
(C. "A" S-175)

An Act To Expand Moose Hunting Opportunities  
(S.P. 66) (L.D. 177)  
(C. "A" S-167)

An Act To Reduce the Licensing Fee for Certain Tournament Games  
(S.P. 125) (L.D. 329)  
(C. "A" S-155)

An Act Regarding Working Waterfront Projects  
(H.P. 320) (L.D. 470)  
(C. "A" H-302)

An Act To Ensure That the Standard of a Student's Best Interest Is Applied to Superintendent Agreements for Transfer Students  
(H.P. 349) (L.D. 530)  
(C. "A" H-316)

An Act To Prohibit the Sharing of Certain Personal Information by the Department of the Secretary of State  
(H.P. 438) (L.D. 619)  
(C. "A" H-319)

An Act To Refund the Sales Tax Paid on Fuel Used in Commercial Agricultural Production  
(S.P. 256) (L.D. 707)  
(C. "A" S-168)

An Act To Facilitate the Use of Electronic Monitoring  
(H.P. 593) (L.D. 842)  
(C. "A" H-296)

An Act To Allow the Return of Excess Funds by a Municipality That Forecloses on Real Estate  
(H.P. 602) (L.D. 851)  
(C. "A" H-293)

An Act Regarding Service of Small Claims Notices  
(S.P. 289) (L.D. 864)  
(C. "A" S-178)

An Act To Enhance the Development and Implementation of Integrated Pest Management Programs  
(H.P. 627) (L.D. 903)  
(C. "A" H-291)

An Act To Amend the Laws on Extended Warranties for Used Cars To Make Terms of Coverage Transparent  
(H.P. 658) (L.D. 934)  
(C. "A" H-320)

An Act To Improve Laws Governing Financial Disclosure by Legislators and Certain Public Employees and Public Access to Information Disclosed  
(S.P. 346) (L.D. 1001)  
(C. "A" S-166)

An Act To Expand Crossbow Hunting  
(H.P. 713) (L.D. 1015)  
(C. "A" H-274)

An Act To Enhance Enforcement of the Mandatory Reporting of Abuse and Neglect

(S.P. 349) (L.D. 1024)  
(C. "A" S-177)

An Act To Provide a Uniform Process for the Use of Orders Awarding Parental Rights and Responsibilities To Dispose of a Child Protective Case

(H.P. 776) (L.D. 1107)  
(C. "A" H-318)

An Act To Allow Collaborative Practice Agreements between Authorized Practitioners and Pharmacists

(S.P. 395) (L.D. 1134)  
(C. "A" S-161)

An Act To Facilitate Veterans' and Their Spouses' Access to Employment, Education and Training

(H.P. 802) (L.D. 1137)  
(C. "A" H-321)

An Act To Amend the State Government Evaluation Act

(H.P. 805) (L.D. 1140)  
(C. "A" H-309)

An Act To Encourage Financing of Manufactured Housing for the Workforce

(H.P. 847) (L.D. 1203)  
(C. "A" H-298)

An Act Regarding Computers Used To Commit a Crime or Facilitate the Commission of a Crime

(H.P. 941) (L.D. 1316)  
(C. "A" H-317)

An Act To Update the Fair Credit Reporting Act Consistent with Federal Law

(S.P. 504) (L.D. 1410)

An Act To Require the Membership of the State Workforce Investment Board To Include Representatives of the Local Workforce Investment Boards

(S.P. 535) (L.D. 1451)  
(C. "A" S-162)

An Act To Ensure Ethical Standards for Court Reporters

(S.P. 543) (L.D. 1469)  
(C. "A" S-176)

An Act To Make Minor Changes and Corrections to Statutes Administered by the Department of Environmental Protection

(H.P. 1074) (L.D. 1497)  
(C. "A" H-300)

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

**Resolves**

Resolve, To Ensure the Continued Accessibility and Affordability of a High School Equivalency Exam for Maine Residents

(S.P. 174) (L.D. 442)  
(C. "A" S-172)

Resolve, Authorizing the Sale of the Guy P. Gannett House in Augusta for Use as a Museum

(S.P. 485) (L.D. 1378)  
(C. "A" S-174)

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



An Act To Provide Flexibility in the State Prevailing Wage and Benefit Rates

(H.P. 762) (L.D. 1069)  
(H. "A" H-252 to C. "A" H-131)

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

On motion of Representative WILLETTE of Mapleton, was **SET ASIDE**.

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

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

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

**ROLL CALL NO. 219**

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

**NAY** - Ayotte, Beaulieu, Bennett, Black, Campbell R, Chase, Clark, Cotta, Crafts, Cray, Crockett, Davis, Doak, Dunphy, Duprey, Espling, Fitzpatrick, Fredette, Gifford, Gillway, Guerin, Harvell, 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, Tyler, Volk, Wallace, Weaver, Willette, Wilson, Winchenbach, Winsor, Wood.

**ABSENT** - Beaudoin, Bolduc, Carey, Jones, Jorgensen, Peterson, Rochelo, Sanborn, Turner.

Yes, 86; No, 56; Absent, 9; Excused, 0.

86 having voted in the affirmative and 56 voted in the negative, with 9 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

An Act To Ensure Maine's Preparedness for Hazardous Oil Spills

(H.P. 957) (L.D. 1340)  
(C. "A" H-301)

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

On motion of Representative WILLETTE of Mapleton, was **SET ASIDE**.

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

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

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

**ROLL CALL NO. 220**

**YEA** - Beavers, Beck, Berry, Boland, Briggs, Brooks, Campbell J, Carey, Casavant, Cassidy, Chapman, Chenette,

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

**NAY** - Ayotte, Beaulieu, Bennett, Black, Campbell R, Chase, Clark, Cotta, Crafts, Cray, Crockett, Davis, Doak, Dunphy, Duprey, Espling, Fitzpatrick, Fredette, Gifford, Gillway, Guerin, Harvell, 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, Tyler, Volk, Wallace, Weaver, Willette, Wilson, Winchenbach, Winsor, Wood.

**ABSENT** - Beaudoin, Bolduc, Jorgensen, Peterson, Rochelo, Turner.

Yes, 88; No, 57; Absent, 6; Excused, 0.

88 having voted in the affirmative and 57 voted in the negative, with 6 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

An Act To Amend the Laws Governing Mental Responsibility for Criminal Conduct

(H.P. 1022) (L.D. 1433)  
(C. "A" H-297)

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

On motion of Representative DION of Portland, was **SET ASIDE**.

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

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

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

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-297)** was **ADOPTED**.

The same Representative **PRESENTED House Amendment "A" (H-346)** to **Committee Amendment "A" (H-297)**, which was **READ** by the Clerk and **ADOPTED**.

**Committee Amendment "A" (H-297)** as Amended by **House Amendment "A" (H-346)** thereto was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (H-297)** as Amended by **House Amendment "A" (H-346)** thereto in **NON-CONCURRENCE** and sent for concurrence.

An Act To Allow a Motor Vehicle Excise Tax Credit for a Vehicle No Longer in Use

(S.P. 581) (L.D. 1534)  
(C. "A" S-180)

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

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

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

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Resolve, Directing a Review of Strategies To Improve the Affordability and Accessibility of Oral Chemotherapy Treatment

(S.P. 217) (L.D. 627)  
(C. "A" S-160)

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

On motion of Representative WILLETTE of Mapleton, 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.

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

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

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

**ROLL CALL NO. 221**

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

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

ABSENT - Beaudoin, Bolduc, Gattine, Jorgensen, Peterson, Rochelo, Sanborn, Turner.

Yes, 92; No, 51; Absent, 8; Excused, 0.

92 having voted in the affirmative and 51 voted in the negative, with 8 being absent, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

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

SENATE DIVIDED REPORT - Majority (10) **Ought Not to Pass** - Minority (3) **Ought to Pass as Amended by Committee Amendment "A" (S-151)** - Committee on **JUDICIARY** on Bill "An Act Regarding the Law Pertaining to the Confidentiality of Enhanced 9-1-1 System Information and Records"

(S.P. 188) (L.D. 495)

Which was **TABLED** by Representative BERRY of Bowdoinham pending his motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

Subsequently, the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

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

SENATE DIVIDED REPORT - Majority (7) **Ought to Pass as Amended by Committee Amendment "A" (S-163)** - Minority (5) **Ought Not to Pass** - Committee on **JUDICIARY** on Bill "An Act To Amend the Law Pertaining to Defective or Unreasonably Dangerous Goods"

(S.P. 462) (L.D. 1331)

Which was **TABLED** by Representative BERRY of Bowdoinham pending his motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

Subsequently, Representative PRIEST of Brunswick **REQUESTED** that the Clerk **READ** the Committee Report.

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

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

Representative **PRIEST**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. This bill, the Committee Amendment on this bill, has changed it quite a bit. I will read the summary of the Committee Amendment so everybody can know what this does. "This bill requires a user or consumer who has been injured by defective or unreasonably dangerous goods or products to bring a civil action within 6 years after the date that ... injury and its cause are known or should have been known by the exercise of reasonable diligence." This limits the type of injury to injuries which are caused by either implanted medical devices, that is medical devices which are inside the body, or pharmaceuticals. That's all this bill applies to. It doesn't apply to any other kind of good or service, just to those types, and what it says is basically once you know or should have known that you've got an injury and that the cause of the injury was a result of the pharmaceutical you took or the implanted device, you have six years to bring a suit. After the six years, you can no longer bring a suit. The reason for this is a lot of times you have implanted devices which have lifetime warranties for 20 years, and if they go bad after two or three or four or five or six years, you might not know, but it's the implanted medical device that is causing your problem. You may get a lot of medical treatment for difficulties caused by the device but not know it's the device. Until you know it's the device or you should have known it's the device, then it is very difficult for you to bring an action. Once you know that it's the device or the pharmaceutical, then you should bring an action. This is much more limited than the original bill and we think it's a very good bill and I urge you to vote for it. Thank you.

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

Representative **CROCKETT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to the pending motion. The bill, and the summary says, "This bill requires a user or consumer who has been injured by defective or unreasonably dangerous goods or products to

bringing a civil action within 6 years after the date [of] both [the] injury and its cause are known or should have been known by the exercise of reasonable diligence." The current law was put in place in 1973. It's been that way for 40 plus years or 40 years exactly rather. It's worked to date. This bill looks to expand it indefinitely. It is a trial lawyer's bill, which I have no problem with. I have always been in favor of jobs bills, but this goes a little too far. It adds litigation that is unnecessary, drives up the expenses, and it's unclear what an implant is. Is an implant a filling for your teeth? I mean, it adds a whole gamut and what it does to pharmaceuticals, it could potentially have some effects as far as what doctors and how they prescribed medication. I would urge you to oppose the pending motion. I think we finally know what the final disposition of this bill is going to end up being. You'll probably have another crack at this in the not too distant future if it passes. If it doesn't, well, we can do the right thing, right now, and just kill it as it is. 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**: 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. 222

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

**NAY** - Ayotte, Beaulieu, Bennett, Black, Campbell R, Chase, Clark, Cotta, Crafts, Cray, Crockett, Davis, Doak, Dunphy, Duprey, Esping, 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, Short, Sirocki, Timberlake, Tyler, Volk, Wallace, Weaver, Willette, Wilson, Winsor, Wood.

**ABSENT** - Beaudoin, Bolduc, Dion, Gattine, Herbig, Jorgensen, Peterson, Rochelo, Sanborn, Turner.

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

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-163)** 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-163)** in concurrence.

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

#### UNFINISHED BUSINESS

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

HOUSE DIVIDED REPORT - Majority (7) **Ought Not to Pass** - Minority (6) **Ought to Pass** - Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Require Notice to and Input from Municipalities in Which Certain Group Homes Are Located"

(H.P. 556) (L.D. 805)

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

PENDING - **ACCEPTANCE OF EITHER REPORT**.

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

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

Representative **GRAHAM**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This is a Divided Report and I was on the Majority Report. Since that time, I have learned some new information. I was concerned that this bill may violate federal law and the law is called the Olmstead Act. On further review and discussion with the Attorney General's office, I am reassured that this does not violate federal law and therefore I am now supporting the Minority Report, **Ought to Pass**.

The **SPEAKER**: The Chair recognizes the Representative from Augusta, Representative Wilson.

Representative **WILSON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This is a very important bill for me in the City of Augusta. I will give you a quick background and I won't take up too much time. Essentially, what happened is last fall there were some patients that were relocated from group homes on the former AMHI campus, they were relocated out into the community of Augusta. Those patients were relocated on basis of the loss of federal funds because they were located on the former AMHI campus. They were sent out into the community with no notice. These are individuals found not criminally responsible for murder, in some instances, along with other crimes. They were located in a group home that was established within 500 feet of a preschool and in a community of hundreds of children within a very close proximity. My community was greatly offended that they were not even consulted or informed that they were just merely placed out there and that it was for us to deal with. What this bill does, it does not restrict where any of these group homes can be established. Therefore, it's not in violation of federal law or the Olmstead ruling. This bill merely requires notification to a municipality if they are going to create a group home in which forensic patients will be housed, and requires that within 120 days, it just simply allows for the municipality to give some input into that process. The final decision always rests with the state. The town and municipality never has authority to overrule that; therefore, it is again not in violation of any federal ruling. It just merely gives any community a voice and if your community were one of these communities affected, now or in the future, I'm sure that your community would want to have a voice in this process as well. I support the pending motion. I urge you to please follow my light and, Mr. Speaker, I ask for a roll call.

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

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

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

Representative **HAYES**: Thank you, Mr. Speaker. Mr. Speaker, Women and Men of the House. I am on the Majority Report on this bill and I remain there, regardless of additional information that has been brought forward and specifically part of the testimony that we've heard from those who we employ in the Executive Branch who will have to implement this. There is a timeframe in the bill of a 120-day notice. That may be problematic in terms of the current practices within the Department, and that there is currently notification already provided under another piece of law informing communities through the public safety personnel. So I stand in opposition to the current motion, anticipating that if this does pass, it will create unanticipated problems for members of the Executive Branch in implementing that. Thank you.

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

Representative **VEROW**: Thank you, Mr. Speaker. Mr. Speaker, Members of the House. The situation in my community up in Brewer, we had one of the residents move into a house in the residential neighborhood. The house was purchased by one of the agencies that does group homes. There are three in our area. Two of them are tax-exempt, one is for-profit and that's another issue. I know that when they are tax-exempt purchases, they come off our tax rolls. But specifically in this case, there was a young man moving into the next house and they had two helpers or aides that had to be with this individual 24 hours a day because he apparently had been involved with some violent activity. This concerned the neighbors and the number of automobiles coming to the house and people activity, they inquired. I was on the city council at the time. They inquired, "Well, what's going on here next door? We don't know what's going on. There seems to be something that we should be concerned about." So our police chief did have a meeting with the neighbors and informed them of this situation, letting them know that if there was any problems, that the police department would respond. That did somewhat assure the neighbors that they were informed at least as to what the situation was. I guess I would support the idea that the community should be informed, and I think this is a good bill. Thank you.

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

**ROLL CALL NO. 223**

**YEA** - Ayotte, Beaulieu, Beavers, Beck, Bennett, Berry, Black, Brooks, Campbell J, Campbell R, Carey, Casavant, Cassidy, Chase, Chenette, Clark, Cooper, Crafts, Cray, Crockett, Daughtry, Davis, DeChant, Devin, Dill, Dion, Doak, Dorney, Dunphy, Duprey, Espling, Evangelos, Fitzpatrick, Fowle, Fredette, Frey, Gattine, Gideon, Gifford, Gilbert, Gillway, Goode, Graham, Grant, Guerin, Harvell, Jackson, Johnson D, Johnson P, 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, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau A, Nadeau C, Nelson, Newendyke, Noon, Nutting, Parry, Pease, Peavey Haskell, Peoples, Pouliot, Powers, Priest, Pringle, Rankin, Reed, Rotundo, Rykerson, Sanborn, Sanderson, Saucier, Saxton, Schneck, Shaw, Sirocki, Stanley, Theriault, Timberlake, Tipping-Spitz, Treat, Tyler, Verow,

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

**NAY** - Boland, Briggs, Chapman, Chipman, Cotta, Dickerson, Farnsworth, Hamann, Harlow, Hayes, Hickman, Hubbell, Jones, Plante, Russell, Short, Stuckey.

**ABSENT** - Beaudoin, Bolduc, Herbig, Hobbins, Peterson, Rochelo, Turner.

Yes, 127; No, 17; Absent, 7; Excused, 0.

127 having voted in the affirmative and 17 voted in the negative, with 7 being absent, and accordingly the Minority **Ought to Pass Report was ACCEPTED.**

The Bill was **READ ONCE.**

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED** and sent for concurrence.

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HOUSE DIVIDED REPORT - Majority (8) **Ought to Pass** - Minority (5) **Ought to Pass as Amended by Committee Amendment "A" (H-277)** - Committee on **JUDICIARY** 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)

**TABLED** - June 3, 2013 (Till Later Today) by Representative **PRIEST** of Brunswick.

**PENDING** - Motion of same Representative to **ACCEPT** the Majority **OULD TO PASS** Report.

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

The Resolve was **READ ONCE.**

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

Under further suspension of the rules the Resolve was **PASSED TO BE ENGROSSED** and sent for concurrence.

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Bill "An Act To Include a Representative of the Aroostook Band of Micmacs in the House of Representatives"

(H.P. 40) (L.D. 45)

- In House, Majority (12) **OULD TO PASS AS AMENDED** Report of the Committee on **JUDICIARY READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-141)** on May 9, 2013.

- In Senate, Reports **READ** and the Bill and accompanying papers **INDEFINITELY POSTPONED IN NON-CONCURRENCE.**

**TABLED** - June 4, 2013 (Till Later Today) by Representative **BERRY** of Bowdoinham.

**PENDING - FURTHER CONSIDERATION.**

Subsequently, Representative **BEAR** of the Houlton Band of Maliseet Indians moved that the House **INSIST** and **ASK** for a **COMMITTEE OF CONFERENCE.**

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

Representative **BERRY**: Point of Order. I'd like to ask whether that motion is in order.

On **POINT OF ORDER**, Representative **BERRY** of Bowdoinham asked the Chair to **RULE** if the motion was properly before the body.

The **SPEAKER**: The Chair would answer in the affirmative.

Subsequently, the Chair **RULED** that the motion was properly before the body.

Subsequently, the House voted to **INSIST** and **ASK** for a **COMMITTEE OF CONFERENCE**. Sent for concurrence.

HOUSE DIVIDED REPORT - Majority (9) **Ought to Pass** - Minority (4) **Ought to Pass as Amended by Committee Amendment "A" (H-295)** - Committee on **JUDICIARY** on Bill "An Act To Protect Working Mothers Who Breast-feed"

(H.P. 528) (L.D. 777)

TABLED - June 4, 2013 (Till Later Today) by Representative **PRIEST** of Brunswick.

PENDING - Motion of same Representative to **ACCEPT** the Majority **OUGHT TO PASS** 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. I think everyone agrees that we should encourage working women to breastfeed. That is obviously good for their children and we ought to do what we can to encourage it. The difficulty we found from the testimony we had in this bill is that the remedies for a breastfeeding mother who finds that either she is not allowed to do so or is fired are insufficient. The present law says that a breastfeeding mother who finds that her employer won't go along with that, won't provide a decent place for her to express her milk or to breastfeed, her choice is to go to the Department of Labor and file a complaint and if the Department of Labor finds that complaint worthwhile, then the most that can be done is to fine the employer anywhere from \$100 to \$500. If, in fact, she is discharged, then the best that she can do is to ask the district attorney to bring a suit against the employer, and again, the amount of money that she can get, the amount of money that the employer has to pay, is between \$100 and \$500. That does not get her job back. What this bill does is put this under the Human Rights Commission so an employer who does not allow a woman to breastfeed or to express her milk or who discharges the woman for that reason can get a remedy under the Human Rights Act. That has several advantages and it's an advantage to the employer as well as to the nursing mother. The Human Rights Act has a process of fact-finding and encourages the employer and the complainant, the nursing mother, to try to get together and work things out. In the vast majority of cases, they are successful in doing that. That way the employer does not have to worry about going to court. The employer doesn't have to worry about whether the DA is going to bring a case, and the nursing mother either gets the ability to work and either nurse or express her milk or to get her job back, if, in fact, she's been fired. We think this is a much better remedy. The old remedy did not work. We had a situation in one case where a woman was required to express her milk in a porta-potty. That is simply not acceptable. Even if it were a construction job, certainly there is a truck somewhere with some shades that could be used rather than a porta-potty. The present situation is not acceptable. We think that having this matter being handled by the Human Rights Act will be acceptable and we would note that there is not a fiscal note on this bill. It could be absorbed within existing resources. So we urge you to vote Ought to Pass on this bill. Thank you.

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

Representative **CROCKETT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. As always, our esteemed Chair from Brunswick is very persuasive. In fact, I was almost convinced in the middle of the hearing. However, there

are a couple of facts that bear further consideration, I guess would be the appropriate way of wording it. In 2009, a Democratically controlled Legislature and Blaine House determined it was an excellent move to protect nursing mothers. It makes sense. We all voted for it. The Department of Labor had control of it. Again, it makes sense. Well, as I'm looking through this and I heard some of the concerns at the public hearing, it came to mind, well, why is this a problem and then the porta-potty example came up. I said, "Well, let me think about this." Women in today's society can do any job. They can do any job and they are qualified to do any job and we've broken down a lot of those barriers. So you will have women who are truck drivers, loggers, on construction sites working as flaggers in remote areas. If you have ever been stopped on a road where they are repaving out in the middle of nowhere and they just keep moving through the day and they are nowhere near any sort of facilities, women still work as flaggers. Well, that's why the porta-potty example came to pass. It would be the same way for a logger. If a woman were working on a logging crew using mechanized equipment, it's possible, again, the porta-potty or a dinner camp would be the closest you would get. So that's why the law has so much flexibility and why it fell under the Department of Labor. That's why it is the way it is. Now the question is do we want to change it? Do we want to create a greater cause of action on the Human Rights Commission? I'm not sure if we're willing to go that far. Certainly, I think the penalties should have been increased and I think there was another report that might have done that, but I can't mention that because that's not the motion pending. So the reality is why change the existing law? Yes, increase the penalties, forget that, but the Department of Labor has done a good job thus far. We've had one example of the porta-potty, but given the employer and a construction site, that may be the only thing available, unless of course, as the good Representative from Brunswick suggested, an employer wants to sit in a truck for an hour so that a person can breastfeed and then that's okay. But again, you're hurting the business, so you're going to create a situation where you're not encouraging employers to hire women and that's not what we want. That's why the flexibility exists in the law as it is. The Department of Labor has done a good job. The Attorney General, there was no testimony saying the Attorney General hadn't prosecuted one of these cases or a district attorney is also allowed under the current statute for prosecuting one of these cases. There was never an issue with that. This just simply looks to expand the Human Rights Act and create more litigation. If any of you have ever worked for a business or owned a business, if the Department of Labor calls you about something, you will respond. There's no question. I've never heard of a business not responding to the Department of Labor because there is bad consequences if you don't. So you've got an adequate agency, you've got an adequate remedy or maybe perhaps the penalty should be a little bit greater, but that's not what's before you. Do you want to expand litigation? The Minority Report said no and I would urge you to vote that way now. If not, you'll probably get another chance at this again, so take care.

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 today in opposition to the pending motion, both as a member of the Judiciary Committee and the mother of five wonderful sons, all of whom benefited from the health benefits of being breastfed. I fully support the current law that already, and I repeat, already requires the employer to provide a time and place for an

employee who is a nursing mother to express breast milk. I do support increasing fines for the violations covered in the current law that already protects breastfeeding mothers. I do not, however, support the report before us that would place breastfeeding under the Maine Human Rights Act. This would, without a doubt, open the door to a large amount of lawsuits and more clogging of the dockets of our already overburdened courts. Please join me in supporting breastfeeding and voting against the pending motion.

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 also rise concurring with my friend from Glenburn and I too breastfed four children for a total of 10 years. I was a La Leche League leader for two years and I believe that affordable health care starts with breastfeeding. We could cut costs dealing with health care for both mother and child if we encouraged more women to breastfeed effectively. But this issue is already addressed in current law through the Maine Human Rights Act. Current law requires reasonable effort which is a very subjective standard when it comes to bringing an individual action. However, Maine is already an outlier in support of breastfeeding moms. I would like to point out that Massachusetts has no law regarding breastfeeding. New Hampshire also has no law. Vermont imposes fines of \$100 for employers who violate their breastfeeding break laws. So this would indeed place Maine at yet another business disadvantage. I've said this before, there are a limited number of things over which we have control in order to protect our business environment. This is one of those opportunities. We need to find other ways to support breastfeeding women. Please oppose the pending motion and, Mr. Speaker, I'd also like to request a roll call.

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

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

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

Representative **GRAHAM**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am the sponsor of this bill and probably if you ask why, it's pretty clear. I am a pediatric nurse practitioner and I am a mom, I am a working mom, and I found it difficult to be able to breastfeed my kids for the period of time that I wanted to in a workplace setting and I worked in a pediatric office. The biggest reason I am supporting this is breastfeeding is the best, most healthy nutrition you can give your child for the first two years of their life. The American Academy of Pediatrics recommends that but most people can't get there. Most people have to get back to work and most employers, I would say, discourage you from taking the time to pump. Again, even in the pediatric practice I worked in, it was really difficult to take that time to sneak into one of the rooms, and, as I said, I was going to the dairy. But I have to point out that the time that I was most successful being able to pump and feed my child was when my youngest child, who is now 14 and I will tell you, he is the, knock on wood, healthiest child I have. My two older kids who are 21 and 23, I couldn't do that. I could not fit in being able to pump and breastfeed my kids fulltime, for them to have fulltime breastfeeding, because my job would not allow it. This bill simply gives breastfeeding mothers recourse if they are not allowed to pump or if they are in a situation that's very difficult to pump, such as taking a break from working in your restaurant. Now I know a lot of restaurateurs who are like "Come on, you get out there. You've got to do your work." Heaven forbid you take

15 minutes out of your time to be able to do this, but that's the only way one can continue to breastfeed their child. Quite honestly, this just gives a little bit of teeth to the bill and, quite honestly, if you were a mom and you were trying to continue to breastfeed your child, you would be afraid to complain. This gives you a way to have some recourse and if you were fired, you have recourse. That's all this is going to do, and I strongly support this bill and the motion on the floor. Thank you very much.

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

Representative **DeCHANT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise to support the Ought to Pass motion. As a member of the Judiciary Committee, when we heard this bill, I remember it distinctly. It was an afternoon where it conjured up everyone's pregnancy stories, birthing stories, breastfeeding stories. It made me a little uncomfortable. But at the bottom of the story and the bottom of the premise of the bill, I believe, is that, right now, making sure that the nursing mother has access to suitable accommodations. Right now, the outlet is to go to DOL, the Department of Labor, and raise a complaint and then the best thing that could happen would be a fine would be leveraged against the employer which, in my opinion, would create more animosity between the employer and the employee. This, moving the bill or moving to the Humanities Commission is what was said earlier, is actually is just a mechanism, a recourse, to actually troubleshoot, to have a dialogue, to be able to solve a problem that's temporary in nature, unless it, of course, goes on for years, in which, I don't know, breastfeeding isn't that long. It's got to be a suitable solution. It's got to be a suitable situation. I recall the story of the porta-potty nursing a little bit differently than my colleague does in the sense that it was the only option, whereas a truck with some shades pulled down on it or coats put over it would be far more accountable on a hot day than a porta-potty, given the choice. But basically it comes down to, and I encourage you to follow the vote, when it comes down to it, if you have a problem or if you think that your conditions are not reasonable, you go to DOL and get a fine. Well, you can keep your fine. I want to be able to have an accommodation appropriate to my place in life and nursing the child at that time of life, and so I encourage you to vote Ought to Pass. Thank you.

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

Representative **LOCKMAN**: Mr. Speaker, may I pose two questions through the Chair?

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

Representative **LOCKMAN**: First, if we pass LD 777, will this create a new protected minority classification under the Maine Human Rights Act, and secondly, are there any other states that have such a provision in their Human Rights Act? Thank you.

The **SPEAKER**: The Representative from Amherst, Representative Lockman, has posed a question through the Chair to anyone who may care to respond. Seeing none, the Chair recognizes the Representative from Norridgewock, Representative Dorney.

Representative **DORNEY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise to support the current motion. Statistics say that 70 percent of mothers with children now are in the workforce, and we have more and more women who are the main supporters of their family. I have had several patients recently who their husbands were out of work. One had to go back to work at three weeks postpartum because they needed the money for their family. One of the most important things to reduce health care costs is to maintain

breastfeeding and I think that this law will help quite a bit. I would encourage you to support the bill. Thank you.

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

Representative **MONAGHAN-DERRIG**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I also rise in support of this bill as a member of the Judiciary Committee and a working mom. Now, then, I can tell you that I worked for a company and in one year there were five women on my floor that had babies and I was one of them. We worked for a very large trashow company. We travelled all through the world and also through the United States, and you can bet they did their work in providing reasonable accommodations for us. If they hadn't, I'm sure they would have heard about it or heard from us. Many of us had to travel while we were nursing our babies and we didn't bring the babies with us, but you still had to do the nursing part or have a place to go, so we were able to do that. I feel very fortunate to have worked for that company, so I know what it's like to have been provided workplace accommodations, and when I hear those stories of situations where women are not having these accommodations or they fear for their job if they do complain about not having accommodations, I think that sets a bad tone for working women in Maine and I do hope that you will vote to accept the Majority Ought to Pass on this bill. 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 to answer the question for the good Representative from Amherst. If this bill was to pass, which I do not favor, this would create a new protected minority classification under the Maine Human Rights Act.

The SPEAKER: The Chair recognizes the Representative from Cumberland, Representative Moriarty.

Representative **MORIARTY**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I was on the majority side at the committee on this bill. I find it incongruous for us to acknowledge the many beneficial effects of breastfeeding and yet on the other hand to question whether or not the nursing mother ought to be entitled to the full protections of the Maine Human Rights Act when she elects her option or right to do so. The existing remedies are insufficient and they do not promote the greatest goal of breastfeeding in the most efficacious manner on the job site. Whether or not this makes us an outlier is of very little concern to me. It is clearly the appropriate thing to do and I urge passage of the Majority Report.

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

#### ROLL CALL NO. 224

YEA - Beavers, Beck, Berry, Boland, Briggs, Brooks, Campbell J, Carey, Casavant, Cassidy, Chapman, Chenette, Chipman, Cooper, Daughtry, DeChant, Devin, Dickerson, Dill, Dion, Dorney, Evangelos, Farnsworth, Fowle, Frey, Gattine, Gideon, Gilbert, Goode, Graham, Grant, Hamann, Harlow, Hayes, Hickman, Hobbins, Hubbell, Jones, Kaenrath, Kent, Keschl, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby N, Longstaff, Luchini, MacDonald W, Maker, Marks, Mason, Mastraccio, McCabe, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, Nelson, Noon, Peoples, Plante, Powers, Priest, Pringle, Rankin, Rotundo, Russell, Rykerson, Sanborn, Saucier, Saxton, Schneck, Shaw, Short,

Stanley, Stuckey, Theriault, Tipping-Spitz, Treat, Verow, Villa, Welsh, Werts, Winchenbach, Mr. Speaker.

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

ABSENT - Beaudoin, Bolduc, Cotta, Herbig, Jorgensen, Newendyke, Peterson, Rochelo, Turner.

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 Report was ACCEPTED.**

The Bill was **READ ONCE.**

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED** and sent for concurrence.

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By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH** with the exception of matters being held.

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

Representative **DUNPHY**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. In reference to Roll Call No. 26, LD 1348, 5 June, I inadvertently punched the wrong button and I intended to vote yes. I'd like that on the record please.

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

Representative **JONES**: Thank you, Mr. Speaker. Regarding LD 1302, had I been present, I would have voted yes. On Roll Call No. 206, I would also like the record of the House to show that in regards to my comments to fellowship yesterday, I would like to strike the words "call out" and replace them with the word "challenge."

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The House recessed until 2:00 p.m.

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(After Recess)

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The House was called to order by the Speaker.

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

**UNFINISHED BUSINESS**

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

HOUSE DIVIDED REPORT - Majority (9) **Ought Not to Pass** - Minority (4) **Ought to Pass as Amended by Committee Amendment "A" (H-294)** - Committee on **JUDICIARY** on Bill "An Act To Further Protect Pregnant Women under the Maine Human Rights Act"

(H.P. 581) (L.D. 830)

TABLED - June 4, 2013 (Till Later Today) by Representative **PRIEST** of Brunswick.

PENDING - Motion of same Representative to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

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

Representative **PRIEST**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I want to tell you briefly why the Majority Report was at this Ought Not to Pass, and let me read to you the summary of the bill. "This bill provides that it is unlawful employment discrimination under the Maine Human Rights Act for a covered entity" – meaning an employer – "to fail to provide an employee who is pregnant the same reasonable accommodations applicable to a qualified individual with a disability." So it seems to me that so much says that you better treat a pregnant person as if they have a disability or you are violating the Human Rights Act. When this was discussed at our committee, the number of the women who were there said, "Wait a minute, we have worked and worked and worked to get pregnancy not declared a disability so that we could not have an employer tell a person who was pregnant in the seventh month that 'I'm sorry, you've got to leave because you can't do the job' without being able to show that she can't do the job."

Let me tell you what the present law is and it's a little complicated, but we'll take it a step at a time. Present law says "Pregnant women who are able to work. It shall be unlawful discrimination and violation of this Act" – the Human Rights Act – "except where based on a bona fide occupational qualification, for an employer, employment agency or labor organization to treat a pregnant woman who is able to work in a different manner from other persons who are able to work." To me, that means pregnancy is not a disability. If she is able to work, you need to treat her in the same way as you treat anybody else who is able to work.

"It shall also be unlawful employment discrimination in violation of this Act" – again, the Human Rights Act – "except where based on a bona fide occupational qualification, for an employer, employment agency or labor organization to treat a pregnant woman who is not able to work because of a disability or illness resulting from pregnancy, or from medical conditions which result from pregnancy, in a different manner from other employees who are not able to work because of other disabilities or illnesses." So if the pregnancy brings about a medical condition which says you are not able to work, then you have to give them the same benefits you would give anybody else who was not able to work because of a similar medical condition. That seems to me to cover up the situation. I have a difficult time with the bill because it sort of implies that yes there is a pregnancy disability, even though the person is able to work. I have a difficult time with that because it seems to me that sometimes that's true, sometimes that's not, and the bill itself, I think, will detract from saying a woman who can work who is

pregnant should be able to work up to the ninth month if she can do it. It's her choice as to whether to do that, provided she can perform the job. So I don't think this bill is necessary and I would ask you to vote for the Ought Not to Pass. Thank you.

Subsequently, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

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HOUSE DIVIDED REPORT - Majority (11) **Ought Not to Pass** - Minority (2) **Ought to Pass as Amended by Committee Amendment "A" (H-310)** - Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Establish Minimum Fuel Economy Standards for State Vehicles"

(H.P. 766) (L.D. 1073)

TABLED - June 4, 2013 (Till Later Today) by Representative **GRAHAM** of North Yarmouth.

PENDING - Motion of same Representative to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

Subsequently, on motion of Representative **BERRY** of Bowdoinham, **TABLED** pending the motion of Representative **GRAHAM** of North Yarmouth to **ACCEPT** the Majority **Ought Not to Pass** Report and later today assigned.

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SENATE DIVIDED REPORT - Majority (11) **Ought to Pass as Amended by Committee Amendment "A" (S-153)** - Minority (2) **Ought Not to Pass** - Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Amend the Androscoggin County Charter"

(S.P. 366) (L.D. 1084)

- In Senate, Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-153)**.

TABLED - June 5, 2013 (Till Later Today) by Representative **GRAHAM** of North Yarmouth.

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

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

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

The **SPEAKER**: The Chair recognizes the Representative from Sabattus, Representative **WOOD**.

Representative **WOOD**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. What this bill is, is to fix a problem that occurred because a lawyer submitted the wrong paperwork when we voted on the county charter and this is just to fix that. The lawyer submitted a rough draft instead of the final draft. This bill was just to fix that, so please support this bill.

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

Representative **LIBBY**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. This bill that we have before us boils down the three essential changes needed to implement the new county charter. It is supported by the entire Androscoggin County Commission as well as both sides of the Androscoggin County Delegation, and we ask you to vote in favor of the pending motion.

The **SPEAKER**: The Chair recognizes the Representative from Winthrop, Representative **HICKMAN**.

Representative **HICKMAN**: Mr. Speaker, I don't believe that we have internet access right now, so I can't read what I am



supposed to be voting on.

The SPEAKER: Are there other members whose internet access is down? Can we get a couple of head nods?

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

Representative **GRAHAM**: Thank you, Mr. Speaker. Just briefly, I just would direct your attention, once you do get the Paperless Chamber back up and you have it, to the amendment. That replaces the bill and it explains what transpired with this bill. This bill was worked several times by the State and Local Government Committee and I want to thank the good Representative from Lewiston, Representative Libby, for helping get this put into shape, but there was an error in the original charter revision that went before the voters, but that has been cleared up. I just would urge you to look at the summary. It explains what this is so you all understand. Again, Representative Libby did make sure the entire Androscoggin County Delegation was aware of this and they are behind this, and, please, I encourage you to support the Majority Ought to Pass as Amended.

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. 225**

YEA - Ayotte, Beaulieu, Beavers, Beck, Bennett, Berry, Black, Bolduc, Briggs, Campbell J, Campbell R, Carey, Casavant, Cassidy, Chapman, Chase, Chipman, Clark, Cooper, Cotta, Crafts, Cray, Crockett, Daughtry, Davis, DeChant, Devin, Dickerson, Dill, Dion, Doak, Dorney, Dunphy, Duprey, Espling, Evangelos, Farnsworth, Fitzpatrick, Fowle, Fredette, Frey, Gattine, Gideon, Gilbert, Gillway, Goode, Graham, Grant, Guerin, Hamann, Harlow, Harvell, Herbig, Hickman, 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 W, Maker, Malaby, Marean, Marks, Mason, Mastraccio, McCabe, McClellan, McElwee, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau A, Nadeau C, Nelson, Newendyke, Noon, Nutting, Parry, Pease, Peoples, Plante, Pouliot, Powers, Priest, Pringle, Rankin, Reed, Rochelo, Rotundo, Russell, Rykerson, Sanderson, Saucier, Saxton, Schneck, Shaw, Short, Sirocki, Stanley, Theriault, Timberlake, Tipping-Spitz, Treat, Tyler, Verow, Villa, Volk, Wallace, Weaver, Welsh, Werts, Willette, Wilson, Winchenbach, Winsor, Wood, Mr. Speaker.

NAY - Boland, Chenette, Hayes.

ABSENT - Beaudoin, Brooks, Gifford, MacDonald S, Peavey Haskell, Peterson, Sanborn, Stuckey, Turner.

Yes, 139; No, 3; Absent, 9; Excused, 0.

139 having voted in the affirmative and 3 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" (S-153)** 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-153)** in concurrence.

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

HOUSE DIVIDED REPORT - Majority (11) **Ought Not to Pass** - Minority (2) **Ought to Pass as Amended by Committee Amendment "A" (H-310)** - Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Establish Minimum Fuel Economy Standards for State Vehicles"

(H.P. 766) (L.D. 1073)

Which was **TABLED** by Representative BERRY of Bowdoinham pending the motion of Representative GRAHAM of North Yarmouth to **ACCEPT** the Majority **Ought Not to Pass** Report.

The SPEAKER: The Chair recognizes the Representative from Kittery, Representative Rykerson.

Representative **RYKERSON**: Thank you, Mr. Speaker. I rise in opposition to the motion. Men and Women of the House, all life on earth exists in a thin layer from the bottom of the ocean to several miles in the air, and that's a very thin layer and that's called the biosphere. If the earth was the size of an apple, the biosphere would be as thin as its skin, all life on earth in that layer. The air is part of that biosphere, and in my lifetime, the amount of carbon dioxide in the air, when I was born in 1950, was 300 parts per million. It's now 400 parts per million. When infrared from the sun goes to the carbon dioxide, it turns to heat and gets trapped, and that's called the greenhouse effect, and we are seeing the effects of that effect and it's dangerous. When asked if there was still time to prevent the catastrophic effects of global warming, the well-known futurist, Dana Meadows, said, yes, there is just enough time, if we start right now. That was four years ago. Automobiles are not only the source of one-third of the carbon dioxide emissions in Maine, they are also the largest emitter of ozone. This bill requires that state vehicles purchased by the state not only meet federal fuel standards but exceed them. Less fuel means less pollution, less global warming and less operating expenses, and just in time, we have new technology, new plugin electric vehicles, and luckily, in Maine, we have a very high share of electrical generation from renewable resources. These vehicles also have a gasoline backup in case the batteries go down. We find that the market transformation to electric vehicles is much easier if fleets, rather than individuals, start this transformation. If we look at the lifecycle costs of plugin vehicles, they are less expensive than standard cars when their gas costs exceed about \$2.30 per gallon, and when did that happen? I think it's safe to say that this bill is a money saver. The majority of my colleagues voted Ought Not to Pass for this bill and I respect that and I respect the people that had problems with it, who had to administer it, but I would only say that we do have a way to deal with those concerns. Other states and cities have already started to move to electric vehicles, so I am asking that you vote red on the Ought Not to Pass Report so that we have an opportunity to take the lead on clean energy in Maine. We have a choice to power our state vehicles with homegrown, inexpensive renewable electricity or dirty imported fossil fuels. Please vote no on this motion, thank you, and I respectfully request a roll call.

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

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

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

Representative **GRAHAM**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise to explain something and that is that I am on the Minority Report of this bill. I did bring the Majority Report in respect of my committee. It was only two individuals, myself and Representative Bolduc, on the Minority Report. I also want to thank the good Representative

from Kittery for bringing this bill before us. Unfortunately, there were significant hurdles that the Department saw in relation to this, but it is certainly an idea that we need to pay attention to and listen to and move on in the future. You will see that I will not support the Ought Not to Pass, but again, our committee did support the Majority Ought Not to Pass. Again, thank you Representative Rykerson for bringing a bill that we really should be paying attention to. Thank you.

The SPEAKER: The Chair recognizes the Representative from Boothbay, Representative MacDonald.

Representative **MacDONALD**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise to speak briefly against the pending motion and would only bring to you my own personal experience. This past November, I decided to take the leap and buy a plugin Prius hybrid. Some people have said to me "Oh, you're trying to do something for the environment." I said, "You've got that all wrong. I'm trying to do something for my wallet." I travel 38 miles each way to the House. I get 84 miles to the gallon with my Prius. That's an incredible savings to me, not only in coming to work, but it will be over the years. I think it makes just great economic sense for us personally to move towards these hybrid vehicles, but I think it makes even more sense spending scarce tax dollars that we give state drivers who have to drive around in state cars the most economical possible cars. My lease, I leased this car. It's \$300 a month. That tells you that it's in the affordable range. It's not an elitist car by any means. People can afford it. It takes 3 kilowatt hours to charge it up. That's 14¢ a kilowatt hour. What's that, 42¢ to charge it up, so it cost me 42¢ in electricity for that part of my trip. So far it's been, I think, a great economic saver for me. I know it will continue to be and I would plead with you to vote red on the current motion and get us to the Minority, which would let the state take a look at how we could save some money by going to this sort of vehicle. Thank you, Mr. Speaker.

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

Representative **McGOWAN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to the pending motion in support of my good colleague from Kittery. As any large institution knows, that when the new possibilities show up, one of the things you need to do is begin. In this case, this is an opportunity for the state to begin to incorporate this kind of opportunity into our fleet, to learn about how to service, how to manage and how to support this advance. So I encourage you to vote red and to support my colleague. Thank you.

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

Representative **DORNEY**: Mr. Speaker, may I pose two questions through the Chair?

The SPEAKER: The Representative may pose her questions.

Representative **DORNEY**: Thank you, Mr. Speaker. I just want to pose two questions, maybe somebody can answer. One is are there places that you can plug in these vehicles around the State House, so if we got a plugin vehicle we could actually plug them in? Are the vehicles available that the state needs for their fleet? Thank you.

The SPEAKER: The Representative from Norridgewock, Representative Dorney, has posed two questions through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Kittery, Representative Rykerson.

Representative **RYKERSON**: Thank you, Mr. Speaker. In answer to the questions, there are several hundred vehicles bought by the state every year. Many of them are passenger

vehicles. This bill would not include emergency vehicles. There are two plugin stations near the State House, but essentially these vehicles can be plugged in at night with a standard extension cord so the fiscal impact would be a number of extension cords at the beginning. Thank you.

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

Representative **HAYES**: Thank you, Mr. Speaker. Mr. Speaker, Women and Men of the House. I am on the Majority Report. I encourage you to follow my light on this. We have a very competent staff at Bureau of General Services who have a very well-defined purchasing program and turn over our fleet and get rid of it and manage it very adequately. We looked at this. We looked at it several different ways and found that this was not either timely or necessary at this point because of the economic way that fleet is being managed. We were not capricious. We are not putting our heads in the sand by not supporting this. We simply looked at the big picture and looked at the folks that were managing and did not feel that this directive was appropriate at this point in time, and part of this is our budgetary considerations, because we deliberated on this part of the budget as well. So there is going to be a cost in doing this that we are not prioritizing at this time. We don't have the money to fund it and we are trying to manage our fleet in a way that is as cost effective as we can do at this point in time. I would ask you to follow the majority of the committee members and in favor of this pending motion. Thank you.

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

Representative **DICKERSON**: Thank you, Mr. Speaker. I just want to clarify this and perhaps if the bill sponsor wishes to chime in. I am reading the amendment summary of the bill and it does answer some of the questions that were asked by some of the previous speakers. It seems that beginning annually, July 11, 2014, 10 percent of newly acquired passenger motor vehicles of the state, excluding emergency vehicles, must be plugin electric or hybrid electric vehicles. So it appears that as vehicles need to be replaced, only 10 percent of them would either be plugin, which means the plugin kind, or else hybrid electric. I am also seeing that there is an exclusion for vehicles over a 6,000 pound weight and also for more of the commercial heavy duty vehicles. So if I have that right, then enough said. But if I don't have that right, perhaps the bill's sponsor could clarify that for us. 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. 226

YEA - Ayotte, Beaulieu, Bennett, Black, Boland, Campbell J, Campbell R, Casavant, Chase, Chenette, Clark, Cotta, Crafts, Cray, Crockett, Davis, DeChant, Doak, Dunphy, Duprey, Espling, Fitzpatrick, Fowle, Fredette, Gifford, Gillway, Grant, Guerin, Harvell, Hayes, Jackson, Johnson D, Johnson P, Keschl, Kinney, Knight, Kumiaga, Libby A, Lockman, Long, Longstaff, Luchini, Maker, Malaby, Marean, Marks, McClellan, McElwee, Nadeau A, Nadeau C, Newendyke, Nutting, Parry, Pease, Pouliot, Powers, Reed, Sanderson, Saucier, Shaw, Short, Sirocki, Stanley, Timberlake, Tyler, Verow, Volk, Wallace, Weaver, Willette, Wilson, Winchenbach, Winsor, Wood.

NAY - Beavers, Beck, Berry, Bolduc, Briggs, Carey, Cassidy, Chapman, Chipman, Cooper, Daughtry, Devin, Dickerson, Dill, Dion, Dorney, Evangelos, Farnsworth, Frey, Gattine, Gideon, Gilbert, Goode, Graham, Hamann, Harlow, Herbig, Hickman, Hubbell, Jones, Jorgensen, Kaenrath, Kent, Kornfield, Kruger,

Kusiak, Lajoie, Libby N, MacDonald W, Mason, Mastraccio, McCabe, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nelson, Noon, Peoples, Plante, Priest, Pringle, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Saxton, Schneck, Stuckey, Theriault, Tipping-Spitz, Treat, Villa, Welsh, Werts, Mr. Speaker.

ABSENT - Beaudoin, Brooks, Hobbins, MacDonald S, Peavey Haskell, Peterson, Turner.

Yes, 74; No, 70; Absent, 7; Excused, 0.

74 having voted in the affirmative and 70 voted in the negative, with 7 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

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

SENATE DIVIDED REPORT - Majority (8) **Ought Not to Pass** - Minority (5) **Ought to Pass** - Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Repeal the Restriction on Employers Regarding Firearms Kept in an Employee's Vehicle"

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

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

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

PENDING - **ACCEPTANCE OF EITHER REPORT**.

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

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

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

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

Representative **CAMPBELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. If they don't want their employees talking in the parking lot because they have a concealed firearm for which they have a permit, and we'll just say it was an insurance company and they had 20 employees, and I had a permit and I was a customer, and I had a permit to carry a concealed, would it be all right for me to walk into the office with a loaded gun under my coat? I can't see repealing this law now because if you've got a permit to carry a firearm and you're in a parking lot, it could be a strip mall, more than one business in there, who are they to tell you, you cannot carry your firearm which you have a permit to carry?

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

Representative **PLANTE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I understand and truly appreciate the concerns brought forth by the good Representative from Newfield. I know that he and I won't necessarily agree on the matter, but the way I see this piece of legislation is we're dealing with an issue where it's one's property and being able to determine whether or not they want to have the allowance of guns on their property, and those who have a concealed carry permit, being able to bring it on to begin with. Now there was no problem before or after the implementation of this law, so what we're really at in the end here is should we allow a business to determine if they want to have a gun, concealed carry permit holding gun, are not allowed on their property? The real issue comes down to, in the end, this idea

that somehow this property is different and should be treated differently. I understand it allows public access because that's the way it can actually be a participant in commerce, but the real issue comes down to, they maintain the property, they pay the property taxes, they do a lot that they are required to already. I think that they should be allowed to determine what they want on their property, whether it be it gun or whether it be any kind of a free speech, because currently they are not forced to allow a protest to happen, but by First Amendment we are allowed to peacefully assemble and air our grievances. So I think that this is one of those concerns I see where both sides come from. I just hope you might choose to follow my light and see that maybe we should allow the property owners to determine that they do or don't want them on their property, and I think that that might be the right decision for this Legislature to take. Thank you.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative Wilson.

Representative **WILSON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Good afternoon. You know, I'm rising today in support of this motion for a couple of different reasons, but perhaps the biggest reason is because this restricts an individual's right to protect themselves. If I cannot bring my firearm and securely leave it in my vehicle while at work, I am restricted for protecting myself at any time and any place that I stop on my way to work or on my way going home from work, and I think about it for a moment. When do most of us go out and do our shopping? When do most of us go out and do whatever it is that we are going to do for the day? It's either prior to going to work or after work, and if an individual has determined that they need to protect themselves for the various reasons which individuals do all across the nation, every single day, because perhaps maybe they're a victim of domestic violence. There are hundreds of reasons. But if they've made that determination for themselves, shouldn't they have the right to protect themselves? Secondly, and my last point is, this is unenforceable. There is no way for anybody to know if I have a firearm in my vehicle at all. An employer has no right to go in and search my vehicle for any reason. Therefore, why are we going to pass a law that restricts me from doing something that is entirely unenforceable? There is no way for you to know. We've had no problems before. We've had no problems now. I suggest that we keep it exactly the way it is, allow an individual to protect themselves and let's not infringe on the Second Amendment. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Waterboro, Representative Libby.

Representative **LIBBY**: Thank you, Mr. Speaker. This is about property rights. Your body is your property. That's the first property that you obtain, your body and what other articles that you obtain, that is your property. All our rights come from property. Your own property. That employee's car does not float on the employer's parking lot, okay? It's on there, so you have to get permission to come on there. You aren't being forced to work there. That's voluntary. You choose to work there for whatever the reasons, whatever the uniform is or the hours. That's by choice, not by force. So your rights are not being taken away, you are choosing to be there. What rights are being taken away is us telling what the employers can and cannot do. That's the property here. That's the right. It is their property, not any of ours or any of theirs. Property rights come from property. That's where you obtain your rights. This is not a Second Amendment issue. This is us telling property owners what they can and cannot do, like we do so often in this body. Again, Mr. Speaker, you'll have to pry this red button out of my cold, dead hand.

The SPEAKER: The Chair recognizes the Representative from Pittston, Representative Marks.

Representative **MARKS**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. For me, this is a public access, a right of way issue. If you are operating under suspension in a public parking lot, like say a Wal-Mart, you are in a public way. It's the same as if you are on the road in front of it. You are subject to all those laws. If somebody had a concealed weapons permit and they went into that public place, they are all good. This bill would change it to prevent an employee from being able to. A public person could, an employee couldn't. I don't think that's right. Thank you, Mr. Speaker.

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

Representative **SANDERSON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I have to agree with the good Representative Libby. It is a property issue and the highest court in this land has said that the inside of our vehicles is an extension of our personal property. What we carry in those vehicles is our right to do. It is our business. An employer most certainly has the right to say, "You may not bring a firearm into our business. You may not bring a firearm outside your vehicle." But inside that vehicle, that is an extension of our personal property and if someone were not allowed to have that in their vehicle while during their hours of work, essentially what you are doing is extending the employer's personal property rights all the way to my doorstep. Thank you.

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

Representative **TYLER**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This is a personal property issue. With today's society, everyone in here knows somebody who travels to work 10, 20, 30, even 50 miles each way. I travel 54.5 miles just to get to this body. Somebody should have that right to secure a firearm in their vehicle if they have the permit to do that. Security is of upmost importance to many, many people and they need that security to travel. I hope we support this Ought Not to Pass and let it go. Thank you.

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

Representative **SIROCKI**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I refer to a document that we all swore an oath to uphold, the Constitution of the United States and the Constitution of the State of Maine, and I read from section 16 seventeen simple words. "Every citizen has a right to keep and bear arms and this right shall never be questioned." Thank you.

Subsequently, Representative **FREDETTE** of Newport **WITHDREW** his **REQUEST** for a roll call.

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

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 **ACCEPT** the Majority **Ought Not to Pass** Report.

The Chair ordered a division on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

A vote of the House was taken. 83 voted in favor of the same and 42 against, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

Bill "An Act To Require Firearms Used in the Commission of Certain Acts To Be Civilly Forfeited to the State and Destroyed" (H.P. 497) (L.D. 724)

- In House, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-183)** on May 16, 2013.

- In Senate, **PASSED TO BE ENGROSSED in NON-CONCURRENCE.**

TABLED - June 4, 2013 (Till Later Today) by Representative **DION** of Portland.

PENDING - **FURTHER CONSIDERATION.**

Subsequently, the House voted to **RECEDE AND CONCUR.**

HOUSE DIVIDED REPORT - Majority (10) **Ought Not to Pass** - Minority (3) **Ought to Pass as Amended by Committee Amendment "A" (H-289)** - Committee on **INLAND FISHERIES AND WILDLIFE** 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)

TABLED - June 3, 2013 (Till Later Today) by Representative **BERRY** of Bowdoinham.

PENDING - Motion of Representative **SHAW** of Standish to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report. (Roll Call Ordered)

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 rise in support of the Majority Report; however, I do so more out of the sense of wanting to get along and go along, so to speak. But I actually would prefer that we all support the Minority Report and the reasons that are, in the committee, in the hearing, the Chief of the Micmac presented the case for an expanded regime where he would share with the state hunting, fishing and wildlife management roles. That met with serious opposition. The alternative is, as represented by the Minority Report, which is simply a total change of title, which goes from the one that is posted there to "An Act Regarding Moose Hunting by the Aroostook Band of Micmacs and the Houlton Band of Maliseet Indians" and what this does, for this season, is provide 12 moose for each tribe respectively. That is a significant change from what was initially proposed, which would have meant that every member of the tribe be granted a moose permit, and that was obviously unacceptable. This is on the total opposite end of the scale. We submitted it as most reasonable for this season, that for ceremonial and distance purposes, that the community permit the two tribes in the far north to have 12 moose permits per tribe, and that this can happen this season rather than what I understand the sentiment to be in the committee which is very good, but to put this over. I would argue that there is no real basis for putting over what seems to be ultimately what we're all going to agree to as a modest allocation of moose permits, but I just would argue that there is no real basis to put it off for two seasons when we have a season that is coming up. The main reason is, as argued by Chief Getchell, of the Micmac, and by myself in committee, is that this opens up an opportunity to access a resource that is very healthy for us. This traditionally goes to our sense of who we are to hunt moose, and we would very much appreciate you rather than supporting the Majority Report, that instead you not support it, but that you instead support the Minority Report which, again, is a change of title. It goes just to the moose permits. It does not deal with fishing. It does not deal with wildlife management. It's also in the context of an increasing moose population. It's also in the context of the

same committee granting very reasonable allocations to the sporting camps. I believe there were 90 moose permits granted to the sporting camps. There were also moose permits allocated to other user groups. We appreciate all of that and we don't want to compare, but our request is even less than that. We would appreciate your support for the Minority Report and ask that you oppose the Majority Report. Thank you very much.

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

Representative **SHAW**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I'd like to agree with my good friend from the Houlton Band of Maliseets, Representative Bear, and ask that you Accept the Majority Ought Not to Pass on this bill. As you can see, in section 1, the bill originally asks that all members of the Tribe of the Aroostook Band of Micmacs would receive a moose permit in excess of the permit allocation, which was recommended by the wildlife biologist. Section 2 goes on to change sections of the Land Claims Settlement Act. That wasn't something that the committee thought we should dive into at this point; however, we did talk about ways that we could get some moose permits for the two tribes, the Aroostook Band of Micmacs and the Houlton Band of Maliseets, and I did promise that I would certainly help next year with a bill in ways that wouldn't affect the biology. One way that we thought of was maybe get some participation in the depredation hunt in some farms up in Aroostook County, which is where these two tribes are generally located. So we didn't want to just pass that at this time without having a public hearing, that's why I offered my help for next session, and I hope you all support the Majority Ought Not to Pass Report. Thank you very much, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Fairfield, Representative Kusiak.

Representative **KUSIAK**: Thank you, Mr. Speaker. I rise to support the Minority Report and urge people to vote against the pending Majority Ought Not to Pass Report. Representative Bear is absolutely correct. This was much more an indigenous people's rights bill than it is a hunting bill. Furthermore, I do not think that awarding the 24 tickets to hunt that we are talking about is going to have an impact on the moose population because next year we are awarding many more permits, and actually as Representative Bear stated, there is a bill that is coming before us that will allow hunting camps to receive some bills. So I see this as a very, very, very minor impact on the moose population. I urge you to vote this down and I would like to move the Minority Report if we do. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative **McGOWAN**: Could someone please clarify what the request of the Minority Report is? I had a very different understanding from listening to Representative Bear and Representative Shaw.

The SPEAKER: The Representative from York, Representative McGowan, has posed a question through the Chair to anyone who may care to respond. 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. There is an answer to the question from the member. A change of title with the one that is posted being changed to the other that I referred to again in my presentation, which is merely "An Act Regarding

Moose Hunting by the Aroostook Band of Micmacs and Houlton Band of Maliseets" and the difference between the two is significant in that in the summary of the latter, the amendment, which is the Minority Report of the Joint Standing Committee of Inland Fisheries and Wildlife, strikes the bill and replaces it with provisions that require the Commissioner of Inland Fisheries and Wildlife to issue 12 moose hunting permits to the Aroostook Band of Micmacs and 12 moose hunting permits to the Houlton Band of Maliseet Indians for sustenance or commercial tribal use by members of those tribes. I trust that answers the question, Mr. Speaker.

The SPEAKER: A roll call having been previously 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. 227**

YEA - Ayotte, Beaulieu, Beck, Bennett, Berry, Black, Bolduc, Briggs, Brooks, Campbell J, Campbell R, Carey, Chase, Clark, Cooper, Crafts, Cray, Crockett, Davis, Devin, Dion, Doak, Dorney, Duprey, Espling, Fowle, Fredette, Frey, Gattine, Gifford, Gilbert, Gillway, Goode, Graham, Grant, Guerin, Harvell, Hayes, Herbig, Hobbins, Hubbell, Jackson, Johnson D, Johnson P, Jorgensen, Kaenrath, Keschl, Kruger, Kumiega, Lajoie, Libby A, Libby N, Lockman, Long, Luchini, MacDonald W, Maker, Malaby, Marean, Marks, Mason, Mastraccio, McCabe, McClellan, McElwee, McLean, Monaghan-Derrig, Morrison, Nadeau A, Newendyke, Noon, Nutting, Parry, Pease, Peoples, Plante, Pouliot, Powers, Priest, Rankin, Reed, Rochelo, Rotundo, Rykerson, Sanborn, Sanderson, Shaw, Short, Sirocki, Theriault, Timberlake, Treat, Tyler, Volk, Wallace, Weaver, Welsh, Werts, Wilson, Winchenbach, Winsor, Wood, Mr. Speaker.

NAY - Beavers, Boland, Casavant, Cassidy, Chapman, Chenette, Chipman, Daughtry, DeChant, Dickerson, Dill, Evangelos, Farnsworth, Fitzpatrick, Gideon, Hamann, Harlow, Hickman, Jones, Kent, Kinney, Kornfield, Kusiak, Longstaff, McGowan, Moonen, Moriarty, Nadeau C, Nelson, Pringle, Russell, Saucier, Schneck, Stanley, Stuckey, Tipping-Spitz, Verow, Villa, Willette.

ABSENT - Beaudoin, Cotta, Dunphy, Knight, MacDonald S, Peavey Haskell, Peterson, Saxton, Turner.

Yes, 103; No, 39; Absent, 9; Excused, 0.

103 having voted in the affirmative and 39 voted in the negative, with 9 being absent, and accordingly the Majority **Ought Not to Pass Report was ACCEPTED** and sent for concurrence.

An Act To Inform Persons of the Options for the Treatment of Lyme Disease

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

(C. "A" H-184)

TABLED - June 5, 2013 (Till Later Today) by Representative BERRY of Bowdoinham.

PENDING - **PASSAGE TO BE ENACTED.**

Subsequently, on motion of Representative CAREY of Lewiston, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION.**

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

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

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment**

**"A" (H-184) was ADOPTED.**

The same Representative **PRESENTED House Amendment "B" (H-378) to Committee Amendment "A" (H-184)** which was **READ** by the Clerk.

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

Representative **CAREY**: Thank you, Mr. Speaker. Mr. Speaker, I want to start and note that I rise with a certain amount of sorrow of moving to amend this bill. The Representative from Mexico and I entered the chamber at the same time in an off year, and with the Representative from Greenville, have always shared a certain infinity because of that and respect her work on this bill. When I voted last week, I voted based on the floor conversation which was about the website and that the Center for Disease Control should essentially curate the website to make sure that other information was available. I voted based on an experience that my wife had had with Lyme. The summer before we were married, she was incredibly lucky. It's almost definitely that we caught it within seven days after she was infected and we happened to have a doctor, our family physician, who had just had it herself, who was very aware of the literature and had a certain amount of skepticism for the conventional opinion. The treatment was incredibly difficult and ended up having an escalated series of antibiotics, until she really was essentially out of commission for the summertime before our wedding and ended with, the week before, an eight-hour trip to see a specialist in Massachusetts. That experience led me to really respond to the debate the other day and to agree that the website should be included to have alternative use because I believe the signs as uncertain. I am sorry to say that I hadn't read the bill and I hadn't understood that there was a first section as well, and that's what this amendment would do, was to strip the first section. It would allow the website that we had the debate over to remain and it would strip the section that would lay out certain things that a doctor or other provider must say in the event of a negative Lyme test. It doesn't speak to false positives. There are some concerns that I have and I guess the broader concern that I want to share today, the conversation between a medical provider and a patient is one that we have no business being a third party to. I want to share one of the most difficult conversations that I have had with a provider to illustrate why it is entirely not our role.

My wife and I were 35 when she became pregnant with our first child, and about two years ago, right around this time, she tested positive for Down's syndrome, so we scheduled a two-week follow-up ultrasound and before we went, we were to meet with a genetic counselor. That two weeks was the hardest of our life. My wife was horribly sick, we were scared and we didn't know what our lives would become after our baby was born. We met with that provider who was wonderful. She understood where we each were, and we each approached it in a very different way. As many of you in the chamber could probably understand, I had a certain amount of skepticism and needed to interrogate, I guess I should say, the provider. I had questions from my limited understanding of genetics, of statistics and what the probability was of how this interacted with a hormonal test early in the pregnancy that had a very similar footprint to this test. I was asking questions because I was scared and because I didn't want to accept what we might find when we did the ultrasound. The provider understood that and my wife had a very different approach that was totally within where she was, which was listening to her, listening to me become comfortable with what we needed to become comfortable with to begin, and she needed to know that she could trust the provider. She came at it in a very different way. I am very thankful that the provider that we were speaking to knew not just the science and the body of

work that she was presenting, but understood the importance of connecting with each of us as patients, figuring out where we were and helping the conversation get to a place where we were ready to find out whatever it was that it would show. I have great respect for the other 150 other of you, but our judgment has no business in that room or in any other room between a provider and a patient. It is from that place that I offer this amendment and ask that you follow my light. Thank you, Mr. Speaker.

Representative **BRIGGS** of Mexico moved that **House Amendment "B" (H-378) to Committee Amendment "A" (H-184)** be **INDEFINITELY POSTPONED**.

The same Representative **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "B" (H-378) to Committee Amendment "A" (H-184)**.

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 Mexico, Representative Briggs.

Representative **BRIGGS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I'd like to make a few points regarding the current motion. A *Reader's Digest* book was opened recently and flipped to a page with an ad for a medication such as a diabetic drug. The one page ad was followed by five pages of discussing how to use that drug and its side effects of warnings of what could go wrong by using this drug, the patient's right to know. If you go to the dentist for a specific procedure, the doctor presents information to the patient on what could go wrong, the patient's right to know. If you need surgery, you are presented with documents to sign acknowledging you have been notified of what could be wrong. Again, the patient's right to know. What this bill is asking for is that the medical provider be the one to deliver the important message that the blood test may be faulty. Again, the bill reads as follows: In section 1, 2., "Every health care provider that orders a laboratory test for the presence of Lyme disease shall inform the patient that a negative result for a Lyme disease test does not necessarily mean that Lyme disease is not present and that if symptoms continue, the patient" – I repeat, the patient – "should contact a health care provider and inquire about the appropriateness of retesting or additional treatment." If you get a false positive, in a sense that's a good thing. You do not have Lyme disease. That's it, Mr. Speaker, and Ladies and Gentlemen of the House. This bill does not tell the medical provider how to treat their patients. We are not legislating standard of care. It informs the patient of their right to know regarding the test results. Again, the responsibility falls on the patient to contact a health care provider and inquire about the appropriateness of retesting or additional treatment. We are not blazing a new trail with this bill. Yes, it's another script the medical providers need to express to the patient, but sometimes the subject matter is that important that this cannot be overlooked or left undone, and with all due respect to the medical professionals, sometimes it is left undone. What is the best interest of the patient? The patient's right to know, to make the best possible decisions going forward in their course of treatment. Informed consent is one of the pillars of a doctor/patient relationship. It is critical that physicians and patients alike have ready access to all the information available to make and participate in making decisions. This has been evident in other diseases. Consider breast cancer. The State of Maine saw fit to pass regulations, specifics for breast cancer, informed consent, and ordered to ensure that patients were informed of all treatment options. It did not rely on the general informed consent guidelines. Medical practitioners are required to present all treatment options, regardless of their personal,

even expert opinion, as to which option is best. I have here in my possession the *Physician's Guide to Maine Law, 2012*, published by the Maine Medical Association. In here, thus far, there were approximately 10 locations where either the medical provider or hospital is directed to follow-through with some type of directive. You're telling me we couldn't add one more for the benefit of people being tested for Lyme disease? The number of patients who feel they have not been similarly sufficiently informed concerning Lyme disease diagnosis and treatment demonstrates the need for a similar specific action in this case. According to the Maine CDC website, Lyme disease should be a clinical diagnosis. What are the consequences and ramifications by not informing the patient? Delayed diagnosis, becoming chronically infected, years of suffering, extremely high costs to the health care system. The longer this remains untreated, the bacteria will disseminate throughout the body. It has the ability to invade all the organs, soft tissue, joints and the brain. It becomes complicated and expensive to treat. It is to my understanding that the test has a 51 percent accuracy.

Ladies and gentlemen, you may recall, last week, we recognized a mother and daughter in the gallery. Lisa Jordan and her daughter Sally. Sally is 12 years old and has chronic Lyme disease. A recent email from Sally's mother concerning her daughter's schooling reads as follows:

The cost that this puts on the school system is a burden for the taxpayers. Three out of four children in our school that have Lyme disease, that went undiagnosed for years, now have 504 plans. The sad thing is these children never needed any accommodations before. These children are tutored, due to the fact that they cannot attend school because of their debilitating systems. This costs money. My daughter qualified for both a 504 and an IEP, due to what the Lyme did to her eyesight and cognitive ability. The 504 plan accommodations are paid at the local level. As for the IEP, this is paid by the state. Funny thing is, now that my daughter has been on medication for her Lyme disease, she no longer qualifies for special ed or a 504 plan. Go figure. How many other kids are receiving services due to similar symptoms and really have Lyme disease? My school system had to pay for a tutor four days a week for two hours a day for seven months, plus she attended summer services to get caught up on work missed due to illness. Signed, Lisa Jordan.

Ladies and gentlemen, all that is being asked is that, again, every health care provider that orders a laboratory test for the presence of Lyme disease shall inform the patient that a negative result for the Lyme disease test does not necessarily mean that Lyme disease is not present and that if symptoms continue, the patient should contact a health care provider and inquire about the appropriateness of retesting or additional treatment. Is that too much to ask from our medical providers? With all my heart and soul, I don't believe it is. I respectfully ask that you please vote to Indefinitely Postpone the pending motion and continue to support the Majority Report, Committee Amendment "A." Ask yourselves, in what way, what harm would or could this do by passing this bill? We've come this far, it's final enactment. We went from the Minority Report to the Majority Report, 10-2, because we've worked this bill so hard. We, as a legislative body, voted last week 122 in favor of this bill and it passed in the other body as well. We were elected to come here to do the will of the people, not to protect certain professions or lobbyists and organizations who have their own agenda at stake. Please, let's not take it away from the people who need this the most. Please

keep in mind and remember we are here to represent the people of Maine. How many of your constituents either called or emailed you to ask you to not support the Majority Report? How many? Are we here to represent them or your own personal agendas? Are you listening to them? All of this unnecessary turmoil, with all due respect, just because the medical providers do not want to be told what to do. We all have scripts in our lives and our professions. It is our responsibility as professionals, as lawmakers and medical providers to help the people and patients alike. To hinder recovery because of such a technical detail is far beyond me. Is this personal? Yes, it's personal. I live in a tick infestation every day. I live in rural Maine in a wooded area. My husband works in tick land every day as he works on grounds and maintenance, and is also a school bus driver in our district. He brings ticks in the house quite frequently. Let me share with you what happened on his school bus last Friday. He said while on his daily bus run, a kindergarten student came up to him and said, "There is something crawling in my head." My husband took a look to ease her mind and, low and behold, there was a tick crawling in her head. My husband, being the hero that he is, removed the tick from her head. This is how Lyme disease happens and we don't even know it. I found one crawling on our bedspread a few weeks ago. My daughter had one crawling down her neck last week. My dog brought one in the house a few days ago. There was a Representative in this House chamber who has chronic Lyme disease. Ladies and gentlemen, this is real. These are real stories. With the passing of Committee Amendment "A," we will take a big step in helping to combat this most debilitating and costly disease. Please support the pending motion to Indefinitely Postpone the current amendment and continue to support the Majority Report, Committee Amendment "A." Mr. Speaker, I respectfully request a roll call. Thank you, Mr. Speaker, and thank you, Ladies and Gentlemen of the House.

The SPEAKER: A roll call is already in order. The Chair recognizes the Representative from Gorham, Representative Sanborn.

Representative **SANBORN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I don't have very well organized thoughts about how to speak to this bill. I was not happy with the vote the first time around because I have strong feelings about both pieces that it spoke to, both mandating what the CDC put on their website and also mandating a script for physicians or other health care providers when they see their patient. I have to disagree with the good Senator, I just gave you a promotion, or the good Representative from Lewiston, Representative Carey, about posting on the website non-evidence-based internet sites to refer to because I think it basically gets tacit approval, but that's not what we're talking about here. We're really talking about requiring physicians or their health care providers to give a scripted message. As you know or as I hope you know, I'm not sure you know every test that we order can have false positives and false negatives. So today we might be talking about telling your provider or asking your provider to say a negative test on Lyme does not mean you don't have or you may still possibly have Lyme. Tomorrow it might be celiac disease or some other disease. Every single test we do, we should tell patients beforehand this test might have a false positive or a false negative and there is just no reason to really mandate that. That ought to be a discussion about everything that we see in the office, to talk about the pros and cons of everything we do. What we can learn from a test, what we can't learn from a test. There is so much we don't know and understand about Lyme disease and we very much need to continue the studies and try to figure out what is the best way to

approach this disease. I know that it is very emotional because people's lives have been turned upside down by it and threatened by it, but mandating that we have this script about Lyme disease just isn't going to change that discussion. When I really got thinking about, what bothered me a lot about this, is the fact that I think all physicians, you know that all physicians take an oath to do no harm and most of us take that very seriously. I was asked recently why we get so angry about being mandated to do something scripted in the Legislature and I understand this comes across as incredibly arrogant, and for that, I apologize. But I really think that, to a large extent, we are trying to honor that oath to do no harm and when we are required to do something that we know very may well cause harm, like possibly long-term antibiotics, then we do get arrogant and say, "No, absolutely not. That is against our oath to do no harm." So I hope you will seriously consider the amendment being discussed today to improve this bill and take away the dangers that the original bill mandated. Lyme disease can indeed be devastating and we need to invest in finding better and safer treatments and better patient education around the disease. Mandated scripted dialogue that betrays the patient/doctor relationship are not appropriate and can be dangerous. There is an art to practicing medicine and a science to practicing medicine, and I ask you to respect both. 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. The good Representative Sanborn is correct. We should not be telling doctors how to practice, but we're not telling doctors how to practice. What we're telling doctors, we're asking doctors to please tell folks if they receive a false, a negative result from a Lyme disease test to simply inform their patients that it could be false negative. I think it's a little presumptuous to say that we should be doing this for every test because not every test has the same percentage rate as Lyme disease. Lyme disease has a 54 percent false negative testing rate. More than half the negative tests for Lyme disease are false, half of them. Yet if those goes untreated for long-term, people have sometimes often lifetime debilitating conditions because it wasn't caught early enough. Now I've had two Lyme disease tests. They've both come back negative. Fortunately, I've never had any more problems with that; however, two different physicians tested me. Not one of them told me that there is a possibility that if it comes back false, a negative, it might be a false negative. There are people who have suffered greatly because their doctor said, "Your test is negative." Lyme disease is the sixth fastest growing debilitating condition in the United States. This is not scripted. This is not giving a doctor a script, telling them they have to say, word for word, a particular way of sharing the information. This is not a document that we are demanding we hand to them. The language in the bill just says let folks know that if they have a false test, a negative test, it could be false negative, and if your symptoms persist, come on back and we'll take another look. That's what good doctors do. That's what they should be doing. Unfortunately, some aren't. I urge you to oppose the amendment and support the Indefinite Postponement on this. 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. There probably wasn't a matter that we discussed in front of the HHS Committee this year that we talked about more or had such spirited debate, and I think that's because we all worked very hard to try to get a unanimous report and come to agreement and we were never

able to do that. The fact that it solicited so much passion in our committee, I guess it's no surprise that it continues to solicit a lot of passion and conversation here on the floor, both last week and today. Then the reason I am rising is I was on the Majority Report. However, again, the conversation has continued and I will be supporting the amendment that was offered by the Representative from Lewiston for the reasons that he stated, and I will be voting against the motion to Indefinitely Postpone that was offered by the Representative from Mexico. I am concerned about the scripted nature of the conversation. Again, it is the topic we discussed at length, and again, those conversations have continued. But I do want people to understand that the original legislation offered by the Representative from Mexico was legislation that with respect to putting information on the website maintained by the Maine CDC, and the part of this bill that will remain, if the amendment offered by the Representative from Lewiston passes, is that piece. So the original intent of the bill will be preserved. I will be supporting the amendment and I will be voting red on the motion to Indefinitely Postpone. Thank you, Mr. Speaker, Men and Women and the House.

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

Representative **CROCKETT**: Thank you, Mr. Speaker. Mr. Speaker, Distinguished Members of the House. I rise not just in support of the pending motion but of the good Representative from Mexico. Generally, when someone speaks with such passion and so much thorough analysis, you really have to pay attention, especially when it's not someone who pops up every five minutes. I can tell you that I share some of the same friends that the good Representative from Mexico does who have suffered from this, from a misdiagnosis because they weren't informed of what the possibilities were on a negative test. This is a real problem. We have a solution in front of us. The State of Virginia has already adopted this. One hundred and twenty-two of us has already agreed. The question has been asked. It's been answered in both chambers. I would support the pending motion and the good Representative from Mexico. Thank you.

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

Representative **PRINGLE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I respect the goal and share the goal of the good Representative from Mexico that patients get the proper diagnosis and treatment for any condition that they develop. I disagree with her about how to achieve that and I stand reluctantly because it does make the appearance that I am just a doctor saying, "Don't regulate me." We do share the same goal. The question is will this mandate achieve that. Having been a primary care physician, I know how the health care system has driven us to spend less and less time with patients. I used to have the privilege of a half hour visit with people and in order to have the kinds of conversations that educate the patient, you need that additional time, whereas now, our system has driven people to have 10-minute visits. I believe that the good Representative from Lewiston also shared a good example to explain how a physician practices both science and art, and has to look at where the patient is and what the patient needs. I am opposed to the Legislature mandating scripting, in part because it is so difficult to measure. Is someone going to come in and do an audit of each practice to see which physicians are doing this? So I believe that education, both physicians and patients, having access to good information is the best way to solve the problem of people having a misdiagnosis of Lyme disease. 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 wanted to make one comment, which was there have been several people talking about high rates of false negatives for Lyme disease testing. The concern of this bill is people who seem to have symptoms for a long time, what they consider to be chronic Lyme. That actually is a very low percentage of false negative tests. Most of the tests done for Lyme disease are antibody tests. It takes a while for you to develop antibodies. So if you get false negatives, usually it's early in the disease, not late in the disease. We also have testing that's coming out now that actually measures PCR, which means that you can measure whether or not you have the bacteria in your bloodstream. I also will be opposing the motion. 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. As a cosponsor of this bill, I was thrilled with the thoughtful position, the overwhelming bipartisan majority of this House held in the earlier vote on the good Representative from Mexico's Lyme bill. Many of you met citizens from around the state at our Lyme Awareness Day and heard their pleas for more help. I hold the same position I held last time I voted. Our citizens deserve the right to have this information and we should give it to them. I ask you to please vote in favor of Indefinite Postponement of House Amendment "B" and support our Lyme victims by passing LD 597-A again.

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. When I spent my eight years up here before, I was on Health and Human Services and I remember the Bryant brothers coming to me, one was in the House and one was in the other body, and asked me would I support and help them with the Lyme disease bill, and I did. I remember at the time there was a comedian from up north who had the Lyme disease and the pain was so bad that he committed suicide. But we went up against a cement wall with Dr. Mills, who was more concerned about doctors not diagnosing it the right way in lawsuits, than Dr. Moser was concerned about people getting the actual disease and what they went through. These years have gone by and I ask my colleagues on both sides of the aisle now to vote against the amendment and vote from Representative Briggs's bill. Thank you very much, Mr. Speaker.

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 have to ask if there aren't any other good, old Catholic schoolgirls in the House today that learned about sins of commission and sins of omission, and ask yourself, if it isn't doing harm to let a patient walk out of the office thinking one thing when you know the results could be something else, and I think that's harm.

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. I apologize for rising a second time, but I have to say that I feel as though the good Representative Dorney brought to light exactly what we are trying to say here. The false negative rates, when you have chronic Lyme disease, are low. But by that time, you've got chronic Lyme disease. It's catching it early where the testing is sketchy and that's where we want to catch it. We want to catch it early. The bloodspots, the initial tests, those have got a 54 percent false negative rate. We want to catch people before they

get chronic, before they have debilitating conditions that can sometimes last a lifetime, causing them a lot of pain, money and grief. Thank you.

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

Representative **VEROW**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am reflecting on the fact that the last time we voted on this, it was overwhelming. One hundred and twenty-two of our colleagues here voted in support of this bill. Now I have a lot of respect for the men and women of this House. I think there is a lot of intelligent people here. I think they are very conscientious about how they vote and they give serious consideration to all of the bills that come before them. I think their recent vote of 122 in support of this should stand and therefore I would recommend that we vote against the pending motion for the amendment and that we support the Representative from Mexico's motion. Thank you.

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

Representative **ESPLING**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Who advocates for the patient? As a cancer survivor and a cancer buddy volunteer, I talk to new patients that are newly diagnosed with cancer all the time and the first thing I say to them is "When you get really, really sick, you're going to need someone to advocate for you because you won't be able to advocate for yourself anymore. Have someone that you trust that is close to you that can advocate for you, the patient." Because the doctors are busy. As a cancer patient, you may have more than one doctor and you need to know what's going on and sometimes when you are that sick, you really don't know what's going on and so you need to have someone who can advocate for you. Why are we so afraid of patients who are well informed? That's what this bill is all about, is making sure the patients are well informed, that they have the tools so they can advocate for themselves. I understand that doctors try to advocate for us, but they are advocating for a lot of other patients all at the same time. You know you. You know what you need. You know your situation. The doctors know you, but they are not in your shoes and there are other methods of treatment, other things that you may need to consider and to take that tool away from the patient, to me, is just a shame. I would strongly vote in favor of Indefinite Postponement of this amendment. I really hope you'll follow my light. Thank you.

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 to concur with the sentiments expressed by the good Representative from Mexico, Representative Briggs. I thank her for her knowledge on this issue, for her passion and for sharing the story of Lisa and Sally Jordan who I have known for probably 10 years now. I would urge you to follow Representative Briggs's light.

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

Representative **STUCKEY**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. This is a bill that addresses an elusive and potentially devastating problem in a very simple and honest way. This bill is and always has been simply about information, information that some people absolutely need to make informed decisions about their own health. We recently received on our desks a copy of the vaccine information sheet, an example of something that is required to be distributed by medical professionals to all patients before they administer a vaccine. It's more information. Both sections of this

bill simply provide interested people with more information. More information will result in more choices and informed decisions by folks struggling with long-term Lyme. Thank you, Mr. Speaker, and I'd like to request that the Clerk read the Committee Report.

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

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

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

Representative **FARNSWORTH**: Thank you, Mr. Speaker. I have been agonizing over this particular issue, primarily because I heard so much of the testimony of people who were in such discomfort and literally pain as a result of this crazy disease. By the same token, I also have had a son who has been through it twice, although fortunately it was caught early by my wife who is a nurse practitioner, treated appropriately and he has not had the after effects. Also, because my wife happens to be a nurse practitioner, I have been bombarded with the arguments that I've heard from my medical friends on the committee and have, as a result, been very torn in that respect. However, ultimately, I think we need to have some way of getting information to people, not only about the risks involved in terms of understanding the validity of the testing process, but also being able to get additional information to people that goes beyond the very limited information that is available on the CDC website. So I've been torn as how to accomplish this and I must say I'm struggling; however, I do feel, at this particular point, I am going to vote against the amendment to Indefinitely Postpone because I would like to at least get the primary issue on the table. That is, do we want to look at giving people at least access to information, which was the initial initiative on the part of the group that came to us to deal with this issue. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Eddington, Representative Johnson.

Representative **JOHNSON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. As a sufferer from Lyme disease, I think this is a very important bill. I've had the pleasure of meeting many other Lyme sufferers over the last year since I was diagnosed and so many of them have had false positive tests, and as we heard the good Representative Sanderson say, the problem is in the early stages of the disease, that's when you have false negative tests. If you catch this disease early, it's easily treated. If you wait awhile, it's a tough thing to get through and I'm battling it today. This is an easy bill. All it is, is getting information out there. I'd ask you to please support the good Representative from Mexico's motion so we can move on. We showed it was an easy bill when we voted 122 in favor just last week on this thing. Please support the pending motion and let's move back to where we were. Thank you.

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

Representative **DAUGHTRY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of the pending amendment proposed by the good Representative from Lewiston. I'll be honest. This is a very, very, very, very hard decision for me. I was an ardent advocate for this bill and a cosponsor, and during the past week, I've realized that some aspects of the final bill go beyond what I initially signed on to. Without this amendment, the bill implicates a wide variety of issues, not just Lyme disease. If we say we're okay with mandating that doctors say specific things to our patients on Lyme disease, we're opening the door to mandating scripted counseling in other areas, including reproductive rights, which is my greatest fear with the element of this bill. This amendment simply gets rid of the scripted counseling portion of the bill, but it

leaves in place the part that both myself and my roommate who is a sufferer of chronic Lyme disease are the most passionate about, and that is putting victims of Lyme disease in contact with alternative information so that they can get as much informed information as they can. It leaves in place the website portion which is intended to ensure, as I said, that patients have access to more information about this deadly, horrific and crippling disease, and potential treatments without us getting into the business of dictating how doctors treat their patients. As I said, this was a hard decision for me, but I am worried about setting a precedent of telling doctors what they can and cannot say. I urge you to follow my light and make sure that we remove any elements from the bill that could potentially get in our way, but that we take a strong stand for equipping victims of Lyme disease with the information that they need. Thank you.

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

Representative **CHAPMAN**: Thank you, Mr. Speaker. I rise merely to discuss a procedural matter here. We've been listening for more than 45 minutes to some arguments, both in favor and in opposition to the bill, to the amendment and to the motion before us, and because this is the third confusing procedure that we've had today, I'd like to make sure that the members of the House understand what the next vote is going to be, which is on the Indefinite Postponement of the proposed amendment. If the motion before us should pass, then we will not be further considering the amendment. If the motion before us fails, then we would be further considering the amendment. Is that correct, Mr. Speaker?

The **SPEAKER**: You got it. The Chair recognizes the Representative from Winthrop, Representative Hickman.

Representative **HICKMAN**: Thank you, Mr. Speaker, and as a follow-up to that, my question is if we are only supposed to be discussing the pending motion, why are we hearing arguments about things that have nothing to do with it?

The **SPEAKER**: The Chair appreciates the Representative's comments and is accurate in stating that we should be refraining from talking outside of the motion, and the motion on the floor is Indefinite Postponement of House Amendment "B."

The Chair recognizes the Representative from Mexico, Representative Briggs.

Representative **BRIGGS**: Thank you, Mr. Speaker. One last time, for me, this is the patient's right to know, for the doctor to educate the patient. Sometimes it goes undone. As I was looking through this *Physician's Guide to Maine Law*, 2012, put out by the Maine Medical Association, prepared by Gordon H. Smith, this was amazing because I found very quickly, there are 10 different places in here that either a physician or a hospital has to provide some type of directive. We're not setting a new trail. This is not something new. It's just another subject matter that we're asking them to inform the patient to give them the right to know to be better educated to make the proper decisions going forward. Please, again, I ask you to support the pending motion. Vote green to Indefinitely Postpone this motion. Thank you, Mr. Speaker.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "B" (H-378) to Committee Amendment "A" (H-184). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 228**

YEA - Ayotte, Beaulieu, Beavers, Bennett, Black, Boland, Briggs, Campbell J, Campbell R, Chapman, Chase, Clark, Cotta, Crafts, Cray, Crockett, Davis, Dickerson, Doak, Dunphy, Duprey, Espling, Evangelos, Fitzpatrick, Fredette, Gifford, Gilbert, Gillway, Guerin, Harlow, Harvell, Hayes, Herbig, Hickman, Jackson,

Johnson D, Johnson P, Keschl, Kinney, Libby A, Lockman, Long, Maker, Malaby, Marean, McClellan, McElwee, Nadeau A, Newendyke, Nutting, Parry, Pease, Pouliot, Reed, Sanderson, Shaw, Short, Sirocki, Stuckey, Theriault, Timberlake, Tyler, Verow, Villa, Volk, Wallace, Weaver, Willette, Wilson, Winchenbach, Winsor, Wood.

NAY - Beck, Berry, Bolduc, Brooks, Carey, Casavant, Cassidy, Chenette, Chipman, Cooper, Daughtry, DeChant, Devin, Dill, Dion, Dorney, Farnsworth, Fowle, Frey, Gattine, Gideon, Goode, Graham, Grant, Hamann, Hobbins, Hubbell, Jones, Jorgensen, Kaenrath, Kent, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby N, Longstaff, Luchini, MacDonald W, Marks, Mason, Mastraccio, McCabe, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, Nelson, Noon, Peoples, Plante, Powers, Priest, Pringle, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Saucier, Saxton, Schneck, Stanley, Tipping-Spitz, Treat, Welsh, Werts, Mr. Speaker.

ABSENT - Beaudoin, Knight, MacDonald S, Peavey Haskell, Peterson, Turner.

Yes, 72; No, 73; Absent, 6; Excused, 0.

72 having voted in the affirmative and 73 voted in the negative, with 6 being absent, and accordingly the motion to **INDEFINITELY POSTPONE House Amendment "B" (H-378) to Committee Amendment "A" (H-184) FAILED.**

Subsequently, **House Amendment "B" (H-378) to Committee Amendment "A" (H-184) was ADOPTED.**

Subsequently, **Committee Amendment "A" (H-184) as Amended by House Amendment "A" (H-378) thereto was ADOPTED.**

On motion of Representative FREDETTE of Newport, **TABLED** pending **PASSAGE TO BE ENGROSSED as Amended** and later today assigned.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH** with the exception of matters being held.

## CONSENT CALENDAR

### First Day

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

(H.P. 119) (L.D. 144) Bill "An Act To Remove the Requirement That a Person Training Dogs on Sundays Possess a Valid Hunting License" (EMERGENCY) Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-357)**

(H.P. 508) (L.D. 757) Bill "An Act To Amend the Hunting Laws as They Pertain to the Training of Dogs" Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-358)**

(H.P. 714) (L.D. 1016) Bill "An Act Regarding the Buying and Selling of Animal Parts" Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-359)**

(H.P. 1070) (L.D. 1493) Bill "An Act To Revise the Laws Concerning Criminal History Record Information and Intelligence and Investigative Information" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-360)**

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.

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

(S.P. 109) (L.D. 276) Resolve, To Improve Access to Oral Health Care for MaineCare Recipients Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-197)**

(S.P. 260) (L.D. 711) Bill "An Act To Facilitate Patient Education" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-200)**

(S.P. 331) (L.D. 986) Resolve, To Establish the Commission To Study Long-term Care Facilities Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-201)**

(S.P. 335) (L.D. 990) Bill "An Act To Require Public Disclosure of Health Care Prices" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-202)**

(S.P. 393) (L.D. 1132) Bill "An Act To Achieve Economic Growth by Enhancing Science, Technology, Engineering and Mathematics Education and To Meet Workforce Needs" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-207)**

(S.P. 467) (L.D. 1333) Resolve, Directing the Department of Health and Human Services To Amend the MaineCare Benefits Manual Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-206)**

(S.P. 541) (L.D. 1467) Resolve, To Establish a Demonstration Project To Promote Economic Development in the Forest Products Industry Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-208)**

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.

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

(H.P. 54) (L.D. 62) Bill "An Act To Provide Additional Funding for Respite Care for the Elderly and for Adults with Disabilities" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-372)**

(H.P. 488) (L.D. 716) Bill "An Act Regarding Prescription Medications for Children under the MaineCare Program" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-368)**

(H.P. 800) (L.D. 1135) Bill "An Act To Provide Consistency in the Regulation of Motorized Recreational Gold Prospecting" Committee on **ENVIRONMENT AND NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-373)**

(H.P. 804) (L.D. 1139) Bill "An Act To Allow County Law Enforcement To Participate in Mutual Aid Agreements" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-377)**

(H.P. 899) (L.D. 1260) Bill "An Act To Allow Ignition Interlock Devices on Vehicles Operated by First-time Offenders of Operating Under the Influence" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-369)**

(H.P. 972) (L.D. 1364) Bill "An Act To Amend the Laws Governing Hospital Leave Days for MaineCare Recipients" (EMERGENCY) Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-370)**

(H.P. 990) (L.D. 1387) Bill "An Act To Provide Clarity and Consistency in Routine Public Health Licensing Activities" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-371)**

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.

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

(H.P. 27) (L.D. 34) Bill "An Act To Implement the Recommendations of the Government Oversight Committee and the Office of Program Evaluation and Government Accountability Regarding Child Development Services" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-380)**

(H.P. 715) (L.D. 1017) Bill "An Act Relating to Employee Leasing Company Registration" Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-382)**

(H.P. 861) (L.D. 1216) Bill "An Act To Amend the Freedom of Access Act" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-389)**

(H.P. 1094) (L.D. 1523) Bill "An Act To Strengthen the Laws Governing Mandatory Reporting of Child Abuse or Neglect" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-388)**

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.

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

Representative **DAVIS**: Thank you, Mr. Speaker. Today is June 6th, the invasion of Normandy when thousands of Americans died. I would ask, Mr. Speaker, when you bring the final gavel down, you do so in memory of them. Thank you.

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

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On motion of Representative **DAVIS** of Sangerville, the House adjourned at 5:30 p.m., until 9:00 a.m., Friday, June 7, 2013 in honor and lasting tribute to the Veterans of the Normandy Invasion.