

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
56th Legislative Day
Friday, June 7, 2013

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

Prayer by Pastor Todd Bell, Calvary Baptist Church, Sanford.

National Anthem by Tom Curtis, Norway.

Pledge of Allegiance.

Doctor of the day, Noreen Flanagan, M.D., Scarborough.

The Journal of yesterday was read and approved.

SENATE PAPERS
Non-Concurrent Matter

Bill "An Act To Amend the Maine Metallic Mineral Mining Act To Protect Water Quality"

(H.P. 929) (L.D. 1302)

Majority (8) **OUGHT TO PASS AS AMENDED** Report of the Committee on **ENVIRONMENT AND NATURAL RESOURCES READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-304)** in the House on June 5, 2013.

Came from the Senate with the Minority (4) **OUGHT TO PASS AS AMENDED** Report of the Committee on **ENVIRONMENT AND NATURAL RESOURCES READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-305)** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

Non-Concurrent Matter

Bill "An Act To Provide Property Tax Relief by Expanding Gaming Opportunities" (EMERGENCY)

(H.P. 1127) (L.D. 1558)

REFERRED to the Committee on **VETERANS AND LEGAL AFFAIRS** in the House on June 4, 2013.

Came from the Senate with the Bill and accompanying papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

Non-Concurrent Matter

Bill "An Act To Increase Access to Health Coverage and Qualify Maine for Federal Funding"

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

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-286) in the House on June 3, 2013.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-286) AS AMENDED BY SENATE AMENDMENT "A" (S-221)** thereto in **NON-CONCURRENCE**.

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

COMMUNICATIONS

The Following Communication: (H.C. 196)

STATE OF MAINE
CLERK'S OFFICE
2 STATE HOUSE STATION

AUGUSTA, MAINE 04333-0002

June 7, 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 bills out "Ought Not to Pass:"

Energy, Utilities and Technology

L.D. 219 An Act To Establish a Long-term Funding Source for the Department of Inland Fisheries and Wildlife

L.D. 247 An Act To Amend the Law Governing Appeals of Final Agency Action on Applications Concerning Wind Energy Development

L.D. 863 Resolve, To Reduce Greenhouse Gases and Consumer Energy Costs

L.D. 1145 An Act To Help Homeowners Reduce Heating Costs through Energy Efficiency

L.D. 1187 An Act To Create the Maine Energy Cost Reduction Authority

L.D. 1386 An Act To Allocate Net Revenue from Energy Corridor Leases on the Maine Turnpike for Purposes of Energy and Environmental Conservation

L.D. 1471 An Act Authorizing the Board of Environmental Protection To Modify a License for a Wind Energy Development

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**.

ORDERS

On motion of Representative PRINGLE of Windham, the following Joint Order: (H.P. 1130)

ORDERED, the Senate concurring, that the Task Force To Study the Creation of a State of Maine Partnership Bank or Other Maine Financial Structures is established as follows.

1. Task Force To Study the Creation of a State of Maine Partnership Bank or Other Maine Financial Structures established. The Task Force To Study the Creation of a State of Maine Partnership Bank or Other Maine Financial Structures, referred to in this order as "the task force," is established.

2. Membership. Notwithstanding Joint Rule 353, the task force consists of 17 members appointed as follows:

1. Four members of the Senate, appointed by the President of the Senate;

2. Five members of the House of Representatives, appointed by the Speaker of the House;

3. The Chief Executive Officer of the Finance Authority of Maine, or a designee;

4. The Treasurer of State, or a designee;

5. The Superintendent of Financial Institutions, or a designee;

6. Three representatives of Maine-based community banks, appointed by the President of the Senate as follows:

A. One representative of a Maine-based community bank with \$1 billion or more in assets that is recognized

for its significant support of Maine businesses and service to its community;

B. One representative of a Maine-based community bank with assets ranging from \$500 million to \$1 billion that is recognized for its significant support of Maine businesses and service to its community; and

C. One representative of a Maine-based community bank with assets up to \$500 million that is recognized for its significant support of Maine businesses and service to its community;

7. One representative of a Maine-based credit union that is recognized for its significant support of Maine businesses and service to its community, appointed by the Speaker of the House; and

8. One representative of a community development financial institution, appointed by the Speaker of the House.

3. Task force chairs. The first-named Senate member is the Senate chair and the first-named House of Representatives member is the House chair of the task force.

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

5. Duties. The task force shall explore the possibility of establishing and operating a State of Maine Partnership Bank or other financial structures, which must be specifically designed to:

1. Support and partner with financial institutions that are headquartered in the State or are locally owned, or both, in order to provide access to capital for small businesses and family farmers in the State;

2. Enable public and private funds to be retained within the State;

3. Facilitate the increased investment of state resources in high-quality, in-state investments, such as loans to local businesses, family farmers and homeowners; and

4. Enable the State to leverage short-term deposits to facilitate more loans flowing through locally owned financial institutions while retaining within the State the interest payments paid by borrowers.

In carrying out its duties, the task force shall also consult with stakeholders and experts, including, but not limited to, municipalities with municipal bond experience, farmers with recent loan experience, owners of local independent manufacturing and retail or service-oriented businesses with fewer than 25 employees with recent loan application experience and an economist with expertise in the state economy.

6. Evaluation criteria. In studying the possibility of establishing and operating a State of Maine Partnership Bank or other financial structures pursuant to section 5, the task force shall specifically consider and address:

1. Whether funding needs and opportunities in high-quality, in-state investments are not being met and, if so, whether a State of Maine Partnership Bank or other financial structures can meet those needs;

2. The scope of powers to be held by the State of Maine Partnership Bank or other financial structures with respect to the acceptance of deposits; the purchase, holding and sale of loans; and the restrictions on the origination of loans that would provide

incentives for partnerships with locally owned financial institutions;

3. How a State of Maine Partnership Bank or other financial structures would be initially capitalized;

4. The ways profits from the State of Maine Partnership Bank or other financial structures could be used to fund the expansion of economic development tools administered by the Finance Authority of Maine to further improve the economy of the State;

5. The establishment of oversight measures to ensure transparency and accountability and insulation from political influence; and

6. Any other issues identified by the task force that are related to the consideration of establishing a State of Maine Partnership Bank or other financial structures.

7. Meetings. The task force shall hold at least 6 meetings and shall meet at least 3 times during each calendar year.

8. Staff assistance. The Legislative Council shall provide necessary staffing services to the task force, except that the Legislative Council staff support is not authorized when the Legislature is in regular or special session.

9. Report. Notwithstanding Joint Rule 353, no later than December 1, 2014, the task force shall submit a report that includes its findings and recommendations with any suggested legislation to the Legislative Council of the 126th Legislature.

READ.

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

On motion of Representative RANKIN of Hiram, the following House Order: (H.O. 25)

ORDERED, that Representative L. Gary Knight of Livermore Falls be excused May 30 and 31 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Anita Peavey Haskell of Milford be excused May 16 and May 28 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Raymond A. Wallace of Dexter be excused May 29, 30 and 31 for personal reasons.

READ and **PASSED.**

REPORTS OF COMMITTEE

Ought to Pass Pursuant to Public Law

Report of the **Joint Standing Committee on Education and Cultural Affairs** on Bill "An Act To Allow Further Review of the Report Defining Cost Responsibility for Deaf and Hard-of-hearing Students Receiving Services from the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf"

(S.P. 597) (L.D. 1560)

Reporting **Ought to Pass** pursuant to Public Law 2011, chapter 683, section 11.

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

Report was **READ** and **ACCEPTED.** The Bill was **READ ONCE.**

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

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

Divided Report

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-209)** on Bill "An Act To Strengthen the Laws Regarding Certain Crimes Committed by a Person in a Position of Authority"

(S.P. 556) (L.D. 1491)

Signed:

Senators:

GERZOFSKY of Cumberland
DUTREMBLE of York
PLUMMER of Cumberland

Representatives:

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

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

Signed:

Representative:

LONG of Sherman

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-209)**.

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-209)** 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-209)** in concurrence.

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought Not to Pass** on Resolve, To Allow York County To Renegotiate with the Department of Health and Human Services a Decision Regarding Transportation Services

(S.P. 371) (L.D. 1089)

Signed:

Senators:

CRAVEN of Androscoggin
HAMPER of Oxford
LACHOWICZ of Kennebec

Representatives:

FARNSWORTH of Portland
CASSIDY of Lubec
DORNEY of Norridgewock
GATTINE of Westbrook
MALABY of Hancock
McELWEE of Caribou

PRINGLE of Windham
SANDERSON of Chelsea
SIROCKI of Scarborough

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

Signed:

Representative:

STUCKEY of Portland

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

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

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-204)** on Bill "An Act To Maintain the Integrity of the Fund for a Healthy Maine"

(S.P. 426) (L.D. 1232)

Signed:

Senators:

CRAVEN of Androscoggin
LACHOWICZ of Kennebec

Representatives:

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

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

Signed:

Senator:

HAMPER of Oxford

Representatives:

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

Representative BEAR of the Houlton Band of Maliseet Indians - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (S-204)** 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-204)**.

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 **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought Not to Pass** on Bill "An Act To Prohibit the Unauthorized Harvesting of Wild Mushrooms and Fiddleheads"

(H.P. 293) (L.D. 421)

Signed:

Senators:

JACKSON of Aroostook
SHERMAN of Aroostook

Representatives:

DILL of Old Town
HICKMAN of Winthrop
JONES of Freedom
KENT of Woolwich
MAREAN of Hollis
SAUCIER of Presque Isle

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-351)** on same Bill.

Signed:

Senator:

BOYLE of Cumberland

Representatives:

BLACK of Wilton
CRAY of Palmyra
NOON of Sanford
TIMBERLAKE of Turner

READ.

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

Majority Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought Not to Pass** on Bill "An Act To Protect Maine Communities by Prohibiting Horse Slaughter for Human Consumption and the Transport of Horses for Slaughter"

(H.P. 913) (L.D. 1286)

Signed:

Senators:

JACKSON of Aroostook
BOYLE of Cumberland
SHERMAN of Aroostook

Representatives:

DILL of Old Town
BLACK of Wilton
CRAY of Palmyra
JONES of Freedom
KENT of Woolwich
MAREAN of Hollis
NOON of Sanford
TIMBERLAKE of Turner

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-376)** on same Bill.

Signed:

Representatives:

HICKMAN of Winthrop
SAUCIER of Presque Isle

READ.

Representative DILL of Old Town moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

On motion of Representative BERRY of Bowdoinham, **TABLED** pending the motion of Representative DILL of Old Town to **ACCEPT** the Majority **Ought Not to Pass** Report and later today assigned.

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought Not to Pass** on Bill "An Act To Enhance Self-defense by Removing Restrictions on the Carrying and Use of Weapons"

(H.P. 452) (L.D. 660)

Signed:

Senators:

GERZOFISKY of Cumberland
DUTREMBLE of York

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-361)** on same Bill.

Signed:

Senator:

PLUMMER of Cumberland

Representatives:

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

READ.

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

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

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought Not to Pass** on Bill "An Act To Establish the Forensic Advisory Committee"

(H.P. 736) (L.D. 1045)

Signed:

Senators:

GERZOFISKY of Cumberland
DUTREMBLE of York
PLUMMER of Cumberland

Representatives:

DION of Portland
CASAVANT of Biddeford

LAJOIE of Lewiston
LONG of Sherman
MARKS of Pittston
PEASE of Morrill
PLANTE of Berwick
TYLER of Windham
WILSON of Augusta

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-355)** on same Bill.

Signed:
Representative:
KAENRATH of South Portland

READ.

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

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought Not to Pass** on Bill "An Act To Fairly Distribute the Debt Burden between the State and County Correctional Functions"

(H.P. 944) (L.D. 1320)

Signed:
Senators:
GERZOFSKY of Cumberland
DUTREMBLE of York
PLUMMER of Cumberland

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-356)** on same Bill.

Signed:
Representatives:
MARKS of Pittston
WILSON of Augusta

READ.

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

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-381)** on Bill "An Act To Develop Young Readers"

(H.P. 808) (L.D. 1143)

Signed:
Senators:
MILLETT of Cumberland

JOHNSON of Lincoln

Representatives:
MacDONALD of Boothbay
DAUGHTRY of Brunswick
HUBBELL of Bar Harbor
KORNFELD of Bangor
NELSON of Falmouth
RANKIN of Hiram

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

Signed:
Senator:
LANGLEY of Hancock

Representatives:
JOHNSON of Greenville
MAKER of Calais
McCLELLAN of Raymond

READ.

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

On motion of Representative BERRY of Bowdoinham, **TABLED** pending the motion of Representative MacDONALD of Boothbay to **ACCEPT** the Majority **Ought to Pass as Amended** Report and later today assigned.

Majority Report of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-353)** on Bill "An Act To Encourage School Administrative Units To Increase Their Energy Savings"

(H.P. 966) (L.D. 1348)

Signed:
Senators:
CLEVELAND of Androscoggin
JACKSON of Aroostook
YOUNGBLOOD of Penobscot

Representatives:
HOBBINS of Saco
BEAVERS of South Berwick
GIDEON of Freeport
RUSSELL of Portland
RYKERSON of Kittery
TIPPING-SPITZ of Orono

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

Signed:
Representatives:
DUNPHY of Embden
HARVELL of Farmington
NEWENDYKE of Litchfield

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.

Majority Report of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-374)** on Resolve, To Study Climate Change and Implement the Recommendations of the Department of Environmental Protection Report on Climate Change

(H.P. 576) (L.D. 825)

Signed:

Senators:

BOYLE of Cumberland
GRATWICK of Penobscot
SAVIELLO of Franklin

Representatives:

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

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

Signed:

Representatives:

AYOTTE of Caswell
LONG of Sherman

READ.

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

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

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

On motion of Representative BERRY of Bowdoinham, **TABLED** pending the motion of Representative WELSH of Rockport to **ACCEPT** the Majority **Ought to Pass as Amended Report** and later today assigned. (Roll Call Ordered)

Majority Report of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** reporting **Ought Not to Pass** on Bill "An Act To Protect Maine's Environment and Natural Resources Jeopardized by Mining"

(H.P. 752) (L.D. 1059)

Signed:

Senators:

BOYLE of Cumberland
GRATWICK of Penobscot
SAVIELLO of Franklin

Representatives:

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

GRANT of Gardiner
LONG of Sherman
McGOWAN of York
REED of Carmel

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-375)** on same Bill.

Signed:

Representatives:

CHIPMAN of Portland
HARLOW of Portland

READ.

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

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

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought Not to Pass** on Bill "An Act To Repeal the Maine Certificate of Need Act of 2002"

(H.P. 137) (L.D. 162)

Signed:

Senators:

CRAVEN of Androscoggin
LACHOWICZ of Kennebec

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-366)** on same Bill.

Signed:

Senator:

HAMPER of Oxford

Representatives:

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

READ.

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

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

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought Not to Pass** on Bill "An Act To Help Maine Residents Receive Private Health Care Insurance"

(H.P. 356) (L.D. 537)

Signed:

Senators:

CRAVEN of Androscoggin

LACHOWICZ of Kennebec

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-367)** on same Bill.

Signed:

Senator:

HAMPER of Oxford

Representatives:

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

READ.

Representative FARNSWORTH of Portland moved that the House **ACCEPT** the Majority **Ought 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.

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

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-365)** on Bill "An Act To Improve MaineCare Nursing Home Reimbursement To Preserve Access and Promote Quality"

(H.P. 652) (L.D. 928)

Signed:

Senators:

CRAVEN of Androscoggin
HAMPER of Oxford
LACHOWICZ of Kennebec

Representatives:

FARNSWORTH of Portland
CASSIDY of Lubec
MALABY of Hancock
McELWEE of Caribou
PRINGLE of Windham
SANDERSON of Chelsea
SIROCKI of Scarborough
STUCKEY of Portland

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

Signed:

Representatives:

DORNEY of Norridgewock

GATTINE of Westbrook

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.

On motion of Representative BERRY of Bowdoinham, **TABLED** pending the motion of Representative FARNSWORTH of Portland to **ACCEPT** the Majority **Ought to Pass as Amended** Report and later today assigned. (Roll Call Ordered)

Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought Not to Pass** on Bill "An Act To Eliminate Funding To Reduce Deer Predation"

(H.P. 684) (L.D. 970)

Signed:

Senators:

DUTREMBLE of York
BURNS of Washington
HASKELL of Cumberland

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-362)** on same Bill.

Signed:

Representative:

KUSIAK of Fairfield

READ.

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

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

Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on Bill "An Act To Hold Harmless a Municipality For Volunteer or Unpaid Labor"

(H.P. 510) (L.D. 759)

Signed:

Senators:

VALENTINO of York
TUTTLE of York

Representatives:

PRIEST of Brunswick
DeCHANT of Bath

MONAGHAN-DERRIG of Cape Elizabeth
MOONEN of Portland
MORIARTY of Cumberland
VILLA of Harrison

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-386)** on same Bill.

Signed:
Senator:
BURNS of Washington

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

READ.

Representative DeCHANT of Bath 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.

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

Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on Bill "An Act To Amend Public Access Laws To Improve Accountability for Public Funds by Making Public the Board Meetings of Hospitals Receiving Significant State Funding"

(H.P. 790) (L.D. 1118)

Signed:
Senators:
VALENTINO of York
BURNS of Washington
TUTTLE of York

Representatives:
BEAULIEU of Auburn
CROCKETT of Bethel
GUERIN of Glenburn
MOONEN of Portland
MORIARTY of Cumberland
PEAVEY HASKELL of Milford

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-383)** on same Bill.

Signed:
Representatives:
PRIEST of Brunswick
DeCHANT of Bath
MONAGHAN-DERRIG of Cape Elizabeth
VILLA of Harrison

Representative MITCHELL of the Penobscot Nation - of the House - supports the Majority **Ought Not to Pass** Report.

READ.

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

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-384)** on Bill "An Act To Establish Superior Court as the Forum in Which Appeals of Agency Decisions Must Be Taken" (H.P. 791) (L.D. 1119)

Signed:
Senators:
BURNS of Washington
TUTTLE of York

Representatives:
PRIEST of Brunswick
BEAULIEU of Auburn
CROCKETT of Bethel
DeCHANT of Bath
GUERIN of Glenburn
MONAGHAN-DERRIG of Cape Elizabeth
MORIARTY of Cumberland
PEAVEY HASKELL of Milford
VILLA of Harrison

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

Signed:
Senator:
VALENTINO of York

Representative:
MOONEN of Portland

Representative MITCHELL of the Penobscot Nation - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (H-384)** Report.

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-384)** 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-384)** and sent for concurrence.

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-385)** on Bill "An Act To Facilitate Children's Testimony" (H.P. 1039) (L.D. 1445)

Signed:
Senators:
VALENTINO of York
BURNS of Washington
TUTTLE of York

Representatives:
PRIEST of Brunswick

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

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

Signed:
Representative:
CROCKETT of Bethel

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-385)** 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-385)** and sent for concurrence.

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-390)** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Increase the Lengths of Terms of Members of the Legislature (H.P. 339) (L.D. 489)

Signed:
Senator:
COLLINS of York

Representatives:
CHENETTE of Saco
COTTA of China
MacDONALD of Old Orchard Beach
NADEAU of Winslow
NADEAU of Fort Kent
PEASE of Morrill

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

Signed:
Senators:
LACHOWICZ of Kennebec
GERZOFKY of Cumberland

Representatives:
GRAHAM of North Yarmouth
BOLAND of Sanford
HAYES of Buckfield

READ.

On motion of Representative GRAHAM of North Yarmouth, **TABLED** pending **ACCEPTANCE** of either Report and later today assigned.

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought Not to Pass** on Bill "An Act To Establish Hospital Administrative District No. 5, a Regional Hospital Administrative District in Lincoln County" (EMERGENCY)

(H.P. 799) (L.D. 1127)

Signed:
Senators:
LACHOWICZ of Kennebec
COLLINS of York

Representatives:
GRAHAM of North Yarmouth
COTTA of China
HAYES of Buckfield
NADEAU of Fort Kent
PEASE of Morrill

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-391)** on same Bill.

Signed:
Representatives:
BOLAND of Sanford
BOLDUC of Auburn
CHENETTE of Saco
MacDONALD of Old Orchard Beach
NADEAU of Winslow

READ.

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

Majority Report of the Committee on **TAXATION** reporting **Ought Not to Pass** on Bill "An Act To Authorize Options for Local Revenue Enhancement"

(H.P. 299) (L.D. 427)

Signed:
Senators:
HASKELL of Cumberland
MILLETT of Cumberland
THOMAS of Somerset

Representatives:
GOODE of Bangor
BENNETT of Kennebunk
BROOKS of Winterport
JACKSON of Oxford
KNIGHT of Livermore Falls
STANLEY of Medway
TIPPING-SPITZ of Orono

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-363)** on same Bill.

Signed:
Representatives:
LIBBY of Lewiston
MAREAN of Hollis
MOONEN of Portland

READ.

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

Majority Report of the Committee on **TAXATION** reporting **Ought Not to Pass** on Bill "An Act To Modify the Mining Excise Tax"

(H.P. 624) (L.D. 901)

Signed:

Senators:

HASKELL of Cumberland
MILLETT of Cumberland
THOMAS of Somerset

Representatives:

GOODE of Bangor
BENNETT of Kennebunk
JACKSON of Oxford
KNIGHT of Livermore Falls
LIBBY of Lewiston
MAREAN of Hollis
MOONEN of Portland
STANLEY of Medway
TIPPING-SPITZ of Orono

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-364)** on same Bill.

Signed:

Representative:

BROOKS of Winterport

READ.

Representative GOODE of Bangor moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

Majority Report of the Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act Regarding Corporate and Other Entity Campaign Advertising Disclosure and Accountability"

(H.P. 521) (L.D. 770)

Signed:

Senators:

TUTTLE of York
MASON of Androscoggin
PATRICK of Oxford

Representatives:

LUCHINI of Ellsworth
BEAULIEU of Auburn
FOWLE of Vassalboro
GIFFORD of Lincoln
JOHNSON of Eddington
KINNEY of Limington
LONGSTAFF of Waterville
SAUCIER of Presque Isle
SCHNECK of Bangor

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-379)** on same Bill.

Signed:

Representative:

RUSSELL of Portland

READ.

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

Representative CHENETTE of Saco **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 HARLOW of Portland **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. 94 voted in favor of the same and 21 against, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought Not to Pass** on JOINT RESOLUTION MAKING APPLICATION TO THE CONGRESS OF THE UNITED STATES CALLING A CONSTITUTIONAL CONVENTION TO PROPOSE AN AMENDMENT TO THE UNITED STATES CONSTITUTION TO RESOLVE THE ISSUE OF CAMPAIGN FINANCE

(H.P. 1107)

Signed:

Senators:

LACHOWICZ of Kennebec
COLLINS of York
GERZOFKY of Cumberland

Representatives:

GRAHAM of North Yarmouth
BOLDUC of Auburn
MacDONALD of Old Orchard Beach
NADEAU of Winslow
PEASE of Morrill

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

Signed:

Representatives:

BOLAND of Sanford
CHENETTE of Saco
COTTA of China
HAYES of Buckfield
NADEAU of Fort Kent

READ.

On motion of Representative GRAHAM of North Yarmouth, **TABLED** pending **ACCEPTANCE** of either Report and later today assigned.

CONSENT CALENDAR

First Day

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

(H.P. 64) (L.D. 71) Bill "An Act To Amend the Laws Governing Pawn Transactions" Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-392)**

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

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

(S.P. 166) (L.D. 434) Bill "An Act To Provide a Safe Working Environment for Home Care Workers" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-198)**

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

The Unanimous Committee Report was **READ**.

The same Representative **REQUESTED** a roll call on **ACCEPTANCE** of the Committee Report.

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

On motion of Representative BERRY of Bowdoinham, **TABLED** pending **ACCEPTANCE** of the Committee Report and later today assigned. (Roll Call Ordered)

ENACTORS

Emergency Measure

An Act To Reduce Energy Costs, Increase Energy Efficiency, Promote Electric System Reliability and Protect the Environment
(H.P. 1128) (L.D. 1559)

(H. "A" H-350)

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.

On further motion of the Representative, **TABLED** pending **PASSAGE TO BE ENACTED** and later today assigned. (Roll Call Ordered)

Acts

An Act To Ensure Student Access to Postsecondary Military Options

(H.P. 1077) (L.D. 1503)

(C. "A" H-311)

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

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

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

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.

SENATE DIVIDED REPORT - Majority (7) **Ought Not to Pass** - Minority (6) **Ought to Pass** - Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Repeal the Law Allowing Concealed Weapons in State Parks with Certain Exceptions"

(S.P. 410) (L.D. 1173)

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

TABLED - June 5, 2013 (Till Later Today) by Representative DION of Portland.

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

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

Resolve, To Establish the Task Force on Milk Tier Pricing

(H.P. 540) (L.D. 789)

(C. "A" H-281)

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

PENDING - FINAL PASSAGE.

Subsequently, the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Resolve, To Direct the Department of Economic and Community Development To Adopt Certain Eligibility Requirements Regarding Community Development Block Grants

(S.P. 560) (L.D. 1499)

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

PENDING - FINAL PASSAGE.

Subsequently the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

REPORTS OF COMMITTEE

Divided Reports

Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-231)** on Bill "An Act To Protect Maine's Loons by Banning Lead Sinkers and Jigs"

(S.P. 268) (L.D. 730)

Signed:

Senators:

DUTREMBLE of York
BURNS of Washington
HASKELL of Cumberland

Representatives:

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

KUSIAK of Fairfield
MARKS of Pittston
SHORT of Pittsfield

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

Signed:
Representative:
WOOD of Sabattus

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-231)**.

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-231)** 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-231)** in concurrence.

Majority Report of the Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-226)** on Bill "An Act Relating to Radon Testing and Disclosure to Tenants"

(S.P. 124) (L.D. 328)

Signed:
Senators:
TUTTLE of York
MASON of Androscoggin
PATRICK of Oxford

Representatives:
LUCHINI of Ellsworth
BEAULIEU of Auburn
FOWLE of Vassalboro
GIFFORD of Lincoln
JOHNSON of Eddington
KINNEY of Limington
LONGSTAFF of Waterville
SAUCIER of Presque Isle
SCHNECK of Bangor

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

Signed:
Representative:
RUSSELL of Portland

Representative MITCHELL of the Penobscot Nation - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (S-226)** 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-226)**.

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-226)** 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-226)** in concurrence.

Majority Report of the Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-225)** on Bill "An Act To Increase the Opportunities for Taste-testing Events for On-premises Liquor Licensees"

(S.P. 359) (L.D. 1042)

Signed:
Senators:
TUTTLE of York
MASON of Androscoggin

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

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

Signed:
Senator:
PATRICK of Oxford

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-225)**.

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-225)** 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-225)** in concurrence.

COMMUNICATIONS

The Following Communication: (S.C. 450)

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

June 6, 2013

Honorable Millicent M. MacFarland

Clerk of the House

2 State House Station

Augusta, Maine 04333

Dear Clerk MacFarland:

Senate Paper 350, Legislative Document 1025, "An Act To Amend the Law Pertaining to Staff in the Office of the Attorney General," having been returned by the Governor, together with objections to the same, pursuant to Article IV, Part Third, Section 2 of the Constitution of the State of Maine, after reconsideration, the Senate proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objections of the Governor?" 20 voted in favor and 15 against, and accordingly it was the vote of the Senate that the Bill not become a law and the veto was sustained.

Best Regards,

S/Darek M. Grant

Secretary of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.C. 451)

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

June 6, 2013

Honorable Millicent M. MacFarland

Clerk of the House

2 State House Station

Augusta, Maine 04333

Dear Clerk MacFarland:

House Paper 974, Legislative Document 1366, "An Act To Require Public Schools To Offer Instruction Related to Cardiopulmonary Resuscitation and the Use of an Automated External Defibrillator," having been returned by the Governor, together with objections to the same, pursuant to Article IV, Part Third, Section 2 of the Constitution of the State of Maine, after reconsideration, the Senate proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objections of the Governor?"

22 voted in favor and 13 against, and accordingly it was the vote of the Senate that the Bill not become a law and the veto was sustained.

Best Regards,

S/Darek M. Grant

Secretary of the Senate

READ and ORDERED PLACED ON FILE.

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

The House recessed until 12:00 p.m.

(After Recess)

The House was called to order by the Speaker.

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

An Act To Reduce Energy Costs, Increase Energy Efficiency, Promote Electric System Reliability and Protect the Environment

(H.P. 1128) (L.D. 1559)

(H. "A" H-350)

Which was **TABLED** by Representative BERRY of Bowdoinham pending **PASSAGE TO BE ENACTED**. (Roll Call Ordered)

Subsequently, Representative BERRY of Bowdoinham **WITHDREW** his **REQUEST** for a roll call.

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

Representative **HOBBS**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. This is the first time that I have risen during this session as a member of this body to speak on any issue, except for some procedural motions that I have made. In my 24 years as an elected official, legislator, from my districts, both in the House and the Senate, I've had the privilege of working with some very good people. Of all the things I've done, working on this historic omnibus energy bill that is now before us is among the most important. I am privileged to serve as the House Chair of the Energy, Utilities and Technology Committee, not only for the quality of my colleagues who serve alongside me on this committee, as well as for their commitment to working through these hard issues and finding a path forward to lower Maine's energy costs. I owe a debt of gratitude to everyone who worked on this bill and with me on this bill, including my Co-Chair, the Senator from Androscoggin, Senator Cleveland, my committee members, Democrats and Republicans, for the hard and dedicated work of the team of my two leads on the committee, Representative Dunphy and Senator Youngblood, as well as the principal sponsor of this bill, along with myself and Senator Cleveland. For the first time in 38 years, this Legislature allowed three individuals to be the principal sponsors, and I am very grateful for the hard and dedicated work and leadership that the House Minority Leader, Representative Fredette, has shown. I also want to thank the Chief Executive for his role in shaping the bill, both personally as well as through his capable staff.

At the beginning of the session, all of you heard from the Chief Executive, as I did, that the Chief Executive challenged the Legislature to do something to cut the costs of energy. We took that challenge at heart in our committee by crafting this particular bill. Not only did we incorporate the core of his energy bill, LD 1425, into the bill that is presently before you, but we also combined his ideas with those of at least nine other bills that came together in this omnibus bill. I want to thank the stakeholders and members of the public who worked with us to craft this legislation from broad ranges of the political spectrum. We held many public hearings on the concepts of these bills. We held work sessions on the concepts of the bills, and during the session, we were able to put those all together in the product that is before you. This bill is a broadly endorsed bipartisan compromise reported out of our committee virtually unanimously, the report was 12-1, with the one lone, dissenting colleague who was very constructive during the process and really played an important role in developing many parts which he liked. So to my colleague, the Representative from Waterboro, thank you very much. Representative Libby, you didn't join us, but you did it for the right reasons on philosophical grounds by not joining us. As a result, we have a bill in which every member of this body

should be proud, both for what it will do for the people of Maine, for our roles in crafting this package of measures that will substantially lower the cost of energy to Maine families and businesses. This bill represents an unprecedented bipartisan solution to one of Maine's most pressing issues, the cost of energy. It will do great things to reduce the costs we all pay to power our homes and heat them, and our businesses that do business in the State of Maine.

Maine's energy costs are well above the national average. As the Director of the Chief Executive's Energy Office testified to our committee, while 61 percent of the nation's population has technical access to natural gas, in Maine, only 5 percent of homes use natural gas as its primary heating fuel. On the flipside, almost 70 percent of us heat our homes primarily with oil, while the national average is only 6 percent. These facts have consequences. On average, Maine's families pay over \$3,300 every year just to stay warm, while the national average is just above \$2,000. We have the highest natural gas prices and the 12 highest electricity prices and consume twice as much oil per person than any other state in the continental United States. We all know about the economic challenges and spreading poverty, how it inflicts this State of Maine and each of us tries to do something to turn that tide. But it is only by working together, as we have done in crafting this bill, that we can have a truly transformative effect on the wellbeing of the people of the state.

In all of my 24 years here in Augusta, this is among the most important things we have considered doing to make Maine a better place to work and live. Never before in the 100-year history of the Maine Public Utilities Commission has there been a requirement to help reduce in this bill the cost of electricity and fuels available to Maine consumers. This bill amends the Commission's basic charter to place minimizing the cost of energy available to Maine consumers on an equal footing with its other regulatory priorities. This bill also recognizes the foundation upon which it rests. For example, our Public Utilities Commission has allowed a natural gas utility to offer customers incentives and assistance in converting from expensive fuel sources to clean, efficient natural gas to reduce the carbon footprint, among other things, for heating their homes and businesses, and to use their rates as a tool to drive the modernization and the transformation of our heating systems. This bill helps families and businesses in Maine to cut their energy costs through improved energy efficiency. The least expensive kilowatt hour or gallon of oil is the one that we don't consume because we have improved our efficiency. The bill before you reduces energy costs and improves security in the State of Maine in our local economics by pursuing all cost-effective energy efficiency for Maine homes and businesses, including conservation in both electricity, heating fuel consumption and other mechanisms. It also directs the Regional Greenhouse Gas Initiative proceeds to lower commercial and industrial energy costs, reduce residential heating energy demands in a fuel-neutral way to provide rate relief, and give the Public Utilities Commission improved tools for overseeing the efficiency programs that exist under the Efficiency Maine program. The bill also opens the door to \$200 million in annual savings in the form of a reduced or eliminated basis differential for natural gas. As the result of the inadequacies of the existing natural gas pipeline system, Maine electric and natural gas repairs take \$200 million extra every year for our electricity and natural gas. Unless we act now, we will continue to pay these terrible tolls, year after year, but it doesn't have to be that way.

As we have heard, in response to this bill, pipeline companies have already come up to Maine to say that if we enact this bill, they would be eager to begin working on the solution to bring

pipeline capacity to New England. When that happens, all electric and natural gas ratepayers will share in the savings and no one will pay, unless they also benefit. The bill protects ratepayers from cost increases resulting from energy cost reduction contracts and creates, importantly, the Energy Cost Reduction Trust Fund, to hold energy cost reduction contract revenues to be held in trust for the purpose of reducing Maine consumers' energy costs. All of us feel the impact of increasing energy costs. Too often, we were told that Maine is just a small state in one corner of the country and that there is nothing that we, men and women in the Legislature, can do to reverse that tie. As a result of the hard work of so many of us who have put this bill before you, from my colleagues on the Energy, Utilities and Technology Committee to the Chief Executive, his staff, the Public Utilities Commission, the stakeholder groups, some of the finest legal minds within the environmental community, and now we have an opportunity to prove those individuals who say that we should be forgotten in the corner of this country wrong. By enacting this bill today, we will cut energy costs from Maine's families and businesses and start to undo the decades of inequity that have left the people of Maine worse off than those in states to our south and to our west. I urge you to join with me in a bipartisan way to make history today. Thank you.

The SPEAKER: The Chair recognizes the Representative from Litchfield, Representative Newendyke.

Representative **NEWENDYKE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise today to speak to an issue of great importance to me and the people of the State of Maine. I speak in favor of enacting a comprehensive measure that will cut the cost of energy for all people and businesses in Maine. I have been privileged this session to serve on the Joint Standing Committee on Energy, Utilities and Technology. I am impressed by the quality of the committee members as well as that of those who appear before it. The proof is what is in this bill, the nearly unanimous support it received from our committee and the overwhelming support that it has gathered from the Maine business community. Those of us on the committee took the Chief Executive's charge to cut energy costs seriously. We crafted this bill out of the best features of the bills that came before us this session. As a result, the bill contains unprecedented measures to cut Maine's energy costs. I have received many calls and emails urging me to support this bill, as I know many of you have. This outpouring of support is compelling. We must be responsive to our constituents. If we enact this bill, for the first time in Maine's history we will make minimizing the cost of energy available to Maine's consumers a part of the basic purposes of our Public Utilities Commission. It will also require the Commission to use economic efficiency as a principle in setting rates. We will promote the non-transmission alternatives to forestall the expansion of hugely expensive electric transmission lines. We will facilitate the development of natural gas pipeline infrastructure that can alleviate an extra \$200 million of Maine electricity to Maine's electricity and natural gas customers that they pay each year, due to the fact of adequate pipeline infrastructure. We will give families and businesses enhanced tools to improve the energy efficiency of their homes and workplaces. I therefore urge you to join me in supporting this energy bill. Thank you very much, Mr. Speaker.

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

Representative **GIDEON**: Thank you, Mr. Speaker. Mr. Speaker, Women and Men of the House. I rise before you today in support of this legislation. Some of us have been in this chamber for decades, like my good Chair, the Representative from Saco, others have been in this chamber for years and still

some of us have only been here for months. But I think something we've all learned is that it is easier to do nothing, it is easier to oppose something and that is exactly the opposite of what happened in the Energy room outside of these windows. We could spend many hours talking about everything that is in this bill. Let's not do this. Instead, let's understand what we really need to know here. The best way to save on energy costs is simply to use less energy. Maine has been falling behind other states in terms of how much we are saving on energy efficiency. This bill changes that. This bill provides \$365 million of additional savings through electricity conservation. It tackles head-on the existing bottleneck in the natural gas pipeline, eliminating what is essentially a gas tax by as much as \$150 million a year. It lowers our cap on greenhouse gas emissions by 45 percent, while using the funds generated from that to save homeowners as much as \$15 million in home heating costs per year. Finally, it sends \$30 million of direct electric rate relief to our businesses and into our economy. That's quite an agenda. In the truest form of bipartisanship, this bill takes the politics out of energy policy. It ensures that Maine's investment in energy efficiency is based on facts, on the economics of saving ratepayers as much money as possible. This bill reflects our highest energy priorities as Democrats and Republicans. It increases our investment in the cleanest and lowest-cost energy source available, it lowers our overall carbon footprint for Maine, and it positions us economically for the future while lowering our energy costs now. I'll bet we can all agree that the good people of Maine need many things from us right now. Let's show them at least this one, that their legislators worked together to create real results that benefit Maine people and Maine businesses. Thank you.

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

Representative **DUNPHY**: Thank you, Mr. Speaker. I'm not going to bore you with a whole bunch of details because this is an incredibly technical report and a very complex bill, but I would like to tell you that it was a 12-1 report. It truly was bipartisan. It incorporates parts of 12 bills. It does work to address the high cost of electricity, which in turn benefits industry in Maine as well as Maine residents and promotes jobs. It addresses potential market failures. It encourages a catalyst for private and public partnerships. It benefits Efficiency Maine Trust. It controls systems benefit charge for a couple of years at least and probably much longer than that. It provides \$26 million to lower electric rates. It has the potential to reduce transmission costs and certainly heating costs in the State of Maine. It supports the University of Maine and their involvement with offshore wind development. Is it a perfect bill? Absolutely not. I don't think anything we do in here is perfect, but it certainly is a step in the right direction. It's good for Maine, it's good for Maine's business, it's good for Maine's consumers and it's good for Maine residents, so I ask you to please follow me in supporting 1559. Thank you, Mr. Speaker.

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

Representative **BEAVERS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I, too, support this bill and since everybody has pretty much summarized, I won't add any additional details. I just want to thank all the people who submitted the fine bills from which we created this omnibus bill, and I want to thank all the stakeholders, who are quite often on opposite sides of the issue, who came together. We saw various miracles happen in this committee and I am very appreciative of how well we all worked together. Please support this bill. Thank you.

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

Representative **FREDETTE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I'll be brief. I first want to thank the Speaker who, initially when he became the Speaker of the House, indicated energy was an important issue that needed to be addressed this session, and he allowed the committee to do its work that it needed to do which took a lot of time and a lot of depth. He allowed the committee to do that, so I am grateful to the Speaker for him allowing the committee to do that. I am also grateful to the two Co-Chairs and two Republican leads who spent many hours, nights and even weekends on this. I am also grateful to the other members of the committee who worked through very thick information and detail to try to come up with a bill that was a 12-1 Committee Report, something that was very, very difficult to do. But I want to just tell you a really quick story and then I will sit down. This began in a way, over a year ago, when I thought it would be interesting to do an energy bill and I thought that would be something that would be easy to do. So I eventually got in contact with the Chairman of the Public Utilities Commission, Tom Welch, and he lives up north and so one Friday afternoon he stopped in Newport and at the Irving gas station over supper, we talked about energy. He looked at me and he said, "Are you sure you really want to do this?" and I said, "Sure, why not?" From there, which was well over a year ago, we spent some time working in an informal group through the summer and through the fall on different pieces of an important energy package, and there were many people involved in that including members from the Executive Branch, interested parties, and it was a terrific experience. Then that flowed into what was ultimately created from this bill. I will finish simply by saying it's no small achievement to amend essentially a charter of the Public Utilities Commission to say that it ought to seek to reduce electric costs in the State of Maine. Amending a charter, first time in 100 years. That's a big deal. Also, looking at conservation, looking at efficiency, we will reduce energy costs and we will make Maine and New England competitive nationally so we cannot only bring businesses to Maine but save those big industrial businesses that are already here and who are threatened by high energy costs. That's a big deal. I am very grateful, Mr. Speaker, to all the people that have been involved in this and I would ask that you follow my light in supporting the motion. Thank you, Mr. Speaker.

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

Representative **RYKERSON**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. We've been talking about the metrics of this bill. This bill did take a lot of energy. It took a lot of coffee. But I would like to mention that it's more than just how much energy costs. I would like to talk about some other metrics this bill does address, which is the health of our citizens through clean air, the health of our climate, the lessening of our dependence on foreign oil. So I am happy to have worked on this bill. Thank you, Mr. Speaker.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 131 voted in favor of the same and 7 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

UNFINISHED BUSINESS

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

HOUSE DIVIDED REPORT - Majority (10) Ought to Pass as Amended by Committee Amendment "A" (H-339) - Minority (2) Ought Not to Pass - Committee on AGRICULTURE, CONSERVATION AND FORESTRY on Bill "An Act To Clarify the Laws Establishing the Department of Agriculture, Conservation and Forestry" (EMERGENCY)

(H.P. 588) (L.D. 837)

TABLED - June 6, 2013 (Till Later Today) by Representative DILL of Old Town.

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

The **SPEAKER**: The Chair recognizes the Representative from Old Town, Representative Dill.

Representative **DILL**: Thank you, Mr. Speaker. This bill was really started first last year, last session, in the 125th, and at that time the bill was passed that joined Agriculture, Conservation and Forestry into one department, and they were allowed to end up with one commissioner, do some high-level administration combinations and to create a budget. The bill also, last year, stated that this year, in the 126th, we would have the authority to put forward a bill to put the whole organizational format and form into play if we so desired. We had until December 2014 to do this. LD 837, which is on the floor in front of us, was that bill that came forward and the committee worked this bill for many, many different afternoons. The bill finally came out with a 10-2, Ought to Pass, and there was a lot of input into it from various and sundry folks. Initially, we received an organizational chart, if you would, from the Department, and then, after that chart was received, the next work session we received another organizational chart from a group calling themselves the Natural Resource Network, which was made up mostly of agricultural and forestry folks. Then we received another organizational chart from another group of a couple of groups from the conservation side of things. There were some conservation groups that were also opposed to the merger. We took, during work sessions, we took all of these organizational charts, put them together, worked the bill, worked the mission and I want to give credit to the good Representative from Winthrop, who spent almost one whole work session working with the committee on putting together the mission statement and the guiding principles, changing those so that it hopefully better reflected small agriculture and also some conservation aspects. The bill also took the commissioner's position and created that so that that person must be knowledgeable basically in all three areas – conservation, agriculture and forestry. They could be highly skilled in one area but must know and have some experience in the other two, so that leaves it to any one of those three folks, either an agricultural person or forestry or conservation person could be the commissioner of this new Department. Now, we also had a long discussion over what is called the "die cap," the overhead in the Department. We did freeze that for three years at the current rates and are waiting to hear from the feds to see what the new level is, and there has been concern over spending of that money, so I would put that right up front.

Some concerns about the new Department is that conservation may take a backseat in the new Department and the concern was especially around the mission statement and this type of thing, and I believe really our new mission statement does address these things. It says it supports the works of the citizens that derive their livelihood from agriculture, conversation and forest interests, and those who enjoy parks and

conservation, lands, through education, research, regulation and etcetera. It promotes and protects public health, the wellbeing of domestic animals wide land usage, preservation of the state's key conservation assets. Also, the guiding principles go on to say that the state's rural jobs in natural resources are, at the same time, a rich heritage to be carefully passed to successive generations in an evolving economic engine, driving recreation, food and fiber components of the state's workplace, strengthening the Maine's forest, conservation, recreation, etcetera, and public access to the state's natural resources is vital to enhancing the state's natural resources economy. Then finally, the state's land and water are common denominators for fresh locally grown food, processed food, etcetera, again bringing into the play in the Department how important agriculture and especially small agriculture is. I would stop there and I know there is going to be further discussion and that's kind of where this bill stands at the moment. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Woolwich, Representative Kent.

Representative **KENT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. As my Chair and friend and colleague, the Representative from Old Town, said, this bill had its origins in the last Legislature. He and I, there were a handful of us who were there at the time. I think maybe seven new committee members sit on the committee now. The bill came to us from the second floor. It came as bill 1030 at the time. At the public hearing – by the way, I'm standing against this motion, in case I didn't say that at first. I do not support this motion. At the public hearing, the second floor did not have anything to recommend this bill other than so-called synergies. It didn't address any problems, it didn't answer any complaints and it didn't save any money. In fact, it has a fiscal note of \$50,000 a year, not a big one, for the next three years. But synergies are what they said it would create and they didn't happen to have any at the time. They came 10 months later. The farmers and the public who are conservationists did not support it. Both vocalized similar complaints, that they were afraid of losing their voice. The farmers were afraid that if it wasn't run by someone from Agriculture, they would lose their voice. Conservation is the same. If somebody was running it who wasn't a conservationist, that they would lose their voice. The special interests who sat in the room straddled the fence. They wanted to see how it would unfold. Because, see with this bill, it came with nothing, with no structure. It was just a merger of these two departments. It went through committee without much conversation, as many bills did last session, and it came to the floor of the House. This bill would not have passed because it would not have gotten the majority of the votes in the House. There were that many people who were suspect of a merger that had nothing to recommend it. It was salvaged on the floor by a last-minute amendment, LD 837, which basically began the merger but put the actual enactment of it on to the shoulders of this Legislature, and it sunsetted it, as the Representative from Old Town said, at the end of 2014, which is pretty far down the road. But now we are here in this session and it's before us as the amended version, LD 837, and in the past year, ladies and gentlemen, I was a cosponsor of this original bill, 1083. I cosponsored it. I, like many people, did not know what its body was, but in this last year as it's unfolded and because it was held over, because it did not have a majority to pass and be enacted last year, we have yet an opportunity to see and fair it out what the thinking was and is behind this bill.

This bill, of this proposed new Department, as it has unfolded, its focus is agriculture and its core, it is about absorbing the Department of Conservation, boosting agricultural programs and shifting the focus of programs in the merged department away

from stewardship and preservation toward economic development potential, not preservation, stewardship and natural resources. Mr. Speaker, these synergies that were mentioned cryptically at the public hearing unfolded this session in the shape of 45 initiatives delivered to us by the Commissioner of Agriculture, who is now the Commissioner of these merged departments. These 45 initiatives are the only documented philosophy of this new merged department. Everything else could potentially be hearsay or my opinion. These 45 initiatives are what are on the table to shape the policy and thinking of this new department. These 45 initiatives using – basically, Mr. Speaker, the layout of these 45 initiatives are this. Forty-five of these initiatives are aimed at using conservation lands, programs and staff to benefit agriculture. Fourteen of the proposed initiatives simply involve exploring ideas. Four of the initiatives talk about sharing. They talk about sharing vehicles. They talked about sharing office space. They talked about sharing billboards at fairs and events. Number 32 is to streamline blueberry burn permitting. These initiatives were delivered to us November 2 after the last election and one of the Senators, who is no longer in the other body, pointed out that these initiatives do not need a merged department. These initiatives are fundamentally about cooperation and talking together. It's not that I think that these initiatives weren't delivered in good faith. I believe they were. I believe that they were thought to be balanced and in the best interest of both agriculture and conservation. The fact is they are not, not intentionally or covertly, but because underlying these initiatives are fundamentally different outlooks and these initiatives were created by an agricultural outlook. These initiatives, like the new Department that this legislation creates, has been shaped by an agricultural perspective. From a conservationist's perspective, it would look quite different and that the major underlying problem with merging these departments, agriculture and conservation have some fundamentally different perspectives that do not merge.

Mr. Speaker, in this House, under this roof, we have two sides of the aisle. We have some fundamentally underlying differences that demand that we separate ourselves in some way, and it's the same with conservation and agriculture. Yes, they share. They have similarities. But conservation is fundamentally public. It's about preservation. It's about stewardship. It's about conservation. Agriculture is fundamentally private. It's utilitarian. It's extractive. It's economic. They need their own houses. They need their own departments. We need our Department of Conservation. If Maine can be said to have a signature, it is conservation, and it is our Department of Conservation that has scripted and preserved this signature that has protected and implemented this long history of the will of Maine's people and this Legislature. We need the Department of Conservation intact. It is the driver of tourism, which is Maine's largest economy. People come from around the world, around this nation to enjoy what we, as Mainers, have historically preserved.

Mr. Speaker, I stand in opposition today, not to begrudge agriculture or its right to flourish, but to guard that it does not do so at the expense of Maine's legacy of conservation. I would do the same for agriculture if I felt that conservation was going to overwhelm that department with its interests and needs. Maine agriculture is struggling. Our state used to have over 1,000 dairy farms, now it has 300 and we are going to lose more this summer. There is enough farmland in Maine gone fallow to feed all of New England, but we lack the infrastructure, the processing ability to add value to our products. Maine has an incredible agricultural potential in its small farms and farmers, it's organic farming community and the growing demand for local foods, local

markets and local food sources. There are more young people going into farming in Maine than any other state in this country. We need an agriculture department that is going to recognize what the new agricultural landscape is in Maine, and it is going to confuse itself in this growing constituency by becoming bigger and merging with the Department of Conservation. It will not solve its problems, if problems are at home where it sits now. Maine agriculture, like Maine conservation, must be represented by its own department, a department singularly dedicated to hearing the agricultural voice, identifying agricultural needs and developing a vision for agriculture in this state, a new agriculture. Again, expanding and merging and diluting its focus, its mission, by converging the Department of Conservation is not the answer for agriculture in Maine.

Look carefully at some of the handouts you have that claim "Merger Benefits Conservation" and you tell me where it actually benefits conservation. That is a big question I have and I hope will be answered by others on this floor. Exactly how is this merger benefiting conservation? I'll tell you how it's benefiting agriculture. Initiative 32, discuss agricultural permitting use issues in unorganized territories. Number 2, use hydro geologists from the Department of Conservation to provide guidance on water sources for agricultural processing. Number 8, offer opportunities to lease state's public non-reserve lands to encourage food production and agricultural research. Number 39, explore how parks and public lands can help design, plan and estimate agricultural programs. Number 37, utilize the division of forestry to help respond to agricultural resource development requests. Number 17, share expertise to better plan for spraying misquotes and educating the public on pests and pesticides. I want someone on this floor to tell me how it's going to benefit conservation. You might hear that "But we have legislative oversight over this merger." I don't know what that means. We've had legislative oversight since last year. We were given the legislative oversight to have six agricultural meetings over the summer to discuss how this was progressing. The chairs of last session's agriculture committee did not call one. We forfeited our agricultural oversight. Agricultural oversight is only as good as the politicians who are running the show. It means nothing, unless you are there to act on it and exercise it. We have legislative oversight over all our departments and I don't think anyone of us could say they are operating at peak capacity or well or economically.

I've heard a lot of rumors just before we came into session this afternoon, rumors about this particular legislation, and I don't know how to respond to rumors. If you've got a rumor floating around in your head, that's why it was put there, to confuse you and there is only one voice that you really need to listen to and that's the one that starts from your own heart. Listen to a rumor but know that you don't know where it came from, you don't know its source. Vote on this legislation. I know that there are those of you who are pragmatic, who want to call us behind leadership. That's your choice. I just don't think pragmatically. I try not to. It's not always easy to separate pragmatism from what I really believe will move us forward, but I ask you to do that work in yourself, try to vote the way you want to vote. Ladies and gentlemen, Mr. Speaker, follow my light. I will not be supporting this merger. I will be voting red.

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

Representative **BLACK**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The ACF Committee has worked on this bill for over two years. I will be the first to say, at times, I did not support this merger. I am personally involved in many areas, in most areas of this merger

in my real life. I farm, I own a woodlot and log, and I help preserve farm and forestland with conservation easements continually. I care about our natural resources. We need them for our recreation, our tourism and for food and fiber. We need our fields, our forest and our water to provide us with a great place to live, to work and to play. This merger will help guarantee this. Please support this bill because it is the right thing to do for our natural resources. I stand not only here before you today in just word, but I live by what I say. In 1976 and in 2006, I was a Conservation Farmer of the Year for Franklin County. In 2006, I was a conservation logger of the county, so I believe and do what I say, and I believe that this merger will not only help ag and forestry, but it will also support and help conservation. It's not always easy to be a conservationist and be in my caucus, but that's why I am and I believe I support conservation efforts here in the state, and I believe that we will benefit if this merger goes forward. Thank you.

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

Representative **HICKMAN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise to speak on the pending motion. The proposed merger of the Department of Agriculture with the Department of Conservation is a huge deal. We must not take it lightly. A week ago Thursday, I delivered a talk at the Rotary Club of Boothbay Harbor for their annual graduating seniors program. I can never turn down an opportunity to talk to our state's young people. After my remarks, the Rotarian who invited me to speak asked me if I had ever heard of a Kentucky writer named Wendell Berry. He said that his thoughts about agriculture were so much like mine that I could have written some of his work. I was therefore intrigued. So the gentleman sent me one of his books entitled, *It All Turns on Affection: the Jefferson Lecture & Other Essays*. I wish to share some passages from an essay in the book called "Starting From Loss."

"Given our histories of settlement and unsettlement, of a displacing education subordinating everything to upward mobility and [spiritual beliefs] aspiring only to Heaven, it would be surprising indeed if we had developed a state politics and government encouraging to good stewardship of the land. On the contrary, our politicians have aligned state government with a national government increasingly dominated by the great corporations, and subserving a land-destroying economy that has become so conventional that government officers and university intellectuals scarcely have thought even to question it.

"To live we depend unconditionally on our membership in the community of creatures, living and unliving, that we call the ecosphere. Every life in the terrestrial ecosphere depends unconditionally, in turn, on a thin layer of fertile topsoil that in most places is a few inches or a few feet deep and that accumulates slowly. In a climate such as ours it deepens by perhaps one inch in [one] thousand years. This layer of topsoil is made by the decay of rock, by sunlight and rain, and by the life and death of all the creatures, but mainly of the plants—[the] perennial plants—that grow from it, die into it, and by covering it year-round protect it from erosion and hold it in place.

"About [this] topsoil, the creatures that inhabit it, from the microorganisms to the tallest trees, and their complex interdependences, we humans know very little, and we are unlikely ever to know very much. We do know, we seem always to have known, that upon this great gift, this great mystery, we and all our generations absolutely depend. The Bible, as some have begun again to understand, requires our gratitude for this gift, as well as our care and caution in the use of it. To forget this, so as to destroy the topsoil and the plant cover that protects

it, surely is a desecration, if desecration means anything at all. And yet our present economy is based upon this forgetfulness and this desecration, which are formalized in all our industries of land use

"It is necessary to say further that the same economy of production-by-exhaustion is at work, only more slowly, in our landscapes that are forested or farmed. The state and national, and now global, economies pay only for production from these landscapes, not for [its] best work, not for [its] maintenance. The land still produces, but it does so at an every-increasing, unlimited, and unrestrained cost in soil erosion, chemical pollution, community destruction, degradation of the cultures of husbandry, and by now in reduction of the land-using population almost to disappearance.

"Perhaps the most tragic irony of our history was in the industrialization of agriculture after World War II.

"... industries that had grown rich and powerful in support of the war effort were faced with disemployment. The solution to this problem was to industrialize agriculture. The machines and [the] chemicals developed to defeat foreign enemies were turned against the farmland and the farmers on the 'home front.' The aim of industrialization then as always was to replace, and to displace, human workers with 'more efficient' technologies.... Any possibility that agriculture could be structured according to ecological models adapted to specific localities was abandoned and forgotten.

"Imposing everywhere the same methods, technologies, varieties, and breeds without respect to place, industrial agriculture acquired with astonishing speed the stature and force of a national ... orthodoxy, solidly supported by government departments of agriculture, land-grant colleges of agriculture, agricultural journalism, and large grants of money and extensive advertising by the agri-industrial corporations. And so it was ... tough luck for small farmers, small farms, small fields, fences, shrubbery fencerows, grassed waterways, wetlands, farm woodlands, clean streams, native communities of plants and animals, and incalculable tonnages of eroded topsoil. Tough luck, in short, for the natural heritage and the ecological underpinning of the economic landscapes

"For a brief interlude after about 1940, the agricultural economy was favorable to farmers, who enjoyed even a bit of prestige and appreciation during the war years. But in 1952 the Eisenhower administration came in, issuing to farmers maybe the cruelest, most undemocratic proclamation ever made to American citizens: 'Get big or get out.' Farmers were then abandoned to the mercy of the industrial economy and the 'free' market, which in only forty or so years squeezed most of them out of farming and into the 'labor pool.' Their places were taken to some extent by migrant workers, predictably disesteemed and exploited, but mostly [by] mechanical and chemical technologies and fossil fuels that greatly increased costs for the remaining farmers—costs that invariably increased faster than [the farmers] income. The idea that farmers should be conservationists has been fairly commonplace since at least the 1930s, and it is a fact, to some extent acknowledged, that the survival of agriculture depends upon the conservation of nature. But too few experts and officials have realized that conservation in agriculture requires an adequate number of farmers adequately paid. You can't expect a minimal farm population, minimally paid and struggling for survival, to be devoted conservationists.

"The power and wealth of agriculture have accrued more and more to corporations, [and] less and less to the primary producers. Meanwhile, because of the growth of urban populations and [the] increasing specialization in production, the geographic basis of the food economy has grown more and more

extensive. For a long time now the economies of agriculture and food have been dependent on long-distance transportation. One of the significant unaccounted costs of long-distance transportation has been the rapid, accidental but inevitable, spread of exotic organisms. Our present version of industrial agriculture ... has 'incidentally' produced two dire ecological results: it has destroyed or damaged local communities or native species, and it has supplanted or corrupted them with introduced diseases, weeds, and pests. When the accounting is finally done, these results will be shown to be ... expensive both ecologically and economically, initially damaging and difficult or impossible to put right.

"And so the history of our state, inseparable in most ways from the history of our nation, has brought us in a remarkably short time to an economy that is increasingly tremulous and questionable, resting ... upon ecosystems that are increasingly impaired and threatened."

Mr. Speaker, with this merger, we have an opportunity to reverse this desecration. Mr. Speaker, we also have the opportunity to exacerbate this desecration. Which path will we chose? So long as we strengthen the traditions of rural communities, so long as we understand the intrinsic value of small farms, farm workers and our devotion to feeding our communities wholesome, locally produced food, so long as we continue to learn and implement the lessons of the forest, so long as we continue to build and conserve our fertile soil and clean water, the merger could work. But it will take vision. A bold vision backed up with a long-term plan to plot a new way forward. We need our farmers to become conservationists again. We have a lot of work to do, Mr. Speaker. And when I say we, I mean all of us. This is not the work for a few people with a lot of money or a few intellectual or political hotshots. This is work for everybody, requiring everybody's intelligence. It is work that is inherently democratic. Mr. Speaker, we must remain committed to ensuring that Maine remains the way life should be. We must hold steadfast in the knowledge that our precious natural resources should not, cannot, and will not be exploited for the profit of gigantic corporations. We must remain vigilant. We must remain vigilant. We must remain vigilant. We must get this right. Future generations are counting on us. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Turner, Representative Timberlake.

Representative **TIMBERLAKE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I look forward to us hopefully making history here today. For the first time in my lifetime, the Department of Conservation and Forestry, along with the Department of Ag, get to work together to create a better state. For all the groups to work together, it will be a wonderful thing that can happen to us. I am the eighth generation on my family farm. I think this bill will help assure the ninth and the tenth generation will continue to keep our forests and fields open to the public and available for them to use free of charge. My family is conservationists. We have also received the Conservation Farm of the Year award more than once. I hope my grandchildren and children get to continue to learn how to farm in this century and the next. This merger will help assure that this does that because it lets the people and the technology available of the departments merge together and work together, and the most important thing is they get to work together because no two departments today work together all that well. That would help my family and every family farm in the State of Maine, along with every forester, and most importantly, all the conservation lands and conservation easements work together to create a better state and support the people of the State of Maine. I urge

you and my family urges you to please support this bill and the pending motion before you. I will be doing so. Thank you very much.

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

Representative **CRAY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I think this is probably the third or fourth bill in seven years that I've stood up and spoke on. This bill has been a lot of work. We've worked two years on this bill in different stages, different times. We took it on in January. We took it on in the 125th, and then we took it on again in January and made it a committee bill, and we as a committee listened to all the constituencies. We tried to have everybody come in and give us their concerns with the bill, and we tried to address those and I think we did. Is everybody happy? No, I don't think everybody is happy, but I've never seen any legislation that's come out of here that everybody has been happy with. I think we made some concessions, everybody made concessions to get this bill passed. As far as the list of 45 that the Representative from Woolwich was concerned with that was passed out in November, I think a lot of those issues that were on that were addressed in our work as a committee to come out with this bill, and I think Representative Hickman from Winthrop helped us out very much on the agriculture. I'm a farmer and the small farm agriculture in our state is very important, and I appreciate him for doing that. As far as conservation, although I think somebody else is going to talk about that directive, but we worked hard to put the stuff back into this budget, into this merger that the people wanted. I just think it's a great thing and hopefully you'll vote to support this merger. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative **EVANGELOS**: Thank you, Mr. Speaker. Just one quick question. I remember two years ago when the merger was conceived that there were supposed to be some savings for the state attached to it. I noticed on the bill, under the fiscal note, there was no fiscal impact, so I'd like to know if there are any savings available attached to the merger? Thank you.

The SPEAKER: The Representative from Friendship, Representative Evangelos, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Woolwich, Representative Kent.

Representative **KENT**: Mr. Speaker, there are no savings and there is a fiscal note of approximately \$50,000 through the next three budgets, as I recall. Mr. Speaker, may I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative **KENT**: I would like someone to tell me how this benefits conservation. Thank you.

The SPEAKER: The Representative from Woolwich, Representative Kent, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Palmyra, Representative Cray. I knew that.

Representative **CRAY**: See, I don't speak very often. Thank you, Mr. Speaker, and to answer the question of Representative Evangelos, there was savings last in the 125th, whatever the commission for conservation was, that was the same as it was before. This really wasn't done to be a savings. It was done to try to find overlap within the departments that we may be able to work together. It may be five years down the road before we

actually see any real savings out of these. It wasn't really designed to provide any fiscal savings.

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

Representative **FREDETTE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The good Representative from North Berwick couldn't recall Representative Cray's name because we've both been up about 36 hours without any sleep, and so I will try to keep my speech short so that I don't make the same mistake. But I believe today that we've made a significant step forward in this body today. It's been a difficult session, but I believe with the passage of the energy bill, we did something significant as a legislative body, some significant for the people of the State of Maine. This bill before you today has been a work in progress for three years. Initially, there was some concerns about the bill, that there needed to be more legislative oversight, and as a result of that, there was actually an amendment put on the bill last session so that legislative oversight could occur, and that, in fact, did occur. Many hours, weekends, nights, days spent on this, and I believe it's a good product. We have an 11-2 Committee Report. I think that's important. I was born in Aroostook County so I understand a little bit of something about farming. In the Newport area, we have a very significant farming community. I am proud of that community. This changes agriculture. It changes conservation. There is no doubt about that. But we do need to change sometimes as a state to move forward, and I would submit to you the work that we did on the prior bill in a bipartisan way, in a significant way, helps Maine, and I believe that the work that was done on this bill in a bipartisan way, with the support of the chairs on both parties, is again a nod of an accomplishment that we can look to in this legislative body when we end this session. I ask you, therefore, to please support the motion. Thank you.

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

Representative **KUMIEGA**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise in support of this motion on the floor. I think this success or failure of what we have in front of us depends not on passing this bill. It depends on the vigilance of the committee and the leadership of the Chief Executive and department, and making it work in the future. I think this is an opportunity for improvement that is worth grabbing. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Rockport, Representative Welsh.

Representative **WELSH**: Thank you, Mr. Speaker. I rise in opposition to this bill. Maine's environment is our most important resource. I'm also a big supporter of agriculture. I have a family history of farmers and ranchers. I think the mission is very different between the Ag Department and the Conservation Department. We must have a department that will preserve, protect and conserve our most important resource. It's why we all live here. I encourage you to vote against this bill. Thank you.

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

Representative **McCABE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. As you can imagine, for me, this is an issue that I've been conflicted on. I have the opportunity to be a steward and serve in the capacity of managing 320 acres of the most beautiful land on the Canaan and Skowhegan border. I also rise out of respect for this committee. I respect the members of this committee in a way, in a sense, I sort of feel like I have abandoned them on this issue. I didn't spend the long hours and the days in the committee room like they did. I also recognize, as a steward to the state, other

folks who are stewards to the state. The good Representative from Turner, the good Representative from Winthrop, the good Representative from Hollis, and I think there is folks that I really have a great deal of respect for, folks that share a level of uneasiness today. This is a bold step. It really is. We make this step. We have an opportunity, an opportunity to expand on the Maine brand, an opportunity to grow that Maine brand. If there is concerns, absolutely. You know, can we make this better? I would say one hundred percent we can make this better, but I think what it needs to make it better is to have all of us at the table, all of us working together. I held this one pretty close. I think people thought that I might vote either way on this issue. I didn't inject myself in the committee which, as a member of leadership, that's pretty hard to do. I feel a little more refreshed maybe than the good Representative from Newport, as I did fall asleep for about three hours last night, and the Representative from Newport was trying to find me and I was fast asleep in my office. But I rise today and it may be a surprise to many in the chamber when I rise today to support the pending motion and to say that, you know, I continue to sit at the table. I gain nothing from this other than moving Maine forward in a bold approach that will set a precedence, will base future agriculture/conservation efforts statewide. Many states have done this. Many states have used the model that we are using. It is the next steps, I think, that are the most important. It's the steps we take together on this vote today. It's the steps that we take together as we actually create a bold path and a vision for what we want agriculture and conservation to be. I find myself in times of situations like this reflecting on folks like Aldo Leopold and really talking about a land ethic, and what is our land ethic going forward. We can talk a lot about the Maine brand, but it's clear to me that the Maine brand includes agriculture, includes conservation and it's time to move forward. I'm ready to take that bold step and I hope folks will join me. Thank you, Mr. Speaker.

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

Representative **CAMPBELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of this bill wholeheartedly and I urge my colleagues on both sides of the aisle to listen to the Republican leader, what he just said, and what the Democratic leader just said, and how hard Representative Dill worked to come out with this great majority on this bill. I urge my colleagues on both sides of the aisle to support this. Thank you.

The SPEAKER: The Chair recognizes the Representative from Hollis, Representative Mearan.

Representative **MAREAN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of the pending motion. I would like to applaud the good Representative from Skowhegan for his support and his leadership. There is no question, in my mind, that if the folks in this chamber take a look at the folks that are sitting on the Committee of Agriculture, look at that background, you will find that agriculture, conservation and forestry are well represented on that committee. We have a very diverse group of folks. There are about five or six farmers on that committee. There are a couple of conservationists. There is an educator. There are a couple of foresters. So have we not vetted this out fairly? I do believe that we have. I am very, very supportive of both agriculture and conservation. I have a farm in York County, which I bought a few years ago to save it from development and turned it back into a farm. In 2009, the previous Executive person in the administration, Governor Baldacci, appointed me to the Land for Maine's Future Board. I was so honored to think that I was going to have the opportunity to make sure that

conservation in Maine was served the way it needed to be served and that I could be part of that. This administration reappointed me and I served as the Chair for the Land for Maine's Future Board for two years, until I was reelected to come back to the chamber. It was very difficult for me to give up that position. I can assure you that the conservation part of this merger is well protected, well thought out, very much respected. There are several farms within your jurisdiction and my jurisdictions that have conservation easements on them. We have some very large tracks of forestland that have conservation easements on them. Land for Maine's Future watches out for working waterfronts and water access statewide. I think we've done a great job here. I look very much forward to the merger working well for both agriculture, conservation and forestry, so I appreciate your support. Thank you, Mr. Speaker.

Representative McCABE of Skowhegan **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. 229

YEA - Ayotte, Beaulieu, Bennett, Berry, Black, Bolduc, Brooks, Campbell J, Casavant, Chase, Clark, Cotta, Crafts, Cray, Crockett, Davis, Dill, Dion, Doak, Dunphy, Duprey, Espling, Fitzpatrick, Fowle, Fredette, Frey, Gattine, Gideon, Gifford, Gillway, Graham, Guerin, Harvell, Hayes, Herbig, Hickman, Hobbins, Hubbell, Jackson, Johnson D, Johnson P, Keschl, Kinney, Knight, Kumiega, Lajoie, Libby A, Lockman, Long, Longstaff, Luchini, MacDonald S, Maker, Marean, Marks, McCabe, McClellan, McElwee, Moriarty, Nadeau C, Newendyke, Noon, Nutting, Parry, Pease, Peoples, Plante, Pouliot, Pringle, Rankin, Reed, Rochelo, Russell, Sanderson, Saucier, Shaw, Short, Sirocki, Stanley, Theriault, Timberlake, Turner, Tyler, Verow, Volk, Wallace, Weaver, Willette, Wilson, Winchenbach, Winsor, Wood, Mr. Speaker.

NAY - Beavers, Beck, Boland, Carey, Cassidy, Chapman, Chenette, Chipman, Cooper, Daughtry, DeChant, Devin, Dickerson, Dorney, Evangelos, Farnsworth, Gilbert, Goode, Grant, Hamann, Harlow, Jones, Jorgensen, Kaenrath, Kent, Kornfield, Kruger, Libby N, MacDonald W, Mason, Mastraccio, McLean, Monaghan-Derrig, Moonen, Morrison, Nelson, Peavey Haskell, Powers, Priest, Rotundo, Rykerson, Sanborn, Schneck, Stuckey, Tipping-Spitz, Treat, Villa, Welsh, Werts.

ABSENT - Beaudoin, Briggs, Campbell R, Kusiak, Malaby, McGowan, Nadeau A, Peterson, Saxton.

Yes, 93; No, 49; Absent, 9; Excused, 0.

93 having voted in the affirmative and 49 voted in the negative, with 9 being absent, and accordingly the Majority **Ought to Pass as Amended Report** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-339)** was **READ** by the Clerk.

Representative **DILL** of Old Town **PRESENTED House Amendment "A" (H-354)** to **Committee Amendment "A" (H-339)**, which was **READ** by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative from Old Town, Representative Dill.

Representative **DILL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. One of the concerns that we had from previous curtailment was that it may have been applied unequally within the Department. What this bill does, it gives legislative intent that basically says that it is the intent of the

Legislature that curtailments imposed on the Department of Agriculture, Conservation and Forestry be imposed proportionately among the major units within the Department, having substantive jurisdiction over distinct policy areas. Right at the moment, there are four bureaus, so it would be proportionately over those four. Thank you, Mr. Speaker.

Subsequently, **House Amendment "A" (H-354)** to **Committee Amendment "A" (H-339)** was **ADOPTED**.

Committee Amendment "A" (H-339) as **Amended by House Amendment "A" (H-354)** thereto was **ADOPTED**.

Representative **JONES** of Freedom **OBJECTED** to suspending the rules in order to give the Bill its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading**.

Subsequently, the Bill was assigned for **SECOND READING** later in today's session.

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

Joint Order To Study the Creation of a State of Maine Partnership Bank or Other Maine Financial Structures.

(H.P. 1130)

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

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

Representative **FITZPATRICK**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I ask you to join me in opposition of this Joint Order to establish a task force to study the creation of a State of Maine partnership bank. The Insurance and Financial Services Committee voted unanimously Ought Not to Pass on two proposed state-owned bank bills this session and in prior sessions as well. I ask you to vote against this Joint Order for the same reasons the bills were defeated in committee. First, there was no demonstrated need for the bank. Second, the state does not have the millions of dollars necessary to capitalize and run it. Lastly, deposits would not be insured. It would take millions of dollars to capitalize a state-owned bank and millions of dollars in annual operating expenses to run it.

Where will the state get the money necessary to establish this bank? There was talk about using the treasury's cash pool or the state retirement fund to capitalize the bank. Maine's State Treasurer, Neria Douglass, in her testimony before the committee, presented us with several charts illustrating her points that the General Fund has been negative, or in the red, for much of the last few years. I have passed out sheets of her testimony. The state operates by utilizing internal borrowing from the many dedicated funds and sometimes from funds belonging to component units. She stated, "The treasurer's cash pool is used for operations and has no reserves." She went on to say, "I have a duty to the people of Maine to maintain the cash pool with the goals of safety, liquidity and yield." Will Maine citizens or state employees be willing to risk losing principal from the treasury's cash pool or the state employee retirement fund to capitalize a state-owned bank to make loans that financial institutions cannot make because they are too risky? Maine banks have ample deposits to loan to eligible borrowers.

In 2012, Maine banks made \$3 billion in loans to Maine companies and \$2.5 billion in loans for residential real estate. Maine banks are adequately capitalized and routinely partner with FAME and Maine State Housing and the Small Business Administration to meet the needs of Maine citizens and businesses. State-owned bank proponents have flawed data stating that large banks control the majority of Maine bank

deposits, and they cite this as one of their main reasons for needing a state-owned bank. The true data from the Federal Deposit Insurance Corporation states that banks headquartered in Maine control 61 percent of Maine deposits. What would the removal of these deposits from our Maine community banks, such as Bar Harbor Bank and Trust, Camden National, Bangor Savings, Biddeford Savings, Androscoggin Bank and Citizens Bank do to the employment and growth of our local businesses? A state bank, unlike all the depositories currently being used, would not be subject to the same federal and state banking regulations, nor would the funds be insured by the FDIC.

There is only one state-owned bank in the U.S. and that is the Bank of North Dakota, established in 1919. Other states have studied the possibility of a state-owned bank and have ultimately said no. This study is a solution conceived by national think tanks without any understanding or regard to the situation locally here in Maine. Indeed, the Massachusetts Legislature concluded recently in studying such proposals that there was no compelling rationale and their conclusions were supported by a research report from the New England Public Policy Center of the Federal Reserve Bank of Boston titled "The Bank of North Dakota: A Model for Massachusetts and Other States?" In the report, the Federal Reserve analyzed the benefits of having a state-owned bank. Advocates for a state-owned bank commonly cite four potential benefits: stabilizing the state's economy, providing local businesses improved access to credit, augmenting the lending capacity of community banks, and helping fund state government through profits. The report confirmed that the Bank of North Dakota helps support the lending capacity of community banks in their state; however, the report found that data did not support the other stated benefits. We do not need to spend precious state resources studying a bad idea. Please oppose this Joint Order. Thank you.

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

Representative **McCLELLAN**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I also agree with the Representative on the Ought Not to Pass, on this issue, and I agree with points that she made so far in terms of the need for this bill or this study group, the funding that would be entailed if it went to fruition, and the responsibilities that would come with creating a state bank. One of the points I made in the public hearing, Mr. Speaker, was that, to me, this kind of gets at the core of what the role is of government. In the hearing, I looked out into the audience and I saw a lot of the bank community, a lot of the Maine bank community in the audience, and they are our neighbors. In some cases, they probably supported you and me. I know I appreciate that. These banks, they risk their own capital and if their business plan didn't work out, if they made a mistake, if they screwed up, they would have to pay for that mistake. A state bank, if it ran into a problem, I think would just simply go to the taxpayers for relief and they would just carry on.

There was also, Mr. Speaker, there was a premise at the public hearing about some businesses in Maine who can't get a loan right now. I'm not familiar with any, but I thought about that and thought, "Well, perhaps if they can't get a loan with the resources that we have available now, maybe they actually don't deserve one. Maybe it's a good idea that they don't get a loan at this point." So I guess to sum up, Mr. Speaker, to me, to create a state bank would be a clear disadvantage to our local banks and so my question to the question in the beginning about what the role of government is, is it's not this. This would be an inappropriate action for us to take. I urge you to vote Ought Not to Pass and stop this antibusiness move before it starts its tracks, and, Mr. Speaker, I request a roll call. Thank you, Mr. Speaker.

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

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

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

Representative **BEAVERS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would like to thank Representative Pringle and Representative Cooper for working with Senator Johnson and myself to work on this Order, which is a total modification of LD 1078, in response to some of the very objections that have been previously cited of the people who testified and the comments of some of the committee members. As a mandatory cosponsor of this bill, I would like to emphasize the need to study the possibility of creating a State of Maine partnership bank or another financial structure. We're not locked into a state bank. The whole purpose is to increase Maine's economy and jobs market by helping Maine's financial institutions, small businesses, family farms and other seasonal businesses, and to keep our interests in the state. When I was knocking on doors last summer, I can tell you, many small businesses commented to me about the lack of access to capital, and the Maine Growth Council has indicated that that is an issue in our state as well.

The purpose of this Order was simply to create a team of public and private stakeholders which includes legislators, FAME, the State Treasurer, the Superintendent of Financial Institutions, representatives of various sized banks, and other financial institutions, credit union, etcetera, to explore financial options that might benefit the state and develop criteria for evaluation, and then submit a report of findings and recommendations with any implementing legislation to the Labor, Commerce, Research and Economic Development Committee and the Insurance and Financial Services Committee by December 2014. After the second work session on the original bill, Yellow Light Breen, who testified against the two state bank related bills, is Vice President of Bangor Savings Bank, and he told me that we might have some common ground to investigate this concept and possibly find ways to expand FAME. I ask you to support this Order. Thank you.

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

Representative **HARVELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. It seems that we haven't seen this much interest in North Dakota since Custer was out looking for gold and chasing the Sioux. One would have thought it was the bark and oil fields, but perhaps not. The issue of banking has been going on in this country for well over 200 years and when you go to hit your light, you might well remember the words of Andrew Jackson when he turned to his Vice President Van Buren and said, "Mr. Biddle thinks he will kill me, but I will kill him." I urge you to think of that and press red. Thank you very much.

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

Representative **TREAT**: Thank you very much, Mr. Speaker. Mr. Speaker, Men and Women of the House. This Joint Order is, in fact, the Minority Report of the Insurance and Financial Services Committee in favor of a study on the issue of a state bank. It was, in fact, put forward initially in LD 1078, and as in a prior piece of legislation before this body, the committee unanimously voted against LD 1078 so that we could create the study that you have before us, which is a legislative study and the vote was 5-7 in favor of it. I happen to be one of the supporters of the bill in this form. I would say, in support of this piece of

legislation, that the reason one doesn't study is because we don't know the answer to the questions we are asking in the study, and I am one of those who, in the committee, was on the more skeptical side about whether or not a state bank is a good idea, whether or not it would serve a need or meet a need that is out there. I don't know the answers to that question, but I thought that there was a pretty good presentation made and worked on, on this study, to find out the answers to that. The substance of the language before us today, in fact, came out very much from the testimony that came to the committee, in particular the State Treasurer who was asked, "If you object to this because of the study that is before us and you think it draws conclusions too soon, what questions would you ask? What do we need to know in order to answer this?" We haven't been part of Massachusetts since 1820 and I do think that the fact that Massachusetts made a decision on this should not be binding on people in the State of Maine at this point. So I do urge that you support this. It will, as in any legislative study, compete for funding through the process that we have, the study table, where legislative leadership will make decisions based on the priorities set by the committees. I think this is deserving of study and I hope you will go along with those of us who thought it was as well. Thank you.

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

Representative **PRINGLE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise to encourage you to support this Order and I will explain why I decided to work with the partners who proposed the original bills to put this forward. I heard all the testimony on both bills before the committee and from our banking colleagues in Maine, our community banks, who pointed out the differences in the regulations today compared to when North Dakota started their bank in the early 1900s, and I began to feel that it was probably a pretty overwhelming thing to pursue. But one of the bankers provided us the executive summary of the State of Massachusetts's study and while that executive summary listed multiple reasons why Massachusetts was deciding not to pursue it, they did note in their hearing from various parties, they felt that there were opportunities to improve investment within their state, but that the solutions may have fallen outside the scope of a state partnership bank and that because they weren't commissioned to study that, they encouraged others to carry forward that interest. I heard testimony from a number of people in Maine who felt that there needed to be more opportunities and I guess I have always been impressed by the GEICO model, having worked in the insurance industry and knowing that GEICO somehow managed to succeed by insuring people that other insurance companies didn't want to insure, and I guess have made a lot of money doing it. I just felt, too, that from the State Treasurer, she commented that right now Maine is in a difficult position, but that in the future she would very much like to be able to fund, or, for instance, in bonding, wouldn't it be wonderful if the state could gain the income from bonding because it had enough money to bond itself. So it seemed to me that there were enough things I heard about, that it was worthy of further study and putting the right people on the group to do the study, I decided that I wasn't ready to vote no. So I encourage you to support this. Thank you.

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

Representative **EVANGELOS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. A reference was made to a study by the Federal Reserve. Let's remember that the Federal Reserve and its member banks in New York were the very parties responsible for crashing this economy. Of course, they don't want to give up their cartel. They are largely

responsible for the unemployment we've had, for the lack of ability of people to find jobs, and it's no surprise they are against this proposal. So I would urge you to vote yes. Thank you.

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

Representative **COOPER**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I favor this study for precisely the reasons cited by my good friend, Representative Fitzpatrick. We don't know the answer to the questions she poses, but I was intrigued, to say the least, by the example of the experience of North Dakota. Now that's a long way from here, but it's not that different a place. It's cold and it's rural, and until the discovery of oil there, it was pretty poor. But one thing that distinguishes North Dakota from its neighbor, South Dakota, which also has oil, is that it was the only state in the Union that really was able to withstand the worst of the Great Recession and much of the credit for that ability to respond to the crisis quickly, nimbly and with the interests of its people at heart was the existence of this state bank. Like the others, I'm not wedded to the idea that it must be a bank, but there are a variety of financial institutions that could operate to make us in the same league as North Dakota in its ability to respond to the lack of credit, to the fact that we have been investing our bond money in Wall Street, not Main Street. It's not the small community banks that are at risk here. In fact, North Dakota has more community banks than we do. So the fear that this is somehow going to damage the stability of those institutions, I think, is not well placed. We need the study so that in the next Legislature, we will have the information we need in order to decide whether to pursue this or not. Thank you.

The SPEAKER: The Chair recognizes the Representative from Livermore Falls, Representative Knight.

Representative **KNIGHT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I guess I didn't jump to my feet quick enough. I wasn't planning on speaking and frankly I didn't know this was on the agenda today and I have not studied it at great length, but I do believe that this is one of those proverbial solutions looking for a problem which I don't believe exists. I don't think we need another agency-type organization driven by politics. I think the financial community of Maine has taken care of the citizens of Maine in a very, very responsible and respectful manner, and I think this is another exercise of utility, a lot of wasted dollars in time, and I would urge people to follow my red light and be quick with your button. Thank you.

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

ROLL CALL NO. 230

YEA - Beavers, Berry, Boland, Bolduc, Briggs, Brooks, Carey, Cassidy, Chapman, Chenette, Chipman, Cooper, Daughtry, Devin, Dickerson, Dill, Dion, Evangelos, Farnsworth, Frey, Gattine, Gideon, Gilbert, Goode, Graham, Grant, Hamann, Harlow, Hayes, Herbig, Hickman, Hobbins, Hubbell, Jones, Jorgensen, Kent, Kornfield, Kruger, Kumiega, Lajoie, Libby N, Longstaff, Marks, Mason, Mastraccio, McCabe, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, Noon, Peoples, Plante, Priest, Pringle, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Schneck, Shaw, Stuckey, Theriault, Tipping-Spitz, Treat, Verow, Villa, Werts, Mr. Speaker.

NAY - Ayotte, Beaulieu, Beck, Bennett, Black, Campbell J, Casavant, Chase, Clark, Cotta, Crafts, Cray, DeChant, Doak, Dorney, Dunphy, Duprey, Espling, Fitzpatrick, Fowle, Fredette, Gifford, Gillway, Guerin, Harvell, Jackson, Johnson D, Johnson P, Kaenrath, Keschl, Kinney, Knight, Libby A, Lockman, Long, Luchini, MacDonald S, Maker, Marean, McClellan,

McElwee, Nelson, Newendyke, Nutting, Parry, Pease, Peavey Haskell, Pouliot, Powers, Reed, Sanderson, Saucier, Short, Sirocki, Stanley, Timberlake, Turner, Tyler, Volk, Wallace, Weaver, Welsh, Willette, Wilson, Winchenbach, Winsor, Wood.

ABSENT - Beaudoin, Campbell R, Crockett, Davis, Kusiak, MacDonald W, Malaby, McGowan, Nadeau A, Peterson, Saxton.

Yes, 73; No, 67; Absent, 11; Excused, 0.

73 having voted in the affirmative and 67 voted in the negative, with 11 being absent, and accordingly the Joint Order was **PASSED**. Sent for concurrence.

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

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

UNFINISHED BUSINESS

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

HOUSE DIVIDED REPORT - Majority (10) **Ought Not to Pass** - Minority (3) **Ought to Pass as Amended by Committee Amendment "A" (H-324)** - Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Regulate and Tax Marijuana"

(H.P. 868) (L.D. 1229)

TABLED - June 5, 2013 (Till Later Today) by Representative DION of Portland.

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

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

Representative **RUSSELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I'm sure everybody will be shocked, but I am rising in opposition to the pending motion. The debate that we have heard for a long time, Mr. Speaker, has been about whether to legalize marijuana, tax it and regulate it, or not, but that is not the bill before us today. We have two choices today. We can choose to continue on the path that we've been on, knowing that this issue is growing in the means of the public, knowing that folks are preparing to bring a citizen's initiative to this state, just like they did in Washington and Colorado, watching state by state decriminalize this as Vermont did today, or we can get ahead of this issue. Opposing this motion means that we have an opportunity to send this out to the people. We have an opportunity to ask them what it is that they would like to do and how they would like to proceed on this particular issue. It asks us to partner with the very voters that we ask every two years to vote for us, and if they choose that they would like to tax and regulate this product, then it comes back to us, the Legislature, to set up the regulatory process. I believe that this is the smartest most rational, most reasonable path forward to ensure that if this does happen in our state, that we are the ones driving the bus to do it, that we are able to weigh the interests of law enforcement, to weigh the concerns of parents and teachers, to weigh the concerns of substance abuse counselors, and to include their information and their insight into a regulatory structure that will work for our state in a positive way. But that is only if the people vote to support legalization, taxation and regulation of marijuana. All this opportunity does, if we oppose this motion, is send the question to ballot, to send it to referendum. It's a very simple question. Do you want to let the

people decide on this? Do you want to be the ones that drive the bus later on if it does come to us or do we want to wait, like Colorado and Washington State did, for the people to bring a petition to us that we then have to work within. So I am rising in opposition to the pending motion and I look forward to a robust debate on this. I am hoping it will be a short debate, but a good debate, and I hope folks will follow my red light in allowing the people to decide this issue once and for all. Thank you, Mr. Speaker.

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

Representative **HARVELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The war is over and it is not a good thing, but make no mistake, over it is. In full disclosure, I will confess before this body that I have smoked marijuana and, unlike a former President, I did inhale. Society, as Edmund Burke so eloquently explained, is never held together solely by laws. They are an outgrowth of culture, that is of traditions, religious beliefs, social morals. We have come to believe that we can change these institutions, like marriage, religion, beliefs, moral tradition and somehow this will not affect our society. But, as he so clearly point out, it will. The reality is though that as a democratic republic, the will of the people will generally be expressed, and on this issue, there is no exception. We have heard a lot about the war on drugs, but it cannot be possibly won by the way we are fighting it because it flies in the face of economic forces themselves. We have chosen to fight this war by loosening the penalty for demand and attacking supply only, and I will suggest that, historically, no one has ever smuggled a product that someone didn't want and did it for very long. No one has ever lugged a bale of fertilizer into the woods to plant a plant and waste their time with cameras and camouflage and every other entity needed, unless there was a profit motive. The problem is what happens if you make a drug bust, you reduce the supply. When you reduce the supply, what happens to the price? The price rises. So the average citizen out there may not be willing to risk jail time for \$1,000 an ounce, but where is his cutoff? Twelve, 14, 16? Think Franklin County. You've got thousands of acres of clear-cuts, hundreds of miles of woods, roads, an unemployment rate of 8 or 9 percent, and a plant someone can make \$1,000 on. What is the chance that these entities won't find each other? If they didn't find each other, Franklin County would be ripe for a social experiment.

Now, the reality is, we have lowered our traditions and we have lowered our beliefs and we have come to believe that you can do through legislation what tradition couldn't restrain itself. It cannot be done. The floodgates are open on this, whether we like it or not. It's not a good thing. I mean, this isn't a good thing. Make no mistake, it's not a good thing, but it's over. So the question then becomes, how do we surrender where our dignity isn't gone and where the loss will become even greater? Because continue this fight, continue losing it, and we'll be back here in five, 10, 15 years discussing the same issue on methamphetamines, heroin, and cocaine. We have a society also that has been hypocritically fighting this war for years. You can go back into the '50s, right? Look at the ads they ran. You know, I mean it was ridiculous. You were looking at a drinking population and trying to tell them while they were smoking, and trying to tell them that this was worse. You actually cannot smoke enough marijuana to kill yourself. You will go to sleep first, not that I have any experience with that. This war will continue, make no mistake, but the reality is this battle is over and it's time to ask the people if they want to surrender as well. I urge you to vote no.

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. Now that you had your little laugh, I'd like to talk serious about this. I spent eight years up here listening to lobbyists in the hallway about how bad cigarettes were for you for smoking and how the tobacco companies have been paying and they are going to continue paying as long as they are making cigarettes, tobaccos. I have the folks back home asking me "Is that what you're going to be doing up there now, voting so that when our kids, when they are 21 years old, they can get some cheap vodka and some pot and smoke dope?" That's not the reason I came up here. I would hope that there is enough sense on both sides of the aisle to reject this. Thank you, Mr. Speaker.

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

Representative **BEAVERS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Unlike my committee seatmate, Representative Harvell, I have never smoked pot or inhaled it, although I did smoke cigarettes at one time. You may wonder why I cosponsored this bill when I am actually neither for nor against LD 1229. It's because I believe it is time to have the conversation and let the Maine public weigh in on the subject. I can state on behalf of my older constituents that medical marijuana has helped them get through some very rough times, going through chemotherapy and radiation treatments. On the other hand, I also have a constituent who blames marijuana for the death of a relative, who started on marijuana and who went to harder drugs. However, I have not yet found any scientific studies that prove that link.

In doing research for this testimony, I found numerous articles on both sides of the issue. Although I realize there are some very legitimate concerns, including most notably the contradiction of current federal law, but I will list some of the reasons to consider the legalization of marijuana that I found in my research. Prohibition has not worked to eliminate any so-called drug problems associated with marijuana. Education and treatment are far more cost and outcome effective. Marijuana's medical use helps stimulate appetite and relieve nausea in cancer and AIDS patients, a use we have already legalized in Maine. The hemp plant is a valuable natural resource and legalization would allow us to take advantage of hemp's agricultural and industrial uses without the current confusion surrounding hemp. Another bill this session, LD 525, which promotes this use, has a Divided Report and has not yet come out of the Ag Committee. Apparently, there are some religious uses which brings in the aspect of the First Amendment of the U.S. Constitution. I'm not familiar with those religious uses, but I guess they are out there. Legalization would significantly reduce enforcement and incarceration costs. Legalization and taxing would generate much needed revenue for the state and, as has been previously stated, several states have already legalized marijuana. For these reasons, I believe this bill is worth being given careful consideration by the people of Maine by referendum. If they approve, the Legislature would then have the oversight of the rulemaking and regulation process. Thank you.

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

Representative **GRANT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of the pending motion. For me, this is a public health issue. In my career, I've spent a lot of time as a member of community antidrug coalitions around the State of Maine and I can tell you for sure that there is research that shows that marijuana is in fact

a gateway drug and it is in fact used by teens in this state. Access is a major risk factor for teen usage. We have not designated in law that marijuana is a medicine, it is a drug used for pain, and so is oxycodone and so many other drugs that are diverted into recreational use. We would be speaking out of both sides of our mouth to call this a medicine and also say, oh, let's use it recreationally. I assure you that passing this out to the voters to decide comes with your approbation, whether in fact or just perception. If the people want to legalize this addictive drug, then they will do so through a grassroots effort. We'll deal with it then. I have seen lives destroyed by addiction. We live in an addictive society. Why do we want to add one more substance to the list of legal addictive substances? Let's not put another nail in the addiction coffins of so many of our citizens. I raised my kids to say no to drugs and I am saying no to this drug. I am not ready to raise the white flag on yet one more opportunity for lives to be destroyed. I ask you to please follow my light and make it green. 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. This is a hard decision for me. In one regard, I am absolutely adamant that any time we have the opportunity to put something out to the public and the people of the state to make the decision, we ought to do it. However, I have real concerns about just putting out the referendum saying, "Do you want to legalize?" and then retaining legislative control to craft and to implement. In 2009, the people of the state, the citizen's initiative to expand our medical marijuana law, the past Executive of this state, Governor Baldacci, he signed an executive order and he asked the Legislature to craft rules and implement the citizen's initiative while keeping the intent that the citizens passed. Unfortunately, that didn't happen. There was a lot of creativeness during the 124th while implementing the citizen's initiative, and this creativeness, I spent a tremendous amount of time in the 125th trying to fix. Quite honestly, I don't trust us to do what the people would find acceptable on this. Because of that, I'm going to vote for the pending motion right now. I fully believe the citizens of this state have the right to make a decision, okay. But I will fully support one hundred percent the citizens doing their own initiative, crafting their language and then we implement their intent, not saying "Do you want to?" and then we deliver how we see it should be. I think we're kind of going about it the wrong way here, so I am going to support the pending motion, Ought Not to Pass, on this one, and I look forward to the citizen's initiative in a year or two. Thank you.

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. I served my career in law enforcement and spent a good amount of time working to shut down the trafficking of drugs, including marijuana. You've heard about the helicopters that search the rural areas, well, I was the guy leaning out of the helicopters with that cheesy little seatbelt. I was a soldier on the war on drugs. Needless to say, I do not support the legalization of marijuana. The good Representative from Portland, Representative Russell, provided ample data to challenge the lifetime of my views, but I still can't agree that this is a good idea. That is why I voted against LD 1229 in committee. Just a quick story. Last year, while campaigning, I was standing on the back deck of a man's house who knew me. There was a five-foot plant over in the corner. I looked at it and I said, "Nice tomato plant." I didn't want to make him any more nervous than he already was. On further

reflection, I've come to realize that this is not a bill that would legalize marijuana. This is a bill that would ask the voters of Maine to decide whether or not they want to do so. While I do not believe legalizing marijuana is good policy, I totally believe that people should have the right to decide on this issue. That's the issue before us today and that is why I am changing my committee vote and will be opposing the current motion today on the floor. Let's let the people decide. Thank you.

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

Representative **LIBBY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I do rise in opposition to the pending motion. I do not rise to support drug use or drug abuse or alcohol abuse or any other abuse that may or may not be good. But when we look at this, morality should be educated, it should be taught, not dictated by any government body. Any time that you can educate somebody is to be a much better entity than preaching to them or dictating to them, i.e., forbidden fruit. Now probably out of all the issues that we've dealt with, this is one of the ones I've heard the most on from my constituents. Doing door-to-door, there has actually been a couple of times that I had to go home and change after knocking on certain doors, because I didn't want to then go to the next door thinking that it was actually my usage of something that made my smell, the cologne, a little bit different than I had on previously. I mean, even though this is illegal, I mean there is people that obviously are doing this. The fact that to regulate, you know, we regulate tobacco. There is this whole alcohol/liquor contract thing. So we do regulate a lot of these things and this is just as previous speakers have said, this does put it out to the vote and I really do believe that sending this out to vote for November 2013 is the best that we can do today. On that, I would, Mr. Speaker, 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 Windham, Representative Tyler.

Representative **TYLER**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am on the Majority Report; however, today, I rise to stand against the pending motion. The Minority Report is simply an opinion poll by the voters of this state. I will be honest, when I go to the ballot box this fall, in November, if we pass this, I will probably be voting no. I am still against the regulation of marijuana, but I think the people deserve a chance. Like my good friend from the Criminal Justice Committee, Representative Marks, I think the people deserve this vote. Let them make their opinion. It still comes back to the Legislature. Nothing is legalized by the vote. It is only an opinion poll. Let the people of Maine decide. Thank you, Mr. Speaker.

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. I, too, serve on the Criminal Justice and Public Safety Committee and I appreciate my colleagues weighing in on this. I do not support the pending motion today, though it was something that I wrestled with and, in committee, I struggled to know, well, to think. Well, really I was saying to myself "Corey, do you really want to get involved in this? Do you want to weigh in on this?" Ultimately, I felt that, at the end of the day, I had to. The reason why I oppose the pending motion is because I feel in my heart that we are doing very little to stop this as it is. It's so causal that

we can even joke in this body and laugh a little bit to each other about it, because I would suspect that almost everybody in this room knows a handful of people, at a minimum, who smoke marijuana. We are not cracking down on it, and we've seen, as a result of trying to crack down on it, a black market that is booming and a black market that is fueling death of many people. Let's think about Mexico, the country of Mexico for just a moment here, and think about how many people are killed each year as a result of the drug trade. Prohibition is a failure. I'm not afraid to admit that. I think marijuana usage is, quite frankly, ignorant. I do not agree with smoking pot. I don't. That's my personal opinion. I recognize that others share a different view and that the black market is alive and thriving. I recognize that it is harmful to a lot of folks. This black market is really endangering the lives of a lot of people.

Furthermore, I recognize that we spend billions of dollars a year trying to enforce this black market industry and we're doing nothing. We are not stopping it. It is casual. Look at us today. We are laughing and joking about it. Despite our efforts, despite law enforcement's best intentions, we are not stopping it. So that's why I oppose this motion, that and a number of other reasons, but I really think that we should be collecting taxes on the use of marijuana. I believe that because I think that we should using those taxes to fight off more illicit drugs or other illicit drugs, drugs that are more harmful, prescription painkillers. I really believe that that's where the problem is. Heroin usage. Drugs that kill people. We don't have funds right now to fight off those drugs, to help get treatment options for them and I think that's where we should be focusing, not on a drug that doesn't actually cause any death to any member. Whether it causes harm, that's debatable. I'm not going to have that argument today. I don't support the use of marijuana. I do think that it should go to the voters. I encourage you to vote red on this motion, so that way we can talk about other motions that will hopefully come before this body. Thank you, Mr. Speaker.

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

Representative **RYKERSON**: Thank you, Mr. Speaker. I rise to speak against this motion. Men and Women of the House, I could speak for a while on the thousands of years of the history and the culture of marijuana, but we do have the people's work to do so I won't. I would like to say that how could we have the arrogance to tell the people that they don't have the say to vote on a referendum here, and how could we be so hopeless that we could not implement their wishes. So I urge you to vote no on this motion. Thank you.

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

Representative **JONES**: Thank you, Mr. Speaker. I rise reluctantly, but my good friend, the Representative from Augusta, just tweaked me a little bit. I felt I had to respond. For those of us that represent poor, rural districts in this state, quite frankly, Men and Women of the House, marijuana is as good as currency. It's money in the bank. Any state's attempt to regulate and tax that would, quite frankly, rob many of my constituents, and I'm sure, in your district as well, rob them of their prosperity. Marijuana is an agricultural commodity, okay, and it's a source of wealth and income in my community. I will say also it's inappropriate to bring this measure before the voters because the legislation is not right. In other words, if we move this legislation before the voters and they send it back to this House or to the Legislature and say, "Now write the laws," we might end up with a Legislature writing laws that look like the original laws that went before this committee which were entirely, quite frankly, inappropriate and would not provide access to those regulated

markets that my constituents, farmers you could call them, that they need. In other words, the time is not right without formalized, well-drafted legislation to go to the voters, because if we go to the voters and say, "Do you want to approve and regulate and tax marijuana?" and send it back to the Legislature to write the laws, we might as well be where we were at the beginning of this session with a fatally flawed bill. Thank you, Mr. Speaker.

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

Representative **COOPER**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Just quickly, whether or not this initiative proceeds by a legislative bill or a grassroots initiative makes no difference in the end. It's a piece of legislation that can be amended by this body just the same. There is no legal significance to the way it comes about, so it does not constrain our control over the matter one way or another. Second, I'd like to remind people, of course, I'm sure you're aware of this, that possession and sale of marijuana continues to be a federal offense and it is unlikely to be changed any time soon. So federal efforts, particularly in the matter of controlling importation of large amounts of marijuana across the border, and so forth, will continue unabated. That is not going to change because of this referendum or the referendum in any other state. Finally, I do think that there are studies, and I've seen them, that show that marijuana use, particularly heavy use, in teenagers has a lasting and debilitating effect on the formation of their brains. Their brains are still in a state of development at this time in their lives, unlike when I was, well, never mind. We were all older, let's just put it that way, if we decided that we wanted to experiment. But 15, 14, 13, 12-year-olds, they don't have the judgment nor do they have the developmental stage of their brains in order to withstand the toxic effects of this substance. So for all those reasons, I will vote Not to Pass. Thank you.

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 stand in support of the current motion. I'd like to bring forth a few comments on the matter. We extensively debated this issue, both in work session and in what we heard from the public during the discourse on the matter. For the record, three to four times is the potency level increase in marijuana currently that is available today, versus what was 20 to 25 years ago. We see that in 12 year-olds receiving substance abuse treatment that the largest percentage is for marijuana use. Twelve years old and up. Sixty-one percent of all people who abuse or were addicted to illicit drugs were dependent on marijuana. Now, we've taxed cigarettes and liquor and we've seen that that has not stopped the usage of it, and the idea that we see it as a way to bring in revenues to pay for the services that we want to use those revenues for, such as tobacco taxes for the Fund for a Healthy Maine. We continue to discuss how to bring in more funds for that to allocate for the programs we want it to fill, but we never have enough. Now to use marijuana as an example of what we can do to bring in more funds, the same will happen as what is happening currently with the tobacco tax. It's just inevitable. For the record, we have no test available that is the same as the blood alcohol content test when it comes to impaired driving based on liquor intake. If you legalize marijuana, the reality is we don't know how to properly assess it when it is being used in an illicit way. I urge you to follow my light and support the Majority Ought Not to Pass motion. 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. I rise today mainly because I'm just sore and tired of sitting here. I've been hearing the argument that we need to put this out to the voters. Mr. Speaker, I'd like to make a motion that we put all of our business ahead of us out to voters as well and we can adjourn at this time. We were sent down here to do a job. We are Representatives of the people. Let's represent the people and vote. I vote for the pending motion. I urge you all to do the same. I had something else, Mr. Speaker, but I didn't get to finish my notes, so you will have to forgive me because I'm getting forgetful with this Lyme thing. Thank you very much for your time.

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

Representative **CAMPBELL**: I'm sorry to rise a second time, but thank you, Mr. Speaker, and Ladies and Gentlemen of the House. I would just like to remind my colleagues on both sides of the aisle that we are lawmakers, not lawbreakers, and the Federal Government says that marijuana is illegal and they should be taking a tax for not enforcing it and letting these states, that some of our legislators have said, that have legalized it, so you can lay in the hammock now and smoke pot and be a pothead. The Federal Government should be taking a tax for letting these states get away with it. I want to ask each and every one of you, who are mothers and grandmothers, do you want to go home and tell your children that you support that when they are 21, they can become potheads? I don't think you do and I ask you on both sides of the aisle to remember that you are promoting breaking of the law. Follow my light and do away with this.

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

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

The SPEAKER: The Representative may pose her question.

Representative **DORNEY**: Thank you, Mr. Speaker. I just have a question which is if you put a vote out to the people, do you have to do a two-thirds majority here or is a simple majority enough?

The SPEAKER: The Representative from Norridgewock, Representative Dorney, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Portland, Representative Russell.

Representative **RUSSELL**: Thank you, Mr. Speaker. I rise to answer the question. In the first vote, it requires a majority vote. In the second vote, I believe it requires a two-thirds.

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

Representative **DION**: Good afternoon, Mr. Speaker. I am confused. I am the only one; I think I maintained my vote from committee. Nothing has changed. The question remains a federal question. This isn't about marijuana from medicine and carving a humanitarian exception to the federal rule. This is about marijuana for fun and I don't say fun in a negative way, but those who vote yes use the nice word "recreational," whatever that might mean. I also react to my good friend from Farmington. Whether or not the war is over is again a question that can't simply be answered in this hall. Much as I rail against municipal officials who issue edicts on foreign policy, I think the question of national drug policy is best reconciled in a hall, in a place not in this city. We can raise our question and hope that they answer, but I'm sure that it occurs here. This bill was stripped from 28

pages of assumptions down to its last question. Should we ask the public whether or not they favor the use of recreational marijuana, and if so, we would direct the Executive to do a study? My answer on committee is that this question is premature. I don't believe in the inevitability that outside parties are racing to Maine to spend money, and if they do, so be it. This body should not react on speculation. My good colleague of the sponsor of this bill has foresight that has much more clarity than I do. I can only deal with the immediacy of the problems that this body is facing and they are hard questions to answer. It would be popular to say, "Oh, my God, I'm confused. I'll send it to the voters so they can deal with it." But I agree with the other gentleman. We are Representatives. We have a charge before us. We need to answer the question that was placed before us and the committee has given you our best impression of what should happen. Maine has been a progressive state on this issue in managing marijuana in the criminal justice field. We have decriminalized, not legitimized, the presence of marijuana in our society and I agree with the good gentleman from Farmington this is a sad state of affairs. We are, unfortunately, an addicted society, yet we do not provide the resources currently for the drugs that plague us to deal with that question and yet with some much humor and casualness, we are willing to just dispense of this question and send it off to the people so possibly we can be rid of this question, once and for all, and it will be legalized and we'll move along quite nicely.

The other part of this bill, which really hasn't been spoken to this afternoon but was so seductively attractive in committee, was the idea that it would provide all of this revenue. As we sit here starved for resources confronting hard budget decisions, the illusion of that much more revenue is so attractive. We don't need an extend study. There was a sheet provided to you on the experience of the State of Washington. We would become a sore state. You talk about Latin America. We'd become Mexico to New Hampshire, Massachusetts and Connecticut, and they to us, once we decide what an excise tax would look like. But that would be moving too fast and too quickly in reaction to what may or may not be coming. I ask you to follow the light of the committee in its judgment that this question is premature, it's ill-timed and there has not been a concerted effort from the citizens demanding us to answer this question at this time. Thank you, Mr. Speaker.

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

Representative HAYES: Thank you, Mr. Speaker. Mr. Speaker, Women and Men of the House. I rise as a cosponsor of this bill and I am reminded as I listen to those who spoke before me on this matter that reasonable people really do differ, and this is probably one of the best examples of that, at least of late, as I've listened to your prior comments. One of the lessons I've learned in my seven years here is that when we wait for a citizen's initiative, we are in fact allowing interest groups or special interest to write more of the regulatory environment under which they will operate. I support – well, I am in opposition to the pending motion but would like to get to the Minority Report because I believe what it will do is allow us to do our jobs. We ask those folks who live in Maine and vote in Maine "Do you want to legalize this?" and if they vote yes, we retain the authority to decide whether we will tax it, how we will tax it, whether it needs to be regulated beyond that. If we wait, there will be a citizen's initiative and, you know, when we get those, there is one little question on the ballot and there is usually somewhere around six to 12 pages behind that little question written in 6 point font that are the details. Use the casino example in Oxford County. That was a ballot question. It was one sentence with a question mark

at the end and you got to vote yes or no. There was I don't even remember the number of pages that followed that that explained how it was going to be implemented and how the money was going to be distributed. That bill was written by casino advocates. Do we want to wait for the special interests to write the laws around this or are we willing to reserve that right by putting this issue out for the people? If they vote yes, then it's our job to figure out how to do this and, frankly, I don't want to back away from that, and I don't want to wait and let special interests write the laws for us.

I support putting this on the ballot in 2013. I will live by the decision of Maine voters. If they vote it down, we're done. There may still be a citizen's initiative, another one in the future, we'll have to deal with it when it comes up, but when a citizen's initiative comes to us, we don't have the opportunity before we put it out to the voters to amend it. We get an up or down vote and it's going to go out if they get the signatures. This, to me, is the most responsible way to do this and I appreciate the opportunity to cosponsor the bill. I prefer it in its morphed stage in the Minority Report. I would urge you to vote red on the pending motion and give the voters of Maine the opportunity to allow us to do our jobs in the future, should they choose to pass such a referendum. Thank you, Mr. Speaker.

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

Representative BROOKS: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. When I came down here, a lot of folks told me that really there is only one thing that you bring with you and that's your word. I have to make an apology to a very close friend of mine because I gave her my word of how I was going to go with this. Perhaps we should not allow debate on the floor because it has the tendency to make you listen to it. How can I support this bill? Well, there is maybe one reason I can't support it and you all know that reason. I am an addict, a recovering alcoholic. I told you all the story about my daughter. I pleaded with you to leave Suboxone and methadone alone because there are people out there who are suffering because of their addictions. So how can I sit here and say, okay, I'm going to vote one way which will allow it to, I'm going to vote red on the first vote and that will kill this motion and then I'm going to let it go to the people. I spent probably 10 years of my life, post my own recovery of alcoholism, meeting with people in aftercare. Many of those folks came to aftercare because they were alcoholics. Some because they were dual diagnosed. All of them, myself included, believed that this started out innocently. I started drinking when I was probably 14 with a buddy of mine whose father owned a bar. Two of my friends started smoking joints when they were about the same age. The reason that we did was because, in my case, I was told by a public television program – why at that age I was looking at it, I don't know – that in order to be an alcoholic, you had to drink every day for 10 years. It thought, well, heck, I'll drink every day for nine years and quit. My other friends told me the reason that they smoked then and some still do – pot, not cigarettes – is because it's not addictive and it's not as bad as alcohol. That's wrong. I can't stand here and tell you I have scientific evidence that says that pot smoking is addictive. Physically, I can't do that. But I can tell you that I know of a lot of my friends, me at my ripe old age of 70, who have died because of cancer, and we fight every day, at least I do, to try to convince people not to smoke and yet we are telling them today, if we legalize this, that it's okay to inhale pot and hold it in your lungs until you get the full effects of it. It sounds like I smoked, didn't I? No, I did once when I was drunk and I didn't notice the difference, so I never did it again. Of

course, I wouldn't have noticed the difference being drunk, I guess.

I have to stand here and tell you that I sat, last night, thinking about this bill an awful lot and thinking about all the people that I have known over the years that have fallen into some kind of an addiction, and I thought, "What kind of reception would I have if I moved to Indefinitely Postpone this bill and all its papers?" Well, what difference would it make? I could just vote green on the first vote and maybe that will have the same effect. I'm not sure that it will and I'm not sure that it won't, but I'm not going to go home, either today or when that bill comes back to us, and say that I voted to legalize marijuana, not after all these years of trying my best to keep my family off drugs. The question that I ask and I continue to ask and will continue to ask myself and my friends, why do you need to do it? What is there in alcohol and drugs that relieves you of today's issues and problems? Why do you need to get high? Why do you need to alter your thinking? Why do you need to huff cans of paint and sniff glue? Why do we do that? Why can't we, and I know it's trite, I know it's awful, and I know I rejected it for a long, long, long time, but why can't we be high on life? Why can't we just accept life, deal with our issues and deal with our problems, without some artificial means of feeling high, using OxyContin or pot or alcohol? I just haven't got an answer for that and the only answer I can tell you is that I've been sober for 33 years and I've never had a slip, and look at me today. If you could have seen the tape of me 35 years ago, you would have said, "He will never be standing in this House because before he is done, he will burn up his liver and he will be found on the side of the road, after he wet his pants and was headed for some place where he will die," but I managed to get through it. I hope that if this is the consequences of using anything, that that is the life that people lead, that we aren't one of the early states that legalizes it. Again, I don't have an scientific information to back this up. I just have a great fear that we are opening up another area where we are condoning some kind of substance use that really isn't good for us. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Greenville, Representative Johnson.

Representative **JOHNSON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I did not intend to talk on this bill, but I do want to make a couple of points. This is against federal law. We know that. We also know that we have a huge drug problem in the State of Maine. I am sort of a single focused guy and I go around pretty much on one subject at a time, and about a year and a half ago, or two years now, it became evident to me that the family that I am very close to were complaining about a drug problem in their neighborhood. I started to say, "Well, let's get a hold of the police. Let's get this thing cleaned up and move on." Well, it's been a year and a half and it's still not cleaned up. People have gone to jail. Some for short times, some got out, some came right back. This is a problem that is not necessarily just marijuana, although there is marijuana involved, and there are other hard drugs involved. The people that are coming here are from out of state. They come from New York and Pennsylvania, and they come to Maine because Maine has some of the most relaxed penalties around. They come here to make money off our kids. So I am concerned about this family that lives on a dead-end road with a small child that has to go out every day and confront this, and I have decided that this summer I am going to try to get the law enforcement community and the judicial community and the legislative community to address this problem so our children don't have to be involved with it. Now, is this going to be easy? No. In the case of marijuana, as my good friend said, the war is lost. Well,

it's not lost in my home and it's not lost in my heart, and I am not going to vote to legalize it on any occasion.

The SPEAKER: The Chair recognizes the Representative from Limington, Representative Kinney.

Representative **KINNEY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. For me, this is a very tough issue. I need to think back to post Vietnam. I need to think about the Iran Embassy. I need to think about the helicopters that left our carriers and headed in to try to rescue, I believe there was 50 people. I remember the helicopters crashed and I wonder why they crashed. I bet the pilots were excellent, but there were equipment failures. Why did the equipment fail on those aircraft? How many of those mechanics were stoned, wasted? I wonder about that. I really thank President Reagan, 1981, Operation Golden Flow; we're going to clean this up. But prior to him cleaning this up, the great Coast Guard cutter Bibb, 327 feet. We'd been out to sea for three weeks. I would make a round as the bosun's mate of the watch. I would start for the fantail. And there I could see the sparks going off the fantail, 30, 40, 50 people. A crew of 140, 30 of them out there stoned. I would go up onto the flying bridge to check on the lookout. He is the one to ensure that we were making safe passage. I would walk up there. He's not looking forward. It's only 10 or 15 degrees out. There is an awful wind chill factor. He's behind the stack. He's just back there smoking a joint.

Thank heaven President Reagan came along. It was hard at first. We had a lot of positive tests, but he prevailed. And then came Iraq, 1991. Our military was cleaned up and our people fought and they did a fantastic job. So we can move forward with this and I'm neither for nor against, I'm very confused on this, but what I think about now is I think we move forward and we're going to pass this or we're going to let the people pass this and we're going to tax it. So as I think about that, I think about getting my automobile fixed and in the auto mechanic's, they're all in there smoking pot, and then my car doesn't run right. Or I think about the teachers and they run out and they take a break between teaching classes so they can get stoned like, was it those Chrysler people that were building the automobiles in Detroit? Or I think about the public service people, or what about the truck drivers or the clerks in our stores because now they can't even count change, so you give them the \$20 bill for a pack of gum but you only get a dollar back. So thank you, Mr. Speaker, but for me this is a very confusing issue. I don't like it. I lived with it in the military. I don't even want to talk about the amount of bales that I picked up out of the water. I think that's irrelevant. Thank you very much, sir.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Lajoie.

Representative **LAJOIE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I, again, like the former Representative, I did not plan on standing; however, I wanted to do so to back my Chair with regards as to the Majority Report which I was on. I was also on Representative Russell's as a cosponsor. I did it because I felt we needed the information and we needed to go through the process, and I want to tell everyone here today that I respect her greatly for bringing that forward. I also respect her greatly for bringing all the information forward that she did with regards as to the different regulations that have been established in the Washington area and Colorado, which I'm sure, in the future, if needed, would be a great help. Some of the things that were brought up, if we don't act now, we'll be behind the 8 ball. The more I listened to testimony this afternoon, the more it came to me that that's exactly why we're here today and every single day that we're here as Representatives, we're always behind the 8 ball no

matter what we try to do. The fact of the matter is we move legislation forward, whether it's regulation or tax incentives or taxes on products, which should this movement go forward without our okay and it is allowed to legalize marijuana, we still have an opportunity after the fact to put regulations and taxes on the product as we have on cigarettes and liquor.

One of my other situations is that legalizing the product doesn't necessarily mean, it will mean, possibly, yes, less prison time and so on; however, it will also mean, I believe, an increase in the use of the product because it's being legalized and therefore may increase the need for drug-related therapy, in which case will cost quite a bit of money. The other area that I was looking at is in taxes where we're trying to sell the movement based on the taxes that would be allocated through the product, and I don't disagree. We need the taxes, we need to move the state forward; however, breaking down those taxes that come in into the legalization of the marijuana and I would go into the area of regulation of the marijuana, which may be, in a sense, more costly than the taxes coming in and that would be both by rehabilitation and by regulation. So I understand that we want to be ahead of the curve and we want to put something out that would give us a direction as to where the people want to go. We have some idea right now by the different movements in other states, but I struggle with it greatly. However, I have to stay my course and stay with the majority, and I will be voting green on this particular motion here. But again, there is a lot to this and I really, really respect the individual that brought this forward. 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. 231

YEA - Ayotte, Beaulieu, Black, Briggs, Brooks, Campbell J, Carey, Casavant, Cooper, Cotta, Crafts, Dion, Doak, Dorney, Duprey, Evangelos, Fitzpatrick, Fowle, Frey, Gattine, Gideon, Gifford, Gillway, Goode, Graham, Grant, Guerin, Hobbins, Jackson, Johnson D, Johnson P, Jones, Kent, Keschl, Kinney, Knight, Kornfield, Kumiega, Lajoie, Lockman, Long, Luchini, Maker, Mastraccio, McClellan, McElwee, Moriarty, Nadeau C, Nelson, Newendyke, Nutting, Pease, Peavey Haskell, Plante, Pouliot, Rankin, Reed, Rotundo, Sanborn, Sanderson, Saucier, Shaw, Short, Theriault, Treat, Turner, Verow, Wallace, Winchenbach, Winsor, Mr. Speaker.

NAY - Beavers, Beck, Bennett, Berry, Boland, Bolduc, Cassidy, Chapman, Chase, Chenette, Chipman, Clark, Cray, Daughtry, DeChant, Devin, Dickerson, Dill, Dunphy, Espling, Farnsworth, Gilbert, Hamann, Harlow, Harvell, Hayes, Herbig, Hickman, Hubbell, Jorgensen, Kaenrath, Kruger, Libby A, Libby N, Longstaff, MacDonald S, MacDonald W, Marks, Mason, McCabe, McLean, Monaghan-Derrig, Moonen, Morrison, Noon, Parry, Powers, Priest, Pringle, Rochelo, Russell, Rykerson, Schneck, Sirocki, Stanley, Stuckey, Timberlake, Tipping-Spitz, Tyler, Villa, Volk, Weaver, Welsh, Werts, Willette, Wilson, Wood.

ABSENT - Beaudoin, Campbell R, Crockett, Davis, Fredette, Kusiak, Malaby, Marean, McGowan, Nadeau A, Peoples, Peterson, Saxton.

Yes, 71; No, 67; Absent, 13; Excused, 0.

71 having voted in the affirmative and 67 voted in the negative, with 13 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

House as Amended

Bill "An Act To Clarify the Laws Establishing the Department of Agriculture, Conservation and Forestry" (EMERGENCY)

(H.P. 588) (L.D. 837)

(H. "A" H-354 to C. "A" H-339)

Reported by the Committee on **Bills in the Second Reading**, read the second time, the House Paper was **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

UNFINISHED BUSINESS

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

HOUSE DIVIDED REPORT - Majority (7) **Ought Not to Pass** - Minority (6) **Ought to Pass as Amended by Committee Amendment "A" (H-267)** - Committee on **VETERANS AND LEGAL AFFAIRS** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Restrict the Voting Privileges of Persons Incarcerated for Murder or Class A Crimes

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

TABLED - May 31, 2013 (Till Later Today) by Representative LUCHINI of Ellsworth.

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

The SPEAKER: The Chair recognizes the Representative from Livermore Falls, Representative Knight.

Representative **KNIGHT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to the pending motion. This is my bill and I need to tell the folks here a little bit about the background. What this bill is not is part of a Republican conspiracy, which I've understood some people think it might be, the proverbial camel's nose under the tent as they say. This bill was presented to the committee on behalf - unfortunately, it was presented on behalf of a constituent of mine who has suffered the heinous crime of murder. In fact, within about 15 miles of my home, over the last 20 years, there have been three crimes of murder, vicious, brutal rape and murders. The sister of one of the victims approached me and said, I'm surprised that I didn't notice myself, that the man who murdered her sister still had the privilege of voting. Was that right? Did I think that was right? Of course, I said I did not, and I believe that the majority of people in this state would be shocked and surprised to find that people that commit that crime can continue to vote. In fact, probably before caucus on this issue, I would guess that the majority of the people in this room did not know the people who commit the crime of murder continue to vote while incarcerated. Maine is an outlier. Maine is but one of two states in this country that permits incarcerated murderers and rapists, who have been sentenced for capital crimes, to continue to vote.

I received an email which perhaps everybody to the right of me in the far rear of this building have both received. It wasn't really intended for me, I don't believe, and you will see why when I read you just a portion of it. The concept of one man, one vote has been a part of a democratic fabric since the U.S. Supreme Court passed the landmark decision *Reynolds v. Sims* in 1964. Historical patterns show that many Republicans, in Maine and elsewhere, attempt to chip away at voting rights by attacking the rights of those least capable of advocating for themselves. History also shows that these types of restrictions tend to be expanded and, in this case, could eventually encompass all prisoners, probationers and even ex-offenders and felony records, as is the case in some cases. Considering the statistics

show that the fewer people that vote, the fewer Democrats that become elected, LD 573 should be a concern for the Maine Democratic Caucus. I don't think that was intended for me. I'm not a member of a Democratic Caucus.

I would also say this is not about Democrats and Republicans. My bill was sponsored equally by four Republicans and four Democrats. It had a bipartisan vote in the committee, although admittedly very much one sided in both votes. Very, very frustrating. The email I refer to came from IMPACT. I have not heard from them prior to this, but we've had multiple conversations now. We have been swapping emails for a number of days. I know they do many good things for prisoners and I respect the work that they do, but to suggest that this bill is of partisan nature is ridiculous and insulting. When a person commits a crime of a magnitude of murder, they should lose some of their rights and privileges of citizens. I think I learned even in the fifth or sixth grade that when we break the law, we forfeit certain rights. IMPACT is concerned that by passing this bill, that we will make these people, and let me quote, "a lesser member of society." Well, you know what? When you commit murder, you are a lesser member of society. It's despicable, you're depraved. People who do that sort of thing are not members of the good society, but my bill is very limited in nature. When they have been rehabilitated, if that has taken place and we hope that occurs, these penalties of society that we've imposed upon them go away. It's been argued by many that this is a constitutional right. Well, you know, people have a right to life, liberty and the pursuit of happiness, and when you take their life away, you remove that possibility. When the person is released from prison, I am saying they should receive those rights back. While they are in prison, a constitutional right – now this may sound ridiculous, in fact, it is – the Second Amendment, this body has spent lots of time discussing the right to bear arms, but do we not take that right away, Mr. Speaker, when they are in prison? Of course, you don't give someone in prison a gun, but why shouldn't we? It's a dangerous place and they have the right to protect themselves. It's constitutionally protected. Well, of course, that's absurd. We also have the right for peaceful assembly, but we don't allow that either while they are in prison. We tell them when to get up, when they are going to eat, where they are going to sleep. They lose those privileges and voting is another one of those privileges I think that ought to be removed while they are incarcerated.

This vote ultimately will have to go before the public because it's constitutional and I think we, as a body, and this is one case where it deserves to be out there for the public, we make our stand here and I guess we need 101 votes. I am under no illusion that I am going to get 101 votes because I think a lot of people have this, to me, unexplainable attitude that everyone deserves the right to vote, regardless of what they've done to or in society. I just ask you to think about it. Put yourself in the place of a family member who has lost a loved one, a sister or a daughter, or in the case of the situation that brought me to this bill, a young wife in her very, very early 20s with a young child who was found literally on her body several hours later. A despicable, heinous crime and we continue to say they have a right to vote. I invite everyone in this body, when they cast their ballot – and, by the way, when we do so, Mr. Speaker, I ask that a roll call be taken. I'd like to see the yeas and the nays and those who would proudly put their vote on their palm pads when they vote again, supporting the rights of criminals. Let it be there. This conspiracy attitude, this conspiracy suggestion is a red herring, in my opinion. There was one other thing that I wanted to say and one of the problems of growing age is you sometimes forget if you don't have notes, which I don't. I paused thinking

maybe it would come to me, but it hasn't. So I may jump up again later in the debate, but in the interim, Mr. Speaker, I request a roll call on this issue. Thank you very much.

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 Waterville, Representative Longstaff.

Representative **LONGSTAFF**: Thank you, Mr. Speaker. I don't rise to speak very often and this will be one of the most difficult times that I speak before the Legislature and I will address some of the questions that my colleague has just raised. This was, perhaps, the most difficult vote that I have had to take since I have been in the Legislature. When I met the woman who is now my wife, very shortly after I met the woman who had been her college roommate and shortly after that met her husband, we became very close, so close in fact that as you might expect, Margie, my wife's college roommate and her husband, Dick, were bridesmaids and ushers at our wedding. Soon after that, Margie became pregnant with her first child. I was in the hospital with them when the child was born. I watched Lisa grow up for over 20 years. We saw them several times a year, very, very close to them. When Lisa was 21 years old, she was brutally murdered in New York, very brutally murdered. I am thankful to the detective who wouldn't give that case up and finally found the murderer in Texas two years later and brought that person to justice. I hope he never comes out of prison. Dick and Margie remained close friends of ours. They say their close friends, well, that among their friends, we're close friends for many reasons but because when we're together, they can still talk about Lisa and it's very difficult for them to talk about Lisa. We think about her a lot. I stand on the other side of the issue. I know. I'm not just imagining somebody who has been murdered. Somebody I knew for over 20 years was a victim of a brutal murder. This is not about me getting even. If I'm going to get even, I hope he doesn't come out of jail. This is not about me getting even by taking away one of his most basic rights. Yes, people in prison lose some of their rights. They don't get a gun. But they're also not supposed to be subject to cruel and unusual punishment, beatings in prison and a whole lot of other things. They retain a lot of their rights as human beings and as citizens, and I am very reluctant to take away anyone's right to vote. This, as I say, is not about me getting even. This was a hard vote for me, but ultimately I had to in committee, and I will here, support the motion that this Ought Not to Pass. Thank you for indulging me, Ladies and Gentlemen of the House.

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

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

The SPEAKER: The Representative may pose his question.

Representative **PARRY**: Is this taking the right of these murderers and rapists away while they are in prison or is it for the rest of their lives?

The SPEAKER: The Representative from Arundel, Representative Parry, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Livermore Falls, Representative Knight.

Representative **KNIGHT**: Thank you, Mr. Speaker. The answer to the question is the bill only takes away the right while incarcerated.

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. I thought that's what it was. I couldn't imagine when this vote is taken today that anybody in this chamber is looking to take ballots to prisons to get the murderers and rapists' vote. That is appalling to me that I couldn't imagine this actually happening, that anybody in this chamber would be thinking that that is a good idea. I just can't imagine people worrying about somebody's right to vote that murdered somebody or raped somebody. It's just dumbfounding to me that people would actually – this vote should be 151-0 against this pending motion and passing the Minority Report. Thank you, Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Livermore Falls, Representative Knight.

Representative **KNIGHT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. My old memory has just come back as to the point I wanted to make. The last thing I wanted to say on this issue was there is a basic conflict of interest as well while these people are in this situation. We appoint the judges in this state. They are confirmed by the folks in the other body. It's ironic to think that the very people that are being sentenced are helping to determine those laws. I think it's a conflict. They should not have the vote while they are incarcerated. Thank you, Mr. Speaker.

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

Representative **COOPER**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I apologize for speaking yet again, but sometimes I think things have to be said that haven't been said. A previous speaker said that it was inconceivable that anybody would vote to retain for persons convicted of such heinous crimes to retain the right to vote while in prison, and I'll tell you why I'm going to vote that way. I think we are not talking about protecting the rights of these despicable, these people who have committed despicable crimes. We are talking about the duty of society to use this time to try to rehabilitate them and I think the right to vote, it gauges people. We are lucky if we get people to vote. We feel proud when we've had a high turnout of voters because it's evidence that they are engaged in their society. They have learned enough about what's going on in their community to make a decision about important matters. I don't see how that could harm them. Yes, they need to be punished and there is no question that they are being punished, but to deprive them of the right to vote is only an obstacle in the way on the path towards rehabilitation. 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. 232

YEA - Beavers, Beck, Berry, Boland, Bolduc, Brooks, Casavant, Cassidy, Chapman, Chenette, Chipman, Cooper, Daughtry, DeChant, Devin, Dickerson, Dill, Dion, Dorney, Farnsworth, Frey, Gattine, Gideon, Gilbert, Goode, Graham, Grant, Hamann, Harlow, Hayes, Herbig, Hickman, Hobbins, Hubbell, Jones, Jorgensen, Kaenrath, Kornfield, Kumiega, Kusiak, Longstaff, Luchini, MacDonald W, Mason, Mastraccio, McCabe, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nelson, Noon, Plante, Powers, Priest, Pringle, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Saucier, Schneck, Stanley, Stuckey, Theriault, Tipping-Spitz, Treat, Welsh, Mr. Speaker.

NAY - Ayotte, Beaulieu, Bennett, Black, Briggs, Campbell J, Carey, Chase, Clark, Cotta, Crafts, Cray, Doak, Dunphy, Duprey,

Espling, Evangelos, Fitzpatrick, Fowle, Fredette, Gifford, Gillway, Guerin, Harvell, Jackson, Johnson D, Johnson P, Kent, Keschl, Kinney, Knight, Lajoie, Libby A, Libby N, Lockman, Long, MacDonald S, Maker, Marks, McClellan, McElwee, Nadeau C, Newendyke, Nutting, Parry, Pease, Peavey Haskell, Pouliot, Reed, Sanderson, Shaw, Short, Sirocki, Timberlake, Turner, Tyler, Verow, Villa, Wallace, Weaver, Werts, Willette, Wilson, Winchenbach, Winsor, Wood.

ABSENT - Beaudoin, Campbell R, Crockett, Davis, Kruger, Malaby, Marean, McGowan, Nadeau A, Peoples, Peterson, Saxton, Volk.

Yes, 72; No, 66; Absent, 13; Excused, 0.

72 having voted in the affirmative and 66 voted in the negative, with 13 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

BILLS HELD

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

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

(C. "A" H-301)

- In House, **PASSED TO BE ENACTED.**

HELD at the Request of Representative TIPPING-SPITZ of Orono.

On motion of Representative TIPPING-SPITZ of Orono, the House **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENACTED.**

On motion of Representative BERRY of Bowdoinham, **TABLED** pending **PASSAGE TO BE ENACTED** and later today assigned.

CONSENT CALENDAR

First Day

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

(S.P. 73) (L.D. 237) Bill "An Act To Establish Uniform Quorum, Meeting and Chair Requirements for Professional and Occupational Licensing Boards" Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-219)**

(S.P. 114) (L.D. 281) Bill "An Act To Clarify Provisions of the Whitewater Rafting Laws" Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-230)**

(S.P. 243) (L.D. 694) Bill "An Act To Clarify Solid Waste Policy" (EMERGENCY) Committee on **ENVIRONMENT AND NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-220)**

(S.P. 281) (L.D. 743) Bill "An Act To Extend and Improve the Maine Seed Capital Tax Credit Program" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-213)**

(S.P. 282) (L.D. 744) Bill "An Act To Extend the Statute of Limitations on Certain Civil Professional Negligence Suits" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-232)**

(S.P. 333) (L.D. 988) Bill "An Act To Amend the Tax Laws" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-214)**

(S.P. 435) (L.D. 1274) Bill "An Act To Sustain Emergency Medical Services throughout the State" Committee on **HEALTH**

AND HUMAN SERVICES reporting Ought to Pass as Amended by Committee Amendment "A" (S-218)

(S.P. 445) (L.D. 1283) Bill "An Act To Amend the Laws Governing Animal Trespass" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-237)**

(S.P. 486) (L.D. 1379) Bill "An Act Regarding the Valuation of Certain Vehicles" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-215)**

(S.P. 529) (L.D. 1447) Bill "An Act To Grow the Maine Economy by Promoting Maine's Small Breweries and Wineries" Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-224)**

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. 646) (L.D. 922) Bill "An Act To Eliminate the Requirement That an Address Be Provided in Disclaimers on Political Radio Advertisements" Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-403)**

(H.P. 793) (L.D. 1121) Bill "An Act To Promote the Production of Maine Beverages" Committee on **ENVIRONMENT AND NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-397)**

(H.P. 828) (L.D. 1184) Bill "An Act Regarding Special Education Requirements for School Administrative Units That Do Not Operate Any Schools" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-399)**

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.

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-376) - Committee on AGRICULTURE, CONSERVATION AND FORESTRY on Bill "An Act To Protect Maine Communities by Prohibiting Horse Slaughter for Human Consumption and the Transport of Horses for Slaughter"

(H.P. 913) (L.D. 1286)

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

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

Representative **DICKERSON**: Thank you, Mr. Speaker. I'm going to ask for a roll call on the Majority Ought Not to Pass Report, but I'd like to speak for a moment. First, if you can indulge me just a minute, because who knows how that vote will turn out, and I see you are on the telephone.

The **SPEAKER**: The Representative may proceed.

Representative **DICKERSON**: Thank you very much, Mr. Speaker. There is one thing and one thing only that you really need to know about this bill. I'm going to ask you to vote red.

Wait a minute, did I do this right? Ought Not to Pass. Vote red on the Ought Not to Pass because if you do that, we're going to get to a better version of this bill. But let me tell you a little bit about the issue to begin with first and there is really only one thing you need to know about and that is that horses are not raised for food and they are not intended to be consumed for food, because throughout a horse's life, a horse may receive anywhere up to 100 drugs that are banned for use in animals that are intended for food. The truth of the matter is, is that Maine does in fact export horses to get slaughtered for food. How do I know this? Well, I happen to be one of the people who gets the phone call or the Facebook message when somebody is down at the horse slaughter auctions, which are held in New York and Pennsylvania, and there happens to be an animal in the kill pen and sometimes that animal happens to be from Maine, so I do know that this is in fact happening. Horses predominantly are going to receive a drug called phenylbutazone, which is kind of like a horse aspirin. That drug is cancer causing potentially and it is banned in food. The problem with – oh geez, it's late and we're all tired and I'm like nervous as I'll get out here – but the problem with this whole situation is that we could really solve this problem in Maine, you know. There really aren't quite so many horses going out to slaughter here that the issue couldn't be solved, and there were many issues that came up in the committee that the committee had with the particular bill that was in front of them, and I would like to tell you that all of those issues have been addressed in the better bill that you are going to be getting when you vote red. In Europe, horsemeat accidentally got into hamburger, you may have read about this issue, and as a result, 45 percent of all hamburger sales in Europe, it went down by 45 percent because the people over there don't want to buy hamburger anymore because they know that horsemeat is getting into the hamburger.

Now, you are probably sitting there saying, "Is somebody going to build a horse slaughter plant in Maine? I mean, when is this going to be happening?" Well, the truth is that it actually could happen because what's going on with the farm bill right now in the Federal Government is that funding is potentially going to get that put back in for inspections for horse slaughter plants so that horse slaughter plants can be built. Some states have taken out permits to build horse slaughter plants and Maine happens to be in close proximity to Canada where some of these companies are located. The other issue is that people are very concerned that horses might suffer neglect and abuse if the option of slaughter does not exist to get rid of old unwanted horses. Now, first of all, I need to tell you that you don't want to eat old and unwanted animals, okay? So when someone tells you that slaughter is an option to get rid of old, sick unwanted animals, you should instantly realize that you don't eat old, sick and unwanted cows, so why would you want to eat old, sick and unwanted horses? Second of all, horse slaughter used to be legal in this country. It was gotten rid of in 2007. There has been really no change in the amount of horse slaughter that's gone on as a result, so the numbers really don't match up to the arguments because what horse slaughter really is, is it's not a way for people to raise and eat food in an ethical way, like in your own home you might to raise a cow or a pig, and in fact this bill won't threaten that at all. If you want to raise a horse for food at your own farm or in your own home, you are perfectly welcome to do that. This bill won't affect that at all. But the thing is that – oh, I'm losing my train of thought because I am so scared. I'm really sorry. But at any rate, let me just tell you that this is an issue. It is a food safety issue first. I work personally in this field and I am very well acquainted with this issue and I personally do see animals from Maine in these positions, and I really believe that

we could face this issue responsibly and conscientiously, face it as a food safety issue. It is easily solvable and easily fixable, and we should not have a situation in place where people can have an easy outlet for animals that either don't run fast enough or don't make it at the shows. This is something we could solve. So I really do urge you to vote red and allow the issue to get debated with the better bill that you'll get if you vote red, so we can bring forward the Minority Report. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Livermore Falls, Representative Knight.

Representative **KNIGHT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I guess this is my day to be on the floor. This also is my bill. I want to thank my good cosponsor who has just spoken very eloquently on the fact. You should have received earlier today a distribution of a facts sheet and I just want to draw your attention to a couple of them. Over 80 percent of Americans are against horse slaughter, including former U.S. Senator Olympia Snowe and our current U.S. Senator Susan Collins. They both support this legislation at the national level. The opposition rhetoric is often if these animal rights advocates pass any sort of legislation for horses, next will be cows, chickens and pigs. That's absolutely not the case whatsoever. This is one single issue. It's not, again as I said in a previous discussion, a proverbial nose under the table. We're talking about horse slaughter and safety in this particular issue. Horse slaughter is bad for communities and as Representative Dickerson has noted, it's bad for human health, it's bad for workers, bad for the environment, and it's very bad for the horses.

I make no bones about the fact I'm an animal rights lover. While caucusing this earlier, I will share with you a little slip of the tongue I made, and it was a slip, but some have asked me about my umpiring. In fact, I'm going to leave here shortly and go umpire a ballgame, and some people have said, "Why do you do that?" or "Why do you serve in the House?" I said, "There's a lot of comparison between serving in the Legislature and umpiring a ballgame. You need a thick skin in both instances and a sense of humor." I've got to tell you, it works well in both venues, Mr. Speaker. But while I was trying to promote this in our own caucus, not with a lot of success, I made the comment to a lot of people and I would remind them that horses are a companion animal. I suggested that maybe not like I intended to say, cats and dogs that would hop into your bed with you. Apparently, I said they are like cows and you might take your cows to bed, and I meant to say cats and dogs. But at any rate, it is bad for horses, it is bad for our people and this business of moving horses into Maine and up through into Canada is an atrocious piece of activity that we ought to stop and end it once and for all, and I suggest to vote red with me on this issue, kill the pending motion and bring the Minority Report forward. Thank you very much, Mr. Speaker.

Representative CHAPMAN of Brooksville **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.

Representative CRAY of Palmyra moved that the Bill be **TABLED** until later in today's session pending the motion of Representative DILL of Old Town to **ACCEPT** the Majority **Ought Not to Pass** Report.

Representative DICKERSON of Rockland **REQUESTED** a roll call on the motion to **TABLE** until later in today's session pending the motion of Representative DILL of Old Town 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 to Table until later in today's session pending the motion of Representative Dill of Old Town to Accept the Majority Ought Not to Pass Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 233

YEA - Ayotte, Beck, Bennett, Berry, Black, Bolduc, Brooks, Cassidy, Chase, Clark, Cotta, Crafts, Cray, Dill, Dion, Dorney, Dunphy, Duprey, Espling, Farnsworth, Fitzpatrick, Fredette, Frey, Gattine, Gideon, Gifford, Goode, Graham, Guerin, Hamann, Harlow, Harvell, Hayes, Herbig, Hickman, Hobbins, Hubbell, Johnson D, Jorgensen, Keschl, Kumiega, Kusiak, Lajoie, Libby A, Libby N, Long, Luchini, MacDonald W, Maker, Marks, Mason, McCabe, McClellan, McLean, Monaghan-Derrig, Moonen, Noon, Nutting, Parry, Plante, Powers, Priest, Pringle, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Sanderson, Saucier, Schneck, Sirocki, Theriault, Timberlake, Tipping-Spitz, Treat, Turner, Welsh, Werts, Willette, Wilson, Wood, Mr. Speaker.

NAY - Beaulieu, Beavers, Boland, Briggs, Campbell J, Carey, Casavant, Chapman, Chenette, Chipman, Cooper, Daughtry, DeChant, Devin, Dickerson, Doak, Evangelos, Fowle, Gilbert, Gillway, Grant, Jackson, Johnson P, Jones, Kaenrath, Kent, Kinney, Knight, Kornfield, Kruger, Lockman, Longstaff, MacDonald S, Mastraccio, McElwee, Moriarty, Morrison, Nadeau C, Nelson, Newendyke, Pease, Peavey Haskell, Rankin, Reed, Shaw, Short, Stanley, Stuckey, Tyler, Verow, Villa, Wallace, Weaver, Winchenbach, Winsor.

ABSENT - Beaudoin, Campbell R, Crockett, Davis, Malaby, Marean, McGowan, Nadeau A, Peoples, Peterson, Pouliot, Saxton, Volk.

Yes, 83; No, 55; Absent, 13; Excused, 0.

83 having voted in the affirmative and 55 voted in the negative, with 13 being absent, and accordingly the Bill was **TABLED** until later in today's session pending the motion of Representative DILL of Old Town to **ACCEPT** the Majority **Ought Not to Pass** Report. (Roll Call Ordered)

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

Representative **Lajoie** : Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. In reference to Roll Call No. 168, on LD 1069, had I been present I would have voted yes. In reference to Roll Call No. 169, on LD 1499, had I been present I would have voted no. In reference to Roll Call No. 170, on LD 257, had I been present I would have voted yes. And in reference to Roll Call No. 171, on LD 1065, had I been present I would have voted no. Thank you.

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

On motion of Representative KESCHL of Belgrade, the House adjourned at 4:01 p.m., until 9:00 a.m., Monday, June 10, 2013 in honor and lasting tribute to Carl George Yeaton, of Belgrade.