

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
57th Legislative Day
Monday, June 10, 2013

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

Prayer by Doctor Jeffrey Gallagher, First Congregational Church of Kittery Point, UCC.

National Anthem by Deane Rykerson, Kittery Point.

Pledge of Allegiance.

Doctor of the day, Paul Berkner, D.O., Rome.

The Journal of Friday, June 7, 2013 was read and approved.

SENATE PAPERS

The following Joint Resolution: (S.P. 599)

**JOINT RESOLUTION RECOGNIZING OCEAN ACIDIFICATION
AS A THREAT TO MAINE'S COASTAL ECONOMY,
COMMUNITIES AND WAY OF LIFE**

WHEREAS, the ocean environment and its resources are vital to the economy, cultural identity and daily lives of many Maine citizens and communities; and

WHEREAS, coastal residents and communities in Maine depend on healthy and abundant ocean resources for their livelihoods, recreation and ways of life; and

WHEREAS, over 10% of jobs in Maine are in ocean-related industries, including live marine resources, marine construction, tourism, recreation, offshore minerals, ship building and marine transportation, resulting in 60,000 jobs and \$3,000,000,000 in gross domestic product in 2009; and

WHEREAS, in 2012, live landings and harvestings of Maine soft-shell clams, mahogany quahogs, blue mussels and lobsters totaled more than 154,000,000 pounds with a market value of nearly \$356,000,000, and the lobster catch alone accounted for almost 126,000,000 pounds of landings, with a value to the lobstermen of more than \$338,000,000; and

WHEREAS, much of Maine's economy is based on tourists that come to see our picturesque coast, harbors and working waterfront communities; and

WHEREAS, the world's oceans have absorbed more than a quarter of the carbon dioxide released into the atmosphere since the start of the Industrial Revolution, causing changes in ocean chemistry known as ocean acidification; and

WHEREAS, ocean acidification is caused primarily by increased atmospheric concentrations of carbon dioxide, and acidification of coastal waters is exacerbated by runoff, pollution and some natural processes; and

WHEREAS, shell-forming marine organisms with calcium carbonate exoskeletons, such as shellfish, lobsters, crabs and plankton, which are the base of the food chain in the Gulf of Maine, are particularly susceptible to the change in the chemical composition of the ocean; and

WHEREAS, 90% of the value of Maine's fisheries comes from shell-producing species such as lobster, which made up 77% of the total value of all Maine landings in 2012; and

WHEREAS, the species that support much of Maine's coastal economy are at risk to changes in the chemical composition of the Gulf of Maine, and these impacts include weakened shells, reduced growth and reproductive success, lowered resistance to disease, increased susceptibility to predation and other changes to biological and physiological processes; and

WHEREAS, ocean acidification has already had significant economic impacts in other parts of the United States, including along the coast of the state of Washington, where acidification

killed billions of oyster larvae and nearly destroyed the region's oyster hatcheries, bringing significant economic harm to that state's shellfish industry, which supports 3,200 jobs and generates \$270,000,000 annually; and

WHEREAS, the Gulf of Maine has been identified as the most susceptible region on the Eastern Seaboard to ocean acidification, potentially due to the colder and fresher water coming in from the Labrador current, the large proportion of riverine freshwater input and the gulf's semi-enclosed shape; and

WHEREAS, ocean acidification, as one of multiple drivers of environmental change in the Gulf of Maine, has the potential to threaten livelihoods and activities that have been at the core of Maine's coastal communities for hundreds of years; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-sixth Legislature now assembled in the First Regular Session, on behalf of the people we represent, take this opportunity to recognize that ocean acidification, as one of multiple consequences of environmental change in the Gulf of Maine, presents a threat to Maine's coastal economy, communities and way of life; and be it further

RESOLVED: That We support research and monitoring in order to better understand ocean acidification in the Gulf of Maine and Maine's coastal waters, to anticipate its potential impacts on Maine's residents, businesses, communities and marine environment and to develop ways of mitigating and adapting to ocean acidification; and be it further

RESOLVED: That the federal agencies conducting research into ocean acidification or mitigation of these impacts to our coast should prioritize research on those species such as lobster that will further our understanding of how our changing oceans will affect key species that support significant portions of our State's economy; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the United States Secretary of Commerce; the United States Secretary of Agriculture; the Administrator of the National Oceanic and Atmospheric Administration within the Department of Commerce; the Director of the National Science Foundation; the chair of the White House Council on Environmental Quality; the chair of the federal Interagency Working Group on Ocean Acidification; and the Maine Congressional Delegation.

Came from the Senate, **READ** and **ADOPTED**.

READ and **ADOPTED** in concurrence.

Non-Concurrent Matter

Resolve, Regarding Pesticide Applications and Public Notification in Schools (EMERGENCY)

(H.P. 26) (L.D. 33)

(C. "A" H-308)

FAILED of **FINAL PASSAGE** in the House on June 6, 2013.

Came from the Senate **FINALLY PASSED** in **NON-CONCURRENCE**.

Representative EVES of North Berwick moved that the House **RECEDE AND CONCUR**.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 129 voted in favor of the same and 2 against, and accordingly the House voted to **RECEDE AND CONCUR** to **FINAL PASSAGE**. Signed by the Speaker and sent to the Senate.

COMMUNICATIONS

The Following Communication: (S.C. 452)

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

June 7, 2013

Honorable Millicent M. MacFarland

Clerk of the House

2 State House Station

Augusta, Maine 04333

Dear Clerk MacFarland:

Please be advised the Senate today adhered to its previous action whereby it Indefinitely Postponed Bill "An Act To Include a Representative of the Aroostook Band of Micmacs in the House of Representatives" (H.P. 40) (L.D. 45) and all accompanying papers.

Best Regards,

S/Darek M. Grant

Secretary of the Senate

READ and ORDERED PLACED ON FILE.

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

**PETITIONS, BILLS AND RESOLVES REQUIRING
REFERENCE**

Bill "An Act To Amend the Laws Governing Secession from a Municipality" (EMERGENCY)

(H.P. 1131) (L.D. 1561)

Sponsored by Representative THERIAULT of Madawaska.

Cosponsored by Senator JACKSON of Aroostook and Representatives: AYOTTE of Caswell, CASAVANT of Biddeford, GRAHAM of North Yarmouth, HARVELL of Farmington, MAKER of Calais, NADEAU of Winslow, WILLETTE of Mapleton, Senator: LACHOWICZ of Kennebec.

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

Committee on **STATE AND LOCAL GOVERNMENT** suggested and ordered printed.

REFERRED to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed.

Sent for concurrence.

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

**REPORTS OF COMMITTEE
Divided Reports**

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought Not to Pass** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Require That the Attorney General Be Elected by Popular Vote (S.P. 278) (L.D. 740)

Signed:

Senator:

LACHOWICZ of Kennebec

Representatives:

GRAHAM of North Yarmouth

BOLAND of Sanford

BOLDUC of Auburn

HAYES of Buckfield

NADEAU of Winslow

PEASE of Morrill

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-236)** on same RESOLUTION.

Signed:

Senator:

COLLINS of York

Representatives:

CHENETTE of Saco

COTTA of China

MacDONALD of Old Orchard Beach

NADEAU of Fort Kent

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

READ.

Representative GRAHAM of North Yarmouth moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

Representative **CHENETTE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to the pending motion. The Attorney General is elected by popular vote in 43 statewide races. The Governor appoints the Attorney General in Alaska, Hawaii, New Hampshire, New Jersey and Wyoming. The State Supreme Court appoints the Attorney General in Tennessee, and in Washington, D.C., the mayor appoints the Corporation Counsel whose powers and duties are similar to the role of Attorney General. So Maine is the only state in the entire country where the Attorney General is elected by secret ballot by the Legislature. We are the outlier state compared to the rest of the United States. I think giving the Attorney General statewide exposure while campaigning for chief lawyer for the state prevents extreme swings of political philosophy from administration to administration. Keep in mind that the Minority Report also includes language that says this is a nonpartisan race. We are taking politics out of the role of chief lawyer for the state. This also creates a 4-year term for Attorney General. So I'd urge this body to turn down this pending motion in support of the Minority Report, and I request a roll call. Thank you, Mr. Speaker.

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.

Representative **JONES**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I think we all agree that the Attorney General should be an apolitical or nonpolitical position. I'd like to pose a question to the membership through the Chair.

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

Representative **JONES**: When was the last time an Attorney General from the majority party, okay, was elected by a minority party? Or let me rephrase that. When was the last time an Attorney General from the minority party was elected by a majority party in this House?

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

Representative **GRAHAM**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I apologize. I actually cannot answer the question from the good Representative from Freedom. I want to point out to you that we had a bill just last week similar to this, electing all the Constitutional Officers. This House chose not to do that. I would also point out that if this individual was to run statewide, there are no Clean Election funds so that, quite honestly, any large lobby could essentially bankroll this individual's election. Again, this is a system that we feel strongly is not broken and is working well and, quite honestly, I think Maine takes the politics out of it quite a bit. Again, do we want to have a big election bankrolling an Attorney General's race? With that, I hope you will follow my light. Thank you, Mr. Speaker.

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

Representative **DAUGHTRY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of the pending motion. Like I said last week, I think we need to make sure that the Attorney General stays non beholden to different groups that could back their campaign. If this measure, this bill were to pass, it would be bringing big money into the Attorney General's race. I just want to say that I think the Attorney General shouldn't be beholden to different groups. We don't need the "Attorney General brought to you by Harold Dana" or, you know, "Maine's Attorney General brought to you by Preti Flaherty." So I urge you to follow my light and support the pending motion. Thank you.

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

Representative **CHENETTE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just want to kind of clarify a few things. How are we elected? We have to go out to the people, talk to our constituents and get elected. This is no different. In fact, this is creating a nonpartisan race. In fact, it's also creating a 4-year term. I think it's important for people to understand that this is creating an open and transparent process, just like any other public and open election. This empowers people to run for offices that may have not been able to be reached before. Right now, officer candidates, right now, basically are internal political party individuals and I think that that's wrong. I think it should be nonpartisan for the role of a chief lawyer, and I think people should be empowered to run for these positions in an open process, because, right now, if you ask any of your constituents "Who were the candidates that ran for these Constitutional Officers?," they probably couldn't name them, or if they did, they wouldn't understand what the process is to run for those positions because it's all internal. Let's make it transparent. Thank you, Mr. Speaker.

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. 234

YEA - Beavers, Beck, Berry, Briggs, Campbell J, Campbell R, Carey, Casavant, Chapman, Chase, Cooper, Cray, Daughtry, DeChant, Devin, Dill, Dion, Evangelos, Farnsworth, Fowle, Frey, Gattine, Gideon, Gillway, Goode, Graham, Grant, Harvell, Hayes, Herbig, Hobbins, Hubbell, Jorgensen, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby A, Libby N, Longstaff, Luchini, MacDonald W, Mastraccio, McCabe, McElwee, McLean, Monaghan-Derrig, Moonen, Moriarty, Nadeau C, Nelson, Noon, Nutting, Pease, Peoples, Plante, Powers, Priest, Pringle, Rankin, Reed, Rochelo, Rotundo, Rykerson, Sanborn, Sanderson, Saucier, Saxton, Schneck, Shaw, Sirocki, Stanley, Theriault,

Tipping-Spitz, Treat, Turner, Verow, Welsh, Werts, Winchenbach, Winsor, Wood, Mr. Speaker.

NAY - Ayotte, Beaulieu, Bennett, Black, Boland, Chenette, Chipman, Crafts, Crockett, Davis, Dickerson, Doak, Dunphy, Duprey, Espling, Fitzpatrick, Fredette, Gifford, Guerin, Hamann, Harlow, Hickman, Jackson, Johnson D, Johnson P, Jones, Kaenrath, Kent, Keschl, Kinney, Knight, Lockman, Long, MacDonald S, Maker, Marean, Marks, McClellan, Morrison, Nadeau A, Newendyke, Parry, Peavey Haskell, Pouliot, Short, Timberlake, Tyler, Villa, Volk, Wallace, Weaver, Willette, Wilson.

ABSENT - Beaudoin, Bolduc, Brooks, Cassidy, Clark, Cotta, Dorney, Gilbert, Malaby, Mason, McGowan, Peterson, Russell, Stuckey.

Yes, 84; No, 53; Absent, 14; Excused, 0.

84 having voted in the affirmative and 53 voted in the negative, with 14 being absent, and accordingly the Majority **Ought Not to Pass Report** was **ACCEPTED** in concurrence.

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought Not to Pass** on Bill "An Act To Support Maine Businesses through State Purchasing"

(S.P. 476) (L.D. 1357)

Signed:

Senators:

LACHOWICZ of Kennebec
COLLINS of York
GERZOFISKY of Cumberland

Representatives:

BOLAND of Sanford
COTTA of China
HAYES of Buckfield
MacDONALD of Old Orchard Beach
NADEAU of Winslow
NADEAU of Fort Kent
PEASE of Morrill

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

Signed:

Representatives:

GRAHAM of North Yarmouth
CHENETTE of Saco

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

Representative **GRAHAM** of North Yarmouth moved that the House **ACCEPT** the Majority **Ought Not to Pass Report**.

Representative **CHENETTE** of Saco **REQUESTED** that the Clerk **READ** the Committee Report.

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

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

Representative **CHENETTE**: Thank you, Mr. Speaker. This is, to me, a good bill. I know we tackle a lot of things in this chamber, guns, pot, but I was elected to focus on small businesses and this will help small businesses in my district. It provides a preference for state contracts within about a 2.5 percent period of time, where different small businesses can apply for these bids through the normal process, even if it is a little bit more pricey. Within a 2.5 percent bidding, the individual or the state could go with the small business for Maine. I think

that this is important because we need to be supporting our small business community. Keep money in Maine. Keep our taxpayer money, especially with bids, in Maine. It might be a little bit more pricey because, guess what? Our energy costs are 33 percent higher than the national average. We have ballooning health care costs. You know, it's tough for businesses to compete in this state, so why no keep state contracts here? It's for biddings that are under \$100,000, so we're not talking about these big things that small businesses in Maine could not do. So these are for smaller contracts. I know there is an argument to be made that there is going to be retribution from other states, but imagine a world where states fought for their own businesses, where we stood up for the individual on Main Street that's trying to compete with an out-of-state interest. I think that's important, so I will be voting against the pending motion. I 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 Freedom, Representative Jones.

Representative **JONES**: Thank you, Mr. Speaker. I rise in opposition to the pending motion. Men and Women of the House, look, let's get this straight. Whom do we represent? Whom do we represent as a body? I would argue that we represent the people of the State of Maine. This bill requires that the state, when awarding contracts or purchases for the state, award the contract or purchase to an in-state bidder. Let me get that straight. Hang on just a second. What we're talking about here is rewarding state contracts to state bidders. Why would we, as Representatives of the people of the State of Maine, award our contracts to out-of-state bidders if those whom we serve are indeed the people of the State of Maine, okay? However, this bill does indeed require that bidding for contracts in the State of Maine be competitive. As the good Representative from Saco pointed out, we do have a lot of disadvantages in our business environment, which we hear often as we discuss taxation and appropriations issues, so we've provided a modest, okay, advantage for Maine state bidders which is 2.5 percent, okay. This also gives preference to the award of construction of public works contracts by the state and its political subdivisions, meaning municipalities and schools and counties, to workers and residents of the state. Mr. Speaker, in good conscience, I'd really like to hear someone stand up and speak and actually explain, why, in good conscience, we, as Representatives of the people of the State of Maine, cannot give preference to Maine bidders and Maine workers and Maine contractors in state/municipal contracts. Thank you.

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

Representative **PEASE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I'll answer that question. (*Inaudible*)

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. 235

YEA - Ayotte, Beck, Bennett, Berry, Black, Boland, Briggs, Campbell J, Campbell R, Carey, Casavant, Chase, Cooper, Cotta, Crafts, Cray, Davis, Dill, Dion, Doak, Dorney, Dunphy, Duprey, Espling, Fitzpatrick, Fowle, Frey, Gattine, Gideon, Gifford, Gillway, Goode, Graham, Grant, Guerin, Harvell, Hayes, Herbig, Hobbins, Hubbell, Jackson, Johnson D, Johnson P, Jorgensen, Kornfield, Kruger, Kumiega, Lajoie, Libby A, Libby N,

Lockman, Long, Longstaff, Luchini, MacDonald S, MacDonald W, Maker, Marean, Marks, Mastraccio, McCabe, McClellan, McElwee, McLean, Monaghan-Derrig, Moonen, Moriarty, Nadeau A, Nadeau C, Nelson, Newendyke, Noon, Nutting, Parry, Pease, Peoples, Plante, Pouliot, Powers, Priest, Pringle, Rankin, Reed, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Saucier, Saxton, Schneck, Sirocki, Stanley, Theriault, Timberlake, Tipping-Spitz, Treat, Turner, Tyler, Verow, Volk, Weaver, Welsh, Werts, Willette, Winchenbach, Winsor, Mr. Speaker.

NAY - Beaulieu, Beavers, Chapman, Chenette, Chipman, Crockett, DeChant, Devin, Dickerson, Evangelos, Farnsworth, Hamann, Harlow, Hickman, Jones, Kaenrath, Kent, Keschl, Kinney, Knight, Kusiak, Morrison, Peavey Haskell, Sanderson, Shaw, Short, Villa, Wallace, Wilson, Wood.

ABSENT - Beaudoin, Bolduc, Brooks, Cassidy, Clark, Daughtry, Fredette, Gilbert, Malaby, Mason, McGowan, Peterson, Stuckey.

Yes, 108; No, 30; Absent, 13; Excused, 0.

108 having voted in the affirmative and 30 voted in the negative, with 13 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

Nine Members of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (S-211)** on Bill "An Act To Amend the Mandatory Shoreland Zoning Laws"

(S.P. 555) (L.D. 1490)

Signed:

Senators:

BOYLE of Cumberland
GRATWICK of Penobscot
SAVIELLO of Franklin

Representatives:

WELSH of Rockport
CHIPMAN of Portland
COOPER of Yarmouth
GRANT of Gardiner
HARLOW of Portland
MCGOWAN of York

Three Members of the same Committee report in Report "B" **Ought to Pass as Amended by Committee Amendment "B" (S-212)** on same Bill.

Signed:

Representatives:

AYOTTE of Caswell
CAMPBELL of Orrington
REED of Carmel

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

Signed:

Representative:

LONG of Sherman

Came from the Senate with Report "A" **OUGHT TO PASS AS AMENDED READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-211)**.

READ.

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

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

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

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

ROLL CALL NO. 236

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

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

ABSENT - Beaudoin, Beck, Bolduc, Brooks, Cassidy, Clark, Fredette, Gilbert, Malaby, Mason, McGowan, Peterson, Stuckey.

Yes, 80; No, 58; Absent, 13; Excused, 0.

80 having voted in the affirmative and 58 voted in the negative, with 13 being absent, and accordingly Report "A" **Ought to Pass as Amended** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-211)** 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-211)** in concurrence.

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-400)** on Bill "An Act Relating to Exemption from Immunization for Schoolchildren"

(H.P. 464) (L.D. 672)

Signed:

Senators:

MILLETT of Cumberland

JOHNSON of Lincoln

Representatives:

MacDONALD of Boothbay

DAUGHTRY of Brunswick

HUBBELL of Bar Harbor

KORNFIELD 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

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

READ.

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

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

Representative **MacDONALD**: Thank you, Mr. Speaker. This bill is a simple bill that provides information to parents should they choose not to have their children immunized. I urge the body to pass this, Accept the Majority Ought to Pass as Amended Report. Thank you, Mr. Speaker.

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

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

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

Representative **BOLAND**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The bill we have before us requires that a parent, typically a mother, who has elected to not have her child immunized, say again that she does not want her child immunized, or his child, if it's a father. They already need to send a written notice saying that that is their choice. This is the kind of thing that I was referring to before that kind of intimidates parents. It's hard for them to get information that they actually can decline immunization. It's discouraged to give them information on what's in the vaccines and yet when they finally made that difficult decision, this asks them to again write down that they've read something that should already have been available to them. I don't think anybody who makes this choice would really mind signing, but it's the kind of thing that we see. It's kind of like questions about a woman being able to choose for her own body, a woman being able to choose for her child. I think it's not a pleasant thing for parents whom have to make this difficult decision under duress. Thank you.

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. (Roll Call Ordered)

Majority Report of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought Not to Pass** on Resolve, To Place a Temporary Suspension on Permitting of Certain Expedited Grid-scale Wind Energy Developments (EMERGENCY)

(H.P. 949) (L.D. 1325)

Signed:

Senators:

CLEVELAND of Androscoggin
JACKSON of Aroostook
YOUNGBLOOD of Penobscot

Representatives:

HOBBS of Saco
BEAVERS of South Berwick
DUNPHY of Embden
GIDEON of Freeport
HARVELL of Farmington
LIBBY of Waterboro
NEWENDYKE of Litchfield
RYKERSON of Kittery
TIPPING-SPITZ of Orono

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

Signed:

Representative:

RUSSELL of Portland

READ.

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

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-398)** on Bill "An Act To Add Conditions That Qualify for Medical Marijuana Use"

(H.P. 755) (L.D. 1062)

Signed:

Senators:

CRAVEN of Androscoggin
HAMPER of Oxford
LACHOWICZ of Kennebec

Representatives:

FARNSWORTH of Portland
CASSIDY of Lubec
GATTINE of Westbrook
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:

Representative:

DORNEY of Norridgewock

Representative BEAR of the Houlton Band of Maliseet Indians - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (H-398)** Report.

READ.

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

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

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

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

ROLL CALL NO. 237

YEA - Beaulieu, Beavers, Beck, Bennett, Berry, Boland, Briggs, Brooks, Campbell R, Casavant, Chapman, Chenette, Chipman, Cooper, Cray, Daughtry, DeChant, Devin, Dickerson, Dill, Dion, Dunphy, Evangelos, Farnsworth, Fitzpatrick, Fowle, Frey, Gattine, Gideon, Goode, Graham, Grant, Hamann, Harlow, Harvell, Hayes, Herbig, Hickman, Hobbs, Hubbell, Jones, Jorgensen, Kent, Kinney, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby A, Libby N, Lockman, Longstaff, Luchini, MacDonald S, MacDonald W, Maker, Marean, Marks, Mastraccio, McCabe, McElwee, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau A, Nadeau C, Nelson, Noon, Parry, Pease, Peoples, Powers, Priest, Rankin, Reed, Rochelo, Rotundo, Russell, Rykerson, Sanderson, Saucier, Saxton, Schneck, Shaw, Short, Sirocki, Stanley, Theriault, Timberlake, Tipping-Spitz, Treat, Tyler, Verow, Villa, Volk, Welsh, Werts, Willette, Wilson, Winchenbach, Wood, Mr. Speaker.

NAY - Ayotte, Black, Campbell J, Carey, Chase, Cotta, Crafts, Crockett, Davis, Doak, Dorney, Duprey, Espling, Gifford, Gillway, Guerin, Jackson, Johnson D, Johnson P, Kaenrath, Keschl, Knight, Long, McClellan, Newendyke, Nutting, Peavey Haskell, Plante, Pouliot, Pringle, Sanborn, Turner, Wallace, Weaver, Winsor.

ABSENT - Beaudoin, Bolduc, Cassidy, Clark, Fredette, Gilbert, Malaby, Mason, McGowan, Peterson, Stuckey.

Yes, 105; No, 35; Absent, 11; Excused, 0.

105 having voted in the affirmative and 35 voted in the negative, with 11 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-398)** 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-398)** and sent for concurrence.

Majority Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought Not to Pass** on Resolve, Directing the Department of Professional and Financial Regulation To Conduct a Sunrise Review Regarding the Proposal To License Certain Mechanical Trades

(H.P. 763) (L.D. 1070)

Signed:

Senators:

CLEVELAND of Androscoggin
CUSHING of Penobscot

Representatives:

DUPREY of Hampden
HAMANN of South Portland
LOCKMAN of Amherst
MASON of Topsham

VOLK of Scarborough
WINCHENBACH of Waldoboro

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

Signed:
Senator:
PATRICK of Oxford

Representatives:
HERBIG of Belfast
CAMPBELL of Newfield
GILBERT of Jay
MASTRACCIO of Sanford

READ.

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

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

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

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

ROLL CALL NO. 238

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

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

ABSENT - Beaudoin, Bolduc, Briggs, Cassidy, Clark, Gilbert, Malaby, McGowan, Peterson, Stuckey.

Yes, 82; No, 59; Absent, 10; Excused, 0.

82 having voted in the affirmative and 59 voted in the negative, with 10 being absent, and accordingly the Minority **Ought to Pass** Report was **ACCEPTED**.

The Resolve was **READ ONCE**.

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

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

Majority Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-402)** on Bill "An Act To Establish the Fair Chance for Employment Act"

(H.P. 822) (L.D. 1157)

Signed:
Senators:
PATRICK of Oxford
CLEVELAND of Androscoggin

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

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

Signed:
Senator:
CUSHING of Penobscot

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

READ.

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

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

Representative **VOLK**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. While this piece of legislation may look fairly innocent, we all want our unemployed people to have their claims processed in a timely manner and the Department of Labor was having some trouble doing so, due to a number of factors including a hiring freeze. They have since made a lot of progress. They recognized the issue, they took the necessary steps to remedy it, and it is my understanding now that our unemployment claims are being addressed in a timely manner. Since 2007, the dramatic workload increases associated with the severe economic downturn, exacerbated by the addition of the extended benefits in the federal temporary Emergency Unemployment Compensation program far exceeded existing staff capacity to achieve the federal performance targets. What this bill would do would put into, potentially, put us out of conformity with the Federal Government. The Federal Unemployment Tax Act only permits the payment of unemployment benefits to individuals determined to be eligible. If it's the intent of this legislation that benefits are to be paid within 30 days, even if eligibility has not been established, the state could potentially be ruled out of conformity with federal rule, federal law. Being out of conformity could jeopardize employers' federal unemployment tax credits and Maine's unemployment administrative grants. This could potentially increase the cost for the unemployment taxes for all Maine employers by 6 percent, which translates to between \$30 and \$210 million annually. I'd like to call your attention to the additional costs. The fiscal note on this bill is over \$700,000, beginning in 2013, and it continues to rise through 2017 to a point

of being well over \$1 million additionally a year. I ask you to follow my light. Oh, I'm sorry. I'm on the wrong bill. I apologize.

The SPEAKER: Nobody questioned the germaness. Go for it.

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

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

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

Representative **HERBIG**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. Regarding LD 1157, this bill is pretty simple. It prohibits an employer from publishing a print or internet advertisement for a job vacancy that involves essentially the sentiment unemployed people need not apply. Long-term unemployment is harmful to our overall economy and the least we can do is prohibit further discouragement. If we truly want to get all Mainers back to work, we should act like it. I think we could all agree the best economic development is providing Maine people with good jobs. I urge you to support the pending motion.

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

Representative **VOLK**: Thank you, Mr. Speaker. I do now have the correct bill. I do apologize to all the Ladies and Gentlemen of the House. That's very embarrassing. Anyway, one of the issues raised by our analyst regarding this bill is the issue of free speech. Apparently, some similar legislation has passed in a couple of other states; however, he did feel that there was a possibility that restricting how employers can advertise could possibly be infringing upon their First Amendment rights, so I just want to call that attention to the members of the body. Thank you.

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

ROLL CALL NO. 239

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

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

ABSENT - Beaudoin, Bolduc, Cassidy, Clark, Gilbert, Malaby, Mason, McGowan, Peterson, Stuckey.

Yes, 85; No, 56; Absent, 10; Excused, 0.

85 having voted in the affirmative and 56 voted in the negative, with 10 being absent, and accordingly the Majority **Ought to Pass as Amended Report** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-402)** 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-402)** and sent for concurrence.

Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-401)** on Bill "An Act To Promote Tourism and Foster Economic Development" (EMERGENCY)

(H.P. 1005) (L.D. 1409)

Signed:

Senator:

MILLETT of Cumberland

Representatives:

BENNETT of Kennebunk

BROOKS of Winterport

JACKSON of Oxford

KNIGHT of Livermore Falls

MAREAN of Hollis

MOONEN of Portland

STANLEY of Medway

TIPPING-SPITZ of Orono

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

Signed:

Senators:

HASKELL of Cumberland

THOMAS of Somerset

Representatives:

GOODE of Bangor

LIBBY of Lewiston

READ.

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

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

Majority Report of the Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-404)** on Bill "An Act Concerning Postsecondary Tuition Waivers for Children of Veterans"

(H.P. 469) (L.D. 677)

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 "B" (H-405)** on same Bill.

Signed:
Representative:
RUSSELL of Portland

READ.

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

The Bill was **READ ONCE. Committee Amendment "A" (H-404)** 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-404)** and sent for concurrence.

Eight Members of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (H-393)** on Bill "An Act To Protect Maine Food Consumers' Right To Know about Genetically Engineered Food and Seed Stock" (H.P. 490) (L.D. 718)

Signed:
Senators:
JACKSON of Aroostook
BOYLE of Cumberland

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

Three Members of the same Committee report in Report "B" **Ought to Pass as Amended by Committee Amendment "B" (H-394)** on same Bill.

Signed:
Senator:
SHERMAN of Aroostook

Representatives:
CRAY of Palmyra
MAREAN of Hollis

Two Members of the same Committee report in Report "C" **Ought to Pass as Amended by Committee Amendment "C" (H-395)** on same Bill.

Signed:
Representatives:
BLACK of Wilton

TIMBERLAKE of Turner

READ.

On motion of Representative DILL of Old Town, **TABLED** pending **ACCEPTANCE** of any Report and later today assigned.

Eleven Members of the Committee on **JUDICIARY** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (H-387)** on Bill "An Act To Amend the Laws Governing Public Records"

(H.P. 86) (L.D. 104)

Signed:
Senators:
VALENTINO of York
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
MOONEN of Portland
VILLA of Harrison

One Member of the same Committee reports in Report "B" **Ought to Pass** on same Bill.

Signed:
Representative:
MORIARTY of Cumberland

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

Signed:
Representative:
PEAVEY HASKELL of Milford

Representative MITCHELL of the Penobscot Nation - of the House - supports Report "A" **Ought to Pass as Amended by Committee Amendment "A" (H-387)**.

READ.

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

The Bill was **READ ONCE. Committee Amendment "A" (H-387)** was **READ** by the Clerk.

Representative MORIARTY of Cumberland **PRESENTED House Amendment "A" (H-421) to Committee Amendment "A" (H-387)**, which was **READ** by the Clerk.

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

Representative **MORIARTY**: Thank you, Mr. Speaker. Good morning, Ladies and Gentlemen of the House. I think that this requires a bit of explanation. This bill would create an exemption from the Freedom of Access Act for a series of non-interactive communications from towns and cities to residents who request to receive them. More specifically, it would insulate the email addresses of the recipients of these non-interactive communications from towns and cities from disclosure to various third parties, thereby protecting the email addresses of the residents who receive them. The basics of the Committee Amendment "A" are as follows. First off, there is no requirement

that any town or city prepare and distribute any sort of non-interactive communication that's entirely within the discretion of a community. There is no duty. There is no mandate. Secondly, there is no requirement that a resident receive any such communication that is entirely within the discretion of a resident. Further, the content of any information sent by a community to a resident is fully part of the public record beyond any question whatsoever and is fully disclosable. To qualify for the FOAA exception, however, a communication must be non-interactive, which means that if you receive it, you can't respond or reply or engage in any sort of electronic communication in response to that particular communication from the town. If you choose to contact someone from the town based upon something that you've read, that communication or exchange would in fact be subject to disclosure under the Act, which I think we all understand.

The differences between Committee Amendment "A" and the proposed House Amendment "A" are as follows: The Majority Report provides for nondisclosure of "notifications, updates and cancellations," which are sent out by the town, again, on a non-interactive, one-way basis. The proposed House Amendment "A" restores the original language found in the LD as presented to committee, which was sponsored by my colleague, Representative Nelson, from Falmouth, and which was cosponsored by members of both parties by adding a key phrase. In addition to the items I just mentioned which would not be subject to disclosure, also newsletters and other similar communications received on a one-way basis would not be subject to FOAA.

The rationale for my amendment is as follows: Towns and cities should be free to prepare newsletters to keep their residents informed of what's going on, if they so choose. Residents, in turn, should be encouraged to choose to receive such email notifications and communications in order to stay informed. Disclosure of email addresses to third parties for their own purposes is a disincentive to residents to sign up to receive these types of communications from their towns and cities. Therefore, it should be our firm policy to encourage voluntary non-interactive communications from towns to their residents, in order to allow the residents to stay abreast of developments within their communities. It should also be our policy to discourage anything that would be a disincentive to residents from receiving such messages. It should be our policy to protect the privacy of those who choose to receive by preventing disclosure of email addresses or recipients to third parties. We should support the amendment that I propose because it broadens the type of non-interactive communications that can be sent to residents without the threat or possibility of disclosure of email addresses. This protects the rights of those who elect to receive information from unsolicited contact from any number of third parties, for any number of purposes, and I urge passage of House Amendment "A" and, if appropriate, would request a roll call.

The same Representative **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-421) to Committee Amendment "A" (H-387)**.

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 Brunswick, Representative Priest.

Representative **PRIEST**: Thank you, Mr. Speaker, Fellow Representatives. The committee considered Representative Moriarty's amendment when we did this bill and we rejected it, and I want to tell you why the majority of the committee rejected it. The problem with newsletters as opposed to just

cancellations, notifications and similar items is that newsletters can be political. They can say, "We recommend that this is what you should vote on next time you go to an election." They can say, "This is the action we are going to take and we hope you agree with it." We felt that if the town is going to be able to use a newsletter in that fashion, then other people ought to be able to contact the same people the town has contacted and say, "Wait a minute, there is another side to this. You ought to consider a different view." That's why we did not make newsletters confidential. Obviously, we're talking about FOAA here. We're talking about something that is now public and we're talking about making it private, and we felt that this was not appropriate because it would give the town a great advantage over anyone else who disagreed with the town's policies. Now, can you have newsletters which are political? Of course, you can. But how can you determine that in a statute? You can't. So we did not approve of newsletters being confidential. We did approve of cancellations, notifications and similar items being confidential because that has nothing to do with politics. Mr. Speaker, I would ask that the Committee Report be read.

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

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

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

Representative **CROCKETT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Distinguished Members of the House. I rise in opposition to the pending motion. I concur with the analysis done by the good Committee Chair, Representative Priest, of Brunswick. It was a long and arduous process in coming to the conclusion, but the committee did. Not everybody is completely happy with it, but that was the result of the committee and we reached that after a strong analysis. FOAA is a very important portion of our law. It keeps government honest. We need to be very careful when we make changes to the law. The committee came to the right conclusion, as you can tell by an overwhelming report, and I would urge you all to oppose the pending motion.

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

Representative **NELSON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This is my bill and I do not have a lot of prepared remarks. What I do want to say and want people to consider is that most towns have moved, at least the towns that I am aware of, have moved the notification of citizens of a variety of town information via email at the request of those citizens. Most of the citizens, when they request that email, assume and are told that those email addresses are indeed protected, that they do not create a database which somebody can then go to the town, get that database and use it for commercial or political gain. We have had that situation happen in our town because of the restriction that we had to give out that email address. It was used then for political purposes and the result of that was that many people in the town then withdrew their names from a notification system. A one-way notification is something that you cannot respond to. It does not mean that you can't respond to the town. You can communicate with the town and you can communicate via email, but if you communicate with your selectmen or your school board on political issues, those are not protected, that email is not protected. The list that the town maintains for notification purposes is one which we think should be not available to anybody who wants to use it for political or commercial purposes. Adding newsletters, I think it's your interpretation of what a newsletter is. A newsletter should be, and is in most towns, not a political document advocating for one thing or another. It is

giving news to the town. It is giving news, perhaps, of people who have made an achievement in the town, who have made a contribution to the town. It's a newsletter announcing a variety of meetings so that you don't have to send a notice for each individual event. You can put a town schedule together. A newsletter is just that. It's news of the town. It's not political advocacy. So our feeling to exempt newsletters from this FOAA was a false distinction, distinction without any merit really, and so I would urge you to support the inclusion of newsletters so that towns don't have to decide whether this is a newsletter notice or it's just a notice. I urge you to accept the pending motion for Amendment "A." 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. I stand in opposition to the amendment, as I understand the bill, and to simply say that this is another one of those invasions or erosion of the right to know. I can't see any reason why the emails on these political subdivisions should be kept confidential. Thank you, Mr. Speaker.

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

Representative **MORIARTY**: Thank you, Mr. Speaker. Mr. Speaker, Fellow Members of the House. I rise for my final and second time to respond briefly. Once again, there is no question but that the email newsletter is fully public and always will be, and cannot be kept secret from anybody. I hope there is no confusion in that regard. The only issue here is whether the email addresses of the recipients of this one-way communication can be disclosed to numerous third parties for whatever purposes those third parties choose. We should not, under any circumstances, put our residents in the hopeless position of having to choose, on the one hand, between being informed about what's going on locally, and on the other, having to risk disclosure of their email addresses to unknown individuals for unknown purposes. The scenario described by my colleague from Falmouth, Representative Nelson, about those individuals who were forced to withdraw their names from the list of recipients is unfortunate and is exactly the result we would not want to see happen.

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

Representative **NELSON**: Thank you, Mr. Speaker. I apologize for rising a second time, but I do want to clarify for people one of the reasons why this became of importance to me is that email addresses are a gateway to a lot of information – private, personal information. The world is increasingly doing their banking by email. They are doing a lot of personal business through their email addresses and that is why we thought that just revealing those email addresses without these citizens having a choice, then we thought that that was not wise and certainly would be a threat to those people and would result in people not using that way of informing themselves about what is happening in the towns. Thank you, Mr. Speaker.

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

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

The SPEAKER: The Representative may pose his question.

Representative **BROOKS**: Mr. Speaker, my question is, is there any taxpayer money used in the dissemination of any of these newsletters?

The SPEAKER: The Representative from Winterport, Representative Brooks, has posed a question through the Chair

to anyone who may care to respond. The Chair recognizes the Representative from Brunswick, Representative Priest.

Representative **PRIEST**: My understanding is that, in most cases, taxpayer money is used to prepare these newsletters and send them out. If I might speak a little bit more please, I would remind everybody that some newsletters are perfectly innocuous and are not political, but some newsletters are very political and it's impossible to differentiate between the two in statute. So unless, if you want to say nonpolitical newsletters are one thing and political newsletters the other, then you're on your way to the Supreme Court. I advise you, please don't do that. Newsletters are a method of the town dealing with its citizens. If the citizens don't want to receive emails, all they've got to do is open up their junk email and say these newsletters from whatever individual there is goes in my junk pile, you never have to see it. But we have to encourage political debate here and emails are a method of having political debate. So again, I urge you to vote against this amendment. Thank you.

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

Representative **MORIARTY**: Thank you, Mr. Speaker, and Members of the House. I will respond briefly to the question presented by Representative Brooks. We have such an email newsletter in my town. It falls within the job description of the town clerk. Arguably, there are some theoretical costs, but it's something, one of the many things that she does, and therefore I think that the costs are relatively minimal, if they are in fact actual at all.

The SPEAKER: A roll call has been ordered. The pending question before the House is Adoption of House Amendment "A" (H-421) to Committee Amendment "A" (H-387) . All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 240

YEA - Chapman, Dickerson, Dill, Dion, Hamann, Harlow, Hayes, Hickman, Kent, Kornfield, Kumiega, Kusiak, Mason, McLean, Moriarty, Morrison, Nelson, Pringle, Rykerson, Sanborn, Schneck, Short, Stuckey, Treat, Welsh, Winchenbach, Winsor.

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

ABSENT - Beaudoin, Bolduc, Cassidy, Clark, Gilbert, Malaby, Peterson, Russell.

Yes, 27; No, 116; Absent, 8; Excused, 0.

27 having voted in the affirmative and 116 voted in the negative, with 8 being absent, and accordingly **House Amendment "A" (H-421) to Committee Amendment "A" (H-387) was NOT ADOPTED.**

Subsequently, **Committee Amendment "A" (H-387) was ADOPTED.**

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-387)** and sent for concurrence.

Committee of Conference

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act To Restore to Jimmy J. Soucy the Right To Maintain Existing Structures on Property in Sinclair" (S.P. 95) (L.D. 262)

has had the same under consideration, and asks leave to report:

That the Senate **READ** and **ACCEPT** the Report.

That the House **RECEDE** and **CONCUR** to **PASSAGE TO BE ENGROSSED**.

Signed:

Senators:

JACKSON of Aroostook
BOYLE of Cumberland
SHERMAN of Aroostook

Representatives:

NOON of Sanford
MAREAN of Hollis
BLACK of Wilton

Came from the Senate with the Committee of Conference Report **READ** and **ACCEPTED**.

The Committee of Conference Report was **READ**.

On motion of Representative BERRY of Bowdoinham, **TABLED** pending **ACCEPTANCE** of the Committee of Conference 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:

196) (L.D. 259) Bill "An Act To Allow a Person Who Owns a Slaughterhouse To Slaughter Poultry for Other People" (EMERGENCY) Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-407)**

(H.P. 284) (L.D. 409) Bill "An Act To Establish a Veteran-to-farmer Training Pilot Program" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-413)**

(H.P. 613) (L.D. 886) Resolve, Regarding Legislative Review of Portions of Chapter 270: Uniform Reporting System for Quality Data Sets, a Major Substantive Rule of the Maine Health Data Organization (EMERGENCY) Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-411)**

(H.P. 668) (L.D. 955) Resolve, Authorizing the Commissioner of Administrative and Financial Services To Sell or Lease the Interests of the State in Certain Real Property Located in Bangor, Boothbay Harbor and Hallowell Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-412)**

(H.P. 718) (L.D. 1020) Bill "An Act Regarding the Swans Island Lobster Fishing Zone" (EMERGENCY) Committee on

MARINE RESOURCES reporting **Ought to Pass as Amended by Committee Amendment "A" (H-408)**

(H.P. 786) (L.D. 1114) Bill "An Act To Amend the Laws Concerning Parental Rights in Child Abandonment Cases" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-409)**

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.

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

ENACTORS

Emergency Measure

An Act To Exempt Agriculture, Timber Harvesting and Public Employees from Certain Oversight in Shoreland Areas

(S.P. 231) (L.D. 641)
(C. "A" S-164)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 141 voted in favor of the same and 2 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act To Establish a Moratorium on the Approval and Operation of Virtual Public Charter Schools

(S.P. 340) (L.D. 995)

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

Representative WILLETTE of Mapleton **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

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

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

ROLL CALL NO. 241

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

NAY - Ayotte, Beaulieu, Bennett, Black, Campbell R, Casavant, Chase, Cotta, Crafts, Cray, Davis, Doak, Duprey, Espling, Fitzpatrick, Fredette, Gifford, Gillway, Guerin, Harvell, Jackson, Johnson D, Johnson P, Keschl, Kinney, Knight, Libby A,

Lockman, Long, MacDonald S, Maker, Marean, McClellan, McElwee, Nadeau A, Newendyke, Nutting, Parry, Pease, Peavey Haskell, Pouliot, Reed, Sanderson, Sirocki, Timberlake, Turner, Tyler, Volk, Wallace, Weaver, Willette, Wilson, Winsor, Wood.

ABSENT - Beaudoin, Bolduc, Cassidy, Clark, Gilbert, Malaby, Nadeau C, Peterson, Rotundo, Mr. Speaker.

Yes, 87; No, 54; Absent, 10; Excused, 0.

87 having voted in the affirmative and 54 voted in the negative, with 10 being absent, and accordingly the Bill **FAILED** of **PASSAGE TO BE ENACTED** and was sent to the Senate.

Emergency Measure

An Act To Amend Article 9-A of the Uniform Commercial Code

(H.P. 985) (L.D. 1384)

(C. "A" H-333)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 135 voted in favor of the same and 2 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act To Expand the Authority of Lobster Management Policy Councils To Address Entry into Lobster Management Zones and To Create a Temporary Medical Allowance

(H.P. 1113) (L.D. 1544)

(C. "A" H-334)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 131 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, Regarding Legislative Review of Portions of Chapter 2: Rules Concerning the Processing of Applications and Other Administrative Matters, a Major Substantive Rule of the Department of Environmental Protection

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

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 115 voted in favor of the same and 8 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, To Establish Demonstration Projects To Promote Economic Development in the Forest Products Industry

(S.P. 541) (L.D. 1467)

(C. "A" S-208)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 118 voted in favor of the same and 15 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Acts

An Act To Amend Certain Laws Governing the Bureau of Maine Veterans' Services

(S.P. 77) (L.D. 241)

(C. "A" S-181)

An Act To Improve the Quality of the Data Used in the Management of Maine's Fisheries

(H.P. 332) (L.D. 482)

(C. "A" H-335)

An Act To Improve Care Coordination for Persons with Mental Illness

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

(C. "A" H-341)

An Act To Amend the Laws Governing the Award of Spousal Support in Divorce Actions

(H.P. 367) (L.D. 548)

(C. "A" H-330)

An Act To Facilitate Patient Education

(S.P. 260) (L.D. 711)

(C. "A" S-200)

An Act To Increase Access to Voter Lists

(H.P. 519) (L.D. 768)

(C. "A" H-329)

An Act To Protect Working Mothers Who Breast-feed

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

An Act To Promote the Financial Literacy of High School Students

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

(C. "A" H-348)

An Act To Require Public Disclosure of Health Care Prices

(S.P. 335) (L.D. 990)

(C. "A" S-202)

An Act To Provide Transparency in Fund-raising by and Lobbying of a Governor-elect

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

(C. "A" S-179)

An Act To Achieve Economic Growth by Enhancing Science, Technology, Engineering and Mathematics Education and To Meet Workforce Needs

(S.P. 393) (L.D. 1132)

(C. "A" S-207)

An Act To Amend the Law Regarding Affordable Housing Tax Increment Financing

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

(C. "A" H-307)

An Act To Make Statutory Changes To Address Certain Conflicting Requirements of the Maine Rules of Professional Conduct and the Federal Developmental Disabilities Assistance and Bill of Rights Act of 2000 Regarding Maine's Protection and Advocacy Agency

(H.P. 883) (L.D. 1249)

(C. "A" H-332)

An Act To Streamline the Charitable Solicitations Act

(S.P. 438) (L.D. 1277)

(S. "A" S-165 to C. "A" S-145)

An Act To Deregulate Face-to-face Transactions between the People and Small Farms and Small Food Producers

(H.P. 914) (L.D. 1287)

(C. "A" H-326)

An Act To Amend Campaign Finance Laws

(S.P. 447) (L.D. 1299)

(C. "A" S-191)

LEGISLATIVE RECORD - HOUSE, June 10, 2013

An Act To Enhance Voter Registration for Persons with Disabilities

(S.P. 449) (L.D. 1306)
(C. "A" S-182)

An Act To Amend the Laws Governing Unemployment Compensation To Ensure Conformity with the Federal Trade Adjustment Assistance Extension Act of 2011

(S.P. 454) (L.D. 1311)
(C. "A" S-183)

An Act To Amend the Law Pertaining to Defective or Unreasonably Dangerous Implantable Medical Devices and Pharmaceuticals

(S.P. 462) (L.D. 1331)
(C. "A" S-163)

An Act To Provide Integrated Community-based Employment and Customized Employment for Persons with Disabilities

(S.P. 471) (L.D. 1352)
(S. "A" S-196 to C. "A" S-187)

An Act To Address Maine's Immediate Workforce Needs

(S.P. 554) (L.D. 1489)
(C. "A" S-194)

An Act To Update the Maine Insurance Code To Maintain Conformance with Uniform National Standards

(S.P. 574) (L.D. 1519)
(C. "A" S-184)

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

Resolves

Resolve, Directing the Department of Transportation To Convene a Task Force To Study Issues Concerning Private Railroad Crossings

(H.P. 129) (L.D. 154)
(C. "A" H-331)

Resolve, To Improve Access to Oral Health Care for MaineCare Recipients

(S.P. 109) (L.D. 276)
(C. "A" S-197)

Resolve, Directing the Department of Health and Human Services To Develop a Process To Provide Additional Home-based and Community-based Services in the MaineCare Program

(H.P. 338) (L.D. 488)
(C. "A" H-325)

Resolve, Directing All Relevant Agencies of State Government To Work in Concert with a Plan To End and Prevent Homelessness To Ensure That Resources Are Available To End Homelessness in the State

(H.P. 417) (L.D. 598)
(C. "A" H-342)

Resolve, To Establish the Commission To Study Long-term Care Facilities

(S.P. 331) (L.D. 986)
(C. "A" S-201)

Resolve, Directing the Androscoggin County Commissioners To Make Changes to the Androscoggin County Charter

(S.P. 366) (L.D. 1084)
(C. "A" S-153)

Resolve, Directing the Commissioner of Professional and Financial Regulation To Convene a Stakeholder Group To Review Changes in Federal and State Regulations and Rules Governing Compounding Pharmacies

(H.P. 934) (L.D. 1315)
(C. "A" H-299)

Resolve, Directing the Department of Health and Human Services To Amend the MaineCare Benefits Manual

(S.P. 467) (L.D. 1333)
(C. "A" S-206)

Resolve, Directing the Adjutant General of the State To Ensure the Maine Code of Military Justice Addresses Sexual Trauma in the Military

(S.P. 562) (L.D. 1504)
(C. "A" S-189)

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

An Act To Require Firearms Used in the Commission of Certain Acts To Be Civilly Forfeited to the State and Destroyed

(H.P. 497) (L.D. 724)

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

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

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

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

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

ROLL CALL NO. 242

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

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

ABSENT - Beaudoin, Bolduc, Cassidy, Clark, Gilbert, Malaby, Peterson, Rykerson.

Yes, 77; No, 66; Absent, 8; Excused, 0.

77 having voted in the affirmative and 66 voted in the negative, with 8 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

An Act To Increase Revenue for the ATV Recreational Management Fund

(H.P. 635) (L.D. 911)
(C. "A" H-290)

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

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

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

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

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

ROLL CALL NO. 243

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

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

ABSENT - Beaudoin, Bolduc, Cassidy, Clark, Gilbert, Malaby, Peterson, Rykerson.

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

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

An Act To Ensure State Coordination and Oversight of Health Plans

(S.P. 376) (L.D. 1094)
(C. "A" S-185)

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

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

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

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

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

ROLL CALL NO. 244

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

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

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

ABSENT - Beaudoin, Bolduc, Cassidy, Clark, Gilbert, Malaby, Peterson, Rykerson.

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

87 having voted in the affirmative and 56 voted in the negative, with 8 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

An Act To Help Small Farmers in Selling Raw Milk Products

(S.P. 444) (L.D. 1282)
(C. "A" S-195)

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

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

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

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

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment Friday, June 7, 2013, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

HOUSE DIVIDED REPORT - Majority (8) **Ought to Pass as Amended by Committee Amendment "A" (H-280)** - Minority (5) **Ought Not to Pass** - Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Ensure Efficiency in the Unemployment Insurance System"

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

TABLED - June 3, 2013 (Till Later Today) by Representative HERBIG of Belfast.

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

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

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

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

Representative **VOLK**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Just checking. I do in fact have the correct bill now. I rise to oppose the pending motion and I do want to make one correction to what I had previously stated. Currently, Maine employers pay \$30 million in federal unemployment taxes. This could potentially increase to \$210 million under the legislation that we are considering today. Additionally, funding of between \$13 million and \$15 million from unemployment administrative grants that the Bureau of Unemployment Compensation receives annually would also be at risk. So I ask you to oppose the pending motion. Thank you.

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

Representative **HERBIG**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. Maine workers who are laid off at no fault of their own already face enormous hurdles and significant levels of stress. They should not have to face the added financial stress of a lengthy delay in the processing of their unemployment claim, which is again no fault of their own. Maine workers should be able to rely on the state to act promptly; however, Maine was recently ranked 50th in the country in processing time. Despite unemployment claims having been on the decline, Maine's ability to deliver these services has continued to rapidly backslide since 2011. This is not acceptable. When Mainers are forced to wait six, eight, as much as 13 weeks, they turn to safety net programs, most often their local municipal general assistance. Extended strains on the general assistance come at the direct expense of the property taxpayer who is under enough strain right now. There was a lot of concern expressed during the 125th Legislature regarding unemployment fraud, most specifically fraud from overpayments. This bill addresses this concern. Each week a determination is delayed results in an increased overpayment. From everyone's perspective, overpayments must be avoided. They harm claimants, state agencies and harm Maine employers whose rates are dependent on efficiency of this system. LD 690 provides a common sense, long-term solution that ensures promise in processing unemployment claims that benefits Maine workers, benefits Maine businesses and benefits the Maine taxpayer. I urge you to support this legislation because it will ensure efficiency in Maine's unemployment insurance system.

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. 245

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

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

Harvell, Jackson, Johnson D, Johnson P, Keschl, Kinney, Knight, Libby A, Lockman, Long, MacDonald S, Maker, Marean, McClellan, Nadeau A, Newendyke, Nutting, Parry, Pease, Peavey Haskell, Pouliot, Reed, Sanderson, Sirocki, Timberlake, Turner, Tyler, Volk, Wallace, Weaver, Willette, Wilson, Winchenbach, Winsor, Wood.

ABSENT - Beaudoin, Bolduc, Cassidy, Clark, Gilbert, Malaby, Peterson, Rykerson.

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

87 having voted in the affirmative and 56 voted in the negative, with 8 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (H-280) 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-280)** and sent for concurrence.

SENATE DIVIDED REPORT - Majority (7) **Ought Not to Pass** - Minority (6) **Ought to Pass as Amended by Committee Amendment "A" (S-150)** - Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Allow School Administrative Units To Establish Rules, Procedures and Guidelines for Properly Trained Staff To Carry a Concealed Handgun on School Property while Acting in Their Official Capacities"

(S.P. 515) (L.D. 1429)

- 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.

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

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

The SPEAKER: 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. 246

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

NAY - Ayotte, Bennett, Black, Campbell R, Chase, Cotta, Crafts, Cray, Crockett, Davis, Dunphy, Duprey, Espling, Fitzpatrick, Fredette, Gifford, Gillway, Guerin, Harvell, Jackson, Johnson D, Johnson P, Keschl, Kinney, Knight, Libby A, Lockman, Long, MacDonald S, Maker, Marean, Marks,

McClellan, McElwee, Nadeau A, Newendyke, Nutting, Parry, Pease, Peavey Haskell, Pouliot, Reed, Sanderson, Sirocki, Timberlake, Turner, Tyler, Wallace, Weaver, Willette, Wilson, Winchenbach, Winsor, Wood.

ABSENT - Beaudoin, Beck, Bolduc, Cassidy, Clark, Gilbert, Malaby, Peterson, Russell, Rykerson, Shaw.

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

86 having voted in the affirmative and 54 voted in the negative, with 11 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

An Act To Clarify the Law Concerning the Threatening Display of Dangerous Weapons

(H.P. 255) (L.D. 380)

(C. "A" H-204)

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

PENDING - **PASSAGE TO BE ENACTED.**

Subsequently, on motion of Representative McCABE of Skowhegan, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION.**

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

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

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-204)** was **ADOPTED.**

The same Representative **PRESENTED House Amendment "B" (H-410)** to **Committee Amendment "A" (H-204)** which was **READ** by the Clerk.

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

Representative **McCABE:** Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I move this amendment forward as a way to clarify some issues with the original language and by clarification, I mean changing some verbiage to include firearms rather than just general terms or items that could be considered to be weapons, when really this was addressed to address firearms. I also wanted to thank the Representative from Sherman, Representative Long, for his help and assistance in allowing me to get this right on my second try, versus my first try, and thank the body for their patience as this sat on the Unfinished Table for about a week. 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. As an attorney, often times, when you actually have statutes to look at, in criminal statutes we look for the clear meaning and intent of a statute. My concern here is that with the adoption of the amendment and even the underlying bill, that there is not real clarity to that and so personally, at this point in time, I will not be supporting the motion. Mr. Speaker, I request a roll call.

The same Representative **REQUESTED** a roll call on the motion to **ADOPT House Amendment "B" (H-410)** to **Committee Amendment "A" (H-204).**

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 Adoption of House Amendment "B"

(H-410) to Committee Amendment "A" (H-204). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 247

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

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

ABSENT - Beaudoin, Bolduc, Cassidy, Clark, Gilbert, Malaby, Peterson, Rykerson.

Yes, 82; No, 61; Absent, 8; Excused, 0.

82 having voted in the affirmative and 61 voted in the negative, with 8 being absent, and accordingly **House Amendment "B" (H-410)** to **Committee Amendment "A" (H-204)** was **ADOPTED.**

Representative **FREDETTE** of Newport **REQUESTED** a roll call on the motion to **ADOPT Committee Amendment "A" (H-204)** as Amended by **House Amendment "B" (H-410)** thereto.

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 Adoption of Committee Amendment "A" (H-204) as Amended by House Amendment "B" (H-410) thereto. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 248

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

NAY - Ayotte, Beaulieu, Bennett, Black, Briggs, Campbell J, Campbell R, Chase, Cotta, Crafts, Cray, Crockett, Davis, Doak, Dunphy, Duprey, Espling, Fitzpatrick, Fredette, Gifford, Gillway, Guerin, Harvell, Jackson, Johnson D, Johnson P, Keschl, Kinney, Knight, Libby A, Lockman, Long, MacDonald S, Maker, Marean, McClellan, McElwee, Nadeau A, Newendyke, Nutting, Parry, Pease, Peavey Haskell, Pouliot, Reed, Sanderson, Sirocki,

Stanley, Timberlake, Turner, Tyler, Wallace, Weaver, Willette, Wilson, Winchenbach, Winsor, Wood.

ABSENT - Beaudoin, Bolduc, Cassidy, Clark, Gilbert, Malaby, Peterson, Rykerson.

Yes, 85; No, 58; Absent, 8; Excused, 0.

85 having voted in the affirmative and 58 voted in the negative, with 8 being absent, and accordingly **Committee Amendment "A" (H-204) as Amended by House Amendment "A" (H-410)** thereto was **ADOPTED**.

Subsequently, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-204) as Amended by House Amendment "A" (H-410)** thereto in **NON-CONCURRENCE** and sent for concurrence.

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

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

Representative **DUPREY**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. A few months ago, I was listening to the Representative from Winterport, Representative Brooks, give a speech which he eloquently spoke about the passing of the life of the Representative from Bangor, Representative Tina Baker. After his speech, I sent a note to my good friend, the Representative from Newfield, Representative Campbell, telling him that someday I'd be doing that for him, which I thought would be really soon the way he goes off in committee, making me a little nervous. But anyway, he came up to me after session. He said, "Boy, I'd love to hear my memorial speech given." So ladies and gentlemen, confident that I am about to give a memorial speech, the first that's ever probably been done for a living member, on the occasion of today being his 80th birthday.

Representative Campbell and I sat next to each other in the Republican caucus of 2004 to 2008. Jim had his own dedicated seat, and if somebody ever tried to sit in his seat, he would just about bite their head off. I remember sometimes this poor freshman tried to sit in his seat, and after Jim got done with him, that guy probably still has nightmares about that day of some crazy old guy screaming "You get out of my seat before I kick your bleep." I have to bleep this. Jim started driving me crazy with his votes. I mean, how can a Republican be so wrong on all his votes? I really thought he had dementia and the next day he wouldn't remember voting the way he voted. Well, I quickly found out that Jim was a lot like me. He was going to do what he thought was right, regardless of political consequences and regardless of what people in the chamber wanted him to do. His philosophy was that no one sent him to this place except his district and he was beholden to no one. He had an independent spirit then and he has an independent spirit now.

As time went on Jim taught me a lot about relationships, even though we remained political opposites. Me on the right and him on the wrong, I mean the left, our friendship never wavered. He never criticized me for my beliefs or votes, and when the vote was taken, we could still be friends. There was always respect. In time, what he taught me was the relationships with members on the other side of the aisle was very important and, at the end of the day, we're all just doing what we can to help our districts. See, it's easy to make friends with people who you agree with politically. It takes a real judge of character to seek out people you disagree with and get to know them and that's what

Representative Campbell has taught me over the years. I've made a concentrated effort, over the last few years, to befriend people on the other side, and it's really made it much more of an experience coming down here every day.

Now Jim and I sit next to each other in committee and we joke around a lot. I mean, he's like the grandfather I never wanted. One day I was reminiscing in session how, you know, it's such a sacrifice driving down here every day and being away from your family, and we were talking about how, just think about it. One hundred years ago, they had to come down here on horse and buggy from Fort Kent in the middle of winter to serve in session. I was thinking, what do they do with all the horses in the middle of winter, and I turned to Jim. I said, "Jim, what did they do with all the horses during session?" All right, I figured I'd get a better laugh for that. I mean, that was 100 years ago.

As many of you know, Jim had open-heart surgery a few years ago and they put a cow's valve in him. Jim, I was going to get you a gift for your birthday today, but I could not fit a bale of hay in my convertible. Representative Campbell is 80 years old today and I sure hope that if I am blessed to see my 80th birthday, I'd still have the wits about me to scare a freshman out of my seat. God Bless you, Jim. Have a Happy Birthday.

The House recessed until 2:30 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:

HOUSE DIVIDED REPORT - Majority (8) Ought to Pass as Amended by Committee Amendment "A" (H-400) - Minority (4) Ought Not to Pass - Committee on EDUCATION AND CULTURAL AFFAIRS on Bill "An Act Relating to Exemption from Immunization for Schoolchildren"

(H.P. 464) (L.D. 672)

Which was **TABLED** by Representative BERRY of Bowdoinham pending the motion of Representative MacDONALD of Boothbay to **ACCEPT** the Majority **Ought to Pass as Amended** Report. (Roll Call Ordered).

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

Representative **GRAHAM**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This is my bill. This bill is something that I feel very strongly about. Vaccines for children is one of the greatest public health stories we have. It's so great that we have forgotten what it's done. We have forgotten that polio is almost wiped out. We have forgotten that whooping cough can greatly harm small infants and actually kill them. We have forgotten that some illnesses have caused great devastation to the people of our country and of our world. Bill Gates and his wife have spent much of their professional life finding ways to immunize children. What this bill does is it just gives the opportunity to parents when they bring their kids to school, to have just a little bit more information about how successful vaccines are. This is not meant to coerce. This is not meant to make anybody do anything that they don't want to do for their children. This is just one more chance for parents to have information about how important it is to immunize their children. I ask you, many of you have had pretty bad coughs this session.

I've heard you. Well, I have to say that you may have had pertussis. You don't have a particular whoop like an infant would, but you may have pertussis. The dilemma is if you go to visit your grandchild, who's possibly unimmunized, or under six weeks of age and hasn't received their immunization, you could actually give them pertussis. Again, we are at the mercy of a great success because we have immunized our population very well, but the dilemma is that some kids will still get sick because some people are not immunized. I recall a child, when I worked in Boston, who contracted H flu meningitis. That was before we have a vaccine for H flu meningitis and she was deaf for the rest of her life. So ladies and gentlemen, I just want you to know that this is very, very simple. We're just providing a little bit more information, information coming from the Center for Disease Control, factual, straightforward information, so that families can make truly informed decisions. I thank you very much, Mr. Speaker.

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

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

The SPEAKER: The Representative may pose her question.

Representative HAYES: Thank you, Mr. Speaker. Could anybody tell me whether the information that is conveyed to parents, if this bill is to pass, includes the contents of the vaccine?

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

Representative GRAHAM: Thank you, Mr. Speaker. Yes, Mr. Speaker. The vaccine information sheets that are mandated to be given to parents, these are the same vaccine sheets that are given to parents when their children are immunized. There is a link to the CDC website and that will list all the ingredients. Thank you.

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

Representative BOLAND: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This information does not include the ingredients that are in the vaccines which we voted to allow people to know about easily, and it is incomplete information because as the CDC finds issues that are brought up and shown to be a result of vaccine injury, they don't add to these VIS statements and some of the information on it is quite confusing. But again, I say that the people who have been able to weather the pressure of choosing to not vaccinate their child probably will not have any problems signing again. But again, in the first instance, they are required to give a written statement that they do not want to vaccinate their child and say "Why?" if they choose. So this really is a little bit more pressure. I mean, we know that, for the most part, the medical community thinks it's important for everybody to be vaccinated. We also know that there is a vaccine injury-reporting department at the federal level because some people really have had some very dreadful issues come from that, so this is just really a means to further pressure them after they've already made their decision. I think it's an unkind thing to do, but again, I don't think the people will fail to sign yet a second thing, having with it as much pressure as they have already.

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

Representative DORNEY: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just wanted to say a couple of things. One is the only insurance that requires a

parent to sign a release refusing a vaccine is MaineCare. I don't know if that's a state law or if it's a federal law, but every other insurance, you do not have to have someone sign if they refuse. All parents have to sign if they want vaccines for their children because you have to give permission, so I thought that might be helpful. I would encourage you to support the current motion on the floor. I just wanted to tell you a story about a patient that we had years ago. It was just after the pneumococcal vaccine came out. It was a four-year-old child who developed pneumococcal meningitis. Her parents had been offered the vaccine and the chart said that, but the parents had refused. The parent sued our office, one of my partners, and said, "You did not understand the seriousness of the disease." She admitted that she had been offered the vaccine and refused, but said she did not seem to understand the seriousness that this disease could give. Fortunately, the child survived but did have some brain damage. So I certainly encourage you to support this motion. Thank you very much.

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

Representative McCLELLAN: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I was involved with this bill on my committee and as I think you've heard already, it's a situation where information has been provided and a parent has made a decision that they've made and this is one more attempt to get them to change their mind. I'm not sure any new information is coming forward and so, to me, it did feel like coercion and I would suggest Ought Not to Pass. Thank you, Mr. Speaker.

The SPEAKER: A roll call having been previously 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. 249

YEA - Ayotte, Beavers, Beck, Berry, Brooks, Campbell J, Carey, Casavant, Chapman, Chenette, Cooper, Daughtry, Devin, Dickerson, Dill, Dion, Dorney, Espling, Farnsworth, Fowle, Frey, Gattine, Gideon, Gillway, Goode, Graham, Grant, Hamann, Herbig, Hobbins, Hubbell, Jorgensen, Kaenrath, Kent, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby N, Longstaff, Luchini, MacDonald W, Marks, Mason, Mastraccio, McCabe, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nelson, Noon, Peoples, Plante, Powers, Priest, Pringle, Rankin, Rochelo, Rotundo, Russell, Sanborn, Saucier, Saxton, Schneck, Shaw, Stanley, Tipping-Spitz, Treat, Villa, Volk, Wallace, Welsh, Werts, Winchenbach, Mr. Speaker.

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

ABSENT - Beaudoin, Bolduc, Briggs, Cassidy, DeChant, Gilbert, Hickman, Knight, Malaby, Parry, Peterson, Rykerson, Stuckey, Theriault, Verow.

Yes, 79; No, 57; Absent, 15; Excused, 0.

79 having voted in the affirmative and 57 voted in the negative, with 15 being absent, and accordingly the Majority Ought to Pass as Amended Report was **ACCEPTED**.

The Bill was **READ ONCE**. Committee Amendment "A" (H-400) 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-400)** and sent for concurrence.

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

HOUSE DIVIDED REPORT - Majority (9) Ought to Pass as Amended by Committee Amendment "A" (H-401) - Minority (4) Ought Not to Pass - Committee on TAXATION on Bill "An Act To Promote Tourism and Foster Economic Development" (EMERGENCY)

(H.P. 1005) (L.D. 1409)

Which was **TABLED** by Representative GOODE of Bangor pending his motion to **ACCEPT** the Minority **Ought Not to Pass** Report.

Representative FREDETTE of Newport **REQUESTED** a roll call on the motion to **ACCEPT** the Minority **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 South Portland, Representative Hamann.

Representative **HAMANN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. As the sponsor of LD 1409, "An Act To Promote Tourism and Foster Economic Development," I rise in opposition to the pending motion. I want to explain first what the bill does, what the bill doesn't do, and how it will create jobs and grow Maine's economy. Essentially, LD 1409 offers a tax incentive for filmmakers to produce their film in Maine using Maine crew and buying their production materials in the state. It will create jobs, good paying jobs, and require that the films purchase their production materials for Maine businesses. Right now, today, there are several shovel-ready film projects prepared to begin production in Maine once we pass this bill. They've been in contact with the Maine Film Office, they've scouted here, yet they've committed to shooting in a state that has film tax incentives. If we pass this bill, they will film in Maine. It will be a boost to our economy and it will create jobs that Maine so badly needs. Film tax incentives equal jobs, plain and simple. Unlike some tax incentives for other purposes, LD 1409 only pays out the incentive once the job creation and economic activity has been documented, verified and confirmed. No jobs, no spending, then nothing gets paid out. It's not just a return on investment. It's an investment on the return. Show us that you have created jobs and spend money in the economy, have it independently audited and verified by Maine Revenue Services, then we'll provide a tax incentive for a small portion of some of the expenses you incurred in the state. Nothing is paid out until well after the money has made it through our economy several times over.

Several states around the country have similar tax incentives and, in every case, large numbers of good paying jobs have been created. In every single state, when a film tax incentive program becomes law, their film production business explodes, creating a flood of jobs. But each state's film tax incentive program is structured differently. LD 1409 incorporates what's been proven to work in other states, excludes what's been proven unnecessary to attract productions and refines the concept to fit into Maine's workforce and economy. For example, tax incentives in some states reimburse film productions for the salaries of high-priced, A-list actors and well-paid producers and

directors as well. LD 1409 only allows the wages of crew to qualify, which includes set builders, the gaffers or electricians, camera crew, sound crew, hair and makeup artists, grips, production assistants, essentially the people doing the behind the scenes work on the set and feeding their families with their paycheck. So 1409, this bill, will not be subsidizing Tom Cruise's salary. In terms of expenses, some states reimburse for production expenses spent out of state. In my opinion, this is foolish. In Massachusetts, a production company can receive a tax incentive for lumber purchased in New Hampshire. So LD 1409 only allows production expenses spent with Maine businesses to qualify for a tax incentive. If we are going to reward a behavior, that behavior should be spending money with Maine businesses because that is the ultimate goal of this legislation, right in the title, to foster economic development. By requiring production companies to make their purchases in state, this will not only support existing businesses, but it will encourage the development of new businesses that can cater to the film industry. Existing businesses like hotels, restaurants, lumberyards, caterers benefit from the requirement that purchases are made in Maine, but this requirement will also incentivize entrepreneurs to open new Maine-based businesses that can cater to the film industry. Camera lighting and film equipment rental businesses, film insurance services, entertainment law services, CPAs with a specialty in film business to perform independent audits, sound stages, film studios, the list goes on and on.

In terms of entrepreneurial investment, all around the state there are opportunities to turn vacant and underutilized mills, airport hangers and other buildings into film studios, with the kind of investment that's only possible when a market has been created that's conducive to supporting a sustained flow of film production. Absent tax incentives, investors won't even consider investing in this type of new business. With tax incentives, even though the incentive doesn't apply to investment and infrastructure, investors literally have their checkbook in hand because they know that a state with film tax incentives is guaranteed to create the critical mass of production necessary to sustain an industry and make these businesses or studios economically viable. This bill will create a market where investment in this sector is possible. I will close by saying we talk a lot about closing the skills gap, training workers to fill jobs. Well, this is an opportunity to close the employment gap by bringing in an industry that can employ unemployed and underemployed Mainers who already have the skills to fill film industry jobs. For construction workers, they can tap into their talent as they transfer their skills into set builders. Underemployed creative professionals wouldn't have to travel to Massachusetts where the film industry is thriving in order to find work, and Mainers with experience and degrees in this profession who may not even be working in their field can put their education to use and earn what they're worth. This will be a game changer for our economy and our workforce, not to mention our national reputation as we reap the tourism benefits. Municipalities would have a chance to make up for lost revenue since permit fees are required for every location and local police are hired for high wages, usually around \$100 an hour, to help with traffic control. When a film comes to your community, believe me, you'll be glad you opposed the pending motion and supported the Majority Ought to Pass as Amended Report. Films will come, they will employ people and they will spend money. These aren't kids playing games with Super 8 movie cameras. These are real business ventures with a lot of money to spend, money to spend quickly, money to spend locally and employing our neighbors. We can't afford not to pass this legislation and accept these job

opportunities for our communities. 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. In 1982, a movie was made, it might have been '82, it was early '80s, that should have been filmed about the Belgrade Lakes. It was Jane Fonda and her father in "On Golden Pond." While I probably don't really favor Jane Fonda coming to Maine, if she wants to bring her checkbook, I'm on board. Maine has also lost many coastal pictures to North Carolina and the Hatteras area. This, from a state that has a coastline, if stretched out, would go the entire length of the United States. We have many areas in our state that would, with film groups that are looking for areas that are undeveloped, for a particular theme piece, that we are unable to take advantage of, and nothing so exciting has happened to Maine in Plymouth, Mass., since the Pilgrims arrived, and that is, in that region now, they have a sound studio, a sound studio that is very close to the physical proximity of Maine and because we don't offer tax incentives to any film company, we are unable to take advantage of this while 40 other states are. This is a clear case of a state stepping over a dollar to pick up a dime and I urge you to vote no.

The **SPEAKER**: The Chair recognizes the Representative from Winslow, Representative Nadeau.

Representative **NADEAU**: Thank you, Mr. Speaker. I'd like to read a letter I got a few minutes ago. Mid-Maine Chamber of Commerce supports LD 1409, "An Act To Promote Tourism and Foster Economic Development." Based upon our firsthand experience with film production in our region, it is our belief that incentivizing visual media production in Maine will grow the tax base without raising taxes on businesses and citizens. I agree with this. I vote with the Majority Ought to Pass and please strike down the Ought Not to Pass. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Medway, Representative Stanley.

Representative **STANLEY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Maine, what a beautiful state we have here, absolutely beautiful. Where else can you go in this country and be on the mountains, be on the ocean or be in the farmlands? It's a beautiful state. We could all be there in a matter of hours. Why wouldn't that be attractive to somebody that wants to produce films? I kind of think it would be. I think they would be here if they had the incentive to come here. I really believe that part of our problem in this state, if I was lacking jobs, is our lack of doing incentives to allow people to come into this state and create jobs. Jobs are the name of the game here, people. That's what this is all about. The more that we can create jobs, the more the social problems go away and more of the welfare problems go away, and the opportunity to give people a chance to earn a living, to raise their families with some money. That's the key. To me, this is a bill that could do a lot of things. Now I'm going to tell you something. I just got a report from the Governor's Office of Policy and Management that shows us where we're going to be in 15 years. By 2030, my area, the Town of Millinocket, is going to go from 4,500 people down to 2,500 people. The Town of East Millinocket is going from 1,400 down to 1,000. The Town of Medway, which I live, is going from 1,300 down to 900. That's 3,000 people, people, that we're losing in that area. It used to be a big area with a lot of economic growth and a lot of things going on, but it's been devastated over the years, just like a lot of rural communities in this state. If you take these rural communities in this state and also the big service centers, what they have to offer, we have a lot of things to offer. The first thing we have to offer is a good

workforce. We have a very good bunch of people who want to go to work and work hard. The work ethic is hard to believe in this state. That's why if you go out of state and you say you're from Maine, people look at you and say, "He's a good worker" or "She's a good worker." That's the key. The other thing that we have in this state is a lot of ethnic areas, like the Lewiston-Auburn, the French culture there. If you go up to the northern part of the state, you have the Swedish area up in the Stockholm area and you have other ethnic areas on the coast. Look at the coast. All of the people on the coast of Maine. The accent, the way of life, the way they live. That is something that attracts people to this state. That's why they come here. They don't come here just for a place to go. They come here for what we have to offer, and we have a lot to offer in this state. It's time for us, as a state, to start taking advantage of how many things that we can offer and provide some incentive for people to come here and create some jobs here. Look at my area, "American Logger." "American Logger" is on TV. What has that done to my area? It's created 20 jobs. They made a restaurant that was rundown. The Pelletier brothers went in there, fixed it up, put a half a million dollars or a million dollars in it and brought it up. It helped that area and added 15 to 20 jobs to an area that had 15 percent unemployment. So there we go. There's something that could happen here. We all still around here remember Andy Griffith. We all watched Andy Griffith sometime here, I know we have, and you can remember when the film company came there. They took a little guide, took the little camp. I put my hands up. They took a little thing, with a thing around like a little box, and they looked through it to see what the small town has to offer. Well, I'll tell you what. Maine has a lot of small towns and has a lot to offer in this state, but what we have to do is draw some attention to these small towns. That's the key here. The other thing that we have in this state that we really don't really talk much about is our work ethic and our ability to be able to produce and do the things that have to be done to get things done in a timely manner. You don't sit there and wait. When you want something done in Maine, you ask somebody and they go ahead and do it. That's what it's all about, about living in Maine.

One other thing that I'd like to keep on talking about is to take you through a little tour of this state. Let's start down in Wells, how pretty Wells is, or the Bethel area, how pretty that is, the mountains and everything over in there. Then let's go up the coast. Let's go up to Ellsworth. Let's go up to Bar Harbor. Go down to Deer Isle, Stonington. Go to Machias. Go to Eastport. Think of all these quaint little towns, these little ocean towns, communities that have a lot to offer that people go and they see. Then you keep going on the inland. You've got the Millinocket area, Mount Katahdin. Then you go over in the Moosehead Lake area, which is very pretty. Then you go up to Rangeley, which is a very nice area. Then just outside Augusta, go up to Belgrade. Belgrade is a very nice area, a small place to be. Then keep going a little further north, up in the Katahdin area. Look at the hills up in Patten, the farms. Look how pretty it is there. Then go up way up north. Go up to Van Buren, Madawaska, Presque Isle. Look at what they have to offer up there and the beauty of what we have in this state. That is why people come to this state, for the beauty. Why can't we bring a film company into this state? It's because we don't have no incentive. We sit here and talk about taxes and things like that. Two of the states that bring in a lot of film industry, North Carolina and Louisiana, they just changed their tax policy to allow some film industry to come into their state so they can boost their economy a little bit. That is what we have to do, people, boost our economy. People have to work. That's what it's all about, people. It's about working. I'll tell you what. If you stop and think about it, look what Portland has

to offer, the Old Port. That's quite a thing to have. I'm surprised somebody hasn't come in and took a film and went down to the Old Port and filmed some movies there or something. It's quite a place. Look at Lewiston-Auburn. The ethnic, the history that you have in that community there. That's pretty impressive. Then you go up to Bangor and all the good things that is going on in Bangor, over the last 10 or 15 years, what we have to offer. So people, what I say we ought to be doing here is passing this, throwing away the Ought Not to Pass motion and get to the Ought to Pass motion, and then pass this and let's move on forward. I'll tell you what. We need some jobs. I'll tell you what, let's take a little trip down to "The Wizard of Oz." We're off to see the Wizard. But anyway, look at "The Wizard of Oz." Dorothy lands her house on top of the Wicked Witch, puts her shoes on so she can go to the Emerald City. We can do the same thing here in this state, except we've got to bring the film industry to make our communities Emerald City for the people that live and work there and reside there. That's what this is about people. This is about jobs. This is about Maine.

The other thing I want to say is when these people come here, they do one movie. They go back to Hollywood or wherever, what they do is they're talking about what a nice place Maine is, what Maine has to offer. That's how you get economic development and stuff. Word of mouth. Word of mouth means a lot more than something you can write, something you can print. Because I'll tell you what, when you talk to people and you listen to them and they tell you like it is, in and out, this is what Maine is all about, people. Just one more little thing, anecdote I'd like to go on with, and that is pride, the pride of people in Maine, the way we live and the way we conduct ourselves, the way that we do things. That's what it's about people. This is about people from Maine, being a Mainer, doing the Maine tradition, doing the Maine thing, because I'll tell you what, this is very important not only to me in the rural areas but the state as a whole. Can you imagine what a few more jobs bring in to an area, the amount of money that comes with these jobs, with this film industry? It's important that we get up and get ourselves on the map so that we can start doing things right for the people of Maine, because I'll tell you what, they deserve it. Because we are all Mainers, we deserve it, they deserve it, and I'll tell you what. Let's stop the brain drain, our kids deserve it too because, I'll tell you what, there is people here in Maine. This is about Maine and what we can do to make Maine a better place for everybody. Thank you.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Goode.

Representative **GOODE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise to explain my support of the current motion before us today. We had two different bills around film incentives in the Taxation Committee and both of the sponsors worked very hard and helped educate many of the committee members. For many reasons, I remain skeptical of the value of tax incentives and just want to share some information that I received through the committee process before we vote on this. The Representative from Medway, who I very much respect, is right. Maine is a very beautiful state. We have a lot to offer. We have great culture, great coast. I think when it came down to the final vote on this bill, I felt like we had so much to offer that we didn't need to pay people to come here, and I think that's really where my opposition to the bill came from. As the Representative from South Portland explained, the bill provides a 25 percent credit for films that are shot in Maine and have a budget between \$1 million and \$100 million. Lots of states have very lucrative tax credits for this industry. This bill was designed as a rebate and is very small based on what these films can get in other states. The Representative from Medway

pointed out that Louisiana and North Carolina have huge incentives. Michigan and Alaska have incentives that have been as high as 44 percent. Even Massachusetts, as we've heard from the sponsor, is more lucrative than our incentive. New Hampshire has no income or sales tax. I feel as though if we are going to play the tax incentive game and if tax incentives cause films to come to certain states, I'm not sure how a watered down rebate will convince films to come to our state when there are a number of other states that are basically giving away the farm.

I know a lot of you support this bill, but I also know many of those folks have shared their concerns with me around parts of the current budget before us, the concern about education, the concern about our failure to meet our moral obligation around covering health coverage for Mainers, the concern about impacts to municipalities, and this bill costs money. It's a rebate to an industry with no promises of anything coming to Maine. My view is that a vote for this is a vote to subsidize an unproven industry during a budget time when we're making cuts that we all despise. We currently have a credit between 10 percent and 12 percent. I'm sure it was passed in order to promote tourism and economic development. Now we're here again hoping to further incentivize this development. We don't have a plan to evaluate and measure the accountability within our current system as tax incentives, and until we can at least know what we're getting for our current tax spending, I can't support LD 1409. Giving a rebate to a new industry is, in essence, asking one group to not pay their share of taxes. This means other people will have to pick up the tab, and there is a time and place for tax credits that our state gets something out of. Unless we know what we're getting out of an incentive, we're just spending out more money to one specific industry. All of the rest of our constituents will pick up the tab and more taxes to pay for it. Lastly, I'd just like you to all remember the difficult conversations, emails and phone calls you've had with your constituents, people you care about, regarding obligations that we're not meeting to them this year. If this tax spending, with a fiscal note of \$1.3 million, was a subsidy for the film industry out of our budget, that was aligned in the budget, would you support it? Does this incentive, which offers no guarantee for changed behavior, especially when a number of states are offering much more lucrative incentives, rise above the level of the many worthy causes that fail to make it into our budget? So I appreciate all of your time and hope that you will follow my light. Thank you.

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

Representative **CAMPBELL**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I find it curious that we're offering these Minority Reports with little support, when in fact the committee has done the work and we got a significant amount in favor of this initiative. As I listen to the debate, I also hear several people in favor of the initiative and I request that the report be read.

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

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

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

Representative **KUSIAK**: Thank you, Mr. Speaker. Mr. Speaker, Women and Men of the House. I rise as a cosponsor of 1409 and support the bill and urge you to defeat the Minority Report. Many of us read the article in yesterday's Sunday paper about the bills so we have some background about it. Ultimately, 1409 is a jobs bill, a small business bill and a Maine tourism bill. When "Empire Falls" was shot in Waterville, Winslow, Norridgewock and Skowhegan areas a few years ago, members

of the cast and crew were in these towns spending money, eating seafood in Winslow, hiring locals for small parts onscreen, even to be part of the production. "Hope Springs," a more recent film starring Meryl Streep, supposedly was set in Maine on the coast, but alas, it was filmed in Stonington, Connecticut. Maine is a brand. Filmmakers, scriptwriters like the emotion and sentiment that is evoked by Maine, whether it's coastal Maine, lakeside Maine or the mountains of Maine. I say we should be bringing filmmakers into the state. We should be investing in Maine and investing in the creative economy. Again, I urge you to defeat the Minority Report. Thank you.

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

Representative **DAUGHTRY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to the pending motion. For me, when I was little, I remember "The Man Without a Face" being shot in Brunswick and it was an incredible opportunity for our community. I remember folks from all over, from the surrounding towns being employed. I remember seeing Mel Gibson walking down the street and seeing the impact that one of these films can have on a small community in Maine. This bill would ensure that more films like "The Man Without a Face" come to our state. This bill is also about our creative economy. We have an incredible backbone of artists and creative professionals in this state, and this bill would ensure that they are able to live, work and practice their craft right here in their home state without having to travel down to Massachusetts to try to find jobs there. It will bring people to this state and it will help employ Maine's young people who are graduating into these creative fields.

The fiscal note on this bill will easily be outweighed by the economic impact on the towns where the films will be shot. They hire the local lumberyards. They hire the local police force. Folks have to eat. They go to the local restaurants. They employ the local townspeople. It's an incredible economic opportunity. The way I feel about this bill when I look it, the fiscal note will be more than outweighed by the economic impact of folks being employed and having more money in their pockets and the whole cycle of how the economic theory with this will work. Like the good Representative from Medway said, this, for me, is about pride. Maine has inspired artists for centuries. Think about it. I'm sure we can all easily, off the top of our heads, come up with five major artists who made their mark and honed their craft right here in Maine. Many writers have created amazing screenplays influenced by Maine's renowned natural beauty, but then these films, once they are written and they have secured financing, are shot in a different area. For example, North Carolina, California or Nova Scotia. Now I don't know about you, but I don't think any of these places look exactly like Maine. They are imposters, in my opinion. So this bill is really about jobs. This is about our creative economy. But most importantly, this is about pride. The film that is crafted and based off Maine should be shot in Maine. We are a unique place. There is nowhere else quite like us and we should be making sure that these films and these jobs are coming right here to Maine. I urge you to follow my light and defeat the pending motion.

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. My good friend from Medway is absolutely correct when he says this is all about jobs. You know, by the way, he did forget about Cabot Cove. Cabot Cove was very, very popular on a television program a few years ago. I don't need to remind you of who that was. I know you all know who it was. I would rarely, if ever, get up and

suggest that anybody here vote against a chair of a committee, and I would never probably get up and suggest you vote against both chairs of a committee. But nine other members of that committee, myself included, voted that this was a good idea, so I recommend you vote against the Minority Report so we can get to the Majority Report. Thank you, Mr. Speaker.

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

Representative **VEROW**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of this measure. My son is a professional filmmaker in New York City. He has been here a number of times shooting scenes for his movies. He's done over a dozen featured films throughout the world, Europe, South America and many other places. When he films here, he likes to do some scenes here. He's done scenes in Waterville, Bangor, Portland and a little place called Tabletop Mountain. I don't know where that is, but that was last year he did that. What happens is he will bring his crews in from Boston, New York, California, actresses, actors, cinematographers and, while they are here, they are renting hotel space, they are eating meals and they are creating a boost to the economy. In addition to that, there are many local young people that have been recruited to be sort of stand-ins and that kind of thing, and they get excited about it as well. But my son says, "Well, Dad, it would be great if Maine had more opportunities where we could do more film work here because Maine is a beautiful state. We have some great locations, quite unique. Mountains, streams and of course the coastline." So I'm sure if he were in the gallery today, he would be encouraging me to speak as I have. But I would again ask that you follow my light on this issue. 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 in strong opposition to the pending motion on LD 1409, "An Act To Promote Tourism and Foster Economic Development." One of my favorite authors, American authors, is Maine's own Stephen King. I'm a huge fan of three films based upon his extraordinary writings: "Misery," "Dolores Claiborne," and "The Shawshank Redemption." Even though all three stories were set in Maine, not a single scene from any of these films was shot in Maine. Mr. Speaker, it's time for more of Maine's stories to be filmed on location in Maine. Please vote against the pending motion. Please vote to support tourism, economic development and the arts in the great State of Maine. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from South Portland, Representative Hamann.

Representative **HAMANN**: Thank you, Mr. Speaker. I apologize for rising a second time. I just wanted to clarify things, in all due respect to the Representative from Bangor, Representative Goode. This incentive bill actually is very similar to Massachusetts and North Carolina, which both have film incentive programs that have been proven very successful. All three states have a 25 percent tax incentive, and Massachusetts, even with their initiatives to include A-list actors in the incentives and include out-of-state purchases, they found their program so successful that they just renewed it a few months ago. Massachusetts has, on an average month, 5,000 people working in the film industry and brought in \$175 million last year. North Carolina has 4,100 fulltime equivalent jobs because of their tax incentive program. To be clear, before either of these states had an incentive program, they virtually had no film industry, just like Maine has today. Also, the pragmatics of the bill, any film above \$1 million will qualify. It's not just \$1 to \$100. Any film above \$1

million qualifies, but that's pending approval from the Maine Film Office. So if a film comes in and they want to film "Titanic II" in Maine – I don't know why they would make a "Titanic II" when it sunk once, but some people are paying attention, I guess – if they wanted to come in and make that movie here and they had a budget of \$1 billion and they were going to apply for a tax incentive of \$250 million, the film office could look at it and say, "I'm sorry. Thanks but no thanks. We can't afford that right now." Likewise, if they want to make a film that doesn't portray Maine in a positive light, then we can reject that as well. So there is a lot of control for Maine to protect ourselves. In terms of whether or not we should be making this investment, I just encourage you to consider that we should be looking at ways to grow the economy. We should look at ways to grow the pie rather than just figure out just how to slice up the pie. We have resources that we sell. We sell blueberries. We sell potatoes, timber, lumber, tourism. Our natural beauty and film locations, that's another resource that we can sell. Hollywood will come here, give us a whole bunch of money to film here, leave their money and then they'll go back home. So it's a pro-jobs bill, pro-business and pro-economic development, and I urge you to oppose the pending motion. Thank you, Mr. Speaker.

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

ROLL CALL NO. 250

YEA - Beck, Berry, Carey, DeChant, Dion, Dunphy, Frey, Gattine, Goode, Grant, Herbig, Hubbell, Jones, Jorgensen, Kruger, Kumiega, Lajoie, Libby A, Libby N, Luchini, MacDonald W, McCabe, Plante, Rankin, Rochelo, Rotundo, Sanborn, Stuckey, Theriault, Treat, Mr. Speaker.

NAY - Ayotte, Beaulieu, Beavers, Bennett, Black, Boland, Brooks, Campbell J, Campbell R, Casavant, Chapman, Chase, Chenette, Chipman, Clark, Cooper, Cotta, Crafts, Cray, Crockett, Daughtry, Davis, Devin, Dickerson, Dill, Doak, Dorney, Duprey, Espling, Evangelos, Farnsworth, Fitzpatrick, Fowle, Fredette, Gideon, Gifford, Gillway, Graham, Guerin, Hamann, Harlow, Harvell, Hayes, Hickman, Hobbins, Jackson, Johnson D, Johnson P, Kaenrath, Kent, Keschl, Kinney, Kornfield, Kusiak, Lockman, Long, Longstaff, MacDonald S, Maker, Marean, Marks, Mason, Mastraccio, McClellan, McElwee, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau A, Nadeau C, Nelson, Newendyke, Noon, Nutting, Parry, Pease, Peavey Haskell, Peoples, Pouliot, Powers, Priest, Pringle, Reed, Russell, Sanderson, Saucier, Saxton, Schneck, Shaw, Short, Sirocki, Stanley, Timberlake, Tipping-Spitz, Turner, Tyler, Verow, Villa, Volk, Wallace, Weaver, Welsh, Werts, Willette, Wilson, Winchenbach, Winsor, Wood.

ABSENT - Beaudoin, Bolduc, Briggs, Cassidy, Gilbert, Knight, Malaby, Peterson, Rykerson.

Yes, 31; No, 111; Absent, 9; Excused, 0.

31 having voted in the affirmative and 111 voted in the negative, with 9 being absent, and accordingly the Minority Ought Not to Pass Report was **NOT ACCEPTED**.

Subsequently, on motion of Representative GOODE of Bangor, the Majority Ought to Pass as Amended Report was **ACCEPTED**.

The Bill was **READ ONCE**. Committee Amendment "A" (H-401) 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-401)** and sent for concurrence.

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

COMMITTEE OF CONFERENCE REPORT - On the disagreeing action of the two branches of the Legislature on Bill "An Act To Restore to Jimmy J. Soucy the Right To Maintain Existing Structures on Property in Sinclair"

(S.P. 95) (L.D. 262)

Which was **TABLED** by Representative BERRY of Bowdoinham pending **ACCEPTANCE** of the Committee of Conference Report.

Subsequently, on motion of Representative DILL of Old Town the Committee of Conference Report was **REJECTED in NON-CONCURRENCE**.

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

An Act To Help Small Farmers in Selling Raw Milk Products
(S.P. 444) (L.D. 1282)
(C. "A" S-195)

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

Subsequently, on motion of Representative DILL of Old Town, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION**.

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

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

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (S-195)** was **ADOPTED**.

The same Representative **PRESENTED House Amendment "A" (H-427)** to **Committee Amendment "A" (S-195)** 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. This is strictly a housekeeping amendment. There were some number mix-ups between sections 1 and 2 in the bill, and this one straightens out which one's 1 and which one's 2. Again, it's just strictly a housekeeping detail. Thank you.

Subsequently, **House Amendment "A" (H-427)** to **Committee Amendment "A" (S-195)** was **ADOPTED**.

Committee Amendment "A" (S-195) as Amended by **House Amendment "A" (H-427)** thereto was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-195)** as Amended by **House Amendment "A" (H-427)** thereto in **NON-CONCURRENCE** and sent for concurrence.

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

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment Friday, June 7, 2013, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

An Act To Provide Increased Opportunities on the Allagash Wilderness Waterway

(S.P. 102) (L.D. 269)

(C. "A" S-85)

- In House, House **RECONSIDERED** its former action whereby the House **INSISTED** on its former action whereby the Bill **FAILED OF PASSAGE TO BE ENACTED** on May 29, 2013.

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

TABLED - May 29, 2013 (Till Later Today) by Representative DILL of Old Town.

PENDING - Motion of Speaker EVES of North Berwick to **INSIST**.

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

Representative **DORNEY**: Thank you, Mr. Speaker. I just want clarification. Are we voting to Reconsider our previous vote?

The SPEAKER: The House has already Reconsidered. The pending motion is to Insist.

Subsequently, the House voted to **INSIST**.

An Act Concerning the Removal of Municipal Employees

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

(C. "A" S-141)

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

PENDING - **PASSAGE TO BE ENACTED**.

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

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

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

ROLL CALL NO. 251

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

NAY - Ayotte, Beaulieu, Bennett, Black, Briggs, Campbell R, Chase, Chenette, Clark, Cotta, Crafts, Cray, Crockett, Davis, Doak, Dunphy, Duprey, Espling, Fitzpatrick, Fredette, Gifford, Gillway, Guerin, Jackson, Johnson D, Johnson P, Keschl, Kinney, Libby A, Lockman, Long, MacDonald S, Maker, Marean, McClellan, McElwee, Nadeau A, Nadeau C, Newendyke, Nutting, Parry, Pease, Peavey Haskell, Pouliot, Reed, Sanderson,

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

ABSENT - Beaudoin, Bolduc, Cassidy, Gilbert, Harvell, Knight, Malaby, Peterson, Rykerson, Sirocki.

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

84 having voted in the affirmative and 57 voted in the negative, with 10 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Resolve, To Require the Department of Health and Human Services To Study the Effectiveness of Professional Development Services Provided to Child Care Providers and Referral Services Provided to Parents in Need of Child Care

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

(C. "A" H-271)

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, Requiring the Department of Health and Human Services To Amend the Rules Regarding Child Care Facilities and Family Child Care Providers

(H.P. 554) (L.D. 803)

(C. "A" H-268)

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 Establish MaineCare Eligibility for Parents Participating in Reunification Activities

(H.P. 633) (L.D. 909)

(C. "A" H-248)

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.

HOUSE DIVIDED REPORT - Majority (7) **Ought to Pass as Amended by Committee Amendment "A" (H-343)** - Minority (6) **Ought Not to Pass** - Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Improve Law Enforcement Access to Prescription Monitoring Program Data"

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

TABLED - June 6, 2013 (Till Later Today) by Representative FARNSWORTH of Portland.

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

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

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

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

Representative **FARNSWORTH**: Thank you, Mr. Speaker. I just wanted to explain probably what's going to be a change vote on my part. In a discussion with our good Representative from Portland, Representative Dion, I developed a better understanding of the relationship between the judicial and the law enforcement branch of our government, and understanding the role of the Attorney General in the larger picture. As a result of that conversation, and I might say one of those hot moments, I am going to change my vote.

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 ask you to oppose the Majority Ought to Pass as Amended motion. I don't know how many of you know what the prescription monitoring program is. I will try to give a very brief explanation of what this tool is and how it really represents medical records and how it is only one piece of information which is used to interpret whether someone is using medications as properly prescribed, whether someone has a substance abuse problem and is seeking drugs from multiple providers, or whether someone is attempting to divert controlled substances. But the prescription monitoring database is a database of prescriptions that are filled by a person who has received them from a provider and it only tracks controlled substances and it keeps information about the patient, the provider who prescribed it, the number filled. It does not provide a diagnosis or any additional information. As a provider, it's a very helpful piece of information because it is used when we engage in chronic prescription of controlled substances and have an agreement with our patients about some of the rules of the road. So the information in the database lets me know each time a patient is coming in, who else may have prescribed a controlled substance. I often find that that data just confirms for me that my cancer patient with pain has gotten their medications, perhaps from their oncologist, perhaps from their surgeon and also from me, and that it corroborates that indeed what I think is happening is happening. If I find that the patient is obtaining prescriptions from somewhere else, the database, in and of itself, is not enough to tell me whether that patient is having a substance abuse problem of their own or whether or not they are seeking prescriptions and then diverting them. One has to take a history and one also has to combine the prescription information with urine drug testing information to determine whether someone may be abusing medicines themselves, which in itself may not be illegal. It may be just evident that they have a substance abuse problem and need referral for treatment. In order to document that they are diverting drugs, one has to do urine testing in conjunction with the patient history and knowledge and what they tell you that they have just taken most recently. So my concern is that access to this information by law enforcement, without going through the usual channels that they do to obtain medical records or medical information, in other words obtaining a warrant for this information, sets them up for possible misinterpretation of the data. So I support that law enforcement should obtain a warrant through the usual methods and not have privileged access to this information, which would not give them enough information to answer their questions.

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

Representative **SANDERSON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I think this is an incredibly important bill. We have people dying, more and more every year, from drug overdoses from prescription drugs. Prescription drugs. Now, this bill came forward from the AG's office in order to help law enforcement be able to, during an

active investigation, not just go fishing around but an active investigation, be able to take a look at whether an individual is doc shopping and getting a bunch of prescriptions at different pharmacies, in order to divert them. This is only with an active investigation. These law enforcement officers, themselves, do not have access to the PMP. It is through the Attorney General or District Attorney and they must have written permission from the DA or the AG in order to do this. In light of all the troubles that we are having with prescription drug abuse, diversion and overdoses in our state regarding legal pharmaceuticals, I think this is a really important tool for our law enforcement and I urge you to support the pending motion. Thank you.

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

Representative **DORNEY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just wanted to also rise to be against this motion. The PMP covers scheduled drugs. There is some very sensitive information that's available in the PMP. For instance, if someone has testosterone deficiency, their testosterone prescriptions are on the PMP. If someone is transitioning from female to male gender, that information would be on the PMP. Law enforcement can get this information with a warrant and I would encourage you to continue the current practice and protect the PMP, which was not designed as a law enforcement tool. It was designed as a tool for doctors to help with scheduled drugs and overuse of drugs. Thank you.

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

Representative **JONES**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. We've had a few bills before us this session that regard the Fourth Amendment and this is one of those. As the bills before us, the concealed weapons permit bill, the cellphone tracking bill that we've also dealt with, and the upcoming drone surveillance bill, we're asked to strike the balance between the individual's right to be secure in his or her home, person and papers and between the rights of our government to ensure the general welfare. The problem that I have, Mr. Speaker, with this bill, is it establishes that a law enforcement agency has access to prescription monitoring information for an active law enforcement investigation. Quite frankly, that's not a high enough standard for this to be acceptable, in my humble opinion, under the Fourth Amendment. I would urge you to reject the Ought to Pass as Amended motion. Thank you.

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

Representative **DION**: Good afternoon, Mr. Speaker. I am reminded of the quip from former President Reagan, "There he goes again," and it has to do with the Fourth Amendment. I don't deny the Representative from Chelsea's admonition that this is a serious problem. Fidelity to the Constitution is tested and proved not when it's convenient or when it is difficult, and these are one of those times. This idea that somehow the public is immunized by this notion that there is an active police investigation is fraught with danger. What exactly is an active police investigation? My supposition, my gut, my sneaking suspicion that something is afoot? And to suggest that our civil liberty is protected by the permission given by a prosecutor of the state to its agent for the state, the police, is sufficient to satisfy the Fourth Amendment is wrong. The Fourth Amendment is simply about third party review. The government has to be reasonable, the government has to have a particular subject, item and person in mind and it goes to a third party to make sure that the next step is lawful. That's the Fourth Amendment. There's nothing more than that.

The State of Oregon has one of the premiere and most progressive prescription monitoring programs in the country and it has within that enabling legislation a direction that the law enforcement community cannot access that confidential data without warrant. A warrant is merely our probable cause that we have a reasonable belief that a crime has been committed, not a suspicion. A natural crime has been committed, that there is a person that we can identify that is responsible for that, and that we need to move forward and we have evidence to guide our next steps. To ask the police to do less might be, in fact, more convenient, but it fails the fidelity to the Fourth Amendment. Thank you.

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

ROLL CALL NO. 252

YEA - Ayotte, Beck, Cotta, Crockett, Duprey, Gillway, Jackson, Johnson P, Lockman, Maker, Marks, McElwee, Newendyke, Peavey Haskell, Russell, Sanderson, Shaw, Wallace, Winchenbach.

NAY - Beaulieu, Beavers, Bennett, Berry, Black, Boland, Briggs, Brooks, Campbell J, Campbell R, Casavant, Cassidy, Chapman, Chenette, Chipman, Clark, Cooper, Crafts, Cray, Daughtry, Davis, DeChant, Devin, Dickerson, Dill, Dion, Doak, Dorney, Dunphy, Espling, Evangelos, Farnsworth, Fitzpatrick, Fowle, Fredette, Frey, Gattine, Gideon, Gifford, Goode, Graham, Grant, Guerin, Hamann, Harlow, Hayes, Herbig, Hickman, Hobbins, Hubbell, Johnson D, Jones, Jorgensen, Kaenrath, Kent, Keschl, Kinney, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby A, Long, Longstaff, Luchini, MacDonald S, MacDonald W, Marean, Mason, Mastraccio, McCabe, McClellan, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau A, Nadeau C, Nelson, Noon, Nutting, Parry, Pease, Peoples, Plante, Pouliot, Powers, Priest, Pringle, Rankin, Reed, Rochelo, Rotundo, Sanborn, Saucier, Saxton, Schneck, Short, Stanley, Stuckey, Theriault, Timberlake, Tipping-Spitz, Treat, Turner, Tyler, Verow, Villa, Volk, Weaver, Welsh, Werts, Willette, Wilson, Winsor, Wood, Mr. Speaker.

ABSENT - Beaudoin, Bolduc, Carey, Chase, Gilbert, Harvell, Knight, Libby N, Malaby, Peterson, Rykerson, Sirocki.

Yes, 19; No, 120; Absent, 12; Excused, 0.

19 having voted in the affirmative and 120 voted in the negative, with 12 being absent, and accordingly the Majority **Ought to Pass as Amended Report was NOT ACCEPTED.**

Subsequently, on motion of Representative FARNSWORTH of Portland, the Minority **Ought Not to Pass Report was ACCEPTED** and sent for concurrence.

HOUSE DIVIDED REPORT - Majority (7) **Ought to Pass as Amended by Committee Amendment "A" (H-344)** - Minority (4) **Ought Not to Pass** - Committee on **HEALTH AND HUMAN SERVICES** on Resolve, To Direct the Department of Health and Human Services To Convene a Task Force To Study the Incidence of Cancer in the State

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

TABLED - June 6, 2013 (Till Later Today) by Representative FARNSWORTH of Portland.

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

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

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

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

Representative **McGOWAN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. It is my honor to present this bill to you. I want to make clear to you from the beginning that the bill was amended so that, in fact, it would be a legislative study and the purpose of that would be to review Maine's above average rates of cancer incidence and mortality, and the state's current prevention, detection, and treatment in goals and priorities. I've personally experienced the tragedy of this disease. Ten years ago, I lost my wife of 34 years to cancer. Since that time, both of her sisters have died from cancer and so did her mother, and what I know about this disease is it not only affects those who are stricken with this illness, but it affects all of those around them, the children, the brothers, the sisters, the nieces, the nephews, the people in the community. But it was only in my campaign about a year ago, due to a request from a constituent, that I found out that Maine has one of the highest rates of cancer in the country. What was also striking to me is how few other people knew that and how often people would say to me "How can that be? This is Maine." So this study is not meant to come up with a cure for cancer, but to raise the profile of cancer in Maine. The chairperson of the cancer consortium told me the current reality is that many different forms of cancer compete for our attention and dollars. What we need is a more integrated view and approach. The State of Maine spends hundreds of millions of dollars on cancer treatment and prevention. We need to focus our attention on what is working, what is not working, what opportunities are there in front of us. My constituents and the people in my communities, as they've read the press releases about this bill, have expressed overwhelming support. This is the place I've gotten the most phone calls, the most emails, the most comments when I'm in my community. This bill has strong support from the Maine Cancer Foundation, from the Maine Cancer Consortium and the American Cancer Society. Let's demonstrate to Maine residents we care and are paying attention to this disease, which is impacting so many of our loved ones. I ask you for your support on this bill. Thank you, Mr. Speaker.

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

Representative **SANDERSON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Obviously, cancer is a devastating disease to those who both are afflicted with it and their families. There is no doubt this is a very serious issue. However, there is already a lot of information available. We have the Maine Cancer Registry that already collects information on all new cancer cases in the state. It develops the incidence rates for cancer in Maine and provides them in an annual cancer report, along with towns and breakdown by geography, gender, age, and provides national comparison data as well as mortality data, okay? It already says that Maine cancer incidence rates and cancer death rates are higher than the national average. We know that. It also says that age adjusted cancer incidences have decreased from 525 per 100,000 persons in 2000 to 487 per 100,000 in 2010. Maine's cancer incidence ranking among the states has fallen from number 2 to number 6, between 2000 and 2009. Cancer death rates have decreased from 258 per 100,000 in 2000 to 187 per 100,000 in 2010. Maine's cancer death ranking amongst the states has dropped from 9 to 12 over the past 10 years. In reading the Resolve that's wanting to study all of this, this is all the kind of data that when you read this Resolve, this is what it

wants to look at. It wants to look at incidence rates. It wants to look at geography. It wants to look at ages, data, groups, all these demographics, but all this information is already being done. I know this is going to the Legislative Council. That's a lot different from being done with the Department; however, it still has an impact on the resources for the multitude of studies that maybe we're not getting information for. Now, I don't stand in opposition to the pending motion because I want to belittle what this study is intended to do or I don't want to say that it's not important, it most certainly is, but it's already being done. Thank you.

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

ROLL CALL NO. 253

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

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

ABSENT - Beaudoin, Black, Bolduc, Carey, Chase, Gilbert, Libby N, Malaby, Peterson, Rykerson.

Yes, 93; No, 47; Absent, 11; Excused, 0.

93 having voted in the affirmative and 47 voted in the negative, with 11 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Resolve was **READ ONCE. Committee Amendment "A" (H-344) was READ** by the Clerk and **ADOPTED.**

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

Under further suspension of the rules the Resolve was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-344)** and sent for concurrence.

SENATE DIVIDED REPORT - Majority (8) **Ought to Pass as Amended by Committee Amendment "A" (S-204)** - Minority (5) **Ought Not to Pass** - Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Maintain the Integrity of the Fund for a Healthy Maine"

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

- In Senate, Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-204).**

TABLED - June 7, 2013 (Till Later Today) by Representative FARNSWORTH of Portland.

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

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

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

The SPEAKER: 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. 254

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

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

ABSENT - Beaudoin, Bennett, Black, Bolduc, Carey, Chase, Gilbert, Knight, Libby N, Malaby, Peterson, Rotundo, Rykerson, Saxton.

Yes, 86; No, 51; Absent, 14; Excused, 0.

86 having voted in the affirmative and 51 voted in the negative, with 14 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (S-204) 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-204)** in concurrence.

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

HOUSE DIVIDED REPORT - Majority (8) **Ought to Pass as Amended by Committee Amendment "A" (H-381)** - Minority (4) **Ought Not to Pass** - Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Develop Young Readers"

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

TABLED - June 7, 2013 (Till Later Today) by Representative BERRY of Bowdoinham.

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

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

Representative **MacDONALD**: Thank you, Mr. Speaker. I just want to speak briefly to this bill. What it does is it has been amended so that it would provide that if school systems are offering a kindergarten program, beginning in the 2017-2018 school year, those kindergarten programs will be full-day programs. As of now, about 89 percent of all of our school systems do offer full-day programs. This bill will affect about or could potentially affect about 19 school districts that do it. It begins in the 2017-2018 school year. There is a fiscal note on the bill, although the note says that it will not increase the total cost of K-12 education and local impact at this time cannot be determined. Mr. Speaker, Members of the House should note that though the title suggests that it's "An Act To Develop Young Readers," the amendment actually changes the title of the bill, among other things, and the title of the bill is now "An Act To Require Full-day Kindergarten," amended by the committee action. I hope that helps the members in making a decision on this bill. Thank you, Mr. Speaker.

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**: If schools have full-day kindergarten, can parents opt out so they can just do partial-day?

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-381)** 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-381)** and sent for concurrence.

HOUSE DIVIDED REPORT - Majority (9) **Ought to Pass as Amended by Committee Amendment "A" (H-353)** - Minority (3) **Ought Not to Pass** - Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Encourage School Administrative Units To Increase Their Energy Savings"

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

TABLED - June 7, 2013 (Till Later Today) by Representative BERRY of Bowdoinham.

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

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

Representative **DORNEY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise to speak in favor of the pending motion. This is a bill that would allow schools to do energy savings and pay for the energy savings and pay for the energy updates with the savings. There is no cost to the schools. I would encourage you to support the bill. Thank you.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-353)** 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-353)** and sent for concurrence.

HOUSE DIVIDED REPORT - Majority (11) **Ought to Pass as Amended by Committee Amendment "A" (H-374)** - Minority (2) **Ought Not to Pass** - Committee on **ENVIRONMENT AND NATURAL RESOURCES** 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)

TABLED - June 7, 2013 (Till Later Today) by Representative BERRY of Bowdoinham.

PENDING - Motion of Representative WELSH of Rockport to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report. (Roll Call 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. 255

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

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

ABSENT - Beaudoin, Black, Bolduc, Carey, Chase, Gilbert, Johnson D, Knight, Libby N, Malaby, Peterson, Rykerson, Saxton.

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

The Resolve was **READ ONCE**. **Committee Amendment "A" (H-374)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Resolve was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-374)** and sent for concurrence.

HOUSE DIVIDED REPORT - Majority (11) **Ought Not to Pass** - Minority (2) **Ought to Pass as Amended by Committee Amendment "A" (H-375)** - Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Bill "An Act To Protect Maine's Environment and Natural Resources Jeopardized by Mining"

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

TABLED - June 7, 2013 (Till Later Today) by Representative WELSH of Rockport.

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

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

Representative **CHIPMAN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise to speak against the pending motion. Do we really want to allow open-pit mining here in Maine? That is the question before us today. This bill would repeal the mining law that was rushed through last year, otherwise known as LD 1853. No open-pit mining is happening yet. The rules are still being drafted. There is still time to act. It is not too late. Ladies and Gentlemen of the House, I've lived in this state all of my life. As you know, Maine's environment and landscape are very special. It is an attraction for tourists and is a daily pleasure for those of us who are lucky enough to live here. Our environment and landscape is also a resource for the minerals it harbors, which has drawn attention from special interests. That is why Maine has traditionally held a strong standard for mining in the state, one that asserts strong sustainability rules.

Last year, the Executive signed into law a bill that significantly undermined the standards of the Land Use Regulation Commission. There were many ways in which this legislation rolled back environmental protections. It weakened groundwater protection standards. It refined the mining area so that less territory would have to be restored after a mining operation is finished. And it generally ushered in the prospect for destruction in large, grand-scale open-pit mining. The good news is that although this legislation was passed last year to allow this type of mining operation, there have been no large-scale operations that have started yet. We can take action today and make sure this does not happen. Again, Ladies and Gentlemen of the House, the question is, do we want to allow open-pit mining here in Maine? We walk a very fine line between what is actually sustainable and what is simply an abusive or natural landscape. I believe it is important to uphold the Maine tradition of protecting natural gems like Bald Mountain from large-scale mining operations. Please support our natural environment and everything we cherish here in our beautiful state by voting with me to defeat the pending motion, so that we can move on to accept the Minority Report and prevent large-scale open-pit mining from happening here in Maine. Thank you, Mr. Speaker, and when the vote is taken, I request that we take 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 Caswell, Representative Ayotte.

Representative **AYOTTE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I hadn't intended to speak on this bill but I've changed my mind. There is 151 Representatives in the Maine State House. Nine of these Representatives come from Aroostook County. There is 35 Senators in the Maine State Senate; two of them come from Aroostook County. Consider the reaction that would occur if nine Representatives from Aroostook County and two Senators from

Aroostook County decided that the people living along the Androscoggin River should close down the mills in Lewiston and Auburn, close down the textile mills and shoe factories because you were polluting the Androscoggin River. Consider the fierce resentment if those nine Representatives from Aroostook County told you that you must close your factories in Biddeford and Saco because you were polluting the great Saco River. Consider the outrage of the people in Augusta and surrounding areas if you were told to close your places of employment because you were polluting the great Kennebec River. Consider the outrage and the insult of the paper mill workers if you were told you must close your paper mills because you are polluting the Penobscot River. Ladies and Gentlemen of the House, the people of Aroostook County will not tell you to close down your places of employment. We know you need the food to feed and clothe your children and family. The people of the north are not so bold in assuming as to when to feel in shaping your destiny. Consider your own lives and leave us free to earn our own bread. I must mention the DEP has a job to do. They've done it well. They've cleaned up those rivers that you people of the south polluted. They've cleaned the Kennebec and the Saco and the Androscoggin. Let them do their jobs. They will keep the spiritual renewal Aroostook County clean. They have a job to do. They can do it. We will not take your jobs away. Don't take our jobs away. We also need to eat and put food on the table and clothes on our backs. Thank you, Mr. Speaker.

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

Representative **HARLOW**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just wanted to remind everyone that this is a statewide bill. This is not targeting one part of the state. It is a statewide bill. Nothing has been started yet in any part of the state, so we would not be taking any jobs away as nothing has been started. I am against the pending motion and urge you to vote red. Thank you.

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

Representative **DUNPHY**: Thank you, Mr. Speaker. I hadn't planned on speaking on this either, but I'd just like to remind the people of the House here that Aroostook County is still a part of Maine and may I suggest that though perhaps they would like to be detached, these Representatives that I heard about and these Senators that I heard about have voted on issues that have affected Portland and Waterville and Skowhegan and Emden. Therefore, this isn't against Aroostook County or anyone in Aroostook County, but I know, last year, we ended up buying a landfill in Millinocket because it was poorly managed and the taxpayers in the State of Maine ended up picking up the tab for that. If we're not careful and if we don't pay attention, the same thing is going to happen with poorly managed mining in Maine and I just don't think that's fair. Whether you are in Aroostook County, whether you are in Lewiston-Auburn, whether you are working at a mill in Madison or West Athens, we're all part of the same state. We're all going to end up carrying the burden of that, if it's not managed well. I would suggest following the red as well.

Representative WELSH of Rockport **REQUESTED** that the Clerk **READ** the Committee Report.

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

The SPEAKER: The Chair recognizes the Representative from Fort Kent, Representative Nadeau.

Representative **NADEAU**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Aroostook County is the county where we live, I live, and I would very much like that the DEP be let to do their job. Mining hasn't even started

yet and it seems like we don't even want to give it a try, we don't even want to see if the rules will be well written or to anybody's satisfaction, first and foremost. By example, we have a lot of fields, we plant a lot of potatoes and the fields look really good in the summer months when everybody comes up and there is flowers all over the place. But come harvest time, those fields don't look the same anymore, do they? They don't look like the spiritual haven that people want to call it anymore because that's what we do. It's harvest time. So the same thing with foresting, cutting of lumber. Jobs, jobs, jobs and more jobs. Industry. It affects everything that happens in this state. So if you pass by a logging crew and you don't like what you see, are you willing to shut it down because you don't know what the tail end is going to look like? I say you won't. We haven't given this mining thing the opportunity, the rules to be written, and we're already trying to shut it all down before any opportunity takes place. What other field in this state is going to be donned the same thing as we're doing now and shutting off this state even further to the possibility of jobs? Thank you.

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

Representative **DEVIN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I agree with our good Representative from Caswell. There was a lot of damage to the major rivers of Maine for a long time and, thankfully, that stopped. There are really two things in our environment that we absolutely must have. We've got to have decent atmosphere to breathe and we need clean water to live. If we don't have water, we're not going to survive and I would urge everyone as they are voting today to take into account the water resources in this state and if we continue to muck them up, and we muck them up and destroy our groundwater in a way that it's irreparable, we're not going to be able to live here. Thus, I am not going to be supporting this motion as it is. I will be voting red. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative **HICKMAN**: Because mining has not started in Maine, I'm not exactly sure what it will look like if it does. So could someone please tell me if it has anything to do with mountaintop removal?

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

Representative **CHAPMAN**: Thank you, Mr. Speaker. I rise to attempt a little bit of an answer to the question. What has primarily been discussed for mining in Maine, at this time, has been open-pit mining, of which one exists in my hometown that was mined in the late 1960s, early 1970s. So in my town, the open-pit mining resulted in a pit that was about 300 to 350 feet deep and about 1,000 feet in diameter, which has since been flooded with ocean water that washes in and out with the tide. The deposits that are available in Maine and in neighboring New Brunswick and neighboring New Hampshire were formed 500 million years ago and have been protected by this geological structure from having been eroded by contact with water since that time, and so in order to get to the deposit, it requires digging into it. Whether or not a mountaintop would be removed as the means for getting at the Bald Mountain deposit through an open pit or not is not clearly defined yet. 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 just wanted to remind people of this chamber that this is not an all or nothing proposition. The bill pending before us would put a stop to mining in Maine. There is another bill which will come before us that was reported out favorably by a majority of the committee that will put restrictions on the way mining is conducted in this state, particularly open-pit minings, so as to minimize the danger of water contamination which is the biggest risk from mining of minerals, as explained by the previous speaker. So that bill was based on the mining practices of mines that are following best practices and have been able to contain water contamination within a five-year period. We gave up to 10 years in our bill. But with best practices, it is possible to mine safely and that is the intent of the alternate bill which will come before you at a later time. Thank you.

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

Representative **GRANT**: Mr. Speaker, I would also like to clarify that the bill before you would in fact not ban mining per say. It would repeal the law that was enacted in the last session and we would then revert back to the previous existing mining laws which were from, I believe, 1999, and there would have to be rules promulgated around that. So just to clarify, in my reading of the bill, that is what would happen. Thank you.

The SPEAKER: The Chair recognizes the Representative from Dexter, Representative Wallace.

Representative **WALLACE**: Thank you, Mr. Speaker, Members of the House. I wasn't present in these hearings. I didn't hear the evidence or the speakers come about, but evidently, 13 people did. Eleven of those people say not to pass this bill. I don't know what they heard. Maybe they heard a lot of good evidence not to do this. The other two people must have heard other evidence, that it wasn't a prisoner of something. We've been going here and going not with the majority votes. I don't understand. If the committees are hearing all the evidence and weighing the evidence and the majorities are coming out one way and the minorities something else, why are we constantly changing everything? Thank you, Mr. Speaker.

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. 256

YEA - Ayotte, Beaulieu, Beavers, Beck, Bennett, Berry, Briggs, Campbell J, Campbell R, Carey, Casavant, Clark, Cooper, Cotta, Crafts, Cray, Crockett, DeChant, Dill, Dion, Doak, Espling, Farnsworth, Fitzpatrick, Fowle, Fredette, Frey, Gattine, Gifford, Goode, Graham, Grant, Guerin, Harvell, Hayes, Herbig, Hobbins, Hubbell, Jackson, Johnson P, Keschl, Kinney, Kornfield, Kumiega, Kusiak, Lajoie, Libby A, Libby N, Lockman, Long, Longstaff, Luchini, MacDonald S, Maker, Marean, Marks, Mason, Mastraccio, McCabe, McClellan, McElwee, McGowan, Monaghan-Derrig, Nadeau A, Nadeau C, Nelson, Newendyke, Nutting, Parry, Pease, Peavey Haskell, Peoples, Plante, Pouliot, Powers, Priest, Pringle, Rankin, Reed, Rochelo, Rotundo, Sanderson, Saucier, Schneck, Shaw, Short, Sirocki, Stanley, Theriault, Timberlake, Treat, Turner, Tyler, Verow, Villa, Volk, Wallace, Weaver, Welsh, Werts, Willette, Wilson, Winchenbach, Wood, Mr. Speaker.

NAY - Boland, Brooks, Cassidy, Chapman, Chenette, Chipman, Daughtry, Davis, Devin, Dickerson, Dorney, Dunphy, Duprey, Evangelos, Gideon, Gillway, Hamann, Harlow, Hickman, Jones, Jorgensen, Kaenrath, Kent, Kruger, McLean, Moonen,

Moriarty, Morrison, Noon, Russell, Sanborn, Stuckey, Tipping-Spitz, Winsor.

ABSENT - Beaudoin, Black, Bolduc, Chase, Gilbert, Johnson D, Knight, MacDonald W, Malaby, Peterson, Rykerson, Saxton.

Yes, 105; No, 34; Absent, 12; Excused, 0.

105 having voted in the affirmative and 34 voted in the negative, with 12 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

HOUSE DIVIDED REPORT - Majority (7) **Ought Not to Pass** - Minority (5) **Ought to Pass as Amended by Committee Amendment "A" (H-366)** - Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Repeal the Maine Certificate of Need Act of 2002"

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

TABLED - June 7, 2013 (Till Later Today) by Representative FARNSWORTH of Portland.

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

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

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

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

ROLL CALL NO. 257

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

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

ABSENT - Beaudoin, Black, Bolduc, Chase, Gilbert, Knight, MacDonald W, Malaby, Peterson, Rykerson, Saxton.

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

86 having voted in the affirmative and 54 voted in the negative, with 11 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

HOUSE DIVIDED REPORT - Majority (8) **Ought Not to Pass** - Minority (5) **Ought to Pass as Amended by Committee Amendment "A" (H-367)** - Committee on **HEALTH AND**

HUMAN SERVICES on Bill "An Act To Help Maine Residents Receive Private Health Care Insurance"

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

TABLED - June 7, 2013 (Till Later Today) by Representative BERRY of Bowdoinham.

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

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

ROLL CALL NO. 258

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

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

ABSENT - Beaudoin, Black, Bolduc, Chase, Gilbert, Knight, MacDonald W, Malaby, Peterson, Rykerson, Saxton.

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

86 having voted in the affirmative and 54 voted in the negative, with 11 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

HOUSE DIVIDED REPORT - Majority (11) **Ought to Pass as Amended by Committee Amendment "A" (H-365)** - Minority (2) **Ought Not to Pass** - Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Improve MaineCare Nursing Home Reimbursement To Preserve Access and Promote Quality"

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

TABLED - June 7, 2013 (Till Later Today) by Representative BERRY of Bowdoinham.

PENDING - Motion of Representative FARNSWORTH of Portland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report. (Roll Call Ordered)

The SPEAKER: A roll call having been previously 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. 259

YEA - Ayotte, Beaulieu, Beavers, Beck, Bennett, Berry, Boland, Briggs, Brooks, Campbell J, Campbell R, Carey, Casavant, Cassidy, Chapman, Chenette, Chipman, Clark, Cooper, Cotta, Crafts, Cray, Crockett, Daughtry, Davis, DeChant, Devin, Dickerson, Dill, Dion, Doak, Dorney, Dunphy, Duprey, Espling, Evangelos, Farnsworth, Fitzpatrick, Fowle, Fredette,

Frey, Gattine, Gideon, Gifford, Gillway, Goode, Graham, Grant, Guerin, Hamann, Harlow, Harvell, Hayes, Herbig, Hickman, Hobbins, Hubbell, Jackson, Johnson D, Johnson P, Jones, Jorgensen, Kaenrath, Kent, Keschl, Kinney, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby A, Libby N, Lockman, Long, Longstaff, Luchini, MacDonald S, Maker, Marean, Marks, Mason, Mastraccio, McCabe, McClellan, McElwee, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau A, Nadeau C, Nelson, Newendyke, Noon, Nutting, Parry, Pease, Peavey Haskell, Peoples, Plante, Pouliot, Powers, Priest, Pringle, Rankin, Reed, Rochelo, Rotundo, Russell, Sanborn, Sanderson, Saucier, Schneck, Shaw, Short, Sirocki, Stanley, Stuckey, Theriault, Timberlake, Tipping-Spitz, Treat, Turner, Tyler, Verow, Villa, Volk, Wallace, Weaver, Welsh, Werts, Willette, Wilson, Winchenbach, Winsor, Wood, Mr. Speaker.

NAY - NONE.

ABSENT - Beaudoin, Black, Bolduc, Chase, Gilbert, Knight, MacDonald W, Malaby, Peterson, Rykerson, Saxton.

Yes, 140; No, 0; Absent, 11; Excused, 0.

140 having voted in the affirmative and 0 voted in the negative, with 11 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-365)** 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-365)** and sent for concurrence.

HOUSE DIVIDED REPORT - Majority (8) **Ought Not to Pass** - Minority (5) **Ought to Pass as Amended by Committee Amendment "A" (H-386)** - Committee on **JUDICIARY** on Bill "An Act to Hold Harmless a Municipality For Volunteer or Unpaid Labor"

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

TABLED - June 7, 2013 (Till Later Today) by Representative BERRY of Bowdoinham.

PENDING - Motion of Representative DeCHANT of Bath to **ACCEPT** the Majority **UGHT NOT TO PASS** Report. (Roll Call Ordered)

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

ROLL CALL NO. 260

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

NAY - Ayotte, Beaulieu, Bennett, Campbell R, Clark, Cotta, Crafts, Cray, Crockett, Davis, Doak, Dunphy, Duprey, Espling, Fitzpatrick, Fredette, Gifford, Guerin, Harvell, Jackson,

Johnson D, Johnson P, Jones, Keschl, Kinney, Libby A, Lockman, Long, MacDonald S, Maker, Marean, McClellan, McElwee, Nadeau A, Newendyke, Nutting, Parry, Pease, Pouliot, Reed, Sanderson, Sirocki, Timberlake, Turner, Volk, Wallace, Weaver, Willette, Wilson, Winchenbach, Wood.

ABSENT - Beaudoin, Black, Bolduc, Chase, Gilbert, Knight, MacDonald W, Malaby, Peterson, Rykerson, Saxton.

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

89 having voted in the affirmative and 51 voted in the negative, with 11 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

HOUSE DIVIDED REPORT - Majority (7) **Ought to Pass as Amended by Committee Amendment "A" (H-390)** - Minority (5) **Ought Not to Pass** - Committee on **STATE AND LOCAL GOVERNMENT** 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)

TABLED - June 7, 2013 (Till Later Today) by Representative GRAHAM of North Yarmouth.

PENDING - **ACCEPTANCE OF EITHER REPORT**.

Subsequently, Representative GRAHAM of North Yarmouth moved that the House **ACCEPT** the Minority **Ought Not to Pass** Report.

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

Representative **GRAHAM**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I clearly hear that people are not pleased with the concept of moving Minority Reports, but this is something that I think is extremely important. This was a very closely Divided Report. This bill is a Resolution to amend the Constitution to increase the length of terms of State Senators and Members of the House of Representatives from two to four years, but it also adds an amendment that includes changing the terms to 4-year terms. So we have two places that we are now going to change the Constitution. Many of us have risen before to say that it's a really big deal to change the Constitution that has stood for time for many years. I think that on first blush, it would be really wonderful to only run every four years, but the dilemma that we see is that we are not connecting with the voters as often as we should. You know what it's been like these last few weeks. I haven't been able to talk to my family, let alone the voters. We need to be able to connect with our voters as often as we can. I was hired by the voters in my district and they have a right to rehire me every two years. That creates accountability. So really, the other point to be made is, very often, we are trying to change things that seem to be working very well, looking for solutions for problems that don't exist. So, Mr. Speaker, ladies and gentlemen, I would ask you to support the Minority Ought Not to Pass and follow my light, and I appreciate it. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Schneck.

Representative **SCHNECK**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise in opposition to the pending motion. I'm the sponsor of this bill proposing an amendment to the Constitution increasing the lengths of terms of Members of both Houses to four years. Times have changed and this legislation addresses those changes. This proposal gives legislators the necessary time and space to do the people's work. I can tell you that since 1990, there have been 15 attempts to pass similar legislation yet none succeeded. Its time has

finally come. More money is being spent on our legislative campaigns than ever before. Ceaseless, negative advertising diverts voters' attention away from the real issues and money could better be spent better elsewhere. Our constituents tell us that their telephones ring unmercifully during campaign cycles. In today's political climate, campaigns have become far more complex than they were just a few years ago. The days of buying some signs and banging on a few doors are long gone. Campaigns are long and arduous. That is not to say that we are not willing to do the work. We are, that's why we are here. However, we would prefer to be working hard for the people of Maine instead of spending half of our 2-year term posturing for re-election.

Under this proposal, legislators would have three full years to do the people's business. Four-year terms would also allow legislators to engage in longer-term legislative proposals with more consistent implementation and follow-through. As this body has heard in prior years, doubling the legislative term has the additional benefit of cutting the state's Clean Elections expenditures roughly in half. This makes it a win-win for taxpayers. For the record, the fiscal note reports about \$2.8 million in savings each 4-year election cycle.

In prior sessions, a handful of citizens have voiced opposition to the proposed term extension. Their reasons for declining this proposal are as follows: Two-year terms keep legislators continually accountable to the people. The 2-year terms offered in the State Constitution are adequate. The United States Congress is elected for two years. What's wrong with that? What can I offer in response? In answer to the first two, I can say that by utilizing traditional grass-roots methods and emerging social media technology we've never been more connected and accountable to our constituents. I can also tell you that the world is not static. Times change, issues are becoming increasingly complex and our Constitution was specifically engineered to accommodate provisions for amendment.

In answer to what's wrong with 2-year congressional terms? I can say this: members of Congress are forced to fundraise 24 hours a day to stay in office. Thank heaven for Maine's Clean Elections system. And for those who say this bill creates a self-serving job extension, I can say it's obvious we're not in it for the money. It's about effective public service, and I truly believe the citizens of Maine will reap the benefits. This term extension proposal must have merit as it repeatedly comes into question session after session. We're looking for an amendment to the Constitution of Maine. This would be an excellent time to look past special interest groups, vocal minorities and finally give all of our citizens the opportunity to decide this important issue at the ballot box this year. Thank you, Mr. Speaker.

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

Representative **BEAVERS**: Since he had just said everything I plan to, Mr. Speaker, I think I will refrain.

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

Representative **MORIARTY**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. Speaking as a member of the freshmen class and as one who is allegedly still employed, I can tell you that the prospect of running for a 4-year term as opposed to a 2-year term would have been a major disincentive, and I think that should this pass, that the makeup and diversity of the two chambers would change substantially because not everybody can afford to make that sort of commitment up front and without knowledge of what it truly means. So I urge support for the motion Ought Not to Pass.

The SPEAKER: The Chair recognizes the Representative from Old Orchard Beach, Representative MacDonald.

Representative **MacDONALD**: Thank you, Mr. Speaker. I rise in opposition to this pending motion. As we work through the budget and we're trying to find money to help the people of Maine, a \$2.8 million savings that could be used to help the people who most need it is something that I really can't say no to. The 4-year commitment is a commitment that we choose. The 2 to 4-year commitment is a choice that we make when we run for this office, but I believe that we need to put it out to the voters. Let's see if we can save this significant amount of money for the people of Maine. Thank you, Mr. Speaker.

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

Representative **VOLK**: Thank you, Mr. Speaker. I, too, rise in opposition to the pending motion and I had submitted a similar bill. My bill would have given just the Senators 4-year terms. But, I just, for the sake of information, would like to let the body know that 38 states have 4-year Senate terms, four have 4-year House terms, and our Federal Delegation has a 6-year Senate term and 2-year House term. So just some information to inform your vote here. Thank you.

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

Representative **JONES**: Thank you, Mr. Speaker. I'd like to delve into the fiscal impact of this for just a few moments, just to let the fellowship know what we're looking at here. The first thing is the Secretary of State budget includes sufficient funds to accommodate one balance of average length. In other words, there is no cost to the voters, to the taxpayers, to putting this to referendum. In other words, there is no cost to asking the voters what they think. It sounds like a pretty good way to promote a little citizen involvement in our legislative activity directly. Second thing. There is a \$45,000 savings. It would be two years after our next election. That's because freshman legislators would not have to go through the orientation again. As it asides to the fellowship, there is no possible orientation to the House, okay, and as time goes on, I think all of us that have served more than one term realize that there is learning that goes on all the time. Quite frankly, having a Legislature with as many freshmen as this one has, the learning curve for this legislative body has been very steep. In fiscal year 2017-18, we are looking at savings of \$430,000, and in 2017-18, we are looking at almost \$2.5 million in savings. I think the voters deserve to have a say in this. Thank you, Mr. Speaker.

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

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

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

ROLL CALL NO. 261

YEA - Beck, Berry, Boland, Campbell J, Carey, Casavant, Chapman, Chipman, Daughtry, Devin, Dion, Dorney, Gattine, Gideon, Goode, Graham, Grant, Hayes, Herbig, Hobbins, Hubbell, Kaenrath, Kent, Kruger, Kumiega, Kusiak, Lajoie, Libby A, Libby N, Longstaff, Luchini, Marks, Mason, Mastraccio, McCabe, McGowan, Monaghan-Derrig, Moonen, Moriarty, Nelson, Noon, Peoples, Plante, Powers, Priest, Rochelo, Rotundo, Russell, Sanborn, Saucier, Stanley, Stuckey, Theriault, Tipping-Spitz, Treat, Turner, Welsh, Werts, Winchenbach, Mr. Speaker.

NAY - Ayotte, Beaulieu, Beavers, Bennett, Briggs, Brooks, Campbell R, Cassidy, Chenette, Clark, Cooper, Cotta, Crafts, Cray, Crockett, Davis, DeChant, Dickerson, Dill, Doak, Dunphy, Duprey, Espling, Evangelos, Farnsworth, Fitzpatrick, Fowle, Fredette, Frey, Gifford, Gillway, Guerin, Hamann, Harlow, Harvell, Hickman, Jackson, Johnson D, Johnson P, Jones, Keschl, Kinney, Kornfield, Lockman, Long, MacDonald S, Maker, Marean, McClellan, McElwee, McLean, Morrison, Nadeau A, Nadeau C, Newendyke, Nutting, Parry, Pease, Peavey Haskell, Pouliot, Pringle, Rankin, Reed, Sanderson, Schneck, Shaw, Short, Sirocki, Timberlake, Tyler, Verow, Villa, Volk, Wallace, Weaver, Willette, Wilson, Winsor, Wood.

ABSENT - Beaudoin, Black, Bolduc, Chase, Gilbert, Jorgensen, Knight, MacDonald W, Malaby, Peterson, Rykerson, Saxton.

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

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

Subsequently, on motion of Representative GRAHAM of North Yarmouth, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The RESOLUTION was **READ ONCE**. **Committee Amendment "A" (H-390)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the RESOLUTION was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-390)** and sent for concurrence.

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

HOUSE DIVIDED REPORT - Majority (12) **Ought Not to Pass** - Minority (1) **Ought to Pass as Amended by Committee Amendment "A" (H-364)** - Committee on **TAXATION** on Bill "An Act To Modify the Mining Excise Tax"

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

TABLED - June 7, 2013 (Till Later Today) by Representative GOODE of Bangor.

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

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

Representative **CHAPMAN**: Thank you, Mr. Speaker, and Friends and Colleagues of the House. I assure you that I'm not rising to argue the considerable merits of this bill. I want to bring your attention though to one aspect of the bill, which may be of interest to you in the future. We use tax policy as an incentive for a variety of purposes and, typically, the way we use tax policy is to offer a tax break. We are increasingly aware that tax breaks are a form of cost to us and we are trying to make that more visible and more deliberate, and, consequently, we may want to find other ways of using tax policy to provide incentives for desirable outcomes. The bill before you was doing exactly that. It provided a surtax on the existing mining excise tax to provide an incentive to a mining company to keep the pollution of the water at a minimum, and the way it did it was that if you did not pollute the water, it costs nothing, and if you did pollute the water, there was a cost involved and so the surtax was an incentive to do what we want which is to keep the water clean. The only

purpose for my rising at the moment is to let you know that we may want to use this technique of tax policy to incentivize the types of behavior and the outcomes that we want in other areas in public policy. Thank you, Mr. Speaker.

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

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

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

ROLL CALL NO. 262

YEA - Ayotte, Beaulieu, Beck, Bennett, Berry, Briggs, Campbell J, Campbell R, Carey, Casavant, Cassidy, Chenette, Clark, Cotta, Crafts, Crockett, Daughtry, Davis, DeChant, Dill, Dion, Doak, Dorney, Dunphy, Duprey, Espling, Farnsworth, Fitzpatrick, Fowle, Fredette, Frey, Gattine, Gideon, Gifford, Gillway, Goode, Graham, Grant, Guerin, Harvell, Hayes, Herbig, Hobbins, Hubbell, Jackson, Johnson D, Johnson P, Keschl, Kinney, Kornfield, Kumiega, Kusiak, Lajoie, Libby A, Libby N, Lockman, Long, Longstaff, Luchini, MacDonald S, Maker, Marean, Marks, Mason, Mastraccio, McCabe, McClellan, McElwee, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Nadeau A, Nadeau C, Nelson, Newendyke, Noon, Nutting, Parry, Pease, Peavey Haskell, Peoples, Plante, Pouliot, Powers, Priest, Pringle, Rankin, Reed, Rochelo, Rotundo, Sanborn, Sanderson, Saucier, Schneck, Shaw, Short, Sirocki, Stanley, Theriault, Timberlake, Tipping-Spitz, Treat, Turner, Tyler, Verow, Villa, Volk, Wallace, Weaver, Welsh, Werts, Willette, Wilson, Winchenbach, Winsor, Wood, Mr. Speaker.

NAY - Beavers, Boland, Brooks, Chapman, Chipman, Cooper, Devin, Dickerson, Evangelos, Hamann, Harlow, Hickman, Jones, Kaenrath, Kent, Kruger, Morrison, Russell, Stuckey.

ABSENT - Beaudoin, Black, Bolduc, Chase, Cray, Gilbert, Jorgensen, Knight, MacDonald W, Malaby, Peterson, Rykerson, Saxton.

Yes, 119; No, 19; Absent, 13; Excused, 0.

119 having voted in the affirmative and 19 voted in the negative, with 13 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

HOUSE DIVIDED REPORT - Majority (8) **Ought Not to Pass** - Minority (5) **Ought to Pass** - Committee on **STATE AND LOCAL GOVERNMENT** 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)

TABLED - June 7, 2013 (Till Later Today) by Representative GRAHAM of North Yarmouth.

PENDING - **ACCEPTANCE OF EITHER REPORT**.

Subsequently, Representative GRAHAM of North Yarmouth moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

Representative **CHAPMAN**: Thank you, Mr. Speaker. Mr. Speaker, Friends and Colleagues of the House. I'm sure that all the members of the House are familiar, due to their bedtime

reading of the Constitution of the United States, that the Constitution of the United States can be changed in two ways. One way is for Congress to initiate an amendment, which is then ratified by the states. The other way is for the states to call for a constitutional convention to propose an amendment, which is then ratified by the states. This body, at the end of April, had proceeded in the first method of amending the U.S. Constitution by asking Congress to initiate a Resolution to amend the Constitution of the United States relative to the *Citizens United* decision of the U.S. Supreme Court relative to campaign financing. What is before you today is a bit unusual and I want to take a few moments to explain why this is the first time in more than a quarter of a century that the Maine Legislature has considered a call for a constitutional convention.

This is one of the only actions that this Legislature can take that's under the authority of the United States Constitution. Almost everything else that we've done in the last 25 years has been under the authority of the Maine Constitution. Although I can't say with certainty what the reasons were for the founders of the U.S. Constitution to provide a second mechanism for making changes to it, but certainly two possible reasons. One is that it provides kind of a safety valve. If Congress fails to do what the people want, this provides a mechanism for the people through the states to force Congress to act. The second reason for having a second mechanism for being able to amend the Constitution is to provide pressure on Congress to do what we've asked them to do. This reminds me of a joke that I saw as a kid. An employer says to the employee, "It's only a suggestion, of course, and if you take it, I won't find it necessary to make it an order." In this case, we've already asked Congress to initiate an amendment to the Constitution and what is before us today is a little bit stronger. Rather than a simple ask and making a statement and making the talk, we're taking the action. We're providing some forcefulness behind what we've asked for before. The forcefulness, we do not have the power singularly as the State of Maine to force Congress to take an action. But if 33 other states join us, then that would force Congress to act and of course most likely what would happen is that Congress would act prior to that time to avoid a constitutional convention.

So let me back up for a moment and explain that all of the 27 amendments to the U.S. Constitution, to date, have been made by the first process of a Congress-initiated proposal to amend the Constitution, which is then ratified by the states. A constitutional convention has never been called and an amendment to the Constitution therefore has never been proposed by such a constitutional convention. There is a concern that a constitutional convention might be dangerous in some fashion. Because it has never happened, there is no case law. There is nothing to define the procedures for a constitutional convention. All that we know legally about it is contained in a single sentence in Article V of the Constitution, and, consequently, there is the fear that if we call a constitutional convention it could propose things that might dismantle the Constitution in a significant fashion, which would be very unfortunate. I remind everyone what I'm sure you already know is that for any change to the Constitution to be put into force requires the ratification of 38 states. As you may know, even such proposals as radical as the equal rights amendments failed to be ratified by 38 states. In the 10-year period between 1972 and 1982, only 35 states ratified that proposed amendment to the Constitution and therefore it is not a part of our Constitution. The matter before you has to do with campaign finance reform and let me, before I get into that, for a moment, point out that the Legislature of Maine has about 10 times in the past called for constitutional conventions. Most recently was in 1987 dealing with a balanced federal budget. Prior attempts at

calling for a constitutional convention dealt with a variety of other subjects, including the direct election of Senators and the prevention of polygamy.

Let me turn now to the reason why I think it's important that we put more forcefulness behind our action of a month ago in which we memorialized Congress, that is we asked them to initiate a constitutional amendment. In order to give you a sense of the need for the present action, I'd like to read a very few sentences from Olympia Snowe's new book, *Fighting for Common Ground*, in which she says:

"... I was especially troubled by the Supreme Court's puzzling *Citizens United* decision. For the past century, Congress had recognized the pernicious effect of undue corporate and labor union spending on political campaigns. The Supreme Court even recently has held that the nation had a compelling interest in ensuring that corporations do not corrupt the political process by exerting undue influence. In a majority opinion in 1990, Justice Thurgood Marshall characterized 'the corrosive and distorting effects of immense aggregations of wealth that are accumulated with the help of the corporate form and that have little or no correlation to the public's support for the corporation's political ideas.' Yet in the *Citizens* decision, the Court abruptly abandoned a century of precedents ..."

And she goes on. I'll skip over and read only one more sentence from her book. "It is essential that Congress revisit the issue of campaign finance reform to counter the massive amounts of third-party advertising that are disproportionately and too often anonymously influencing our elections and fueling the fires of partisan discourse." I think she states very well the reason why we're concerned about the campaign financing question and why it's necessary for us to make a change to the United States Constitution. The matter before you, as I say, is the means by which we put some forcefulness behind the words that we advanced earlier on. Thank you, Mr. Speaker. I ask for a roll call.

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

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

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

Representative **LIBBY**: Thank you, Mr. Speaker. Mr. Speaker, I rise in support of the pending motion. I thoroughly support the U.S. Constitution. Unfortunately, most people in D.C. don't adhere to our U.S. Constitution and I certainly don't want to give those same people the choice to be able to rewrite the Constitution. 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. 263

YEA - Ayotte, Beaulieu, Bennett, Berry, Campbell J, Campbell R, Carey, Clark, Cooper, Cotta, Crafts, Crockett, Davis, Dill, Dion, Doak, Dorney, Dunphy, Duprey, Espling, Farnsworth, Fitzpatrick, Fowle, Fredette, Frey, Gattine, Gideon, Gifford, Gillway, Graham, Grant, Guerin, Harvell, Herbig, Jackson, Johnson D, Johnson P, Keschl, Kinney, Kornfield, Lajoie, Libby A, Lockman, Long, Longstaff, Luchini, MacDonald S, Maker, Marean, Marks, Mastraccio, McCabe, McClellan, McElwee, Moriarty, Morrison, Nadeau A, Nelson, Newendyke, Noon, Nutting, Parry, Pease, Peavey Haskell, Peoples, Pouliot, Powers, Reed, Rochelo, Rotundo, Sanderson, Saucier, Shaw, Short, Sirocki, Theriault, Timberlake, Tipping-Spitz, Treat, Turner,

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

NAY - Beavers, Beck, Boland, Briggs, Brooks, Casavant, Cassidy, Chapman, Chenette, Chipman, Daughtry, DeChant, Devin, Dickerson, Evangelos, Goode, Hamann, Harlow, Hayes, Hickman, Hobbins, Hubbell, Jones, Kaenrath, Kent, Kruger, Kumiega, Kusiak, Libby N, Mason, McGowan, McLean, Monaghan-Derrig, Moonen, Nadeau C, Plante, Priest, Pringle, Rankin, Russell, Sanborn, Schneck, Stanley, Stuckey, Villa, Werts.

ABSENT - Beaudoin, Black, Bolduc, Chase, Cray, Gilbert, Jorgensen, Knight, MacDonald W, Malaby, Peterson, Rykerson, Saxton.

Yes, 92; No, 46; Absent, 13; Excused, 0.

92 having voted in the affirmative and 46 voted in the negative, with 13 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

SENATE REPORT - **Ought to Pass as Amended by Committee Amendment "A" (S-198)** - Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Provide a Safe Working Environment for Home Care Workers"

(S.P. 166) (L.D. 434)

- In Senate, Unanimous **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-198)**.

TABLED - June 7, 2013 (Till Later Today) by Representative BERRY of Bowdoinham.

PENDING - **ACCEPTANCE OF COMMITTEE REPORT**. (Roll Call Ordered)

The SPEAKER: A roll call having been previously ordered, the pending question before the House is Acceptance of the Unanimous Committee Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 264

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

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

ABSENT - Beaudoin, Black, Bolduc, Chase, Cray, Dion, Gilbert, Jorgensen, Knight, MacDonald W, Malaby, Peterson, Rykerson, Saxton.

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

89 having voted in the affirmative and 48 voted in the negative, with 14 being absent, and accordingly the Unanimous Committee Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-198)** 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-198)** in concurrence.

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

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

(C. "A" H-301)

TABLED - June 7, 2013 (Till Later Today) by Representative BERRY of Bowdoinham.

PENDING - **PASSAGE TO BE ENACTED**.

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

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

The SPEAKER: The Chair recognizes the Representative from Orono, Representative Tipping-Spitz.

Representative **TIPPING-SPITZ**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise to encourage you to support the Majority Report on this LD 1340 and support the good work done by the Environment and Natural Resources Committee. It's been said many times in this body that the best work we do is the work we do together, and I think this bill is a great example of that. When I was asked to put this in by a constituent and I did research into the issue, I visited the advisory committee of the fund in question. This bill seeks to make sure that there is an equal playing field when it comes to oil companies that put funds into a collection that ensures we have the resources we need to clean up oil spills in the future. When I brought this bill up, there were a lot of different ways we could have gone to make sure that fund was kept clean, to make sure that fund was kept with good provisions. But after I brought this bill to committee, we went through a lot of different versions on how to move forward. The final version came out with a 12-1 Committee Report. The final provision in the bill was supported by the Executive Branch at the public hearing. In the end, I think this is a good way to move forward to make sure that, in the future, we can clean up hazardous oil spills. With that, I'd like you to support this bill.

Representative GRANT of Gardiner **REQUESTED** that the Clerk **READ** the Committee Report.

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

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

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

The SPEAKER: The Representative may pose his question.

Representative **HICKMAN**: Thank you. I am just trying to understand what we're doing exactly. It looks like we voted with a roll call vote to enact this on June 6 and it passed, so I guess I would wonder why the bill sponsor asked for the Reconsideration and the revote. I'm just curious.

The SPEAKER: The Chair would answer in the affirmative. The House's prior action, we did Enact it. We did Reconsider our prior actions having Enacted it and now we are yet again looking to Enact it. The Representative from Winthrop, Representative

Hickman, has posed a question through the Chair as to why we are currently doing this to anyone who cares to answer. The Chair recognizes the Representative from Orono, Representative Tipping-Spitz.

Representative **TIPPING-SPITZ**: Thank you, Mr. Speaker. I suppose I could have been a little bit clearer my first go around. The reason this is brought for Reconsideration is because the first floor vote did not reflect the committee vote and we did not debate this on the floor. I thought that it was important that we were able to bring these issues out, everyone was able to hear what this bill was about, what the committee process was and to make sure that, in the end, the vote of this House reflects to the committee vote.

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

ROLL CALL NO. 265

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

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

ABSENT - Beaudoin, Black, Bolduc, Chase, Cotta, Cray, Gilbert, Jorgensen, Knight, MacDonald W, Malaby, Peterson, Rykerson, Saxton.

Yes, 92; No, 45; Absent, 14; Excused, 0.

92 having voted in the affirmative and 45 voted in the negative, with 14 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

**CONSENT CALENDAR
First Day**

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

(S.P. 378) (L.D. 1096) Bill "An Act To Amend the Laws Governing Students Experiencing Education Disruption" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-243)**

(S.P. 468) (L.D. 1334) Bill "An Act To Create Child Advocacy Centers in Maine" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-216)**

(S.P. 588) (L.D. 1545) Bill "An Act To Make Technical Changes to Maine's Marine Resources Laws and Elver Enforcement Mechanisms" Committee on **MARINE**

RESOURCES reporting **Ought to Pass as Amended by Committee Amendment "A" (S-247)**

(H.P. 1036) (L.D. 1442) Bill "An Act To Establish a Pilot Natural Gas Utility District in Maine" (EMERGENCY) Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-419)**

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

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

**SENATE PAPERS
Non-Concurrent Matter**

Bill "An Act To Implement the Recommendations of the Government Oversight Committee and the Office of Program Evaluation and Government Accountability Regarding Child Development Services"

(H.P. 27) (L.D. 34)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-380) in the House on June 6, 2013.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-380) AS AMENDED BY SENATE AMENDMENT "A" (S-238)** thereto in **NON-CONCURRENCE**.

On motion of Representative BERRY of Bowdoinham, the House voted to **RECEDE AND CONCUR**.

**REPORTS OF COMMITTEE
Divided Reports**

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought Not to Pass** on Bill "An Act To Discourage Tenants from Damaging Rental Property"

(S.P. 448) (L.D. 1305)

Signed:

Senators:

GERZOFISKY 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
MARKS of Pittston
PEASE of Morrill
PLANTE of Berwick
TYLER of Windham

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-240)** on same Bill.

Signed:

Representative:

WILSON of Augusta

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

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

Majority Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-406)** on Bill "An Act To Promote Industrial Hemp"

(H.P. 344) (L.D. 525)

Signed:

Senators:

JACKSON of Aroostook
BOYLE of Cumberland

Representatives:

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

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

Signed:

Senator:

SHERMAN of Aroostook

READ.

On motion of Representative DILL of Old Town, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-406)** 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-406)** 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-414)** on Bill "An Act To Increase Transparency and Improve Equity in Appeals to Superintendents' Agreements"

(H.P. 542) (L.D. 791)

Signed:

Senators:

MILLETT of Cumberland
JOHNSON of Lincoln
LANGLEY of Hancock

Representatives:

MacDONALD of Boothbay
DAUGHTRY of Brunswick
HUBBELL of Bar Harbor
JOHNSON of Greenville
KORNFELD of Bangor
MAKER of Calais

NELSON of Falmouth
POULIOT of Augusta
RANKIN of Hiram

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-415)** on same Bill.

Signed:

Representative:

McCLELLAN of Raymond

Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (H-414)** Report.

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 **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-416)** on Bill "An Act To Assist Maine Businesses Paying Taxes on Spirits"

(H.P. 427) (L.D. 608)

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

Representative MITCHELL of the Penobscot Nation - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (H-416)** Report.

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-416)** 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-416)** and sent for concurrence.

Majority Report of the Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-245)** on Bill "An Act Concerning Liquor Licensing Laws for Holders of 2 Licenses"

(S.P. 573) (L.D. 1518)

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-245)**.

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-245)** 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-245)** in concurrence.

Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on Bill "An Act To Prohibit the Use of Eminent Domain in Certain Public-Private Partnerships"

(S.P. 54) (L.D. 165)

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-233)** on same Bill.

Signed:

Senator:

BURNS of Washington

Representatives:

BEAULIEU of Auburn

CROCKETT of Bethel

GUERIN of Glenburn

PEAVEY HASKELL of Milford

VILLA of Harrison

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

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

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

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

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

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

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-248)** on Bill "An Act To Preserve and Protect Ancient Burial Grounds and Burial Grounds in Which Veterans Are Buried"

(S.P. 107) (L.D. 274)

Signed:

Senators:

LACHOWICZ of Kennebec

COLLINS of York

Representatives:

GRAHAM of North Yarmouth

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 Bill.

Signed:

Representative:

HAYES of Buckfield

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-248)**.
READ.

On motion of Representative GRAHAM of North Yarmouth, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-248)** 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-248)** in concurrence.

SENATE PAPERS

Bill "An Act To Amend the Charter of the Alfred Water District" (EMERGENCY)

(S.P. 601) (L.D. 1562)

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

Committee on **ENERGY, UTILITIES AND TECHNOLOGY** suggested.

Under suspension of the rules, the Bill was given its **FIRST READING WITHOUT REFERENCE** to a committee.

Under further 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 NON-CONCURRENCE** and sent for concurrence.

The House recessed until 6:30 p.m.

(After Recess)

The House was called to order by the Speaker.

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

SENATE PAPERS

The following Joint Order: (S.P. 602)

WHEREAS, the Joint Select Committee on Maine's Workforce and Economic Future has been frequently advised by leaders from the State's business, labor, education and nonprofit sectors of the importance of a legislative focus on issues related to workforce development, revitalizing downtowns and communities and growing small businesses in Maine; and

WHEREAS, many of these same leaders urged the continuation of the Joint Select Committee on Maine's Workforce and Economic Future beyond its scheduled termination date of July 1, 2013; and

WHEREAS, the members of the Joint Select Committee on Maine's Workforce and Economic Future worked together in a nonpartisan manner with input from dozens of experts throughout the State to unanimously support legislation taking steps to move Maine forward towards stronger economic growth and the preparation of Maine's workers and businesses to compete in the global marketplace; and

WHEREAS, several issues critical to Maine's economic future were identified during the Joint Select Committee on Maine's Workforce and Economic Future's public hearings, panel

presentations, work sessions and public meetings that were held across the State; and

WHEREAS, the Joint Select Committee on Maine's Workforce and Economic Future requires additional time to further examine and consider potential legislation to address the challenges related to these issues; now, therefore, be it

ORDERED, the House concurring, that the Joint Select Committee on Maine's Workforce and Economic Future, established by Joint Order 2013, S.P. 27 during the First Regular Session of the 126th Legislature, is authorized to continue its work through the Second Regular Session of the 126th Legislature. The Joint Select Committee on Maine's Workforce and Economic Future is further authorized to meet up to 5 times during the legislative interim to further examine and consider a number of issues related to workforce development, downtown revitalization and small business development. The Joint Select Committee on Maine's Workforce and Economic Future terminates upon adjournment of the 126th Legislature sine die.

Came from the Senate, **READ** and **PASSED**.

READ and **PASSED** in concurrence.

The following Joint Resolution: (S.P. 600)

JOINT RESOLUTION MEMORIALIZING THE UNITED STATES CONGRESS TO OPPOSE SECTION 8 OF H.R. 1919, AN ACT TO AMEND THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

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

WHEREAS, Section 8 of H.R. 1919, "An Act to Amend the Federal Food, Drug, and Cosmetic Act," allows prescription drug manufacturers to decide to supply drug information labels only by electronic means, as opposed to the paper labels currently accompanying prescription drugs upon receipt; and

WHEREAS, a similar provision is not contained in the United States Senate's version of the bill; and

WHEREAS, the United States Congress addressed electronic labeling in 2012 and directed the United States Government Accountability Office to study the potential advantages and associated risks of this labeling and the results of the study are due to be released in July 2013; and

WHEREAS, Congress should await the results of the study it ordered to be undertaken before passing legislation that would require critical medical information, such as information on dangerous side effects and contraindications, to be made available to health care professionals and prescription drug consumers only by electronic means; and

WHEREAS, Maine would be disproportionately negatively affected by Section 8 of H.R. 1919; and

WHEREAS, as of 2011, 16.3% of Maine's population was over 65 years of age, compared to only 13.3% for the nation as a whole; and

WHEREAS, due to its geography, climate and highly dispersed and rural population, significant areas of Maine do not have reliable access to the Internet; and

WHEREAS, Maine relies on the forest products industry to create and maintain jobs and sustainably manage Maine's forests, and that industry would be negatively affected by Section 8 of H.R. 1919 without further study of the effects; now, therefore, be it

RESOLVED: That We, your Memorialists, the Members of the One Hundred and Twenty-sixth Legislature now assembled in the

First Regular Session, on behalf of the people we represent, take this opportunity to urge and request that Section 8 of H.R. 1919 not be passed until the Government Accountability Office study on the effects of required electronic-only labeling for prescription medications is published, reviewed and considered; and be it further

RESOLVED: That We urge and request that this section of the bill not become law without further consideration and mitigation of the disproportionate negative effects on Maine's elderly, rural and highly dispersed population; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the President of the United States Senate, to the Speaker of the United States House of Representatives and to each Member of the Maine Congressional Delegation.

Came from the Senate, **READ** and **ADOPTED**.
READ and **ADOPTED** in concurrence.

CONSENT CALENDAR
First Day

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

(S.P. 559) (L.D. 1498) Bill "An Act To Amend the Labor Laws as They Relate to Payment for Required Medical Examinations" Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-251)**

(H.P. 453) (L.D. 661) Bill "An Act To Prohibit Sale or Possession of Synthetic Cannabinoids" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-422)**

(H.P. 610) (L.D. 859) Bill "An Act To Increase Ethics and Transparency in Government Service" Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-423)**

(H.P. 662) (L.D. 938) Bill "An Act To Update the Laws Relating to the Tri-state Lotto and the Payment of Prizes to Minors" Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-429)**

(H.P. 1026) (L.D. 1437) Bill "An Act To Amend the Laws Regarding Licensure of Physicians and Physician Assistants" Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-424)**

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

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

(H.P. 970) (L.D. 1362) Resolve, To Establish a Moratorium on the Transportation of Tar Sands Committee on **ENVIRONMENT AND NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-428)**

On motion of Representative BERRY of Bowdoinham, was **REMOVED** from the First Day Consent Calendar.

The Unanimous Committee Report was **READ**.

On further motion of the same Representative, **TABLED** pending **ACCEPTANCE** of the Committee Report and later today assigned.

REPORTS OF COMMITTEE
Divided Report

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought Not to Pass** on Bill "An Act To Eliminate the Constituent Services Allowance for Legislators" (H.P. 273) (L.D. 398)

Signed:

Senators:

LACHOWICZ of Kennebec
COLLINS of York

Representatives:

GRAHAM of North Yarmouth
BOLAND of Sanford
BOLDUC of Auburn
COTTA of China
HAYES of Buckfield
MacDONALD of Old Orchard Beach
NADEAU of Winslow
NADEAU of Fort Kent
PEASE of Morrill

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-426)** on same Bill.

Signed:

Representative:

CHENETTE of Saco

READ.

Representative GRAHAM of North Yarmouth moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

Representative CHENETTE: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just would like to call your attention to this. I am rising in opposition to the pending motion. While I would like to save an estimated \$300,000 this year, I would agree with the Minority Report in the sense that it changes the entire legislative intent of this bill to allow legislators to opt out of constituent services allowance and to require those who receive the allowance to submit expense records. Just like in campaigns, we should be held accountable for where these taxpayer funds go. That's not to suggest that any of us in this chamber are misusing the intent of those funds. I just think adding a level of transparency and accountability by allowing us to track this information through the Ethics Commission website, just like in campaigns, is a no-brainer. You know if you spend your money ensuring that your constituents are well represented, great. But if you are spending it on a fancy new tie, we should know that because, you know what, right now that money is dumped directly into our private accounts and there is no accountability. You can spend it on anything. There is no accountability. I think there should be. So what this bill is tackling is trying to bring that level of accountability by saying you can either opt in or opt out to save the state money in hard economic times and you need to track those expenditures. So I request a roll call, Mr. Speaker, and I hope you support voting against the pending motion. Thank you.

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: 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. 266

YEA - Ayotte, Beavers, Beck, Berry, Boland, Briggs, Brooks, Campbell J, Campbell R, Carey, Casavant, Cassidy, Clark, Cooper, Cotta, Crafts, Daughtry, DeChant, Devin, Dill, Dion, Dorney, Evangelos, Farnsworth, Fitzpatrick, Fowle, Fredette, Frey, Gattine, Gideon, Gifford, Gillway, Goode, Graham, Grant, Guerin, Hamann, Hayes, Herbig, Hobbins, Hubbell, Jackson, Johnson P, Jorgensen, Kaenrath, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby N, Long, Longstaff, Luchini, Marean, Marks, Mason, Mastraccio, McClellan, McElwee, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau A, Nadeau C, Nelson, Noon, Nutting, Pease, Peoples, Plante, Powers, Priest, Pringle, Rankin, Reed, Rochelo, Rotundo, Russell, Sanborn, Saucier, Schneck, Shaw, Short, Stanley, Stuckey, Theriault, Treat, Tyler, Verow, Villa, Wallace, Welsh, Werts, Winchenbach, Winsor, Wood, Mr. Speaker.

NAY - Beaulieu, Bennett, Chapman, Chenette, Chipman, Crockett, Davis, Doak, Dunphy, Duprey, Espling, Harlow, Harvell, Hickman, Johnson D, Jones, Keschl, Kinney, Libby A, Lockman, MacDonald S, Maker, Newendyke, Parry, Pouliot, Sanderson, Sirocki, Timberlake, Turner, Volk, Weaver, Wilson.

ABSENT - Beaudoin, Black, Bolduc, Chase, Cray, Dickerson, Gilbert, Kent, Knight, MacDonald W, Malaby, McCabe, Peavey Haskell, Peterson, Rykerson, Saxton, Tipping-Spitz, Willette.

Yes, 101; No, 32; Absent, 18; Excused, 0.

101 having voted in the affirmative and 32 voted in the negative, with 18 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

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

ENACTORS

Emergency Measure

An Act To Remove the Requirement That a Person Training Dogs on Sundays Possess a Valid Hunting License

(H.P. 119) (L.D. 144)

(C. "A" H-357)

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

Emergency Measure

An Act To Amend the Laws Governing Hospital and Therapeutic Leave Days for MaineCare Recipients

(H.P. 972) (L.D. 1364)

(C. "A" H-370)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 124 voted in favor of the same and 4 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Acts

An Act To Regulate Dealers in Secondhand Precious Metals
(H.P. 64) (L.D. 71)
(C. "A" H-392)

An Act To Establish Uniform Quorum, Meeting and Chair Requirements for Professional and Occupational Licensing Boards
(S.P. 73) (L.D. 237)
(C. "A" S-219)

An Act To Reform Maine's Whitewater Rafting Laws
(S.P. 114) (L.D. 281)
(C. "A" S-230)

An Act Relating to Radon Testing and Disclosure to Tenants
(S.P. 124) (L.D. 328)
(C. "A" S-226)

An Act To Clarify Solid Waste Policy Relating to State-owned Disposal Facilities
(S.P. 243) (L.D. 694)
(C. "A" S-220)

An Act To Extend and Improve the Maine Seed Capital Tax Credit Program
(S.P. 281) (L.D. 743)
(C. "A" S-213)

An Act To Extend the Statute of Limitations on Certain Civil Professional Negligence Suits
(S.P. 282) (L.D. 744)
(C. "A" S-232)

An Act To Amend the Hunting Laws as They Pertain to the Training of Dogs
(H.P. 508) (L.D. 757)
(C. "A" H-358)

An Act To Amend the Tax Laws
(S.P. 333) (L.D. 988)
(C. "A" S-214)

An Act Regarding the Buying and Selling of Animal Parts
(H.P. 714) (L.D. 1016)
(C. "A" H-359)

An Act Relating to Employee Leasing Company Registration
(H.P. 715) (L.D. 1017)
(C. "A" H-382)

An Act To Increase the Opportunities for Taste-testing Events for On-premises Liquor Licensees
(S.P. 359) (L.D. 1042)
(C. "A" S-225)

An Act To Provide Consistency in the Regulation of Motorized Recreational Gold Prospecting
(H.P. 800) (L.D. 1135)
(C. "A" H-373)

An Act To Allow County Law Enforcement To Participate in Mutual Aid Agreements
(H.P. 804) (L.D. 1139)
(C. "A" H-377)

An Act To Amend the Freedom of Access Act
(H.P. 861) (L.D. 1216)
(C. "A" H-389)

An Act To Allow Ignition Interlock Devices on Vehicles Operated by First-time Offenders of Operating Under the Influence
(H.P. 899) (L.D. 1260)
(C. "A" H-369)

LEGISLATIVE RECORD - HOUSE, June 10, 2013

An Act Regarding Penalties for Campaign Finance Reporting Violations and Late Filing by Political Action Committees and Ballot Question Committees

(H.P. 910) (L.D. 1271)
(C. "A" H-340)

An Act To Sustain Emergency Medical Services throughout the State

(S.P. 435) (L.D. 1274)
(C. "A" S-218)

An Act To Amend the Laws Governing Animal Trespass

(S.P. 445) (L.D. 1283)
(C. "A" S-237)

An Act Regarding the Valuation of Certain Vehicles

(S.P. 486) (L.D. 1379)
(C. "A" S-215)

An Act To Provide Clarity and Consistency in Routine Public Health Licensing Activities

(H.P. 990) (L.D. 1387)
(C. "A" H-371)

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

(H.P. 1022) (L.D. 1433)
(H. "A" H-346 to C. "A" H-297)

An Act To Facilitate Children's Testimony

(H.P. 1039) (L.D. 1445)
(C. "A" H-385)

An Act To Grow the Maine Economy by Promoting Maine's Small Breweries and Wineries

(S.P. 529) (L.D. 1447)
(C. "A" S-224)

An Act To Extend the Statute of Limitations on Certain Sex Crimes

(S.P. 556) (L.D. 1491)
(C. "A" S-209)

An Act To Revise the Laws Concerning Criminal History Record Information and Intelligence and Investigative Information

(H.P. 1070) (L.D. 1493)
(C. "A" H-360)

An Act To Strengthen the Laws Governing Mandatory Reporting of Child Abuse or Neglect

(H.P. 1094) (L.D. 1523)
(C. "A" H-388)

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)

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

Resolves

Resolve, Directing the Department of Health and Human Services To Increase Reimbursement Rates for Adult Day Services

(H.P. 54) (L.D. 62)
(C. "A" H-372)

Resolve, To Review and Make Recommendations on Appropriate Prescribing of Certain Medications for Children with Attention Deficit Hyperactivity Disorder That Are Reimbursed under the MaineCare Program

(H.P. 488) (L.D. 716)
(C. "A" H-368)

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

An Act To Protect Maine's Loons by Banning Lead Sinkers and Jigs

(S.P. 268) (L.D. 730)
(C. "A" S-231)

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

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

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

An Act To Authorize the Public Advocate To Mediate Disputes Related to Rates for Sewer Service

(H.P. 959) (L.D. 1342)
(C. "A" H-352)

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

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

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

An Act To Improve Work Readiness for Families Facing Significant Barriers to Employment

(H.P. 960) (L.D. 1343)
(C. "A" H-345)

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

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

On further motion of the same Representative, **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. 432) (L.D. 1238) Bill "An Act To Improve Professional Training for Licensed Mental Health Clinicians" Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-254)**

(S.P. 590) (L.D. 1548) Bill "An Act To Support Maine Businesses by Authorizing Certain Brewing Partnerships" Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-252)**

(H.P. 683) (L.D. 969) Resolve, Directing the Department of Health and Human Services To Reduce and Limit the Adult Developmental Services Waiting Lists by Implementing a More Efficient, Responsive and Individualized Model of Service Delivery (EMERGENCY) Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-431)**

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

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

REPORTS OF COMMITTEE
Divided Report

Majority Report of the Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act Concerning the Ability of Off-premises Liquor Licensees To Dispense Liquor in Sealed Refillable Containers"
(S.P. 364) (L.D. 1082)

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** on same Bill.

Signed:

Representative:

RUSSELL of Portland

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

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

CONSENT CALENDAR
First Day

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

(H.P. 835) (L.D. 1191) Bill "An Act To Strengthen the Fishing Laws" Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-433)**

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.

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

Representative **EVANGELOS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Today marks the 46th anniversary of the attack on our naval vessel, the USS Liberty, on June 8, 1967. Despite prominently flying an American

flag, the Israeli Air Force and Israeli Navy conducted an unprovoked attack against this U.S. flagged naval vessel killing 34 naval personnel and wounding scores of others. Despite repeated radio communications from the Liberty commander to cease these attacks, Israeli war planes and torpedo boats persisted the attack for two hours, nearly sinking the boat. This statement is in honor of those who lost their lives that day. Thank you, Mr. Speaker.

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

Representative **JOHNSON**: In reference to Roll Call No. 255, LD 825, had I been present I would have voted no. In reference to Roll Call No. 256, LD 1059, had I been present I would have voted yes. Thank you.

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

Representative **SIROCKI**: I would just like to note that had I been present, I would have voted nay on Roll Call No. 251, and I would have voted yea on Roll Call No. 252. Thank you.

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

On motion of Representative FOWLE of Vassalboro, the House adjourned at 7:26 p.m., until 9:00 a.m., Tuesday, June 11, 2013.