

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

December 5, 2012 – July 10, 2013

pages H-1 – H-1282

ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE
FIRST REGULAR SESSION
59th Legislative Day
Wednesday, June 12, 2013

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

Prayer by Reverend Mark Rustin, Carmel Union Congregational Church.

National Anthem by Hope Logan, Boothbay Harbor.

Pledge of Allegiance.

Doctor of the day, Lani Graham, MD, MPH, Freeport.

The Journal of yesterday was read and approved.

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act To Protect Maine Communities by Prohibiting Horse Slaughter for Human Consumption and the Transport of Horses for Slaughter"

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

Minority (2) **OUGHT TO PASS AS AMENDED** Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-376)** in the House on June 11, 2013.

Came from the Senate with the Majority (11) **OUGHT NOT TO PASS** Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY READ** and **ACCEPTED** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

COMMUNICATIONS

The Following Communication: (H.C. 199)

**STATE OF MAINE
126TH LEGISLATURE
OFFICE OF THE PRESIDENT**

June 10, 2013

Honorable Millicent M. MacFarland

Clerk of the House

2 State House Station

Augusta, Maine 04333

Dear Clerk MacFarland:

With reference to the Senate's action whereby it insisted and asked for a Committee of Conference on the disagreeing action between the two branches of the Legislature on the Bill, "An Act to Ensure Accountability in State Contracts" (S.P. 406) (L.D. 1169)

I have appointed as conferees on the part of the Senate the following:

Senator Colleen Lachowicz of Kennebec

Senator Stan Gerzofsky of Cumberland

Senator Troy Jackson of Aroostook

Sincerely,

S/Justin L. Alfond

President of the Senate

READ and **ORDERED PLACED ON FILE**.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Robert Peter Barlow, of Hanover, a metal trades instructor at the Region 9 School of Applied Technology in Mexico, who was named the 2012 Career and Technical Educator of the Year. Mr. Barlow has taught at the Region 9 School of Applied Technology since 1991 and has always put his students first. We send him our appreciation for his commitment to his profession and to the youth of the State. We congratulate him on his receiving this award and send him our best wishes;

(HLS 438)

Presented by Representative BRIGGS of Mexico.

Cosponsored by Senator PATRICK of Oxford, Representative CROCKETT of Bethel.

On **OBJECTION** of Representative BRIGGS of Mexico, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

REPORTS OF COMMITTEE

Ought to Pass as Amended

Representative ROTUNDO from the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2014 and June 30, 2015" (EMERGENCY)

(H.P. 1079) (L.D. 1509)

Reporting **Ought to Pass as Amended by Committee Amendment "A"** (H-468).

Report was **READ**.

On motion of Representative BERRY of Bowdoinham, **TABLED** pending **ACCEPTANCE** of the **Ought to Pass as Amended by Committee Amendment "A"** Report and later today assigned.

Divided Reports

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A"**

(S-205) on Bill "An Act Regarding Delayed Birth Registration"

(S.P. 446) (L.D. 1284)

Signed:

Senators:

CRAVEN of Androscoggin

HAMPER of Oxford

Representatives:

FARNSWORTH of Portland

MALABY of Hancock

McELWEE of Caribou

SANDERSON of Chelsea

SIROCKI of Scarborough

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

Signed:

Senator:

LACHOWICZ of Kennebec

Representatives:

CASSIDY of Lubec

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

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

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-205)** 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-205)** in **NON-CONCURRENCE** and sent for concurrence.

Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-256)** on Bill "An Act To Abolish the Inland Fisheries and Wildlife Advisory Council"

(S.P. 49) (L.D. 128)

Signed:

Senators:

DUTREMBLE of York
HASKELL of Cumberland

Representatives:

SHAW of Standish
BRIGGS of Mexico
ESPLING of New Gloucester
EVANGELOS of Friendship
KUSIAK of Fairfield
MARKS of Pittston

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-257)** on same Bill.

Signed:

Senator:

BURNS of Washington

Representatives:

CRAFTS of Lisbon
DAVIS of Sangerville
SHORT of Pittsfield
WOOD of Sabattus

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-256)**.
READ.

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

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

Representative **SHAW**: Thank you very much, Mr. Speaker. Mr. Speaker, Men and Women of the House. You may remember that I was always going to move the Majority Reports. In this case, I did move the Minority Report with the permission of everybody on the Majority Report. The committee is now

unanimous on the Minority **Ought to Pass as Amended** Report. The differences were very minor and I ask that you follow my light and accept the Minority **Ought to Pass as Amended** Report. Thank you very much.

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

The Bill was **READ ONCE**. **Committee Amendment "B" (S-257)** 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 "B" (S-257)** in **NON-CONCURRENCE** and sent for concurrence.

Seven Members of the Committee on **EDUCATION AND CULTURAL AFFAIRS** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (S-258)** on Bill "An Act Regarding School Administrator Effectiveness"

(S.P. 469) (L.D. 1350)

Signed:

Senators:

MILLETT of Cumberland
JOHNSON of Lincoln

Representatives:

DAUGHTRY of Brunswick
HUBBELL of Bar Harbor
KORNFIELD of Bangor
NELSON of Falmouth
RANKIN of Hiram

Five Members of the same Committee report in Report "B" **Ought Not to Pass** on same Bill.

Signed:

Senator:

LANGLEY of Hancock

Representatives:

JOHNSON of Greenville
MAKER of Calais
McCLELLAN of Raymond
POULIOT of Augusta

One Member of the same Committee reports in Report "C" **Ought to Pass as Amended by Committee Amendment "B" (S-259)** on same Bill.

Signed:

Representative:

MacDONALD of Boothbay

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-258)**.
READ.

Representative MacDONALD of Boothbay 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. 286

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

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

ABSENT - Beaudoin, Devin, Dickerson, Peterson, Priest.
Yes, 85; No, 61; Absent, 5; Excused, 0.

85 having voted in the affirmative and 61 voted in the negative, with 5 being absent, and accordingly Report "A" **Ought to Pass as Amended** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-258)** 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-258)** in concurrence.

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-450)** on Bill "An Act To Promote the Safe Use and Sale of Firearms"

(H.P. 874) (L.D. 1240)

Signed:

Senators:

GERZOFKY of Cumberland
DUTREMBLE of York

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-451)** on same Bill.

Signed:

Senator:

PLUMMER of Cumberland

Representatives:

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

READ.

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

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

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

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Protect Children from Exposure on the Internet without Parental Consent"

(H.P. 1093) (L.D. 1522)

Signed:

Senators:

JOHNSON of Lincoln
LANGLEY of Hancock

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-455)** on same Bill.

Signed:

Senator:

MILLETT of Cumberland

Representative:

MacDONALD of Boothbay

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

READ.

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

Majority Report of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought Not to Pass** on Bill "An Act To Apply the Precautionary Principle to Decision Making in Certain State Agencies"

(H.P. 1075) (L.D. 1501)

Signed:

Senators:

CLEVELAND of Androscoggin
JACKSON of Aroostook
YOUNGBLOOD of Penobscot

Representatives:

HOBBINS of Saco
DUNPHY of Embden
GIDEON of Freeport
HARVELL of Farmington
LIBBY of Waterboro
NEWENDYKE of Litchfield
TIPPING-SPITZ of Orono

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-460)** on same Bill.

Signed:

Representatives:

BEAVERS of South Berwick
RUSSELL of Portland
RYKERSON of Kittery

READ.

Representative HOBBINS of Saco moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on Bill "An Act Regarding Informed Consent to an Abortion"

(H.P. 511) (L.D. 760)

Signed:

Senator:

VALENTINO of York

Representatives:

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

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

Signed:

Senators:

BURNS of Washington
TUTTLE of York

Representatives:

CROCKETT of Bethel
GUERIN of Glenburn
PEAVEY HASKELL of Milford

READ.

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

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

Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on Bill "An Act To Allow a Wrongful Death Cause of Action for the Death of an Unborn Child"

(H.P. 837) (L.D. 1193)

Signed:

Senator:

VALENTINO of York

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-447)** on same Bill.

Signed:

Senators:

BURNS of Washington
TUTTLE of York

Representatives:

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

READ.

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

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

Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on Bill "An Act To Strengthen the Consent Laws for Abortions Performed on Minors and Incapacitated Persons"

(H.P. 956) (L.D. 1339)

Signed:

Senator:

VALENTINO of York

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-448)** on same Bill.

Signed:

Senators:

BURNS of Washington
TUTTLE of York

Representatives:

CROCKETT of Bethel
GUERIN of Glenburn
PEAVEY HASKELL of Milford

READ.

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

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

Majority Report of the Committee on **MARINE RESOURCES** reporting **Ought Not to Pass** on Bill "An Act To Require Labeling of Genetically Engineered Marine Organisms"

(H.P. 621) (L.D. 898)

Signed:

Senators:

MAZUREK of Knox
WOODBURY of Cumberland

Representatives:

DEVIN of Newcastle
DOAK of Columbia Falls
PARRY of Arundel
SAXTON of Harpswell
WEAVER of York
WINCHENBACH of Waldoboro

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-443)** on same Bill.

Signed:

Senator:

JOHNSON of Lincoln

Representatives:

KUMIEGA of Deer Isle
CHAPMAN of Brooksville
DICKERSON of Rockland
KRUGER of Thomaston

READ.

Representative KUMIEGA of Deer Isle moved that the House **ACCEPT** the Minority **Ought to Pass as Amended** Report.

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

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought Not to Pass** on Bill "An Act To Modernize the State's Legal Notice Requirements"

(H.P. 961) (L.D. 1344)

Signed:

Senator:

COLLINS of York

Representatives:

CHENETTE of Saco

COTTA of China

HAYES of Buckfield

MacDONALD of Old Orchard Beach

NADEAU of Fort Kent

PEASE of Morrill

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-446)** on same Bill.

Signed:

Senators:

LACHOWICZ of Kennebec
GERZOFISKY of Cumberland

Representatives:

GRAHAM of North Yarmouth
BOLAND of Sanford
NADEAU of Winslow

READ.

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

Majority Report of the Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass** on Resolve, Regarding Legislative Review of Portions of Chapter 3: Maine Clean Election Act and Related Provisions, a Late-filed Major Substantive Rule of the Commission on Governmental Ethics and Election Practices (EMERGENCY)

(H.P. 1110) (L.D. 1543)

Signed:

Senators:

TUTTLE of York
PATRICK of Oxford

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-463)** on same Resolve.

Signed:

Senator:

MASON of Androscoggin

Representatives:

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

READ.

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

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

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

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

Representative **KINNEY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition of the pending motion. Although this bill is just a substantive ruling, this bill, which is a Maine Clean Elections bill, allows \$250 of the people's money for a post party for the State House of Representatives, a \$750 party for people who ran Clean Election as a State Senator, and a \$2,500 party for a gubernatorial candidate. Thank you, Mr. Speaker.

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

ROLL CALL NO. 287

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

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

ABSENT - Beaudoin, Devin, Frey, Peterson, Priest, Sirocki.

Yes, 85; No, 60; Absent, 6; Excused, 0.

85 having voted in the affirmative and 60 voted in the negative, with 6 being absent, and accordingly the Majority **Ought to Pass** Report was **ACCEPTED**.

The Resolve was **READ ONCE**.

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

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

CONSENT CALENDAR

First Day

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

(H.P. 920) (L.D. 1293) Bill "An Act To Create the Presque Isle Utilities District" Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-458)**

(H.P. 982) (L.D. 1383) Bill "An Act To Improve the Delivery of Early Child Care and Education Services" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-464)**

(H.P. 1047) (L.D. 1462) Bill "An Act To Clarify and Correct Provisions of the Maine Medical Use of Marijuana Act" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-465)**

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

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

(H.P. 606) (L.D. 855) Resolve, To Create a Study Group To Research the Possibility of a Virtual Legislature (EMERGENCY) Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-467)**

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

The Committee Report was **READ**.

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

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

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

ROLL CALL NO. 288

YEA - Beavers, Beck, Boland, Bolduc, Briggs, Brooks, Campbell J, Campbell R, Carey, Casavant, Cassidy, Chapman, Chenette, Cotta, Daughtry, DeChant, Dickerson, Dill, Dion, Farnsworth, Fowle, Frey, Gattine, Gideon, Goode, Graham, Harlow, Hayes, Herbig, Hickman, Hobbins, Hubbell, Jorgensen, Kaenrath, Kent, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby N, Longstaff, Luchini, MacDonald W, McCabe, McGowan, McLean, Monaghan-Derrig, Moonen, Morrison, Nadeau A, Nadeau C, Nelson, Nutting, Pease, Peoples, Plante, Pouliot, Powers, Pringle, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Saxton, Schneck, Stuckey, Theriault, Tipping-Spitz, Treat, Verow, Welsh, Werts, Wood, Mr. Speaker.

NAY - Ayotte, Beaulieu, Bennett, Berry, Black, Chase, Chipman, Clark, Cooper, Crafts, Cray, Crockett, Davis, Doak, Dorney, Dunphy, Duprey, Espling, Evangelos, Fitzpatrick, Fredette, Gifford, Gilbert, Gillway, Grant, Guerin, Harvell, Jackson, Johnson D, Johnson P, Jones, Keschl, Kinney, Knight, Lockman, Long, MacDonald S, Maker, Malaby, Marean, Marks, Mason, Mastraccio, McClellan, McElwee, Moriarty, Newendyke, Noon, Parry, Peavey Haskell, Reed, Sanderson, Saucier, Shaw, Short, Sirocki, Stanley, Timberlake, Turner, Tyler, Villa, Volk, Wallace, Weaver, Willette, Wilson, Winchenbach, Winsor.

ABSENT - Beaudoin, Devin, Hamann, Libby A, Peterson, Priest.

Yes, 77; No, 68; Absent, 6; Excused, 0.

77 having voted in the affirmative and 68 voted in the negative, with 6 being absent, and accordingly the **Unanimous Ought to Pass as Amended Report** was **ACCEPTED**.

The Resolve was **READ ONCE**. **Committee Amendment "A" (H-467)** 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-467)** and sent for concurrence.

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

**ENACTORS
Acts**

- An Act To Amend the Laws Governing Public Records
(H.P. 86) (L.D. 104)
(C. "A" H-387)
- An Act Relating to Exemption from Immunization for Schoolchildren
(H.P. 464) (L.D. 672)
(C. "A" H-400)
- An Act To Improve MaineCare Nursing Home Reimbursement To Preserve Access and Promote Quality
(H.P. 652) (L.D. 928)
(C. "A" H-365)
- An Act To Amend the Procedures Used To Identify and Select Appointees to the Maine Land Use Planning Commission and To Make Other Technical Changes to the Agriculture, Conservation and Forestry Laws
(S.P. 332) (L.D. 987)
(C. "A" S-158)
- An Act To Add Conditions That Qualify for Medical Marijuana Use
(H.P. 755) (L.D. 1062)
(C. "A" H-398)
- An Act To Provide for Greater Public Input and Local Control in the Chartering of Public Schools
(S.P. 389) (L.D. 1128)
(C. "A" S-227)
- An Act To Help Small Farmers in Selling Raw Milk Products
(S.P. 444) (L.D. 1282)
(H. "A" H-427 to C. "A" S-195)
- An Act To Encourage School Administrative Units To Increase Their Energy Savings
(H.P. 966) (L.D. 1348)
(C. "A" H-353)
- Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Resolves

- Resolve, To Study Climate Change and Implement the Recommendations of the Department of Environmental Protection Report on Climate Change
(H.P. 576) (L.D. 825)
(C. "A" H-374)
- Resolve, Establishing the Commission To Study the Incidence of and Mortality Related to Cancer
(H.P. 727) (L.D. 1032)
(C. "A" H-344)
- Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

- An Act To Provide Full-day Kindergarten Programs
(H.P. 808) (L.D. 1143)
(C. "A" H-381)

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. 289

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

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

ABSENT - Beaudoin, Devin, Frey, Hamann, Peterson, Willette.

Yes, 91; No, 54; Absent, 6; Excused, 0.

91 having voted in the affirmative and 54 voted in the negative, with 6 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

SENATE PAPERS

Non-Concurrent Matter

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)

Majority (7) **OUGHT TO PASS AS AMENDED** Report of the Committee on **STATE AND LOCAL GOVERNMENT READ** and **ACCEPTED** and the **RESOLUTION PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-390)** in the House on June 10, 2013.

Came from the Senate with the Minority (5) **OUGHT NOT TO PASS** Report of the Committee on **STATE AND LOCAL GOVERNMENT READ** and **ACCEPTED** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

Non-Concurrent Matter

Joint Order, Establishing the Task Force To Study the Creation of a State of Maine Partnership Bank or Other Maine Financial Structures

(H.P. 1130)

READ and **PASSED** in the House on June 7, 2013.
Came from the Senate **READ** and **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.
The House voted to **INSIST**.

REPORTS OF COMMITTEE

Divided Reports

Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought Not to Pass** on Bill "An Act To Allow a Person To Hunt with a Crossbow during the Archery-only Deer Season"

(S.P. 481) (L.D. 1374)

Signed:

Senators:

DUTREMBLE of York
HASKELL of Cumberland

Representatives:

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

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

Signed:

Senator:

BURNS of Washington

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

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

Majority Report of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** reporting **Ought to Pass** on Bill "An Act To Establish a Resource and Development Coordinating Council"

(S.P. 513) (L.D. 1427)

Signed:

Senators:

BOYLE of Cumberland
GRATWICK of Penobscot
SAVIELLO of Franklin

Representatives:

WELSH of Rockport
CAMPBELL of Orrington
CHIPMAN of Portland
COOPER of Yarmouth
GRANT of Gardiner
HARLOW of Portland

McGOWAN of York
REED of Carmel

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

Signed:

Representatives:

AYOTTE of Caswell
LONG of Sherman

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

READ.

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

The Bill was **READ ONCE**.

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

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

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-461)** on Bill "An Act To Prohibit the Sale of High-caffeine Energy Drinks to Persons under 18 Years of Age"

(H.P. 504) (L.D. 753)

Signed:

Senator:

CRAVEN of Androscoggin

Representatives:

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

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

Signed:

Senators:

HAMPER of Oxford
LACHOWICZ of Kennebec

Representatives:

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

Representative BEAR of the Houlton Band of Maliseet Indians - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (H-461)** Report.

READ.

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

On motion of Representative FREDETTE of Newport, **TABLED** pending the motion of Representative FARNSWORTH

of Portland to **ACCEPT** the Majority **Ought to Pass as Amended** Report and later today assigned.

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-462)** on Bill "An Act To Establish the Volunteer Advocate Program"

(H.P. 620) (L.D. 897)

Signed:

Senators:

CRAVEN of Androscoggin
HAMPER of Oxford
LACHOWICZ of Kennebec

Representatives:

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

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

Signed:

Representatives:

SANDERSON of Chelsea
SIROCKI of Scarborough

READ.

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

On motion of Representative FREDETTE of Newport, **TABLED** pending the motion of Representative FARNSWORTH of Portland to **ACCEPT** the Majority **Ought to Pass as Amended** Report and later today assigned.

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought Not to Pass** on Bill "An Act To Implement Managed Care in the MaineCare Program"

(S.P. 552) (L.D. 1487)

Signed:

Senators:

CRAVEN of Androscoggin
LACHOWICZ of Kennebec

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-217)** on same Bill.

Signed:

Senator:

HAMPER of Oxford

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

Came from the Senate with the Reports **READ** and the Bill and accompanying papers **COMMITTED** to the Committee on **HEALTH AND HUMAN SERVICES.**

READ.

On motion of Representative FARNSWORTH of Portland, the Majority **Ought Not to Pass** Report was **ACCEPTED** in **NON-CONCURRENCE** and sent for concurrence.

CONSENT CALENDAR

First Day

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

(S.P. 592) (L.D. 1551) Bill "An Act Regarding the Board of Trustees of the Maine Public Broadcasting Corporation" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-263)**

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.

COMMUNICATIONS

The Following Communication: (S.C. 461)

MAINE SENATE 126TH LEGISLATURE OFFICE OF THE SECRETARY

June 11, 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 insisted to its previous action whereby it accepted the Minority Ought Not to Pass Report from the Committee on State and Local Government on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Establish a Unicameral Legislature (S.P. 538) (L.D. 1454), in non-concurrence.

Best Regards,

S/Darek M. Grant

Secretary of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.C. 463))

MAINE SENATE 126TH LEGISLATURE OFFICE OF THE SECRETARY

June 11, 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 insisted to its previous action whereby it accepted the Majority Ought Not to Pass Report from the Committee on Agriculture, Conservation and Forestry on Bill "An Act To Ensure Safe School Grounds" (H.P. 675) (L.D. 961), in non-concurrence.

Best Regards,
S/Darek M. Grant
Secretary of the Senate

READ and ORDERED PLACED ON FILE.

UNFINISHED BUSINESS

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

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

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

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

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

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

PENDING - **FURTHER CONSIDERATION.**

Subsequently, on motion of Representative SANDERSON of Chelsea, the House voted to **RECEDE**.

The same Representative **PRESENTED House Amendment "B" (H-439) to Committee Amendment "A" (H-286)**, which was **READ** by the Clerk.

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 rise before you today and present an amendment to LD 1066. This amendment seeks to set a clear and distinct priority in our MaineCare program and ensure that its original mission of caring for those who cannot care for themselves is fulfilled. This is a priority that I am intensely passionate about so before I begin I will warn you, today, you are going to hear the truth. Truth is sometimes hard to hear and though perhaps some in this chamber may be offended by what I am about to say, I will not apologize for my words.

Today I speak for the people that we – legislators, policymakers and budgeters – have shoved into the shadows. Today I'd like to bring them out in the light for you to see. Yes, these are the 3,100 people being forced to languish on a waitlist, not receiving essential services because we don't have the fiscal discipline to make the choices that need to be made in order to fund the care they need – not want, but need. Some have been on this list for years. It's criminal. It's inhumane. Families, stressed to the max, trying to care for severely autistic children after they age out of the children's program like the family who came before the HHS committee earlier this year. A family I've come to know in my district with a severely autistic son who harms himself to the point of having to be hospitalized time and time again. This family faces a cliff in two years when their son ages out of the system and will then be delegated to the wait list.

They are not affluent, and his therapy and care is intensive. What are you, the people in this body, going to do for them? How about another child I've helped, a nonverbal autistic child, what happens to him? He cannot tell you how important his services are, he's nonverbal. These two people and hundreds of others are at serious risk unless we clean up the waitlists we currently have and are prepared to accept these children, and more, and provide services in the next program they will qualify for down the road.

These people are easy to overlook. They are easy to overlook because they aren't the people who show up every budget cycle reading eloquent testimony written especially for them from specific groups who advocate for the poor, waving signs, attending press conferences or chanting in the halls of this building. They are easy to overlook because they can't show up. They can't because they aren't physically able and even if they were, verbalizing how desperately they need services above and beyond standard health care is often difficult due to their disabilities. No, these people are only a number on a list to many of us, just a number, with no presence in these halls and no voice to advocate for their needs. Ladies and gentlemen, that stops today. Today I am their voice. Today they ask you – they ask you – to finally make them the first priority. Today they ask you to stop sending them to the back of the line behind others who, yes, may be poor, but they are able-bodied. Able-bodied who have options and choices that the individuals I am speaking for today do not have. Today they insist that you remember who they are. They are people, with families who love them, and are struggling and need our help. The 3,100 individuals I am speaking for today, some have severe and persistent disabilities, traumatic brain injuries and others are elderly. They are not able-bodied. They are not able to come here and rise up. They depend on our mercy because they have no choice. They did not choose to be disabled and they can't help having grown old.

Any good physician knows when you have a tragedy, and make no mistake, the number of people we are not caring for properly is tragic, you perform a triage and you take the most desperate in need of care first. That is a choice we, in this body, make. I rise for the 3,100 to make sure that we are aware and understand that we have been derelict in our duty to protect those who cannot protect themselves. Maine has grown her programs to serve all and any, regardless of the cost, regardless of the fact that by sheer numbers alone, we have stretched the weave of our safety net so far, we aren't doing anything well.

Just last year, a nursing home in Calais had to close its doors because MaineCare reimbursements didn't keep up with the cost of providing services. These Washington County elders lost their home. They had to be moved to another nursing facility miles away, miles away from their friends, miles away from their families. What a sad day for Washington County and the people who live there. How long until the next small rural nursing home is forced to close its doors? How much longer are we going to abuse our elders and our disabled? Yes, I use the word abuse and it aptly applies because we have neglected these people and by anyone's definition, neglect is abuse. This amendment tries to rectify the abuses committed by the Legislature and asks that you vote to insist that they begin receiving services July 1 of this year. It asks that you bring the people I am speaking for today – the infirm, the elderly, the severely disabled – to the front of the line before those who are able-bodied. It's the right thing to do. It's the only right thing to do unless you want to go back to your district and explain to the families of these people why able-bodied adults were more of a priority than serving their loved ones.

Yes, it will be expensive. This amendment carries a fiscal note of almost \$100 million over the upcoming biennium and with the rate of autism in Maine soaring, it's up to 1 in 75 children now being diagnosed, the cost is only going to climb in the years to come. That's a pretty big price tag. It's a great big price tag, especially if you take the time and look beyond the supposed "free money" over the next three years which really isn't free. Expansion isn't free. It is going to start costing us money upfront. Take the blinders off, folks, and look down the road four years from now when our costs to support Medicaid expansion for the able-bodied will soar above and beyond what we are struggling to support now to an estimated \$150 million over a biennium. If we cannot support the people whose voice I bring to you today, how can we support expansion? We can't, not without denying service to the neediest. It's that simple. If you don't put these people as a priority now, they will never be a priority for us, not ever. We will continue to subject the neediest of our citizens to abuse, abuse from neglect. It's time to face the harsh reality and own up to the serious mistakes regarding how our programs have been poorly prioritized over years past and make the corrections. Open your hearts, listen to their voices. Open your eyes. You'll see them off to the side. They're in the shadows, hanging out on a waitlist. Don't ignore them anymore. Make the commitment to put them first. Gandhi said, "You can judge a society by how they treat their weakest members." Ladies and gentlemen, judgment day is upon us. It's upon us and your vote on this amendment will determine the verdict. Thank you.

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

Representative **SIROCKI**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise today in support of the good representative from Chelsea, Representative Sanderson's amendment. For three years now, the two of us have served as fellow members on the Health and Human Services Committee. Oh my, from the get-go, issue after issue surfaced. Millions of dollars misspent. Priorities not set. Shameful almost beyond words. We are a poor, rural state with very limited resources. And it became abundantly clear very quickly who gets served and who doesn't; the proverbial squeaky wheels are actually quite a well-oiled machine. Of concern to me though, are those who have small voices, those who are dependent upon others for the very basics of everyday existence. Our most needy, frail, elderly, and disabled are placed on long waitlists, while the able-bodied make incessant demands in these halls. It seems to me that before we consider dedicating millions of dollars in expanding Medicaid for the able-bodied, we are closing our ears to the soft murmur of those who can barely speak. Some have called this plan devious and ill informed, but I contend that the expansion requires us to look at all factors and make decisions. Decisions like hiring 93 new fulltime employees just to administer the estimated 70,000 new cases, which will cost us \$7 million in general funds. This is \$7 million we could decide to use towards those on waitlists. And since only 10,000 people will qualify for the temporary "free" coverage, what about the other people who are covered at the lower rate? This will involve an additional \$17 million just in the first biennium. Again, another decision – \$17 million for able-bodied or \$17 million for those who are disabled waiting on lists? Three years ago, for the first time in my life, I stepped into this very chamber. I was a freshman. I was filled with excitement and trepidation. I knew the challenges before us were considerable, and looking back, I am proud of many of our accomplishments, but this is one area that I feel we have neglected. We can do better. We must do better. It is our legal, moral and ethical obligation to do better. Please support this amendment. Thank you, Mr. Speaker.

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

Representative **FREDETTE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The good Representative from Scarborough is correct. This is a moral issue. It's something that we have been derelict in, it's something that is expensive, and as a former member of the Appropriations Committee in the 125th, I can attest to the conversations and the discussions that were had in the budget committee writing room about how many people can we afford, how many of these 3,100 people disabled, how many can we afford to take care of? That's a terrible conversation to have, and, yes, it's expensive, but as we sat there and we tried to create a balanced budget in the 125th, this is the conversation. I submit to you that there has been a crowding out effect of a growing DHHS budget that has not allowed us to set priorities in this state, not only related to this amendment but to other areas, and it's a failure on our part. While we focus on the underlying issues here before us, I submit to you our job here today is to prioritize, and a vote against this amendment is a vote not to prioritize these folks and I ask you to support the amendment. Mr. Speaker, I request a roll call.

The same Representative **REQUESTED** a roll call on the motion to **ADOPT House Amendment "B" (H-439) to Committee Amendment "A" (H-286)**.

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

Representative McCABE of Skowhegan moved that **House Amendment "B" (H-439) to Committee Amendment "A" (H-286)** be **INDEFINITELY POSTPONED**.

The same Representative **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "B" (H-439) to Committee Amendment "A" (H-286)**.

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 Skowhegan, Representative McCabe.

Representative **McCABE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I want to first start by thanking my colleagues for raising this issue and speaking about what is truly an emotional issue, and for continuing to keep this issue in the spotlight. We're all concerned about these folks on the waiting list. They are truly the most vulnerable in the population and we need to do all we can do to address the challenges of this population. I know that the budget that hopefully we'll be voting on in the next couple days begins to address these problems, but it does not go far enough. I think it's important as we move forward that we stay joined in regards to addressing this issue and addressing the waiting list and getting these folks off of the waiting list. But we have an opportunity today, we have an opportunity today to draw down millions upon millions of federal dollars to provide health insurance to 70,000 people who will go uninsured if we do not act today. We need to move that issue forward, we have an opportunity to do that and these federal dollars are coming to us specifically for an opportunity. We need to accept these federal dollars and we need to continue to work together. Work together to address this waiting list, work together to improve our health delivery system and move forward. My issue with this amendment, at this time, is that it is in direct conflict with the bill that is coming from the other body that has been amended. In Section E-1 and Section E-2, this amendment would cause conflict, making this bill unengrossable and causing this bill to most likely fail. At this time, I encourage you to vote with me on the Indefinite Postponement measure and I look forward to working with our

friends across the aisle to address the waiting list as we move forward. Thank you, Mr. Speaker.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "B" (H-439) to Committee Amendment "A" (H-286). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 290

YEA - Beavers, Beck, Berry, Bolduc, Briggs, Brooks, Campbell J, Carey, Casavant, Cassidy, Chapman, Chenette, Chipman, Cooper, Daughtry, DeChant, Devin, Dickerson, Dill, Dion, Dorney, Evangelos, Farnsworth, Fowle, Frey, Gattine, Gideon, Gilbert, Goode, Graham, Grant, Hamann, Hayes, Herbig, Hickman, 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, Nadeau C, Nelson, Noon, Peoples, Plante, Powers, Priest, Pringle, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Saucier, Saxton, Schneck, Shaw, Short, Stanley, Stuckey, Theriault, Tipping-Spitz, Treat, Verow, Villa, Welsh, Werts, Mr. Speaker.

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

ABSENT - Beaudoin, Peterson.

Yes, 88; No, 61; Absent, 2; Excused, 0.

88 having voted in the affirmative and 61 voted in the negative, with 2 being absent, and accordingly **House Amendment "B" (H-439) to Committee Amendment "A" (H-286) was INDEFINITELY POSTPONED.**

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

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

An Act To Amend the Mandatory Shoreland Zoning Laws
(S.P. 555) (L.D. 1490)
(C. "A" S-211)

TABLED - June 11, 2013 (Till Later Today) by Representative FREDETTE of Newport.

PENDING - **PASSAGE TO BE ENACTED.** (Roll Call Ordered)

The SPEAKER: A roll call having been previously 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. 291

YEA - Beavers, Beck, Berry, Boland, Bolduc, Briggs, Brooks, Campbell J, Carey, Casavant, Cassidy, Chapman, Chenette, Chipman, Cooper, Daughtry, DeChant, Devin, Dickerson, Dill, Dion, Doak, Dorney, Evangelos, Farnsworth, Fowle, Frey, Gattine, Gideon, Gilbert, Goode, Graham, Grant, Hamann, Harlow, Hayes, Herbig, Hobbins, Hubbell, Jackson, Jorgensen, Kaenrath, Kinney, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby N, Longstaff, Luchini, MacDonald W, Marks, Mason, Mastraccio, McCabe, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, Nelson, Noon, Peoples, Plante, Powers, Priest, Pringle, Rankin, Rochelo, Rotundo,

Russell, Rykerson, Sanborn, Saucier, Saxton, Schneck, Shaw, Short, Stuckey, Tipping-Spitz, Treat, Verow, Villa, Welsh, Werts, Mr. Speaker.

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

ABSENT - Beaudoin, Peterson.

Yes, 89; No, 60; Absent, 2; Excused, 0.

89 having voted in the affirmative and 60 voted in the negative, with 2 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

HOUSE REPORT - Ought to Pass as Amended by Committee Amendment "A" (H-445) - Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act To Change Document Filing Fees for County Registries of Deeds"

(H.P. 378) (L.D. 559)

TABLED - June 11, 2013 (Till Later Today) by Representative WILLETTE of Mapleton.

PENDING - **ACCEPTANCE OF COMMITTEE REPORT.**

Representative WILLETTE of Mapleton **REQUESTED** a roll call on the motion to **ACCEPT** the Unanimous Committee 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 Morrison.

Representative **MORRISON**: Thank you, Mr. Speaker. Good morning, Ladies and Gentlemen of the House. I just want to describe what this bill does really quickly before we vote today. This bill is not a tax. This bill is an increase on fees to the register of deeds. What's happening here in our county governments is their budgets are shrinking and they have no means to attract any more funding to their bottom line, and this is a way to do that without increasing taxes. We're not asking for an increase that is outrageous. It is a very, very minute increase in a fee. I really commend the committee for working very, very hard on this. Both sides of the aisle came together on this issue with a unanimous report. Now, it didn't end up that way in the beginning, so it's just a modest and small fee in order to help county government in their budget process. This by no means is an overextending amount of money that they're asking for and this also is a way to make sure that the county government does not move those fees outward into a tax or an increase that way, because somehow some way county government needs help with their budgets and I would hate to see taxes go up for this to happen. An increase in this registry of deeds fee is the simplest way to do that, so I just wanted to explain that before we voted today. I would ask for your support on this. Thank you, Mr. Speaker.

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

Representative **WILLETTE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. Aroostook in one of two counties that has two registers of deeds and I am happily married to one of them and both her and Louise, the northern register, along with the county commissioners, strongly oppose this bill. In Aroostook County, our two registries of deeds

generate more revenue than what it costs to operate the office, so the excess money goes to reducing taxes in the county. By increasing fees, we are just, once again, subsidizing the rest of county government. It is the belief of our registers of deeds, my wife and Louise, in the north, that the people using the office should not be subsidizing the rest of county government. That the fees are there to pay for the operation of the registry, not to subsidize the rest of county government. I urge you to oppose the pending motion. Thank you very much.

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 hate to be on the opposite side of one of my leaders, but this money does not stay in your county. Ninety percent of the money collected from the registry of deeds in your county does not stay in your county. It comes here. Out of that 90 percent, half of it goes into the General Fund; the other half goes into the Maine State Housing Fund. It does not come here. Thank you.

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

Representative **MORRISON**: Thank you, Mr. Speaker. I rise again to clarify something for you. I heard no one oppose this bill from any register of deeds throughout the state. No one opposed this and then they applauded me for bringing this forward to help them in their budget problems, in their budget crises that they are facing today. I heard no negativity from this bill whatsoever. This helps their county government and by no means does it pad anybody's pocket or anybody's budget. It helps budgets move forward so they don't have to increase taxes on the other end. Thank you, Mr. Speaker.

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

Representative **BOLAND**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The fee that we're talking about, it adds \$3 to what the fee is right now to record for the first page only of a document that you're recording, say a deed or a mortgage. Think of what the value of that property is so that you go from just \$13 or \$16, up to \$16 or \$19, to record that document in the registry of deeds, which is how you protect your ownership. It's on record that way. It really is a very small matter and there are states, notably Massachusetts, where they charge hundreds of dollars for this privilege. It's a small increase that matters a lot locally and otherwise it will just go to your property taxes. Thank you.

The **SPEAKER**: A roll call has been 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. 292

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

Tipping-Spitz, Treat, Tyler, Verow, Villa, Volk, Welsh, Werts, Mr. Speaker.

NAY - Ayotte, Bennett, Campbell J, Chase, Clark, 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, Maker, Malaby, Marean, McClellan, McElwee, Newendyke, Nutting, Parry, Peavey Haskell, Pouliot, Reed, Sanderson, Sirocki, Turner, Wallace, Weaver, Willette, Wilson, Winchenbach, Winsor, Wood.

ABSENT - Beaudoin, Peterson.

Yes, 101; No, 48; Absent, 2; Excused, 0.

101 having voted in the affirmative and 48 voted in the negative, with 2 being absent, and accordingly the Unanimous Committee Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-445)** 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-445)** and sent for concurrence.

HOUSE REPORT - **Ought to Pass as Amended by Committee Amendment "A" (H-452)** - Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Establish a Separate Regulatory Board for Dental Hygienists"

(H.P. 657) (L.D. 933)

TABLED - June 11, 2013 (Till Later Today) by Representative BERRY of Bowdoinham.

PENDING - **ACCEPTANCE OF COMMITTEE REPORT**.

Subsequently, on motion of Representative FREDETTE of Newport, **TABLED** pending **ACCEPTANCE** of the Committee Report and later today assigned.

ENACTORS
Acts

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

(H.P. 759) (L.D. 1066)
(S. "A" S-221 to C. "A" H-286)

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

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

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

Representative **SANBORN**: Thank you, Mr. Speaker. Mr. Speaker, Women and Men of the House. LD 1066 comes back to us from the other body with some significant changes. A leader of the other party has become a strong supporter of accepting federal dollars to expand Medicaid coverage, but he could not do so before adding some important protections to the bill. His amendment will do four things.

First, expansion is now contingent upon Maine receiving 100 percent match for all of the childless adults. As this good leader said on the floor, we have not heard the words "likely" or "probably." This amendment says that Maine does not participate in expansion, until or unless there is confirmation from the Federal Government. We do not move forward until we receive this confirmation. Secondly, this amendment fully repeals

this coverage on December 31, 2016. We get three years of 100 percent federal dollars and then we have a hard sunset. This is not a review. The Legislature must affirmatively vote to sign up again. If we don't sign up again, the coverage goes away. Third, the amendment has to do with evaluation of expansion by an outside independent organization. Over the three years, we will get information about the savings generated in the General Fund as a result of passing this legislation. We know that some of the programs that we are paying for with General Fund dollars will be picked up at 100 percent matching by the Federal Government. We will understand the savings that this brings and, going forward, we will learn if the savings will outweigh the costs or if we will be on the hook in the out years. This will inform our decision about whether or not we, as a Legislature, decided to continue the program after the sunset. Lastly, the amendment will raise copayments for this population. It was important to have "skin in the game." People will be expected to pay the maximum allowable copayment under the federal law and copays will be doubled for unnecessary ER use. He said that this won't necessarily raise a lot of money, but it will send a message to recipients about thinking through their use of medical services.

Finally, my friend spoke about why he is supporting this bill. Along with the access to primary care that is provided through expansion, he focused on the federal dollars coming into the state and talked about this as an opportunity we cannot afford to pass on. As he said, "Medicaid expansion dollars don't go to recipients. They go to save and create thousands of jobs for our families, our friends and our neighbors. Those who work in the health care industry will spend their money in our economy, buy those cars, buy that furniture or eat out a little more often." I am thankful that a strong leader has spoken out a little more often. I am thankful that a strong leader has spoken out so that we can pass this important piece of legislation in a bipartisan way. I am asking you to not put Maine at an economical disadvantage in this country by being among the few states to turn down the federal funds to provide health care coverage for our working, low-income families. The people of Maine are counting on us to stand up for them. The great State of Maine is counting on us to make the right fiscal choice and the right moral choice. I ask you, put partisan politics aside and support LD 1066. With deepest humility, I ask you to vote for the good of all Mainers. Thank you.

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

Representative **DION**: Mr. Speaker, I rise today to speak in support of LD 1066. I have not spoken on this issue before; however, I think it's important to fill in to give you background to the conversations that many of you have had with police chiefs and sheriffs and their support for Medicaid expansion. In the last decade, criminal justice professionals have come to realize that public health and public safety are two sides of the same coin, that a proper investment at the front end helps to contain the cost of corrections in the judiciary and law enforcement at the back end. So I think it's important that we consider this expansion, not just as a public health initiative, but one that will go to stabilize our communities and reduce the need for expenditures around public safety.

I'd like to read a quote from Androscoggin County Sherriff Guy Desjardins, who stated that upwards of 60 percent of his inmate population are challenged with mental health or substance abuse issues. He says, "Maine's jails have seen unfunded increased costs due to the ... expenses and related liabilities associated with mental and substance abuse illnesses." He continues. "That's why it is ... important to get screened and treated for any of these problems as soon as possible – before a crime [before the] arrest Adequate health care coverage will

make [the] needed screenings and treatments [available in the communities] ... for thousands of Mainers."

Also, Penobscot County Sherriff Glenn Ross wrote, "It appears to me that the inmates of today have much more serious medical issues than in the past, which often requires the jail and ultimately the taxpayer to absorb these very expensive costs. [T]he jail populations of the mentally ill routinely exceed fifty percent of [my] inmate population. Corrections officers at the Penobscot County Jail routinely are guarding inmates in emergency rooms and Intensive Care Units [in] our local hospitals for illnesses and conditions that pre-exist their incarceration, but manifest [themselves] while in our custody. These are serious [health] events, expensive events and unfortunately [for the taxpayer too] common [of an event]. Many lack appropriate medical [health care] coverage."

So I urge you on behalf of public safety professionals to support them in their posture that the investment in these kind of policies will go a long ways to safer and more stable communities.

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

Representative **MALABY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. So we visit this for the third time. I will not belabor the points that I previously made. I think perhaps one of the more substantial issues contained herein this is expanding a system that I believe to be broken. By that, I mean not just our Medicaid system but our health care delivery system. We are living in an age in which patients don't know prices, information is not conveyed, quality is not available and yet we're being asked to expand the system. I can well appreciate those across the aisle who choose to do so. We clearly have populations in need. The good Representative from Chelsea spoke to one population earlier. The Representative from Cumberland just spoke to the prison population, that they are clearly a population in need. One of the problems that we have with Medicaid is that we have no flexibility. This was a system that was designed in 1965 and it's really not been adapted ever since, and we, in Maine and in many other states, lack the ability to choose distinct populations with particular needs. That's kind of an all or none. I find that a little bit difficult because of that 50 or 70,000 that we may be adding to the system, I would prefer to add some other populations that are I think perhaps further in need. Granted, access to health care is an important thing, but as I mentioned a couple of times before, I see health care as being balanced by a three-legged stool. Access being one point, price being yet another and quality yet the third, and I think any changes we need to make need to address three of those, and I believe, I truly believe what we are doing is increasing access and probably increasing cost. Yes, maybe it will help the hospitals, but I'm not sure that we've done anything for quality. I'm not sure that we've prioritized.

Again, the good Representative from Chelsea used the word "triage" previously when she spoke to some of our needs. I think that's important for us as leaders to make those hard decisions, to set those priorities, and I, for one, am deeply troubled when in point of fact we have another opportunity, an opportunity to place some of these people on exchanges with federally subsidized health insurance, if you will. That will have true things like copays. The good Representative from Gorham spoke to mandatory copays that we may well have if we should expand. Well, I can tell you that it's \$3 for an overnight stay at a hospital. I don't see that as a disincentive. I don't see that as \$3 changing a decision criteria. You and I, were we to visit an ER, would probably pay \$50 or \$100, I'm not sure, depending on your

program. Three dollars is a different thing. I'm having a great deal of trouble with expansion when we can't control it. I ask you once again to take a hard look. I can well appreciate those who vote on the other side, I just strongly disagree, and the only reason for which I disagree is the fiscal component down the road. We're going to be on the hook for close to \$400 million over the next 10 years. The last expansion currently costs us about \$170 million a year in additional expenditures. It has put us in the hole; it continues to put us in the hole. Each of the last 10 years, this last decade, we've come back and back and back with supplemental budgets, and I, frankly, am tired of it. I understand the need, it is our responsibility, but I, for one, will be voting red and I ask you to follow my light. Thank you.

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

Representative **LOCKMAN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to the pending motion. I'm not going to belabor today the points I made previously. The idea that this isn't going to cost us anything, the Federal Government is going to pay for all of it, it's free money. As we all know, the Federal Government is broke. They are borrowing \$0.40 of every \$1 that they spend. The idea that we can sign up for this and think somebody is going to pay for it, frankly, is absurd. I do want to address the idea that we can put a sunset clause in here, so that if something goes wrong, we can get out of it. Frankly, some Republican governors have taken that bait. Governor Kasich in Ohio, Governor Christie in New Jersey have taken the bait. They've got a sunset provision built in here. They think if something goes wrong and the feds don't keep their end of the bargain, we're going to be able to get out of this. A recent analysis by the *Wall Street Journal* rebutted that. If you read carefully the Supreme Court decision, which upheld the Affordable Care Act, in the Act itself, it's pretty clear, once you get in, you're not going to get out. As they put it, Medicaid expansion is the roach motel. You can check in, but you will never check out. I urge you to follow my light.

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

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

The SPEAKER: The Representative may pose his question.

Representative **McCLELLAN**: Thank you, Mr. Speaker. I'm a little reluctant to simply let this number, 3,100 people, go by. I think we've all been kind of outed today. I think that's the number we now own. My question, Mr. Speaker, is, if we were to pass this, how many of the 3,100 people would be pulled off the waiting list. Thank you, Mr. Speaker.

The SPEAKER: The Representative from Raymond, Representative McClellan, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Gorham, Representative Sanborn.

Representative **SANBORN**: Yes, I don't have the exact number to tell you. The reality is there isn't clarity about how many people are actually on the waitlists and there are many individuals that are on both waitlists. For example, there are approximately 462 individuals that are on both the Section 1 and the Section 29 waivers, so it seems like this should be like an easy answer, but I don't know. What I do know is that, in the budget, we budgeted to take 85 folks off the waitlist in the next biennium and that was very expensive to do. I think that adds, the good Representative from Chelsea, Representative Sanderson, pointed out, it would be very, very expensive for us to cover all of these folks, over \$30 million a year. I strongly support working to help those folks and to reduce those waitlists. I found

in working on the budget that that is really something that both parties care about very much. Again, I think that the idea that these are high cost users and are getting services through no fault of their own is very well understood by both sides and makes us all very sympathetic to that cause, so I want to work together on that with you folks. Thank you.

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. We've heard the number 3,100. We've heard maybe there are less, 4 or 500, whatever the number is. I am inclined not to vote on anything, on expanding anything, until we take care of these people. They have been waiting. We know they are there, provisions have not been made for any of them, and yet we're going to step into this. Yes, we have a few clarifications and a few things and amendments putting in. Myself, my constituents mostly are going to say we've neglected this group of people. These people need to be taken care of. Number one, foremost, we talked about jobs. We've had many jobs bills come before us and some that have been held back and not put on the table. Many ways that we could have voted in bipartisan fashion for the jobs bills, talking about partisanship on this bill and about others. A motion was put in a while ago to deny us the ability to vote on the amendment and that was purely partisanship. There is no partisanship or bipartisanship in this chamber at this moment, Mr. Speaker, and I challenge anybody, morally, which one is the best of the moral choices, that taking care of the people that we don't have a list for or the people that we do have a list for. Thank you.

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

Representative **CAMPBELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would hope my colleagues would realize this is an opportunity to take care of the middleclass. We don't have to worry about taking care of the poor. We're already doing that. We already work on Medicaid to take care of these people. This is going to give a chance for affordable health care. That's what the name of the bill is. It's not "The Obama Bill." It's "Affordable Health Care." And that's what I'm for. I'm not for free health care. I'm for affordable health care. We heard about six Republican governors that were dead against this. They're against their own candidate in starting health care in Massachusetts. But the governors of Ohio, Arizona, Florida and Iowa, and a couple of others, have already accepted it, and I just beg my colleagues on both sides of the aisle today to not let this chance slip through our fingers because we won't get the chance again to get affordable health care for the people of the State of Maine. Thank you very much, Mr. Speaker.

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 I listen to the debate today and earlier debate on this bill, I can't help but think of a title of a book, *Men are from Mars and Women are from Venus*, and it's a book about the fact that men sort of think one way in their own brain, in their own world, and women think another way in their brain and in their own world. It really talks about the way that men and women can do a better job at communicating, because if you listen to the debate today, in my mind, a man's mind, I hear really two fundamental issues. From the other side of the aisle, I hear the conversation being about free, this is free, we need to take it and it's free, and we need to do it now. That's sort of the fundamental message that my brain receives. Now, my brain, being a man's brain, sort of thinks

differently because I say, well, it's not. If it's free, is it really free, because I say, in my brain, there is a cost to this, and there is a cost to this. The reality is nothing is free. There is a cost to this and the costs are numerous; I won't belabor them. We all know that money comes from the Federal Government, it comes from taxpayers, it comes from governments overseas that are lending us money because our economy isn't working the way that it should be, and so I sort of see this fundamental conversation between free versus cost. And everybody understands the underlying merits of the bill. We all want to have people have access to health insurance, whether it is possibly through an exchange, maybe a subsidy. Whether it is free or not, we all believe, generally, that people should have access to that. It shouldn't be something in society that we should have to work towards, but it's a reality of our society today that you can't just have universal health insurance. That's not something we do in this country because we generally can't afford it.

So what troubles me about where we are today, almost five and a half months now into this legislative session, is that we have not truly sat down and had the conversation between men from Mars and women from Venus. We've had the conversation about we're right on one side and we've had the conversation on the other side that we're right on our side, and nowhere have we really sat down and talked about this in a meaningful way to say how is this best for Maine. We know that there are other states, for example, Arkansas, that under the flexibility provided by the Affordable Care Act, designed a program for Arkansas that is essentially based upon an insurance-based system. That's what fits and that's what works for Arkansas. Now, in Maine, we really have not had that conversation. We have not allowed the Chief Executive, in a meaningful way, to partner with the Legislature, to partner with the majority party and the minority party in the Legislature, because we simply have not had that meaningful conversation. I think that's unfortunate. This is a body where debate is supposed to be encouraged. We fight wars so that we can have debate, so that we can have disagreements, and what we've had in the process is a process whereby we haven't had the opportunity where people can come together on this and do this together in a bipartisan way, to do this together with the Executive, the Legislature, working with the Federal Government to do what's best for Maine. The result of that, the end product of that lack of a conversation between men from Mars and women from Venus is, I believe, there will be a substantial amount of folks on my side of the aisle that will simply not support this because we have not had that meaningful conversation, and I think that's unfortunate because Republicans do believe, they want to help the poor, they want to help the middle class. We believe that there should be access to health insurance, there should be access to services that people need, but we have to do it in a responsible way and I believe that on our side of the aisle, that's the way our brains work because we look at the cost component of this, not the it's free component. So I think it's unfortunate that we have not had that meaningful dialogue and I do believe it's a dialogue that can continue in the future and I hope we have an opportunity to do that in a bipartisan way with the Chief Executive and with the Federal Government. With that, Mr. Speaker, I request a roll call.

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

Representative **BOLAND**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I feel sorry that

we are in a situation where the two sides of the aisle don't feel that they have been able to communicate effectively with each other. I also feel sorry that we have not paid attention to alternatives that I've been talking about for years, which is wellness and prevention, things that cost a lot less than what our system does today and looking at giving people the information they need to make better choices and supporting those choices because, of course, this isn't free. We're paying for it, hopefully, in a way that deprives us of being able to pay for other things, and there are a lot of people being left behind. I wanted to share with you an email that I had from the woman who was here advocating for information on vaccine ingredients and who advocates and is an author and well respected nationally. I had asked her for a document. She wrote back "So sorry to not have that document for you. Sunday and Monday was horrible. A child in Chicago that we had been advocating for, because he was not being treated by a hospital, was murdered by his own mother. We have all been a wreck." I responded, "How horrible was that, due to the stress of dealing with a child or something else." The answer was "Stress of the child and the system was horrible to them." We have a similar situation with a family here in Maine where the hospital won't treat. We are exhausted and discouraged. That's the life of some people who have been left behind and I just ask that we remember them whenever our vote is.

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

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

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

Representative **SIROCKI**: My question is does anyone here know the deadline of the Affordable Care Act expansion deal that's proposed before us? There is a deadline on this and I understand there is a rush and I'm curious to know what the deadline is on that.

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

Representative **TREAT**: Thank you, Mr. Speaker. In response to that question, I would say I don't know that there is a specific deadline, but if we don't act right now we're going to miss the first year of funding because of the timetable for signing up and for putting in place, because it starts at the beginning of the next, you know, it would have to be in place before the next legislative session. You know, that's a whole year of the 100 percent funding. Thank you.

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

Representative **PARRY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I've been listening today and I listened the other night when we were debating this, and I heard the other night and a couple of times today about the moral imperative of doing this and how it wouldn't be moral if we didn't expand. I believe we already cover around 27 percent of our population on MaineCare. We also heard that several Republican states and other states were rushing to get this money, this free money, and I did a little research the other night when everybody was talking about this because New Jersey was mentioned, North Dakota was mentioned, and Nevada was mentioned. Now remember, currently, we cover approximately 27 percent of our population. New Jersey covers 13 percent, North Dakota covers approximately 12 percent, and Nevada covers approximately 14 percent. If we were getting 100 percent reimbursement from the Federal Government from 12, 13

or 14 percent of our population, all the way up to approximately 28 or 30 percent that our expansion is going to do now, which has taken us from about 27 percent to 29 or 30 percent, if we were getting 100 percent, from like New Jersey who is at 13 percent of their population, all the way up to that 30 percent, I'd vote for it in a second because we'd be getting 100 percent, from 13 all the way up to the approximately 30 percent, and then 90 percent thereafter. The problem is if we expand from 27 percent to 30 percent, we're only going to get 100 percent on that smaller figure. From the 13 percent up to that 27 percent, we're going to continue to get our 62 percent. If we were getting treated like those other states and that full amount being covered, I think pretty much everybody in this body would be in support. The problem is, last time, we jumped without looking, so now, because we expanded over the last eight years or 10 years now, 12 years, we're getting penalized. These states are going to get between 90 and 100 percent for possibly ever, and on most of that money, we're going to be getting the 62 percent. I would hope my good friends on the other side of the aisle would be fighting to get us 100 percent, just like New Jersey, just like Nevada and just like all the other states that have been mentioned.

Another thing that we haven't talked about is that when this goes to 90 percent, that's \$150 million a biennium it will cost the Maine taxpayer. We've been fighting in this budget cycle alone over revenue sharing, and we're going to send, in this budget, \$125 million over the two years to the towns, \$65 million, I believe, in the first year, and \$60 million in the second year. This money that it costs, when this goes to 90 percent, is going to eat up all that money, so where are we going to come up with the money once it goes to 90 percent? Has anybody even thought of that? You know, that's this Legislature binding another Legislature. I look at it anyway and I think that we need to look into the future also. Yes, on this small group of people, we're going to 100 percent for three years. The problem is we're going to be paying far into the future at a lower rate, if the Federal Government has the money. As many other speakers have mentioned, we borrow \$0.40 on every dollar. If we don't look at the future and we just say, "Let's take this free money now," I know a lot of you, like myself, it's taking money out of my right pocket or my left pocket. Either it's state money or it's federal money. It's still the taxpayers' money. Thank you, Mr. Speaker.

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

Representative **McCABE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise today to celebrate, to celebrate the actions of the other body. It's not often that we can do that and actually be excited what comes down the hallway. I truly am, for once, I guess, celebrating the actions of the other body. I did want to talk for a moment about what has occurred. We've come a long way, not on this issue but on many issues. We've seen where we have worked together recently, both in this chamber, both in committee, and what I would describe as sort of a bumpy couple of weeks. We seemed to have been on some smooth roads and some smooth sailing. We still have some disagreement, but let me be clear. People stand up back home. They stand up back home when we work together. I've heard the good Representative from Newport quote the former member of this body, a member of the other body, Emily Cain, and saying it's truly when we do the work together, that people stand up, they recognize that. That's what people expect from us. Regardless of our district, regardless of our party, it's when we work together, it's when we actually listen to each other that people take notice.

I just want to say the bill that comes to us today, it's been amended. It's been amended because people in this room, from both sides of the aisle, have expressed concern, questions and shown courage and come together. They've shown leadership. They've stepped away from their party. They've work with people to find answers. They've watched to see what the other body will do. And this bill has come back. It's come back amended. It's come back with the opportunity for us to set a sunset so that we are not on the hook, that we can get out. That if the 90 percent is going to burden us, we will be able to step back and address that and not move forward. It's amended. It's amended by a member from the other body, from the other party that I am a member of. It's amended so that we can get out. We can get out at any point in time if the Federal Government does not stay to their word and pay what they say they will pay. Today, we have an opportunity. We have an opportunity to continue to work together. We were working together. Just yesterday, the Appropriations Committee passed out a bill, a bill that would establish a new liquor contract. It would pay our hospitals. That will come forward. We will do that together. We have an opportunity today to continue to work together. We have an opportunity to support an amended version of the bill, a bill that came to us from the other body in a bipartisan manner. We have an opportunity to take a vote today in a historic manner. We can do it together or we can do it parted. I hope today that the ball is in our hand and then we cross the finish line or we cross the goal line, that we do it together. Thank you very much.

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. 293

YEA - Beavers, Beck, Berry, Boland, Bolduc, Briggs, Brooks, Campbell J, Carey, Casavant, Cassidy, Chapman, Chenette, Chipman, Cooper, Crockett, Daughtry, DeChant, Devin, Dickerson, Dill, Dion, Dorney, Evangelos, Farnsworth, Fowle, Frey, Gattine, Gideon, Gilbert, Goode, Graham, Grant, Hamann, Harlow, Hayes, Herbig, Hickman, Hobbins, Hubbell, Jones, Jorgensen, Kaenrath, Kent, Kornfield, Kruger, Kumiaga, Kusiak, Lajoie, Libby N, Longstaff, Luchini, MacDonald W, Marean, 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, Rykerson, Sanborn, Saucier, Saxton, Schneck, Shaw, Short, Stanley, Stuckey, Theriault, Tipping-Spitz, Treat, Tyler, Verow, Villa, Welsh, Werts, Wilson, Winchenbach, Mr. Speaker.

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

ABSENT - Beaudoin, Cotta, Peterson.

Yes, 97; No, 51; Absent, 3; Excused, 0.

97 having voted in the affirmative and 51 voted in the negative, with 3 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

The House recessed until 4:00 p.m.

(After Recess)

The House was called to order by the Speaker.

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

Representative **FREDETTE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. It has come to my attention that I was a little less than artful in my prior comments on the floor and I certainly want to apologize to the body, in the sense that if I was making a bad analogy, I apologize for that, because I certainly would never intend to make such a bad analogy. To that extent, I would apologize. Thank you, Mr. Speaker.

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

HOUSE DIVIDED REPORT - Majority (7) Ought Not to Pass - Minority (6) Ought to Pass as Amended by Committee Amendment "A" (H-447) - Committee on JUDICIARY on Bill "An Act To Allow a Wrongful Death Cause of Action for the Death of an Unborn Child"

(H.P. 837) (L.D. 1193)

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

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

Representative **PRIEST**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. This bill provides for a cause of action in probate court for the wrongful death of an unborn viable fetus. The fetus must have reached the 12th week of gestation or beyond. The bill says that you can't sue the mother for a wrongful death situation and you can't sue the health care provider which who provides the abortion. The bill says that it does not affect any criminal statute, so it does not affect a murderer, if the murderer tries to kill a fetus in the mother's womb. So what is the problem that the majority sought with this or found with this bill? The problem is very simple. It treats the fetus as a person separate from the mother, ignoring the umbilical cord connecting the two. It opens the door to treating the mother as a vessel for the unborn viable fetus, which can lead to laws which hold the mother responsible for causing any harm to the fetus. Now I know this is only a wrongful death statute, but it opens that door. For example, if the mother drank alcohol and that was deemed to have hurt the fetus. If the mother smoked. If the mother engaged in a risky sport, such as downhill skiing. It's easy, if this law is passed, to remove the exception from the mother which could lead her to be liable for a wrongful death of a fetus, if that were found to be the situation. If she had an abortion, that could also be held to be a wrongful death that she's responsible for. Maine law now has a provision that allows for damages to the mother, if there is proof of a death or injury to the fetus. Maine law, in this case, is perfectly adequate. It has not been shown to be a problem that has existed and the bill itself could lead to problems in the future by treating the fetus as a legal person, apart from the mother, even

at the age of 12 weeks of pregnancy, which is pretty small when you look at the number of weeks for a normal pregnancy. Therefore, the majority of the committee felt that this bill ought to get an Ought Not to Pass, and I would urge you to support that Ought Not to Pass Report. Thank you.

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

Representative **VOLK**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to the pending motion. I am an independent-minded Christian conservative woman and I believe we all saw a little bit of that independent streak last night. A close look at my voting record reveals how independent I am. I have disagreed with some of the Christian Civic League's positions on gambling and I supported the original bullying bill before talking them into sitting at the table with Equality Maine to rewrite a bill everyone could support. I am personally pro-life and have supported most, if not all, pro-life bills in the last two sessions. I believe abortion should be very rare and only after the mother has been well educated about fetal development. However, if I were to sit on the Supreme Court and had to decide whether or not to completely overthrow *Roe v. Wade*, it would be a tough decision for me.

The fact is LD 1193 is not an abortion bill. It is not a bill to restrict abortion. It is not a bill giving rights to an unborn child. What does that even mean? LD 1193 is a family bill and a bill that supports parents who may suffer a tremendous loss in losing the child they expect to be welcoming into the world. This bipartisan bill also brings Maine law into line with the rest of New England and 40 other states, which grant parents the right to sue civilly if a miscarriage occurs due to a negligent accident or an act of violence. This bill does nothing more than that. You may hear that 1193, and I believe you already did, establishes personhood for a fetus because of lines 8 and 9. Legal experts have assured me that "estates of unborn viable fetuses, including determination of heirs, is necessary to direct these suits to probate court and grant the right to sue to the parents." This isn't giving a right to a fetus. Without this language in Maine law, there is little civil recourse if a pregnant mother miscarries as a result of a negligent accident or an assault. This bill does not seek any criminal penalties. It simply asserts that such a loss should be recognized and possibly compensated civilly. My intent for this bill is simply to provide the opportunity for civil action. I just want Maine women to have access to justice.

The other issue some may have with this bill is the use of the word "viable," which I chose to define. Had I not defined viable, legally, this bill could have been interpreted to apply all the way back to conception. I choose to define viable. Viable, in the legal world, doesn't mean that the child could be born and survive. That's not what it means in legal terminology. I'm not a lawyer, but I have been assured by attorneys that this is the case. Had I left that term undefined, viable would have meant at any point in the pregnancy. The Minority Report defines viable at 24 weeks. Twenty-four weeks is the age at which many babies who are born do in fact survive, which is why the Minority Report made that change.

Finally, please note that there cannot be cause of action against a mother or a health care practitioner. LD 1193 respects a choice that has already been made, a choice all of us with children here in this room made. So what you have before you is a bill which would bring Maine into line with the rest of New England and 40 other states. It does not affect a woman's right to choose or a health care practitioner's right to perform or facilitate an abortion. It does not grant a fetus any rights whatsoever. Think about it. That makes no sense. To suggest that I'm trying to bestow rights on an unborn child is actually

pretty insulting. This bill allows a grieving parent to be compensated in some small way for a devastating loss. Nothing more, nothing less. I urge you to listen to your conscience and follow my light. Show the State of Maine that you, too, have an independent streak. Mr. Speaker, 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 Cape Elizabeth, Representative Monaghan-Derrig.

Representative **MONAGHAN-DERRIG**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Maine current laws work. These laws work to protect women, women who are pregnant and women's rights. This bill threatens the economy of pregnant women and undermines the legal protections established in *Roe v. Wade* by seeking to convey certain rights to the fetus as a separate legal entity from the mother. If adopted, the bill would alter 193 years of Maine law as to the interpretation of who may recover for injuries. Maine's criminal law already provides special treatment for those who knowingly commit crimes against pregnant women. The crime of elevated/aggravated assault on a pregnant person in which the perpetrator knew or should have known that the victim was pregnant is a Class A felony punishable by up to 30 years in prison. In sentencing for all other crimes in which the perpetrator knew or reasonably should have known that the victim was pregnant, judges must assign special weight to this objective fact in determining the sentence. These laws appropriately focus on the woman as the victim of the crime, balancing the public interest in punishing offenders with a public interest in protecting a woman's right to autonomy and privacy in health decisions. I ask you to please accept the Majority Ought Not to Pass Report. Thank you.

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

Representative **HARVELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Two years ago, I voted against this bill because it had the word "crime" in it. I made this a crime and I found that objectionable on a number of levels. One is that, theoretically, because of the way the bill was written, a man could be guilty of something that the woman herself could not be. I had biblical objections to it and I had historical objections to it. But this year, the bill contains the words "civil action." There is no constitutional problem now where you are actually potentially backing up into the womb what birth means and what the Fourteenth Amendment defines birth as citizenship with, and it allows a woman or a family the just cause opening they need to have a civil suit. Now, we may argue in this body about whether and when a child begins to be alive, both legally and constitutionally, but can we at least say that they have the same standing that anybody's property has? I urge you to vote against the pending motion.

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

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

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

Representative **MAKER**: If my granddaughter was eight months pregnant, was abused by her boyfriend resulting in a miscarriage, why shouldn't she have the exact same access to a civil suit against the perpetrator as any other woman does in Massachusetts and Rhode Island?

The **SPEAKER**: The Representative from Calais, Representative Maker, has posed a question through the Chair to

anyone who may care to respond. The Chair recognizes the Representative from Raymond, Representative McClellan.

Representative **McCLELLAN**: Thank you, Mr. Speaker. I don't rise to answer that question, but thank you, Mr. Speaker. I also am in the Ought Not to Pass category on this and I just want to reflect back on my experience in this body over the last two and a half years. Two plus years ago, we had another bill that was kind of contentious. It was the bullying bill. It was a bill that wasn't my bill, but one that I was very involved with. As I reflect now in the future, as opposed to when I was living it at that moment, I realized the sponsor of that bill had a great idea but there were a lot of issues that were hard for some of us to swallow. The bill was held over, it went to second year and many hands got involved with that bill, Mr. Speaker. People went to work on it from all sides. Ultimately, this good idea the sponsor had become a law and it was because the bill was allowed to accommodate both sides. My point, Mr. Speaker, in this is I believe this bill being presented today by the Representative from Scarborough is that bill as well. It was crafted to work for both sides, as the Representative has already described in her talk today. You might have just gotten on your desk a paper that has a picture of the country on it and Maine is one of only 10 states that does not allow this situation to occur, does not allow this protection to a woman and a potential mother. I guess, in closing, Mr. Speaker, I would just pose the thought that there is 151 or so of us and actually other people in here as well, and it's very likely one of us is going to be confronted with this situation where somebody is going to be in a car accident or somebody is going to be in a wrongful death situation and they are going to have to deal with this situation. So each of us is going to need to consider, as we vote today, what are you going to say to that family when they ask you about your support for this bill? Are you going to say, yes, I sided with the ACLU and Planned Parenthood in their lobbying efforts or are you going to say that you supported parents in their rights? Thank you, Mr. Speaker.

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

Representative **FITZPATRICK**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I like to look at this from my background as an insurance agent. We had insurance companies that gave testimony at the hearing. This is not involving the criminal actions. This is the civil suit action for wrongful death which insurance companies are typically responsible for paying. Patriot Insurance Company was one of the companies that testified. We also had insurance agencies in Maine. Down East Insurance, Cross Insurance, Insurance Trust, and Equinox, Blackwell Insurance supported this effort to bring forth this bill to make us the same as the other New England states, so that when we cross the bridge into New Hampshire, we don't have a different statute that we're working under. The concern, if there is a concern that this will cause more insurance cost, I'd like to dispel that because Patriot has said that they do business in New Hampshire and Vermont and it has added nothing to their rates in those states with that exposure, and they believe the number of claims is very small countrywide, but it does give that option to those parents or families that have this unfortunate thing happen to them when they lose a planned for child and wish to seek civil action against the person who caused the damages. Thank you, Mr. Speaker.

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

Representative **WILLETTE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. One of the arguments used against LD 1193 is the assertion that the bill creates or expands personhood in an unborn viable fetus. This is absolutely

untrue. I am going to read from the testimony offered to the Judiciary Committee in support of LD 1193 by Dan Mitchell. Attorney Mitchell is a partner at Bernstein Shur and a current member of the Board of Directors of the Maine Trial Lawyers Association. "As the Law Court pointed out in *Shaw v. Jendzejec* ... the wrongful death statute provides a cause of action only to the living relatives or heirs of the deceased. [This] would not be changed one iota by this bill. This legislation would not somehow grant rights to an unborn fetus that it did not have otherwise. It simply endorses the principle that the mother of an unborn viable fetus is deserving of the same treatment as other family members under Maine's wrongful death statute."

It should also be noted that attorneys all across Maine signed on an agreement to Attorney Mitchell's legal opinion, which included such major firms as Preti Flaherty, Pierce Atwood, and Lanham Blackwell. It should also be noted that among those signers was Sam Lanham, past president of Maine Trial Lawyers Association.

I want to finish with another quote from Attorney Mitchell. "There is no persuasive reason for Maine to remain out-of-step with the rest of New England and most of the rest of the country when it comes to this access-to-justice issue. If Massachusetts, Vermont, Connecticut, New Hampshire and Rhode Island have managed successfully to integrate this cause of action into their civil justice systems, then certainly we can do so as well. This bill is crafted carefully to avoid negative effects on the legal rights of pregnant women and the healthcare profession. The only people that will be negatively impacted by this bill are tortfeasors, who now enjoy a free pass in Maine if they cause the death of an unborn viable fetus." Thank you, Mr. Speaker, and I urge you all to vote against the pending motion.

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

Representative **MORIARTY**: Thank you, Mr. Speaker. Good afternoon, Fellow Members of the House. I rise to speak in support of the motion. Currently, only a living person may have an estate. The estate may be real in terms of tangible assets, it may be more abstract, but everyone, in theory, who is alive, has an estate. If one is killed in circumstances giving rise to a wrongful death action, that person's estate may bring an action to recover from the tortfeasor of the wrongdoer for the loss of life of the decedent. To convey to an unborn fetus an estate, in whose name a legal action can be brought by unavoidable implication, conveys living personhood to that unborn fetus who has never known a moment of life outside its mother's body or detached from the umbilical cord connected to its mother.

In addition to those legal implications, let's consider some practical implications as well. We know that if a mother is injured by a wrongdoer and is pregnant and the fetus dies, the mother has her own cause of action against the individual who injured her. One of the elements of damage, undoubtedly, will be her claim for emotional suffering for the loss of the fetus. If the mother is killed by a wrongdoer, she also, or her estate, has the opportunity under the wrongful death statute to bring an action to recover damages against the wrongdoer, and if estate prevails, the estate will be fully compensated to the benefit of her family members. What is the estate of a fetus? We're speaking about an entity, if you will, which has never been born, never been educated, never acquired a job, never established an earning capacity, has never acquired assets of any type. I submit to you it would be a legal nightmare to establish the value of an estate of a fetus, and would necessarily lead to lengthy and protracted and very expensive litigation.

One of the key witnesses who spoke before the committee in opposition to this bill was a leading personal injury attorney from

central Maine, and he spoke in a very animated and passionate way and indicated what damage this could cause to the legal system and what complications and unintended consequences the bill, if enacted, could bring about. It could vastly increase the complexity of lawsuits, as well as the number of lawsuits, and would inevitably increase the cost of medical care to be passed on to the consumer, to the extent that this implicates death resulting from medical treatment. You have to be very, very careful and very, very cautious about conveying personhood to any biological entity which has not yet been born, has not yet acquired legal identity, has not yet acquired any of the attributes that all of us, as living men and women, know and enjoy. But rest assured, that given the criminal statute to which Representative Monaghan-Derrig referred to, given the mother's own rights or her estate's own rights to pursue the wrongdoer, that no one will go unpunished in these circumstances.

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

Representative **GRANT**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I doubt that anyone in this chamber questions whether or not this bill is well intentioned and I don't think anyone in this House believes that this isn't about abortion. But setting that aside for now, when you have a bill that talks about wrongful death, heirs, estates of viable fetuses, I think it's clear that personhood is absolutely declared in this bill.

I would like to just tell you a quick story because I suspect that many of you already have your minds made up, but I speak because there are some women in my church who expanded my view of this issue and I'm going to share that with you now. Some years ago, there was an attempt at my church to place a monument to the unborn. Many of you have seen these monuments. Many of you have maybe contributed to these monuments. Some of us women in the church, and men, were very offended by this attempt and we had a church meeting. In addition to the usual arguments about what does it mean to be pro-life, there were three women who shared their personal stories about having lost pregnancies to miscarriage. These were older women. They were not women that I would consider the most liberal women in the church. But this issue touched a chord with them. In this meeting, they shared that they had carried, for many years, guilt and shame over the loss of these pregnancies to miscarriage. One of them said, "Did I cause the wrongful loss of my pregnancy because I rode a horse the day before my miscarriage?" "Did I cause that horrible event because I didn't take my vitamins, because I did something wrong?" They felt incredibly guilty and ashamed, and this monument, they said, would have exacerbated that pain. The bill before you talks about wrongful death of an unborn fetus and I submit to you that there are women out there who have gone through such painful experiences, and for us to judge that and to say in this bill that this personhood, this wrongful death is not about choice, is not about guilt, it begs credulity to me. So I ask you to think of those women and the thousands of other women out there who feel very personally about this issue, and I ask you to please follow my light and accept the Majority Ought Not to Pass Report. 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. Opponents of this legislation say it erodes into a woman's right to choose and this is the first step toward overturning *Roe v. Wade*. They argue it could infringe upon a woman's right to choose by establishing a fetus as personhood. In spite of these arguments, our Federal

Government and many other states in our nation have passed laws concerning crimes, both criminal and civil, against an unborn child. There is case after case concerning this debate, but such claims against this legislation have been found to be patently false. Time and time again, prominent legal scholars who strongly support *Roe v. Wade*, such as Professor Walter Dellinger of Duke University Law School, Richard Parker of Harvard and Sherry Clove of Rutgers Law School have all written that fetal homicide laws do not conflict with *Roe v. Wade*. Certainly, civil action won't either. Walter Dellinger, who is a former solicitor general with the Clinton Administration, says that although he is a strong abortion advocate, he sees no problem with fetal homicide laws. Again, if this is the opinion on fetal homicide laws, then a civil action is certainly a reasonable step back and request. "I don't think they undermine *Roe v. Wade*," he said. "The Legislatures can decide that fetuses are deserving of protection without having to make any judgment that the entity being protected has any freestanding constitutional rights."

In the wake of *Roe*, courts have been willing to tailor constitutional rights to choice and to permit governments to make certain value judgments – value judgments – on the personhood status of fetuses, which have been upheld time and time. The signature case in this regard is *Webster v. Reproductive Health Services*. The State of Missouri passed a law which, in its preamble, stated that "The life of each human being begins at conception." It also says, "Unborn children have protectable interests in life, health, and well-being." In *Webster*, the Supreme Court reviewed the constitutionality of the preamble and upheld it on the grounds that the preamble does not by its terms regulate abortion. Neither does this bill. *Webster* made it clear that a woman's constitutional right to choose does not preclude the government from defining the fetus in her womb as a person. It has no impact. "Maternal liberty" is a very important word and it's clearly protected under these laws and has been affirmed on numerous occasions in the past 38 years with safe harbor provisions in fetal homicide laws protecting women, and again, we aren't even talking about anything as strict as that. It's civil.

When opponents speak of this type of legislation as eroding into a woman's right to choose, also known as maternal liberty, they are usually referring to a woman's right to choose to terminate her pregnancy. But let's not forget, there is also another very important choice that a woman can make. Maternal liberty also means she can choose to carry her child to term. This bill addresses when a woman's right to choose to carry her child to term is denied by an act of violence. I hope you will join me in supporting this legislation. Stronger versions have withstood constitutional scrutiny in other states across our nation. This bill is as pro-choice as it gets. It protects a woman's right to choose, but it also acknowledges the loss families suffer when a woman's right to choose to bear her child is taken away. It reaffirms maternal liberty on all levels and gives value to a life, which would have brought joy into a family on the day of its birth. Mr. Speaker, I would like to pose a question through the Chair please.

The SPEAKER: The Representative may pose her question.

Representative **SANDERSON**: If my son or daughter-in-law, who is nine months pregnant, were hit by a drunk driver on their way home from dinner, resulting in a miscarriage and the loss of that child, shouldn't they have the exact same access to a civil suit against the perpetrator as individuals in the same situation as our neighbors, neighboring New England states, New Hampshire and Vermont?

The SPEAKER: The Representative from Chelsea, Representative Sanderson, has posed a question through the

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

Representative **PRIEST**: Thank you, Mr. Speaker. They have a right to bring a civil action on behalf of the mother against the person who caused the harm of the fetus. I would note that, in this bill, the mother is not bringing the action. The action is being brought by the estate of the fetus and if it goes to probate court, interestingly enough, it's not going to superior court where normally a case like this would be decided. It's going to probate court. Why? Because we're talking about the estate of an unborn fetus. We're not talking about anything else. We're not talking about the mother here. We're talking about the estate of the unborn fetus. The probate court has to decide who the heirs of the fetus are. Maine law makes it very clear that the mother has the right to bring a civil action on behalf of injuries to her unborn fetus. It has worked well and it should continue to work well. I urge you to not give a separate legal fiction to the fetus, but rather consider the fetus a part of the mother and allow the mother to continue to be able to bring an action on her behalf for death or damage to her fetus. Thank you.

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

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

The SPEAKER: The Representative may pose her question.

Representative **SIROCKI**: If my granddaughter, who was eight and a half months pregnant, was involved in a car accident on her way home from work, resulting in the miscarriage of her soon to be born child, her viable fetus, why shouldn't she have the same exact access to a civil suit against the wrongdoer as women living in Illinois, Michigan or the 38 other states with similar laws? Thank you.

The SPEAKER: The Representative from Scarborough, Representative Sirocki, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Amherst, Representative Lockman.

Representative **LOCKMAN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to the pending motion. Maine is an outlier when it comes to our wrongful death statutes. We are literally litigating from the 1940s. As has been mentioned previously, over 40 states presently allow a family to sue on behalf of a miscarriage caused by a negligent act. Of those states who do allow this access to justice for women, 13 of them actually consider viability at a lower threshold than the 24 weeks that Representative Volk's bill is recommending. Most of those 13 states use 12 weeks as a benchmark. Interestingly, 11 of those states have embraced those definitions since the *Roe v. Wade* decision. In other words, the change LD 1193 is suggesting is in line with the direction of the rest of the courts throughout the United States. I say it's time that we should update our statutes and bring Maine law into line with the rest of New England. I urge you to follow Representative Volk's light. Thank you.

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

Representative **DUPREY**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. In the 122nd Maine Legislature, I introduced a bill, LD 262, which was entitled, "An Act to Protect a Pregnant Woman from Acts of Violence." The bill said that if you commit an act of violence against a pregnant woman at any stage of fetal development and the unborn child dies, you will be charged with aggravated assault against a pregnant woman, a Class A crime punishable by 25 years in prison. This bill was strongly opposed by all of the pro-choice groups as a bad bill; actually, a lot of the arguments I am hearing

tonight from the other side of the aisle are the same arguments I heard that night in 2005. It was a common sense bill that actually had nothing to do with abortion, but it got tied in with that. I, along with my colleagues on both sides of the aisle, worked very hard to find common ground on a bill which had nothing to do with abortion and had everything to do with choice and fairness. I had a Democrat House and Senate and a Democrat Governor and my bill passed with strong bi-partisan support in both chambers and was signed into law by Governor Baldacci. At last, we were able to come together on a bill that made sense because it was clear we weren't trying to overturn *Roe v. Wade*. We were trying to protect a woman who had made a choice and that she happened to choose life. That pro-choice decision of choosing life should have rights associated with it and if someone causes the death of an unborn child, it only makes sense that the parents be allowed to seek compensation for that loss. LD 1193 is not about abortion, it is about fairness. The Representative from Scarborough, Representative Volk, is not trying to elevate a fetus to personhood status, or give the fetus rights. The bill tries to compensate for the loss, similar to the compensation of 25 years of confinement that my bill did in 2005. Please don't let the slippery slope argument win this evening. It is time to say no to the extremes, time to say no to the slippery slope, time to do right for Maine women denied the chance to hold that baby in their arms due to the reckless actions of another. Thank you, Mr. Speaker.

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

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

The SPEAKER: The Representative may pose her question.

Representative **TURNER**: If my daughter, who was seven months pregnant, was the victim of a domestic violence resulting in a miscarriage, why shouldn't she have the same exact access to a civil suit against her attacker as women in the same situation in the State of Connecticut?

The SPEAKER: The Representative from Burlington, Representative Turner, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Scarborough, Representative Volk.

Representative **VOLK**: Thank you, Mr. Speaker. I'd like to answer the question posed by my colleague from Cumberland, Representative Moriarty. I guess that the way I would answer that is let's look at the records of cases brought in the 27 other states and the District of Columbia that permit a wrongful death action if an unborn child was viable at the time of his or her death, or we could look at the 13 states which allow suits for a previable unborn child. I really don't recall ever hearing any information or any testimony whatsoever presented at the hearing about how these states are so crippled with lawsuits. I'd also like to mention that 10 states, including Maine, require live birth and borrow cause of action for the death of an unborn child, unless the child is born alive and dies afterwards. In other words, as long as you give birth to that baby and that baby lives one or two seconds, is declared alive before it dies, you have a cause of action in the State of Maine. That child has not gone to school. That child has not even learned to talk. That child may or may not have even ever breathed on its own, yet that child would be determined to have an estate. What is the difference between whether that child is killed in utero or whether it is born, declared to be alive and dies immediately thereafter? Thank you.

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

Representative **SANBORN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I'm going to

present some speeches today that were part of the testimony of Dr. Judy Chamberlain. I'm a good friend of Judy Chamberlain. We're about the same age. We started practice at about the same time in Maine and we both had practices that were heavily weighted towards obstetrics. I feel that we've had many of the same experiences and discussions with women, and Judy just happens to be a better writer than I am and I find her testimony very helpful in regards to these issues. In regards to LD 1193, this creates a separate legal status for the fetus as distinct from the mother and, as originally written, it established a legal definition of viability at 12 weeks, a gestational stage at which no baby has ever been delivered and survived. Although this has now changed to 24 weeks, that does not solve the problem with this legislation. While the language is drafted in such a way as to suggest that abortion providers would be exempt from a lawsuit, a closer look at the language reveals that this is not so. Under LD 1193, a doctor could still be sued for wrongful death and then would have to go to court to defend the legality of an abortion and the legality of the informed consent process. Dr. Chamberlain says, as a practicing physician I would also fear repercussions and potential lawsuits under this law, not just for performing illegal abortion but for any treatment at any time during pregnancy, no matter how medically necessary for the mother and no matter how careful the informed consent, if it was later perceived, that such treatment...

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

Representative **SANDERSON**: May I pose a question as to which bill that Representative Sanborn is testifying on? It sounds like the informed consent bill, which is not what's before the body at this time.

The SPEAKER: The Chair would remind all members to focus their remarks on what is before us and that's the Majority Ought Not to Pass on LD 1193. The Representative may proceed.

Representative **SANBORN**: Thank you. I understand well the pain of losing a child by miscarriage, whether due to an accident or physical abuse, and when in fact, when I read this bill, my first thought was that it was aimed at the loss of a fetus due to physical abuse. If this is a concern to you, I hope that you will not pass this bill but will continue to work with our Chief Executive and many others around the state to reduce violence against all women, pregnant or not. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Carmel, Representative Reed.

Representative **REED**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I, too, rise in opposition to this bill. I most certainly agree that the unborn child in the womb of the mother has a right to be protected against the death caused by a drunken driver or from negligence on the part of a physician who has been entrusted with its life or any other negligence as far as that goes. Not too many years ago, McDonald's paid out a huge sum of money when a woman spilled a hot cup of coffee in her lap, sustaining some very serious burns to her body. It was brought forth in a civil case that the coffee at McDonald's was heated to 190 degrees, much hotter than what was considered safe for consumption. It was also noted in the case that a number of complaints about the coffee being too hot had been made on a number of occasions, yet nothing was done about it. McDonald's was found guilty in this civil case of negligence and the woman received compensation for her hospital costs and her loss of work.

If I may, I would like to punctuate my statements with an admission of my own negligence. Once, as a young lad of 16,

being in high school, playing sports and engaging in other extracurricular activities that most red-blooded 16-year-olds participate in, I found myself driving home at around 2 o'clock in the morning. I, like a lot of others my age, had been burning the candle at both ends and I was about to pay for it. As I traveled down the road on my way home I was very tired, but I had to get home because I had school the next day. I was guilty of neglect. I had deprived my body of a necessity of sleep. The last thing I remember was that Fats Domino and I were singing his big hit of the '50s, "Blueberry Hill." Fats had had his thrill and I was about to have mine. This was just moments before my 1947 forest green Chevrolet left the road, straddled a stonewall for 178 feet and came to rest with an electric light pole firmly implanted in the center of my grill. By the way, a little sidelight here. That Chevrolet had my name and my girlfriend's name emblazed in big white letters across the truck. We did those cool things back in those days too. That girl has long since been my wife for 53 years. This was also a time in my life when I came to understand what my father had met, when he warned me numerous times that if I was going to dance, I had to pay the fiddler. Well, the fiddler called about two days later, and he had informed that I was now responsible for the purchase of a new light bulb and the cost of digging the hole. I suddenly became very much aware of the penalty for my negligence. It was going to cost me money and, well, it should, because one's negligence quite often results in heartache for someone else. That's what this is really all about, isn't it? How much more should we be concerned when negligence on the part of a drunken driver, negligence on part of a physician or negligence on the part of anyone results in the death of an unborn child?

Incidentally, you know, I grew up on a farm for a good part of my life and during all those years on the farm, I found that dogs had puppies, cats had kittens, cows had calves, and people had babies. I now find that we have fetuses. But I remind us that the Bible says – and this touched real contrary to a Bible believing Baptist – the Bible says when Mary and Joseph had to go into a far country to pay their taxes, that she was great with child. You know, that's good enough for me and that's the story that we read every Christmas before we open a present in our home. The Christmas Story. I'm going to ask you, how much more should we be concerned with negligence on the part of a drunken driver or negligence by a physician results in a death of an unborn child? Where does that once hopeful mother now go for help? What if this was to be her only child? It is my understanding that 43 states have passed laws that allow for compensation in the cases of wrongful death. I believe also that Maine is the only New England state that has not passed such a law. If this is so, and Maine's motto is "Dirigo," we've heard a lot about that lately, the Latin word for "I direct" or "I lead," then I suggest that we stop dragging our feet and join the rest of the New England states, or perhaps we should adopt another motto because we certainly aren't leading. In fact, we are woefully bringing up the rear in this matter and I ask you to vote against the pending motion. Thank you, Mr. Speaker.

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

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

The SPEAKER: The Representative may pose his question.

Representative **PARRY**: Maybe this is probably directed to our doctors in the room, when a woman comes into your office and asks "Am I having a boy or a girl?", do you answer them "Boy" or "Girl" or do you say, "No, you have a fetus."

The SPEAKER: The Representative from Arundel, Representative Parry, has posed a question through the Chair to

anyone who may care to respond. The Chair recognizes the Representative from Gardiner, Representative Grant.

Representative **GRANT**: Thank you, Mr. Speaker. Being new, I often have questions about procedures in the House, and it is my understanding that when one poses a question through the Chair, that one is seeking actual information from a member in the body or seeking to clarify information about a motion or a proposition before the body. Are rhetorical questions allowed?

On **POINT OF ORDER**, Representative GRANT of Gardiner asked the Chair if rhetorical questions are allowed in debate.

The SPEAKER: Unfortunately, rhetorical questions are allowed, but we have had a series of questions that are similar. I did get some notes asking if that was proper. I would just let folks know that we have two members in the queue. These are emotional issues and I feel like we should have a good debate, take our vote and move forward.

The Chair advised all members that rhetorical questions are allowed in debates.

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

Representative **HICKMAN**: Thank you, Mr. Speaker. Emotional indeed are these issues. Mr. Speaker, may I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative **HICKMAN**: Thank you, Mr. Speaker. Can anyone tell me if there is any other way for a family to receive any award or compensation for perhaps pain and suffering in the event that something should happen violently to an unborn fetus currently in the State of Maine, or is this bill the only way for such a thing to occur?

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 Waterville, Representative Beck.

Representative **BECK**: Thank you, Mr. Speaker. In response to the Representative's question, a party or a family could bring an action for negligent infliction of emotional distress perhaps. It's a civil action. I am quite pleased to hear our friends on the other side of the aisle talking positively about civil justice and remedies in court. Thank you, Mr. Speaker.

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

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

The SPEAKER: The Representative may pose her question.

Representative **KUSIAK**: I am also new here, just like the fine Representative of Gardiner, and my question, similar to hers, is it proper to direct a question to particular members of the House through you?

The SPEAKER: The Chair would answer in the affirmative. 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. 294

YEA - Beavers, Beck, Berry, Boland, Bolduc, Brooks, Campbell J, Carey, Cassidy, Chapman, Chenette, Chipman, Cooper, Daughtry, DeChant, Devin, Dickerson, Dill, Dion, Dorney, Evangelos, Farnsworth, Fowle, Frey, Gattine, Gideon, Gilbert, Goode, Graham, Grant, Hamann, Harlow, Hayes, Hobbins, Hubbell, Jones, Jorgensen, Kaenrath, Kent, Kornfield, Kumiega, Kusiak, Lajoie, Libby N, Longstaff, Luchini, MacDonald W, Marks, Mason, 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, Stuckey, Tipping-Spitz, Treat, Villa, Welsh, Werts, Mr. Speaker.

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

ABSENT - Beaudoin, Briggs, Crockett, Herbig, Hickman, Kruger, McGowan, Peterson, Theriault.

Yes, 82; No, 60; Absent, 9; Excused, 0.

82 having voted in the affirmative and 60 voted in the negative, with 9 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

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

HOUSE DIVIDED REPORT - Majority (8) Ought Not to Pass - Minority (5) Ought to Pass - Committee on JUDICIARY on Bill "An Act Regarding Informed Consent to an Abortion"

(H.P. 511) (L.D. 760)

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

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

Representative **PRIEST**: Thank you, Mr. Speaker. There is no question that we are now dealing with a bill that is an abortion bill. This bill requires the attending physician before a woman seeking an abortion, this physician must say, orally and in writing, a number of things. The new things that they must say let me read them to you. You have to tell the name of the physician who has performed the abortion, a description of the procedure to be used, scientifically accurate information about the fetus, probable availability of medical benefits for the woman during and after the pregnancy if the woman carries the fetus to term, and the woman's undeniable right to see an ultrasound if an ultrasound was taken and the woman requests to see it, and the father's liability for support. How in the world does a physician know on the possible availability of medical benefits for the patient if she carries the fetus to term? Does the physician have to be an expert in the insurance that the patient has? How in the world does the physician know what the father's availability for support is? What if, in fact, the father is accompanying the woman or counseling by the physician and is right then and there? Under this bill, I presume the attending physician has got to tell them what the father's availability for support is. The purpose of this bill is to make it more difficult, unfortunately, to get an abortion and it interferes with the doctor/patient relationship. Doctors know what's best, in general, for their patients. They've gone through medical school, they've gone through residency and an internship. They know what the patient needs to know and what they don't, they know what constitutes reasonable consent. This bill, unfortunately, is not needed and the majority of the committee recommends that it get an Ought Not to Pass, and I urge you to support that recommendation.

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

Representative **ESPLING**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise to speak

against the pending motion and in support of the bill that I sponsored. Now, I think we all know how this vote will go and the likelihood that minds, and more importantly hearts, will be changed is very slim. That being said I do appreciate the opportunity to speak and hope that you will listen and, at least, consider what I have to say. I was born in 1973. Now you would expect me to be longwinded and go into my life story but no worries, I won't do that to you. Nineteen seventy-three was the year of *Roe v. Wade*. In my lifetime, I have only known legalized abortion. With the ruling of *Roe v. Wade*, it was thought that abortion would finally be legal, safe and rare. Abortion is indeed legal, that is a fact. However, this legality does not happen in a void of consumer protection. Many states require that doctors perform abortions, many require abortion to be performed before viability, some require information on the risks of an abortion be given to the patient, and some have waiting periods prior to abortion. All of these consumer protections have been deemed legal and constitutional by the Supreme Court.

Safe, one could argue that abortion is safer than it used to be. To be honest you would think that this day in age with our medical advances and what is suggested by abortion advocates, that having an abortion is a minor procedure and totally safe. We only need to look at the recent Gosnell case and this man's shop of horrors to understand that legalized abortion does not guarantee safety. Common sense, consumer protection must be in place even in this era of legalized abortion. I contend that abortion is not rare. Since *Roe v Wade*, approximately 54 million abortions have taken place in the United States. In Maine alone, over 2,000 abortions occur yearly. Americans are just about evenly split on this issue. According to recent Gallup polling, 45 percent call themselves pro-choice and 48 percent of Americans consider themselves to be pro-life.

This bill, LD 760, would strengthen Maine's law for informed consent for abortion. Maine has stronger protections in its statutes for informed consent for breast cancer, including a mandated brochure given to the patient and that information be given to her orally and in writing. Why is it that a woman deserves full disclosure of information for one women's health issue but not for the other?

A woman testified before the Judiciary Committee last session on her experience at a local clinic. When an ultrasound was taken and she asked to see it, she was denied. This is, to me, the most important part of LD 760. This would not mandate ultrasounds be done. This would not mandate ultrasounds be viewed. LD 760 merely provides for a patient to be able to see her own ultrasound if one is taken and she asks to see it. I was willing to give up everything in this bill except for this one piece, but the majority members of the Judiciary Committee did not work the bill nor even discuss it. The majority members made it clear they were not willing to work the bill at all. To show my sincerity in how important this piece of the bill is I have had an amendment drafted to delete all of the bill except this one piece.

This bill is all about right to know. We, in this body, have submitted bills like GMO labeling, cell phone warning labels, vaccine right to know, and BPA labeling/right to know, all aimed at consumer protection and the consumer's right to know. It is clear to me now that ideology dictates that right to know is not allowed in the realm of abortion. Due to this ideology, some members of this body are afraid that if we adopt consumer and patient protections in other areas like Lyme disease, then we are on a sure path to outlawing abortion. Really? Mr. Speaker, I argue that the great debate tactic of a slippery slope argument holds no water here. The argument used in this body recently of "we don't want women to have all of the information prior to an abortion so we better make sure that patients with other diseases

or conditions don't have it either" is so far-reaching, just think of its impact. Because of reproductive rights, we better not label GMOs, forget about vaccine labeling, and perhaps an effort will be underway to repeal the law regarding informed consent for breast cancer.

I ask you to consider this bill on its own merits, vote down the Ought Not to Pass and I ask you to consider other consumer and patient protections on their own merits. If you can't vote for this bill because of your ideology, I accept that, but don't use it as an excuse not to vote for other common sense consumer protection measures. I am so sorry that certain bills have gotten linked together. I feel as though it is my fault because the debate in favor of one sounded like the same reasons for passing the other, this debate of right to know. I am saddened to see a member of this body and all the patients that she hoped to help disregarded all in the name of so-called reproductive rights. Please look at these issues on a bill-by-bill basis. I accept our difference of opinion on this matter and I beg of you to vote your conscience on this bill separate of any other legislation. Please vote down the current motion so that if a woman has an ultrasound and she asks to see it, she cannot be denied. That is all this would do. Thank you, Mr. Speaker, and 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 Norridgewock, Representative Dorney.

Representative **DORNEY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. At first glance, this bill might make sense, but I encourage you to support the current motion, Ought Not to Pass, on this bill. I have done over 1,000 deliveries in the last 30 years and 14 since I started in the Legislature. I love delivering babies and I have had a lot of experience with women and pregnancy. I've also found that very few women in my practice have chosen abortions over the years, except in situations where there were serious birth defects. I have had some women who have had life-threatening illnesses due to their pregnancies as well, diseases like HELLP syndrome, which is like severe toxemia, or cardiomyopathy, which is a heart condition due to pregnancy with heart failure. I've seen women who have been raped at the age of 12 by relatives. I've had multiple women who have had babies, who have been pregnant with babies, who have severe birth defects, whose babies are going to die. Some of those women have chosen to carry those babies to term, deliver those babies, held them in their arms until they died, sometimes 48 hours later, and we all wept. I've also had parents who have chosen not to see the babies since the birth defects are so severe and the nurses and the doctors end up weeping watching the baby die. I would say that if women who have had this experience, that it's already extremely traumatic for them to go through this whole process and to have to have them go through an additional process that this bill would require, will be even adding to the trauma that they're already going through. I hope that you will vote Ought Not to Pass.

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

Representative **DeCHANT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. It's important to remain focused on the fact that this bill is about consent, but unfortunately, several proponents of it relate to unfortunate events involving things that aren't actually related to informed consent. Agreed, it's the responsibility of the provider to present a patient with all the options, the associated risks, the benefits,

the potential consequences of these choices. Right now, it's the obligation of the provider to present this information in writing and orally in an unbiased and non-coercive way. The information must be based on current peer-reviewed, high-quality evidence. This bill, unfortunately, dictates conjecture, testimonial and opinion engineered by government personnel by obtaining such consent that is beyond the scope of their expertise. In my opinion, whether it's intended or not, this undermines a woman's choice through creating an environment of shame and judgment. It would force doctors to tell women unnecessary course of information, regardless of the individual woman's needs or wishes.

Now, the choice to carry a pregnancy to term or not should be made with a clear mind and open heart, not a heart or a mind weighed down by guilt and judgment of others. Every state, including Maine, requires that a patient consent before undergoing a medical treatment and that consent must be informed. These three elements underlie informed consent that, one, the patient must possess the capacity to understand what they're told and to make the decision; two, that they do so voluntarily; and three, that they are provided adequately and appropriate information. Interestingly, the only two common medical procedures which this law requires further discussion about consent are abortion and breast cancer, and in this situation the law confuses consent with counseling. This bill goes down the path, adding misleading and coercive information, and oddly requires, as it was listed earlier, informing the woman of the father's liability of support. Current Maine law requires physicians to obtain consent and informed consent on performing an abortion. This informed consent already includes objective information relevant to the procedure and the pregnancy in a non-biased manner. This bill is about political interference and a doctor/patient relationship and not informed consent. Mr. Speaker, yesterday, two days ago, last week, tomorrow and 10 years from now, I believe that everyone is entitled to their own beliefs but they are not entitled to use the government to impose their beliefs on others. I encourage the Majority Ought Not to Pass.

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

Representative **AYOTTE**: Thank you, Mr. Speaker. I will perhaps state my remarks in reference to both bills, informed consent and criminal consent. I think both bills are quite related. I am fully aware, Mr. Speaker, that the issue of abortion is very emotionally charged. Some hold to the idea that it is a violent and barbaric act that ends the life of a developing child, while others say that it is an act of mercy that allows the pregnant mother to avoid maternal responsibilities and will free the mother to pursue a career. Others hold to the point that an abortion will avoid bringing a child into a cruel and heartless world. As it is written, let us judge not that we may not be judged. It will be ultimately be judged by a much higher authority than I. My purpose here is to present you with the facts of human development so that you, yourself, can make a choice as to how you will cast your vote today.

I can tell you that a number of years ago, prior to 1973, the issue of abortion was not high on my list of priorities. In my last year of college, I needed a four-hour lab course in biology so I decided to choose embryology. Rather fortuitously, it turned out to be one of the most interesting courses, especially with the *Roe v. Wade* decision on January 23, 1973. After taking that course, my attitude and understanding of the issue of abortion changed completely. Mr. Speaker, no longer did I view the fetus as just a collection of tissue, rather I understood it as a developing human being that would become a person by various stages, not by an

addition of parts, but as a complete human grown in another's womb. Down through the ages, down through the many centuries, many philosophers and theologians have tried to define life, come up with a precise definition of life. The one and only true characteristic of life that they were able to come up with was reproduction. Some said if it uses oxygen. They determined a candle uses oxygen. They say it has movement. The ocean has movement. Every characteristic was denied, except the only one true characteristic of life was reproduction.

Twenty-three chromosomes from the mother's egg, twenty-three chromosomes from the father's sperm come together to form a fertilized egg. Thus begins a process that will take approximately 278 days, which will end in the birth of a child, the child being dependent upon the mother, not only through gestation but for several years after it is born. To place the following in perspective, a human being that will have a heartbeat that begins between the 18th and 25th day, a nervous system that is laid down by the 20th day, a complete skeletal system at 42 days with reflexes that are present, electrical brainwaves as early as 43 days after conception, and all the body systems are present by the 8th week. If we touch the baby's nose, he or she will flex his or her head backwards away from the stimulus. At nine to 10 weeks, the baby squints, swallows, moves his or her tongue, and if you touch his or her palm, he or she will make a fist. At 11 to 12 weeks, the child will suck his or her thumb vigorously and breathe his or her amniotic fluid to develop the organs of respiration. Fingernails are present by 11 to 12 weeks, eyelashes by 16 weeks and all the body systems that are functioning by 12 weeks. Ladies and gentlemen, this all occurs in the first trimester.

Allow me to interject here that the fetus of the child has never been known to become anything but a human being. I tell you this because it is important that society understand that it is not just a collection of tissue, but rather an actual complete and complex human being, a separate individual, developing and will continue to develop and grow long after it is born. I, myself, look forward to the day when a mother will no longer feel the need to have an abortion, when the mother will no longer have to carry the burden of guilt for a lifetime because we, as a society, cause her to feel ashamed. We, as compassionate humans, can and must do better. Ladies and gentlemen, it is essential that bills such as these that discourage abortion be implemented and laws that support and encourage adoption and foster parenting be promoted and supported. Lastly, ladies and gentlemen, it is my fondest hope that the people who promote the culture of life will never rest until each and every child in their mother's womb is safe and secure from the violence of abortion. Thank you, Mr. Speaker.

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

Representative **GUERIN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise today as a proudly pro-life woman. I am well aware that many of my friends in this chamber consider themselves pro-choice. Many of you would say that having less abortions necessary is a worthy goal, but that you are pro-choice. As a member of the Judiciary Committee, I offered a compromise to the pro-choice members on this issue of informed consent. The compromise I offered in committee was based on the testimony of Anna Spitzinger, a 24-year-old woman from Falmouth, Maine. Miss Spitzinger had gone to an abortion clinic where the attending doctor did a sonogram. Anna then asked the doctor to see the sonogram. The doctor denied her request. I repeat, Maine citizen, Anna Spitzinger testified that her doctor denied her request to see her sonogram. My dear friends in the Women's Caucus are all strong

women. None of us would accept a doctor denying us the right to see a sonogram if we wanted to see it, but this young woman was denied. Was the doctor afraid that Anna would choose not to have an abortion, if she saw her sonogram? To vote against this compromise is to be pro-abortion, not pro-choice. You can choose your title with your vote today. Will you deny a woman the right to see her own sonogram? Are you pro-choice or pro-abortion? Thank you, Mr. Speaker.

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

Representative **MONAGHAN-DERRIG**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise today as a hardworking mother, wife, sister and daughter, proudly pro-choice and capable of making my own informed decisions. I married late in life. I also had a baby late in life. I was 41 years old when I had my baby. Stephanie is now 13 years old so you can do the math. But what I want to just tell you and I'll be very brief is that I had one miscarriage and then I got pregnant. We were very delighted, but we were scared. We had some illnesses in our family, both on my husband's and on my side, and there were some possibility of birth defects and/or Down syndrome, so, at my age, I had to have an amniocentesis. We worried about it, but we did some thinking and once we would hear the results, we would then have to make a decision whether to go forward or not, and that was definitely one of the hardest decisions I would probably have to make in my life. Thankfully, the tests were positive, everything turned out fine and Stephanie is your typical soon-to-be eighth grade middle school student. But what I would have feared the most would have been having to face that terrible decision. If this law passes, not only would I have had to have made a bad decision to terminate the pregnancy, but I also would have been forced for a doctor to tell me more information than I probably couldn't bear to hear. So if it's my right to know, then I will ask the doctor, not the government forcing the doctor to tell me something that I painfully probably don't want to hear if I was in that situation. So therefore, I ask you to please accept the Majority Ought Not to Pass Report. Thank you.

The SPEAKER: The Chair recognizes the Representative from Carmel, Representative Reed.

Representative **REED**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I, too, rise in opposition to the pending motion. I see no problem with a person who is about to undergo an abortion procedure being informed in writing and by word of mouth from her physician as to the time of conception and the number of weeks into her pregnancy. She should be informed of the alternatives to abortion and be provided information about what agencies, both public and private, that are available to her. There are places like the God Parent Home and the Good Samaritan Home in Bangor that have been available to help young women, such as these, for years. This is certainly a better option than abortion. She would be told the name of the physician who will be performing the operation and the procedure that will be used. She should be provided the most scientifically, accurate information and have the right to see an ultrasound of her baby, if one has been taken. We sat in this chamber for long periods of time discussing the people's right to know what is in their food. I want to know what's in my food too. I certainly want to know if that hamburger I am buying contains Black Angus beef or horsemeat. If this is important enough to know, and I think it is, then so is the information pertaining to an abortion. I'm not asking you to follow my light. Quite frankly, as far as I'm concerned, that expression has been used far too often. I'm just asking you to think about it. Thank you, Mr. Speaker and Ladies and Gentlemen of the House.

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

Representative **MOONEN**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I am on the Majority Report and I rise to urge you to accept the pending motion. We have an informed consent law. It does have three elements. The patient has to have the capacity to understand and make the decision, they have to do so voluntarily, and they have to be provided adequate and appropriate information. And I believe it was the Representative from Bath who said that our law should not confuse consent with counseling, and we were asked to consider each bill on its own merits and that's exactly what this bill does. It confuses consent with counseling. It says that doctors have to provide information about public assistance that may be available, that the doctors have to provide information about the father's liability. I don't necessarily think that doctors would know this information and I don't think we should expect them to provide this information when they are not necessarily the experts on that. The law works as it is. It has been working for a very, very long time. You know, when I consider this bill on its merits, it confuses consent with counseling and that's why I can't support it, and I urge you to support the pending motion.

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 also am on the Ought Not to Pass side and I just rise for a couple of thoughts. First, I think I heard this in the discussion on the floor. Somebody mentioned that we should trust doctors and, of course, you want to trust, but as I sat here and I thought, I think about things that are going on around us. I think about the early ObamaCare and the things that they said that we should trust that aren't happening now. I think, just recently, we heard national security advisors telling us they weren't monitoring our cellphones, and the Representative from New Gloucester mentioned Dr. Gosnell. I would suppose it probably depends on where you get your news, if you have even heard of Dr. Gosnell and it's tempting for me to talk about what he did, but it's so bad, as an abortionist, I won't mention what he did. But I also rise because I heard people accusing this bill of attacking to shame women and I don't think that's true. I, like probably many of you in this room, give blood to the Red Cross and they call me all the time, and I run down there when I get a chance, when it's my time and the first thing I have to do is spend about 45 minutes filling a form out with all kinds of provocative questions about places I've been and things I've done, and it could be embarrassing information. But there is safety in that and even after I've given blood, it gives me an opportunity to kind of go out the door without shaming me. So I have to assume that this bill is written in the same way, that it is not meant to shame women, it is meant to give them information. Information is powerful. I guess I will close, Mr. Speaker, by just saying that when I think pro-choice, I would think that would suggest multiple options. Thank you, Mr. Speaker.

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

Representative **ESPLING**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just ask again just to consider, please, to vote down the current motion so that we can get to the place where we can amend this bill, so that simply a woman cannot be denied seeing her ultrasound. No process to go through, no options to be explained, no undermining of choice, no counseling and no information to be shared. Thank you.

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

Representative **WALLACE**: Thank you, Mr. Speaker. Mr. Speaker, Members of the House. This is very controversial, but my question is, when is too much information wrong? How many people have had a medical problem, surgery? They knew who the surgeon was going to be. The surgeon came in, told them scientifically everything that he was going to do, results. If you had an ultrasound, or whatever, he showed you usually what your problem was. I know when I had throat cancer they gave me the options of what I wanted. They gave me all the information. When a woman consents to have an abortion, a young woman, she is very upset. I agree. Not to be able to show her what is going on with the information, with a sonogram and the whole works, I just can't understand that. If she can't have all the information that is available to her, right, wrong or otherwise, it's just not fair to her. I mean, a doctor can convince a woman very easily because they believe in him, and that's not right. They should have all the information available at that point. Whether they want to know it or not, they should have all the information. I just don't understand why we keep saying we should restrict what people know. We keep bringing that up in this House and I don't understand why. People should have all information available before they do, have or take treatment. Thank you.

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

Representative **SANBORN**: Thank you, Mr. Speaker. Just briefly, I wanted to try to respond to that last question. As you know, LD 760 amends Maine's current informed consent law to add requirements that information on alternatives to abortion be provided to the woman whether she desires to hear that information or not. In practice, the physicians would offer to discuss a full range of options for every woman in my care, but LD 760 scripts that conversation with no room for medical judgment about what is appropriate or what is not. I cannot imagine, for example, having to counsel the couple, who sought abortion because their baby was severely deformed and would not survive outside the womb, about alternatives including adoption, and also being required to go into detail, even scientifically, accurate detail about her fetus, as LD 760 would require. Similarly, discussing the liability of the father for child support with a rape or incest victim who is seeking an abortion could be potentially cruel and traumatic for a victim, but LD 760 would mandate that conversation. As a physician, I would want my patients to be informed and supported, and I have both ethical and legal incentives under current Maine law to ensure that they are fully informed and full consent to any procedure before I perform it. There is no need to add to the current statute. LD 760 substitutes a list of politically motivated counseling, not consent criteria, for the very real expertise of practicing physicians, and it would interfere with the personal relationship between physician and patient. Thank you.

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

Representative **DAUGHTRY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of the pending motion. This bill is not about consumer protection. This bill is not about right to know. This bill instead represents one more attempt to chip away and erode women's reproductive rights. I understand what the bill's sponsor is coming from and I appreciate her concern and her commitment to women's health, but unfortunately this bill has unintended consequences. No one is in favor of abortion. It is a last case scenario for women that is an emotional, private, and deeply personal process. But every time a bill like this is submitted we continue to threaten a women's right to make her own decisions about her health. I

challenge everyone for every bill we have like this limiting access to abortion, that we should also submit a bill helping women to pay for the full medical costs associated with pregnancy. Women are too often left alone to bear the costs of children.

This bill would add another level of paperwork and actions required before a woman can have an abortion. Maine law already requires informed consent for every medical procedure including abortion, so that a woman can know about the medical procedure that she is considering. This bill is scripting what a doctor should say to his or her patient. We are interjecting ourselves into an area that should be up to an individual and their health care provider. Also, women already can ask for and receive an ultrasound if they so desire. LD 760 is political interference in a woman's most personal and private decisions.

All across our great nation, including now in Maine, men are paying considerable attention to women's health. I thought it would be only fair that we should return the favor. If we believe in informed consent for women while making reproductive health decisions, then why shouldn't we offer the same legal regulations to men? Both genders have to make serious and personal decisions about their reproductive health. Shouldn't men have to have informed consent too? Shouldn't they be counseled and provided with accurate scientific information when considering such reproductive medications as Viagra? Heck, if we believe in informed consent, shouldn't men be required to have a physical and colonoscopy and maybe a 48-hour waiting period before obtaining Viagra to make sure they are making an informed decision and have all the right information? We need to make sure that they are up to the physical demands of the drug.

Jokes aside, in this Legislature we hear time and time again that government needs to be smaller. That it needs to get out of our lives and allow us to live a life of liberty and freedom. Yet with bills like this, it seems like we want government to be just small enough to fit in my uterus. When I read the U.S. Constitution, I read that I am endowed with certain liberties and protections, which include making my own decisions about my body. Bills like this violate my constitutional right to decide what to do with my body. We can't pick and choose when we want to follow the Constitution when it is convenient to our cause.

So once again, I want to state that abortions are rare and that everyone wants abortions to be rare. In fact, abortions performed in Maine are going down. So is teen pregnancy. No one wants to have to have an abortion. So I challenge everyone in this room who wants to end abortions, that we should take another approach instead of these bills scripting doctors and their patients. We should take a preventative approach. We should make sure that all women have access to health care. The more people who have access to health care, the fewer abortions we will see. They will have access to a doctor. They will be able to have a planned family approach. They will be able to get reproductive health care. So I remind everyone that if you want to end abortion and take care of the living, we should expand health care and make sure that every person, when they go out in the world, has someone that they can make informed decisions about their personal health care, and that we can end abortion together by making sure that everyone has access to preventative health care. So thank you and I urge you to follow my light and support the pending motion.

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

Representative FITZPATRICK: Thank you, Mr. Speaker. I just wanted to remind folks that ideology is sometimes getting in the way of our thought and listening. I believe Ellie Espling, the good Representative from New Gloucester, has informed us that she has limited her bill in an amendment and if we vote this

down, we'll get a chance to minimize what she has asked for in her original bill. Ultrasounds are something that weren't around when *Roe v. Wade* – well, they probably were around, but they weren't as popular. Modern technology has not caught up. I mean, sometimes these bills have not caught up with modern technology. Having the use of an ultrasound, if the patient requests it, I can't imagine that they wouldn't be allowed to see it. If we could vote this down and get on. 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. 295

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

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

ABSENT - Beaudoin, Berry, Crockett, Herbig, Kruger, McGowan, Peterson, Theriault.

Yes, 90; No, 53; Absent, 8; Excused, 0.

90 having voted in the affirmative and 53 voted in the negative, with 8 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

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

HOUSE DIVIDED REPORT - Majority (8) **Ought Not to Pass** - Minority (5) **Ought to Pass as Amended by Committee Amendment "A" (H-448)** - Committee on **JUDICIARY** on Bill "An Act To Strengthen the Consent Laws for Abortions Performed on Minors and Incapacitated Persons"

(H.P. 956) (L.D. 1339)

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

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

Representative **PRIEST**: Thank you, Mr. Speaker, fellow Representatives. This is the third of the abortion trilogy. This bill is "An Act To Strengthen the Consent Laws for Abortions Performed on Minors and Incapacitated Persons." This bill modifies Maine's present law on consent to abortion for minors. That law, which was enacted in 1989, was a complete bipartisan measure, which has worked well since 1989. I remember being present when that was voted on and I understand my seatmate,

Representative Hobbins, was there as well. Current law, which is the same law we've had since 1989, provides for counseling of a minor who is considering an abortion. This can be done by a physician or by a counselor. The law encourages parental involvement, but if that's not possible, it provides for the district court or probate court to hear a petition when parental consent is not available. The court may grant permission for a minor to have an abortion or may find that the minor is not able to give consent to an abortion, in which case she would not have an abortion after a life-threatening situation. The bill before you modifies that law which has worked so well since 1989. It makes it more difficult for a minor to show a physician that she has parental consent, requires the physician who has to be the one giving the counseling to provide the minor a form listing a detailed list of risks and hazards related to the abortion. Interestingly enough, informed doesn't have anything to say about the risks and hazards of actual childbirth. The bill provides that if the minor seeks court authorization for an abortion because she cannot get parental consent, she must show by clear and convincing evidence that she is able to give consent to the abortion. For those of you who aren't lawyers, clear and convincing evidence is a much higher standard than the normal standard which is simply probability or 51 percent. This bill tries to solve a problem which doesn't exist by making it harder for a minor to get an abortion. Maine's law, enacted in 1989 on a bipartisan basis, has worked well and abortions for minors in the state are relatively rare in Maine. There is no need for this bill and the majority asks you to please support the Ought Not to Pass Report. Thank you.

The SPEAKER: The Chair recognizes the Representative from Sangerville, Representative Davis.

Representative DAVIS: Thank you very much, Mr. Speaker. Ladies and Gentlemen, Members of the Maine House of Representatives. My friend from Brunswick is correct on one thing. It was enacted in 1989. Whether or not it has worked well is a matter of interpretation and opinion. Currently, under Maine law, a minor may obtain an abortion with the consent of what is called a trusted adult friend. That is the choice of the minor of who it may be. After naming the friend, they go to the abortion facility, she gives her consent, those providing the abortion provide counseling and, of course, there is always the exchange of some money. Now to be clear, the same young woman can't have her body pierced without either a parent or a guardian's consent. Maine law does not allow a minor to have plastic surgery without the parent or guardian's consent. The same goes for field trips from schools, the taking of medications, the tattooing of their bodies, the drilling of their teeth, and on and on. However, the issue of an abortion is quite a bit different. This bill does encourage parents and guardians to be far more involved. Also, at the same time, it does provide a lot of protections for the minor if the abuse is caused by the parents or the guardians. This bill brings to being more family support, something that here in America needs strengthening desperately. I believe, Mr. Speaker, that the family can be strengthened at such times and will result in a much better situation for both the young woman and the family, regardless if they choose to have an abortion or not. Mr. Speaker, I have four beautiful granddaughters. I have Allison who graduated from high school this last Sunday. She is the oldest. Olivia will be a junior this fall and Sadie and Hannah are in the fourth grade next year. I love them, Mr. Speaker, more than I can ever describe, and I will tell you, I hope and I pray should they ever find themselves with an unwanted pregnancy that they turn to their family and their parents. I'm not alone in this, Mr. Speaker. Recently, a Gallup poll showed 71 percent of Americans feel that parental consent should be present when a

minor has an abortion. Sixty percent of those that feel that way described themselves as pro-choice. Also, 72 percent of that group or 72 percent were women. I ask, Mr. Speaker, that you consider well, vote down this motion and I would ask for a roll call. Thank you very much, 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.

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

Representative VILLA: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am on the Judiciary Committee and I rise in support of the pending motion. I was very conflicted about this bill, as I voted in favor of the so-called "tanning bed bill" which banned the use of tanning beds for children under the age of 18. Afterwards, I talked to my 15-year-old daughter about it and she didn't like my vote. I heard someone on the radio say, "How can one vote to ban a teenager's ability to tan and yet allow a 16-year-old to have an abortion without parental consent?" A good question, I thought. So when this bill came to the Judiciary Committee, I thought how could I not support a parent being involved in this sort of procedure. As the mother of a teenage daughter who attends a high school in rural Maine, I explained the bill to her and I said, "As your mom, I would want to know. I would want to be there to support you, regardless of what you decided." She said, "Mom, I would tell you. I could tell you. But you can't support that bill." When I asked why, she said, "I have friends in high school whose parents would kick them out of their house or even beat them up if they got pregnant. Most girls don't have a relationship with their moms like I have with you." Her friends share things with her that they can't share with adults and in telling me that I shouldn't support this bill, she was not protecting herself, she was protecting her friends and sharing with me the sad fact that some of them live in conditions that are unimaginable to you and me, which is why I ask my fellow legislators to support the Majority Ought Not to Pass Report. Thank you.

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

Representative VEROW: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Abortion is a medical procedure and I know any medical procedures that are performed on minors require parental consent. Two of my children had their wisdom teeth taken out and we had to sign a consent to that. I just find it troubling that parents are not consulted in this matter and given their consent. I think it's not a great idea. I look at the bill and although it says, and I can just read you part of the summary, the bill requires a written consent of a parent or legal guardian before an abortion may be performed on a minor or incapacitated person. Consent may be given in certain circumstances by a brother or a sister who is at least 21 years of age or by a stepparent or a grandparent. So I think the measure in the bill before us here does cover the ability of a minor to proceed and make that choice. I am just troubled by the parents not being allowed or being absent from that decision. Thank you, Mr. Speaker.

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

Representative GUERIN: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Maine does a wonderful job of protecting her children. We make sure that parents give consent for ear piercing, tattooing, surgery, field trips and report cards. My son needed a physical to attend a Boy Scout event while I was here in Augusta, so I called my faithful

mother and asked her to take him to a walk-in clinic for a sport's physical. To my surprise, they were unwilling to give him the physical without my consent. Surely, we can do the same for our daughters and granddaughters, having them have a trusted relative or other faithful person to protect them in the case of a complication or emotional distress. I urge you to vote no on the pending motion.

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

Representative **GRANT**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. In reference to a previous concern by one of my good colleagues here in the House, in looking at this bill, I did some research and discovered that Title 22, subtitle 2, part 3, subsection 1598, in Maine's current law, is quite comprehensive and very inclusive of parents in the case of minors seeking abortions or incapacitated persons. The difference with this bill is that it replaces that law concerning minors' abortions and in places where a child, a minor, is claiming that they, under a difficult situation with their parent, may be in danger at their home, this requires a court order if that parent is not to be informed. So I think we're really talking about some very rare situations and some situations in which young teens might find themselves in very precarious and unsafe situations. The current law is quite comprehensive and I don't think we need to amend it in this way. Thank you, Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Carmel, Representative Reed.

Representative **REED**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I stand again in opposition to this bill and this motion. Would anyone here want your underage daughter to undergo an abortion without a written consent of a parent or parents? To answer yes to this statement is unbelievable. If you said yes, I probably wouldn't believe it. Consideration of such a procedure should only be done when the underage person, with the pregnancy, finds that her life is in immediate danger and the danger increases with each passing moment and the parents cannot be found. Heavens, a child cannot go on a fieldtrip without a parent's permission slip. I've coached since I was in college, and in coaching, a player cannot ride home with his or her parents without first clearing it with the athletic office, and presenting the coach with a written notice. All of these permissions are necessary because we are dealing with our greatest treasures, our kids. But not to require parental consent when an underage girl is about to have an abortion is just beyond my ability to comprehend. This year, I have sat in meeting after meeting where we have discussed the saving of salamanders and frogs found in vernal pools. We have protected the habitat of shore birds and wading birds. We discussed for hours regulations that pertain to the cutting of 40 percent of birch trees located along the Portland waterfront. I am thankful that people care this much about the environment of this state, and I'd admit that I grew in my knowledge and understanding of why permission to do some of these things is necessary. Otherwise, real abuses could and would occur. If permission from the DEP is necessary in regards to vernal pools, bird habitats, and waterfront birches, how much more should written parental consent be required when a minor is about to undergo one of the most traumatic procedures of her life, an abortion?

I don't believe for a minute that anything I say here today will change anyone's mind, but I must say it nevertheless. I believe our country has been wrong on this issue since the 1970s. I realize also that it appears that we are losing the discussion on this issue all over the country, and we probably will lose it here again today. However, this does not deter me nor does it discourage me, because I cannot remain silent when it comes to

the life of the unborn child. It may appear that we are a voice crying in the wilderness, but that really doesn't matter to me. Some may say, don't you realize that you can't win on this issue. Well, this may be so, but I'm not convinced that the war has been lost. I will agree that the clouds may be ominous and things look pretty dark, but I'm not giving up. You know, when my back is to the wall, I look at history. I am reminded that things looked pretty uncertain after the Japanese invasion of Pearl Harbor on December 7, 1941. They looked even worse after the French forces surrendered to the German Army in June of 1940. And who can forget how hopeless things appeared to be for the British at Dunkirk, just before the great evacuation took place? I am also reminded of the words of the great Winston Churchill, of this same period, as he admonished the British people to never, never quit. And I have no intentions of quitting on this issue. When I recall these moments in history, I am encouraged to keep pressing forth on these important issues of our time. I am convinced more than ever that it is better to lose some battles in a war that we will ultimately win, than to win some battles in a war that we will ultimately lose. I am persuaded that in God's good time we will prevail. I hope that here in this House today, that common sense will prevail and we will really consider the important impact of this bill, and will put this right back in the hands of parents where it belongs. Thank you, Mr. Speaker. Thank you, Ladies and Gentlemen of the House.

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. We have had for nearly three decades on the books a statute dealing with the consent of a minor to obtain an abortion. There was no showing before the committee or otherwise that that statute is not working as it was intended. There is no need for the amendment proposed in the pending bill. In fact, it makes things considerably more difficult for those involved. In an idyllic parent/child relationship, of course the parents would be involved and almost guarantee it would be, but not all situations fall under that category. It was mentioned a moment ago that a close relative could, in effect, stand in the shoes of a parent to provide consent, but in order to do that, as written, the pregnant minor must sign a written statement identifying her parents, or one of them, as having committed sexual abuse or physical abuse or neglect against her. Imagine how difficult it would be for a minor in challenging circumstances, under the best view of the world, to sign such a statement, in effect indicting her parents. It's unworkable and I don't think it was frankly intended to work. I think it was known that this could not work. The bill does contain an option to go to either the probate or the district court to obtain a waiver, but it imposes a unique burden of proof upon the minor who seeks majority status for the purpose of consenting to an abortion. It provides that that person must establish her awareness, her maturity, the state of her knowledge by what is termed "clear and convincing evidence." This is a much higher standard of proof than one customarily finds in civil actions in which the moving party ordinarily need only prove his or her case by a preponderance of the evidence. There is no reason why this much higher burden of proof must be imposed upon a minor, who after all is operating in unfamiliar territory, possibly without a lawyer, clearly without parental support and in very difficult personal circumstances. Finally, the bill contains a provision toward the end indicating that nothing in the statute is designed to either create or recognize a right to abortion. So the intent and the motive of the legislation, I think, clearly is evidenced in this particular subsection, refutes any sort of recognition of a right to an abortion, as has been recognized as the law of the land for

some 40 years now. There is no need for this legislation. I urge the body to support the pending motion. Thank you, Mr. Speaker.

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

Representative **PARRY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This is one of those issues for me that really bother me. I'm somebody that believes that if a woman finds out that she is pregnant and wants to have an abortion, that's her choice. But I also believe if a 12-year-old is pregnant, a parent should know. And I also believe that probably everybody in this chamber, if their child was pregnant, you'd want to know. I really think that there are enough safeguards in this bill to protect the minor in those instances where she can't go to her parents, but I think that this is something with the rules that we put into effect, even in this session, on minors, that this goes way further than any of those things that we stop minors from doing this year. A funny thing happened a while back, I think it was last year. My wife went in to get her ears pierced at the mall and they required her to show ID. I think that if it's that strict for a young girl to go get her ears pierced and you can't get it done if you are under 18, to get your ears pierced, I think an abortion is a little bit more of a procedure than getting your ears pierced. 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. 296

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

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

ABSENT - Beaudoin, Berry, Briggs, Crockett, Herbig, Kruger, McGowan, Peterson, Theriault.

Yes, 81; No, 61; Absent, 9; Excused, 0.

81 having voted in the affirmative and 61 voted in the negative, with 9 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

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

HOUSE DIVIDED REPORT - Majority (8) **Ought Not to Pass** - Minority (5) **Ought to Pass as Amended by Committee Amendment "A" (H-443)** - Committee on **MARINE**

RESOURCES on Bill "An Act To Require Labeling of Genetically Engineered Marine Organisms"

(H.P. 621) (L.D. 898)

Which was **TABLED** by Representative KUMIEGA of Deer Isle pending his motion to **ACCEPT** the Minority **Ought to Pass as Amended** Report.

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

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

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

Representative **CHAPMAN**: Thank you, Mr. Speaker. Mr. Speaker, Friends and Colleagues of the House. A brief explanation of what this bill is about. The wild North Atlantic salmon is an endangered species. We do not eat it. All Maine salmon is farmed by the aquaculture industry and to protect the endangered wild salmon, the State of Maine does not allow farming of genetically engineered salmon in Maine waters; however, genetically engineered salmon may be about to enter the marketplace. It has not entered the marketplace yet. It is likely to be the first genetically engineered animal to be sold for human consumption. The purpose of the bill was to provide some preemption to the problem that would be caused, especially to our salmon industry, by consumer confusion in the marketplace if genetically engineered salmon were being sold. This might discourage consumers from purchasing any salmon. I repeat, all the salmon that is grown in Maine is non-genetically engineered and it has to be that way in order to get the license to farm it. So Alaska also has on its books now a genetically engineered salmon/fish labeling law that is to say genetically engineered fish that is sold in Alaska and is not labeled as such is considered mislabeled. Now, there is a difficulty with labeling laws. It has to do with the First Amendment of the Constitution and the protection against forced speech. This problem pertains to the bill before you, but what I am hoping to be able to do is I've been able to correct this problem, if we can get past this stage to the next stage where I would offer a House Amendment. In summary, in order to protect the Maine salmon industry, in particular, I am urging you to vote in support of the motion before us, pass this bill and then you will hear from me again. Thank you, Mr. Speaker.

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

Representative **WEAVER**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This bill is unnecessary at this time. It is a feel-good measure, just because now everything genetically engineered is a hot item right now so it gets into the fishing industry. Sebastian Belle of the Maine Aquaculture Association gave us a statement and said it is currently illegal to genetically modify finfish at this time. This bill is unnecessary and it's just a waste of time. Thank you, Mr. Speaker.

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

Representative **JONES**: Thank you, Mr. Speaker. I don't think there is any question among the members of this body where I stand on transparency of labeling and genetically modified foods. I would, however, point out that the struggle for the bill that we just passed the other day, and it just came through the other body, to label genetically engineered foods required a lot of legal caution and teambuilding among other states to prevent Maine from being not only an outlier, but also a target for the kind of challenges that the good Representative

from Brooksville pointed out, forced speech and mandatory labeling. Like I said, although I'm very in favor of this notion, I would urge the body to consider a more cautious study approach to this matter.

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

Representative **CHAPMAN**: Thank you, Mr. Speaker. I apologize for rising a second time, simply to clarify that the legal difficulties with forced speech are adequately and very cleverly solved quite completely by a forthcoming House Amendment. Thank you, Mr. Speaker.

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

ROLL CALL NO. 297

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

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

ABSENT - Beaudoin, Berry, Crockett, Herbig, Kruger, McGowan, Peterson.

Yes, 80; No, 64; Absent, 7; Excused, 0.

80 having voted in the affirmative and 64 voted in the negative, with 7 being absent, and accordingly the Minority Ought to Pass as Amended Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-443)** was **READ** by the Clerk.

Representative **CHAPMAN** of Brooksville **PRESENTED House Amendment "A" (H-466) to Committee Amendment "A" (H-443)**, which was **READ** by the Clerk.

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. As I mentioned before, the bill, without this amendment, had a problem relating to mandatory labeling. The problem was a constitutional First Amendment problem. What this amendment does is it removes the mandatory labeling and instead there is a prohibition on labeling, and the prohibition is that if you change the genes of an animal, you cannot name it with the same name as the non-genetically engineered counterpart. Now, let me give you an example that is not related to genetic engineering but...

The SPEAKER: Will the Representative defer? It's hard to hear. The House will be in order. The Chair recognizes the Representative from Brooksville, Representative Chapman.

Representative **CHAPMAN**: Thank you, Mr. Speaker. Splake is a type of fish that is a hybrid fish with a father that is a brook trout, or a speckled trout, and a mother that is a lake trout. So if you had a splake fish and you were selling it for food, you would not call it a brook trout or a lake trout because it is neither. It has characteristics of both, but it goes by a name that is not related to either of its parents' names. In a similar way, if you have a salmon and you've changed the genetic structure of the salmon so that it has some characteristics that some are similar to a salmon but some are not, and that's the reason you've genetically modified it, then this House Amendment prevents you from calling the resulting fish a salmon, unless you precede the word "salmon" with the words "genetically engineered." So that's the substance of this House Amendment. It gets around the constitutional problem, First Amendment problem, and yet it is primarily directed at informing consumers of what it is that they're purchasing. Now, one further comment is the context of this bill with respect to the more general genetic engineered labeling bills that we passed yesterday. The bill that we passed yesterday, assuming that it becomes law, will still be subject to an expected court challenge and that's why I think it's also important to have a bill like this one, which is aimed specifically at protecting our local fishing industry, to have this in place so that we do not have to rely upon the other bill that may not survive that court challenge. Thank you very much, Mr. Speaker.

Representative **FREDETTE** of Newport **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-466) to Committee Amendment "A" (H-443)**.

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 "A" (H-466) to Committee Amendment "A" (H-443). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 298

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

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

ABSENT - Beaudoin, Berry, Crockett, Hamann, Herbig, Kruger, McGowan, Peterson.

Yes, 81; No, 62; Absent, 8; Excused, 0.

81 having voted in the affirmative and 62 voted in the negative, with 8 being absent, and accordingly **House Amendment "A" (H-466) to Committee Amendment "A" (H-443)** was **ADOPTED**.

Committee Amendment "A" (H-443) as Amended by House Amendment "A" (H-466) thereto was ADOPTED.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-443) as Amended by House Amendment "A" (H-466)** thereto and sent for concurrence.

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

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

HOUSE DIVIDED REPORT - Majority (7) Ought to Pass as Amended by Committee Amendment "A" (H-461) - Minority (6) Ought Not to Pass - Committee on HEALTH AND HUMAN SERVICES on Bill "An Act To Prohibit the Sale of High-caffeine Energy Drinks to Persons under 18 Years of Age"

(H.P. 504) (L.D. 753)

Which was **TABLED** by Representative FREDETTE of Newport pending the motion of Representative FARNSWORTH of Portland to **ACCEPT** the Majority **Ought to Pass as Amended Report.**

The **SPEAKER:** The Chair recognizes the Representative from Lubec, Representative Cassidy.

Representative **CASSIDY:** Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise in support of the pending motion. I am sponsoring LD 753, which was initially titled "An Act To Prohibit the Sale of High-caffeine Energy Drinks to Persons under 18 Years of Age." And that's what we see up here. What we are voting on today is an amended title and text that is the Majority Report of our committee. The new title reads, "Resolve, To Create a Task Force on Public Awareness Regarding Caffeine-added Drinks, Foods, Food Products, Over-the-Counter Medicines and Dietary Supplements."

You can guess what products task force members will talk about – the high-energy drinks such as Red Bull and Monster; the diet supplement 5-Hour Energy; and even breakfast waffles with caffeine added, something called Wired Waffles. A 2011 study in the journal *Pediatrics* linked consumption of high-energy drinks among children and young adults to trouble absorbing calcium, tooth decay, kidney failure, heart palpitations, high blood pressure and even cardiac arrest. Between 2007 and 2011, the number of emergency room visits in the United States related to energy drinks doubled from roughly 10,000 to 20,000. More than half of those visits did not involve other substances like alcohol. A public awareness campaign directed at Maine's consuming teenagers and purchasing parents would highlight the dangers these high-caffeine products can pose to our adolescents. Of foremost concern is how these products are marketed to our young people, even though they all carry the label that they are not intended for consumption for people under 18 or pregnant women. Taking decisive action is the right thing to do for public health here in Maine. I ask you to support this resolve around public health here in Maine.

Local advocates first made me aware of the harm these popular products are causing in Washington County, and that is what has prompted me to submit this bill. I want to recognize the leadership of our local Healthy Maine Partnership group, called Washington County: One Community, for their early and important work on this issue. They have been collaborating with

our Washington County school superintendents to inform families of these dangers.

Now I wish to bring this conversation statewide. The task force, convened within the resources of Department of Health and Human Services, will involve all interested parties. We won't have the five corporate attorneys from Washington, D.C.; Washington State and California who flew in to speak against my bill, but we will be represented by a variety of local stakeholders, such as the Maine Public Health Association, the Maine Medical Association, Healthy Maine Partnerships, the New England Convenience Store Association, the Maine Grocers Association and the Maine Energy Marketers Association. This resolve is worth enacting. The task force would take a Maine-centric approach to an issue that is impacting the health of our state's children. Making more parents aware of these energy drinks and what they can do if irresponsibly consumed is the right thing to do. Please follow my light and accept the Majority Ought to Pass as Amended Report.

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. Once again, we are trying to duplicate work already being done. There is currently an extensive study being conducted by the Federal Government covering a multitude of products much far and wide beyond the energy drinks of which this original bill was centered on. We're talking waffles, all kinds of food, you name it. The Federal Government is conducting this extensive study. They have the funding they are putting into it. That study is supposed to be done by this fall. I think it's appropriate that maybe we let them finish their study, not try to duplicate what they're already doing and reap the fruits of their labor. Thank you.

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

Representative **HARVELL:** Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I merely have one question. Has Mayor Bloomberg showed up in the building?

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

Representative **LOCKMAN:** Thank you, Mr. Speaker. I rise in opposition to the pending motion. I'm struck by the irony in the chamber here tonight and apparently it escapes my colleagues on the other side of the aisle. We're going to make sure that 18-year-olds can't get high-energy drinks, but they have easy access to abortion. You can't make this stuff up, Mr. Speaker. Thank you.

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

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

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

ROLL CALL NO. 299

YEA - Beavers, Beck, Boland, Bolduc, Briggs, Brooks, Campbell J, Carey, Casavant, Cassidy, Chapman, Chenette, Chipman, Cooper, Daughtry, Devin, Dickerson, Dion, Dorney, Farnsworth, Frey, Gattine, Gideon, Gilbert, Goode, Graham, Grant, Hickman, Hubbell, Kornfield, Kusiak, Lajoie, Libby N, Longstaff, Luchini, MacDonald W, Marks, Mastraccio, McCabe, McLean, Monaghan-Derrig, Moonen, Moriarty, Nadeau C, Nelson, Noon, Peoples, Powers, Priest, Rankin, Rochelo,

Rotundo, Russell, Rykerson, Sanborn, Schneck, Stuckey, Theriault, Tipping-Spitz, Treat, Villa, Welsh, Werts, Mr. Speaker.

NAY - Ayotte, Beaulieu, Bennett, Black, Campbell R, Chase, Clark, Crafts, Cray, Davis, DeChant, Dill, Doak, Dunphy, Duprey, Espling, Evangelos, Fitzpatrick, Fowle, Fredette, Gifford, Gillway, Guerin, Harlow, Harvell, Hayes, Hobbins, Jackson, Johnson D, Johnson P, Jones, Jorgensen, Kaenrath, Kent, Keschl, Kinney, Knight, Kumiega, Libby A, Lockman, Long, MacDonald S, Maker, Malaby, Marean, Mason, McClellan, McElwee, Morrison, Nadeau A, Newendyke, Nutting, Parry, Pease, Peavey Haskell, Plante, Pouliot, Pringle, Reed, Sanderson, Saucier, Saxton, Shaw, Short, Sirocki, Stanley, Timberlake, Turner, Tyler, Verow, Volk, Wallace, Weaver, Willette, Wilson, Winchenbach, Winsor, Wood.

ABSENT - Beaudoin, Berry, Cotta, Crockett, Hamann, Herbig, Kruger, McGowan, Peterson.

Yes, 64; No, 78; Absent, 9; Excused, 0.

64 having voted in the affirmative and 78 voted in the negative, with 9 being absent, and accordingly the Majority **Ought to Pass as Amended Report was NOT ACCEPTED.**

Subsequently, Representative McCABE of Skowhegan moved that the House **ACCEPT** the Minority **Ought Not to Pass Report.**

Representative HICKMAN of Winthrop **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. 300

YEA - Ayotte, Beaulieu, Beck, Bennett, Black, Boland, Bolduc, Briggs, Campbell J, Campbell R, Casavant, Chase, Clark, Cooper, Cotta, Crafts, Cray, Daughtry, Davis, DeChant, Dion, Doak, Dunphy, Duprey, Espling, Evangelos, Fitzpatrick, Fowle, Fredette, Gifford, Gillway, Guerin, Harlow, Harvell, Hayes, Hobbins, Jackson, Johnson D, Johnson P, Jones, Jorgensen, Kaenrath, Kent, Keschl, Kinney, Knight, Kumiega, Kusiak, Libby A, Lockman, Long, Longstaff, MacDonald S, Maker, Malaby, Marean, Marks, Mason, McClellan, McElwee, Monaghan-Derrig, Moriarty, Morrison, Nadeau A, Nelson, Newendyke, Nutting, Parry, Pease, Peavey Haskell, Plante, Pouliot, Pringle, Reed, Rochelo, Sanderson, Saucier, Saxton, Shaw, Short, Sirocki, Stanley, Theriault, Timberlake, Turner, Tyler, Verow, Volk, Wallace, Weaver, Welsh, Willette, Wilson, Winchenbach, Winsor, Wood, Mr. Speaker.

NAY - Beavers, Brooks, Carey, Cassidy, Chapman, Chenette, Chipman, Devin, Dickerson, Dill, Dorney, Farnsworth, Frey, Gattine, Gideon, Gilbert, Goode, Graham, Grant, Hamann, Hickman, Hubbell, Kornfield, Lajoie, Libby N, Luchini, MacDonald W, Mastraccio, McCabe, McLean, Moonen, Nadeau C, Noon, Peoples, Powers, Priest, Rankin, Rotundo, Russell, Rykerson, Sanborn, Schneck, Stuckey, Tipping-Spitz, Treat, Villa, Werts.

ABSENT - Beaudoin, Berry, Crockett, Herbig, Kruger, McGowan, Peterson.

Yes, 97; No, 47; Absent, 7; Excused, 0.

97 having voted in the affirmative and 47 voted in the negative, with 7 being absent, and accordingly the Minority **Ought Not to Pass Report was ACCEPTED** and sent for concurrence.

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

HOUSE DIVIDED REPORT - Majority (11) **Ought to Pass as Amended by Committee Amendment "A" (H-462)** - Minority (2) **Ought Not to Pass** - Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Establish the Volunteer Advocate Program"

(H.P. 620) (L.D. 897)

Which was **TABLED** by Representative FREDETTE of Newport pending pending the motion of Representative FARNSWORTH of Portland to **ACCEPT** the Majority **Ought to Pass as Amended Report.**

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

The Bill was **READ ONCE. Committee Amendment "A" (H-462)** 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-462)** and sent for concurrence.

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

REPORTS OF COMMITTEE

Divided Reports

Majority Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-241)** on Bill "An Act To Facilitate the Licensing of International Mail Order Prescription Pharmacies by the Maine Board of Pharmacy"

(S.P. 60) (L.D. 171)

Signed:

Senators:

PATRICK of Oxford

CLEVELAND of Androscoggin

Representatives:

HERBIG of Belfast

CAMPBELL of Newfield

GILBERT of Jay

HAMANN of South Portland

LOCKMAN of Amherst

MASON of Topsham

MASTRACCIO of Sanford

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-242)** on same Bill.

Signed:

Senator:

CUSHING of Penobscot

Representatives:

DUPREY of Hampden

VOLK of Scarborough

WINCHENBACH of Waldoboro

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-241).**

READ.

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

Majority Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-250)** on Bill "An Act To Amend the Maine Workers' Compensation Act of 1992 To Provide Benefits to Seriously Injured Workers"

(S.P. 175) (L.D. 443)

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

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-250) AS AMENDED BY SENATE AMENDMENT "A" (S-265)** thereto.

READ.

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

SENATE PAPERS
Non-Concurrent Matter

Bill "An Act To Require the Use of Preapproved Subcontractors for Publicly Funded Construction Projects"

(H.P. 922) (L.D. 1295)

Majority (7) **OUGHT TO PASS AS AMENDED** Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-417)** in the House on June 11, 2013.

Came from the Senate with the Minority (6) **OUGHT NOT TO PASS** Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** **READ** and **ACCEPTED** in **NON-CONCURRENCE**.

Representative WILLETTE of Mapleton moved that the House **RECEDE AND CONCUR**.

Representative McCABE of Skowhegan **REQUESTED** a roll call on the motion to **RECEDE AND CONCUR**.

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

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

ROLL CALL NO. 301

YEA - Ayotte, Beaulieu, Bennett, Black, Campbell R, Chase, Clark, Cotta, Crafts, Cray, 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, Malaby, Marean, McClellan, McElwee, Nadeau A, Newendyke, Nutting, Parry, Pease, Peavey Haskell, Pouliot, Reed, Sanderson, Sirocki, Timberlake, Turner, Tyler, Volk, Wallace, Weaver, Willette, Wilson, Winchenbach, Winsor, Wood.

NAY - Beavers, Boland, Bolduc, Briggs, Brooks, Campbell J, Carey, Casavant, Cassidy, Chapman, Chenette, Chipman, Cooper, Daughtry, DeChant, Devin, Dickerson, Dill, Dion, Dorney, Evangelos, Farnsworth, Fowle, Frey, Gattine, Gideon, Gilbert, Goode, Graham, Grant, Hamann, Harlow, Hickman, Hobbins, Hubbell, Jones, Jorgensen, Kaenrath, Kent, Kornfield, Kumiega, Lajoie, Libby N, Longstaff, Luchini, MacDonald W, Marks, Mason, 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, Stuckey, Theriault, Tipping-Spitz, Treat, Verow, Villa, Welsh, Werts, Mr. Speaker.

ABSENT - Beaudoin, Beck, Berry, Crockett, Herbig, Kruger, McGowan, Peterson.

Yes, 59; No, 84; Absent, 8; Excused, 0.

59 having voted in the affirmative and 84 voted in the negative, with 8 being absent, and accordingly the motion to **RECEDE AND CONCUR FAILED**.

Subsequently, on motion of Representative McCABE of Skowhegan the House voted to **INSIST**.

ENACTORS
Emergency Measure

An Act To Ensure the Integrity of Neuropsychological and Psychological Testing Materials and Data

(H.P. 820) (L.D. 1155)

(C. "A" H-442)

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. 138 voted in favor of the same and 1 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, Directing the Department of 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

(H.P. 683) (L.D. 969)

(C. "A" H-431)

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. 133 voted in favor of the same and 3 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Mandate

An Act To Reduce Obesity among Schoolchildren
(S.P. 397) (L.D. 1160)
(CC. "A" S-255)

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.

In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken.

ROLL CALL NO. 302

YEA - Beavers, Beck, Boland, Bolduc, Briggs, Brooks, Campbell J, Carey, Cassidy, Chapman, Chenette, Chipman, Cooper, Daughtry, Davis, Devin, Dickerson, Dion, Dorney, Evangelos, Farnsworth, Frey, Gattine, Gideon, Gilbert, Goode, Graham, Grant, Hamann, Harlow, Hickman, Hobbins, Jones, Jorgensen, Kaenrath, Kent, Kumiega, Kusiak, Lajoie, Libby N, Longstaff, Luchini, MacDonald W, Maker, 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, Stuckey, Theriault, Tipping-Spitz, Treat, Villa, Welsh, Werts, Wilson, Mr. Speaker.

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

ABSENT - Beaudoin, Berry, Crockett, Herbig, Kruger, McGowan, Peterson.

Yes, 82; No, 62; Absent, 7; Excused, 0.

82 having voted in the affirmative and 62 voted in the negative, with 7 being absent, and accordingly the Bill **FAILED** of **PASSAGE TO BE ENACTED** and was sent to the Senate.

Acts

An Act To Protect Landlords When Tenants Fail To Pay Utility Bills
(H.P. 176) (L.D. 215)
(C. "A" H-457)

An Act To Promote Industrial Hemp
(H.P. 344) (L.D. 525)
(C. "A" H-406)

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

(H.P. 416) (L.D. 597)
(H. "C" H-453 to C. "A" H-184)

An Act To Assist Small Distilleries That Also Have Off-premises Retail Licenses
(H.P. 427) (L.D. 608)
(C. "A" H-416)

An Act To Prohibit Sale or Possession of Synthetic Cannabinoids
(H.P. 453) (L.D. 661)
(C. "A" H-422)

An Act To Increase Transparency and Improve Equity in Appeals to Superintendents' Agreements
(H.P. 542) (L.D. 791)
(C. "A" H-414)

An Act To Require Notice to and Input from Municipalities in Which Certain Group Homes Are Located
(H.P. 556) (L.D. 805)

An Act To Update the Laws Relating to the Tri-state Lotto and the Payment of Prizes to Minors
(H.P. 662) (L.D. 938)
(C. "A" H-429)

An Act To Create a Gambling Offset To Enhance the Collection of Child Support
(H.P. 696) (L.D. 982)
(C. "A" H-449)

An Act To Require Prevailing Wages To Be Paid on Public Works Projects Receiving State Funding
(H.P. 815) (L.D. 1150)
(C. "A" H-418)

An Act To Strengthen the Fishing Laws
(H.P. 835) (L.D. 1191)
(C. "A" H-433)

An Act To Amend the Appointment Process for the Maine Charter School Commission
(H.P. 967) (L.D. 1349)
(C. "A" H-454)

An Act To Amend the Laws Regarding Licensure of Physicians and Physician Assistants
(H.P. 1026) (L.D. 1437)
(C. "A" H-424)

An Act To Implement Certain Recommendations of the Criminal Law Advisory Commission Relative to the Maine Bail Code, Statutory Post-conviction Review, the Maine Criminal Code and a Related Statute
(H.P. 1032) (L.D. 1438)
(C. "A" H-456)

An Act To Amend the Laws Governing Decision-making Authority Regarding Energy Infrastructure Corridors
(H.P. 1090) (L.D. 1517)
(C. "A" H-459)

An Act To Maintain Competition among Electricity Suppliers Serving Northern Maine
(S.P. 595) (L.D. 1553)

An Act To Increase International Cross-border Partnerships To Benefit Maine's Economy
(H.P. 1122) (L.D. 1554)

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.

An Act To Amend the Compulsory School Attendance Laws
(H.P. 871) (L.D. 1231)
(C. "A" H-432)

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

On motion of Representative McCABE of Skowhegan, 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. 307) (L.D. 882) Bill "An Act To Amend the Laws Governing Confidentiality of Health Care Information To Enhance Public Safety" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-264)**

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.

(H.P. 952) (L.D. 1335) Bill "An Act To Implement Recommendations of the Department of Environmental Protection Concerning Product Stewardship in Maine" Committee on **ENVIRONMENT AND NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-470)**

On motion of Representative WELSH of Rockport, 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.

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

(H.P. 316) (L.D. 466) Bill "An Act To Provide an Honorary Diploma to Veterans" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-471)**

(H.P. 885) (L.D. 1251) Bill "An Act To Lower Costs to Municipalities and Reduce Energy Consumption through Increased Competition in the Municipal Street Light Market" Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-472)**

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.

ENACTORS

Constitutional Amendment

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Preserve Hunting and Fishing

(H.P. 930) (L.D. 1303)
(C. "A" H-420)

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

On motion of Representative McCABE of Skowhegan, **TABLED** pending **FINAL PASSAGE** and later today assigned.

Emergency Measure

An Act Regarding the Board of Trustees of the Maine Public Broadcasting Corporation

(S.P. 592) (L.D. 1551)
(C. "A" S-263)

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. 126 voted in favor of the same and 9 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Acts

An Act To Amend the Laws Governing Virtual Public Charter Schools

(H.P. 331) (L.D. 481)
(C. "A" H-437)

An Act To Protect Maine Food Consumers' Right To Know about Genetically Engineered Food

(H.P. 490) (L.D. 718)
(H. "B" H-444 to C. "A" H-393)

An Act Regarding School Administrator Effectiveness

(S.P. 469) (L.D. 1350)
(C. "A" S-258)

An Act To Establish a Resource and Development Coordinating Council

(S.P. 513) (L.D. 1427)

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.

CONSENT CALENDAR

First Day

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

(H.P. 179) (L.D. 218) Bill "An Act To Promote Small-scale Poultry Farming" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-476)**

On motion of Representative KUMIEGA of Deer Isle, 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.

UNFINISHED BUSINESS

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

An Act To Make Technical Changes to Maine's Marine Resources Laws and Elver Enforcement Mechanisms

(S.P. 588) (L.D. 1545)
(C. "A" S-247)

TABLED - June 11, 2013 (Till Later Today) by Representative DEVIN of Newcastle.

PENDING - PASSAGE TO BE ENACTED.

Subsequently, on motion of Representative DEVIN of Newcastle, 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-247)** was **ADOPTED**.

The same Representative **PRESENTED House Amendment "A" (H-473)** to **Committee Amendment "A" (S-247)** which was **READ** by the Clerk and **ADOPTED**.

Committee Amendment "A" (S-247) as Amended by House Amendment "A" (H-473) thereto was **ADOPTED**.

Subsequently, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-247) as Amended by House Amendment "A" (H-473)** thereto in **NON-CONCURRENCE** and sent for concurrence.

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

Representative **RUSSELL**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I've done some hard things and I've had to say some hard things, but I have to say this is probably the hardest thing I've ever had to say. I do not speak lightly, but some things must be said and they must be said on the record. Why are we here otherwise? I wish to speak on the record about the comments made by the good Representative from Newport, the Minority Leader, and I appreciate that he took the time to apologize earlier. I really do. However, instead of apologizing for insinuating that men's brains are somehow superior to women's, the Representative from Newport apologized for choosing a poor analogy; i.e., the book, *Men are from Mars and Women are from Venus*. With all due respect, sir, that was a hollow apology. It's like saying I'm sorry you felt that way. Moreover, if the Minority Leader was truly sorry, he would never have said those remarks in the first place. These are not remarks becoming of a member of the Maine House of Representatives and I believe that the people of Maine deserve better. Thank you, Mr. Speaker.

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

Representative **FREDETTE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I appreciate the good words of the good Representative from Portland who I respect and admire very much. I think most anybody who knows me knows that I am a fair and an honest person, and certainly my comments today, while I was simply trying to make an analogy, were not well said. I apologize for both the intent and the content of them, and I certainly, as not only someone who is married to a very lovely wife and has a very lovely daughter who is off to college, obviously, I apologize that it was inartful. I don't know to the extent that it was inartful, I apologize. We've all been here for a lot of days and a lot of nights and I do apologize for that. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Old Orchard Beach, Representative MacDonald, who wishes to address the House on the record.

Representative **MacDONALD**: Thank you, Mr. Speaker. I, too, am also a woman and I was not offended by the comments made earlier today. I appreciate that the Representative apologized. I do think that sometimes tensions get heated and I kind of took it as an R/D thing instead of a man/woman thing, so the analogy, maybe, was misinterpreted by some, but I, for one, as a woman, I was not offended by the comments. I just took it in a different way. I just think that if we all did that a little bit more, maybe we could get a lot more done together. Thank you, Mr. Speaker.

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

On motion of Representative DION of Portland, the House adjourned at 7:53 p.m., until 9:00 a.m., Thursday, June 13, 2013.