

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
60th Legislative Day
Thursday, June 13, 2013

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

Prayer by Reverend Jane MacIntyre, South Parish Congregational Church, United Church of Christ, Augusta.

National Anthem by Honorable Seth A. Berry, Bowdoinham.

Pledge of Allegiance.

Doctor of the day, Amy Madden, M.D., Rome.

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

The Journal of yesterday was read and approved.

SENATE PAPERS
Non-Concurrent Matter

An Act To Protect Maine's Loons by Banning Lead Sinkers and Jigs

(S.P. 268) (L.D. 730)
(C. "A" S-231)

PASSED TO BE ENACTED in the House on June 11, 2013.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-231) AS AMENDED BY SENATE AMENDMENT "A" (S-274)** thereto in **NON-CONCURRENCE**.

The House voted to **RECEDE AND CONCUR**.

Non-Concurrent Matter

Bill "An Act To Provide Immunity for Prescribing and Dispensing Intranasal Naloxone Kits"

(H.P. 737) (L.D. 1046)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-436) in the House on June 11, 2013.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-436) AS AMENDED BY SENATE AMENDMENT "A" (S-266)** thereto in **NON-CONCURRENCE**.

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

COMMUNICATIONS

The Following Communication: (H.C. 200)

STATE OF MAINE
COUNTY OF PENOBSCOT
COURT OF COUNTY COMMISSIONERS
97 HAMMOND STREET
BANGOR, MAINE 04401-4998

June 10, 2013

Honorable Mark W. Eves

Speaker of the House

2 State House Station

Augusta, Maine 04333

Dear Speaker Eves:

It is with great pride that the Penobscot County Commissioners take this opportunity to recommend Honorable Charles Pray of Millinocket, Maine for appointment and consideration to fill a vacant seat on the LUPC. Their vote to confirm Mr. Pray's appointment for this seat occurred on Tuesday, June 4, 2013 at their regularly scheduled meeting.

It is not every citizen who is willing to serve their neighbors. Mr. Charles Pray has served the citizens of the State of Maine and Penobscot County for eighteen years in the Maine Senate and an equal number of years in Washington in the US Department of Energy in various capacities and living and working in Millinocket, Maine and the Unorganized Territory.

After a very deliberative process of reviewing resumes and applications of a large number of very qualified applicants followed by a one on one interview process, it was clear to the Commissioners of Penobscot County that Mr. Pray's background and knowledge of the history of the Land Use Planning Commission and the Unorganized Territory will make him a very valuable and contributing member of the Commission not only representing the interests of Penobscot County but all Maine citizens.

Enclosed is a copy of the completed background paperwork requested by the Legislative Committee. Mr. Pray and the Penobscot County Commissioners look forward to the Public Hearing process.

S/William J. Collins

Penobscot County Administrator

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

The Following Communication: (H.C. 201)

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

June 13, 2013

Honorable Mark W. Eves

Speaker of the House

2 State House Station

Augusta, Maine 04333

Dear Speaker Eves:

Pursuant to Joint Rule 310, the following Joint Standing Committees have voted unanimously to report the following bills out "Ought Not to Pass:"

Environment and Natural Resources

L.D. 1186

An Act To Allow Removal of Trees for Shoreline Stabilization Adjacent to Coastal Wetlands under the Natural Resources Protection Act

Taxation

L.D. 1496

An Act To Modernize and Simplify the Tax Code

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

Sincerely,

S/Millicent M. MacFarland

Clerk of House

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

The Following Communication: (S.C. 465)

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

June 12, 2013

Honorable Millicent M. MacFarland
Clerk of the House

2 State House Station
Augusta, Maine 04333

Dear Clerk MacFarland:

Senate Paper 735, Legislative Document 1044, "An Act To Amend the Laws Governing Prosecution of Individuals Possessing a Controlled Substance under Certain Circumstances," having been returned by the Governor, together with objections to the same, pursuant to Article IV, Part Third, Section 2 of the Constitution of the State of Maine, after reconsideration, the Senate proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objections of the Governor?"

21 voted in favor and 14 against, and accordingly it was the vote of the Senate that the Bill not become a law and the veto was sustained.

Best Regards,

S/Darek M. Grant

Secretary of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.C. 466)

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

June 11, 2013

Honorable Mark W. Eves
Speaker of the House

2 State House Station
Augusta, Maine 04333

Dear Speaker Eves:

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

Upon the recommendation of the Committee on Education and Cultural Affairs, the nomination of Kevin P. McCarthy of Falmouth for reappointment to the University of Maine System, Board of Trustees.

Upon the recommendation of the Committee on Education and Cultural Affairs, the nomination of Ronald M. Bancroft of Cumberland for appointment to the Maine Public Broadcasting System, Board of Trustees.

Upon the recommendation of the Committee on Judiciary, the nomination of John V. Romei of Roque Bluffs for appointment as an Active Retired District Court Judge.

Upon the recommendation of the Committee on Judiciary, the nomination of David J. Mitchell of Calais for appointment as a District Court Judge.

Upon the recommendation of the Committee on Judiciary, the nomination of William P. Logan of Augusta for appointment to the Maine Commission on Indigent Legal Services.

Sincerely,

S/Darek M. Grant

Secretary of the Senate

READ and ORDERED PLACED ON FILE.

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

CONSENT CALENDAR

First Day

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

(S.P. 530) (L.D. 1448) Bill "An Act To Preserve Marine Resources Licenses for Active Duty Service Members" Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-267)**

(S.P. 596) (L.D. 1555) Bill "An Act To Strengthen Maine's Hospitals and To Provide for a New Spirits Contract" (EMERGENCY) Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-269)**

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

There being no objection, the Senate Papers were **PASSED TO BE ENGROSSED as Amended** in concurrence.

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

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Ben Greenberg, of Scarborough, a junior at Scarborough High School, who was named the 2013 Gatorade Maine Baseball Player of the Year. Ben helped his team, the Red Storm, to the top ranking in the Western Class A championship. He also maintains an excellent academic standing and is involved with several volunteer projects at his school. He is now a finalist for the Gatorade National Baseball Player of the Year. We send Ben our congratulations on his receiving this honor and send him our best wishes;

(HLS 439)

Presented by Representative VOLK of Scarborough.

Cosponsored by Senator BOYLE of Cumberland, Representative SIROCKI of Scarborough, Senator MILLETT of Cumberland.

On **OBJECTION** of Representative VOLK of Scarborough, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Recognizing:

Dillon Russo, of Scarborough, a student at Scarborough High School, who is the recipient of a 2013 National Football Foundation, State of Maine Chapter, Scholar-Athlete Award for his football performance, academic achievement and school leadership. We extend our congratulations and best wishes to Dillon for his receiving this honor;

(HLS 440)

Presented by Representative VOLK of Scarborough.

Cosponsored by Senator BOYLE of Cumberland, Senator MILLETT of Cumberland, Representative SIROCKI of Scarborough.

On **OBJECTION** of Representative VOLK of Scarborough, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

REPORTS OF COMMITTEE
Divided Reports

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought Not to Pass** on Bill "An Act To Prohibit State and Local Governments from Contracting with Corporations That Engage in Business in Known Terrorist States" (H.P. 955) (L.D. 1338)

Signed:

Senators:

LACHOWICZ of Kennebec
GERZOFISKY of Cumberland

Representatives:

GRAHAM of North Yarmouth
BOLAND of Sanford
BOLDUC of Auburn
CHENETTE of Saco
COTTA of China
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-474)** on same Bill.

Signed:

Senator:

COLLINS of York

Representatives:

HAYES of Buckfield
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 **STATE AND LOCAL GOVERNMENT** reporting **Ought Not to Pass** on Bill "An Act To Change the Way Legislators Are Paid" (H.P. 977) (L.D. 1369)

Signed:

Senators:

LACHOWICZ of Kennebec
COLLINS of York
GERZOFISKY of Cumberland

Representatives:

GRAHAM of North Yarmouth
BOLAND of Sanford
CHENETTE of Saco
HAYES of Buckfield
NADEAU of Winslow
PEASE of Morrill

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-475)** on same Bill.

Signed:

Representatives:

COTTA of China
MacDONALD of Old Orchard Beach
NADEAU of Fort Kent

READ.

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

CONSENT CALENDAR
First Day

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

(S.P. 456) (L.D. 1313) Bill "An Act To Amend Licensing Requirements for Professional Engineers" Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass**

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

There being no objection, the Senate Paper was **PASSED TO BE ENGROSSED** in concurrence.

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

UNFINISHED BUSINESS

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

HOUSE DIVIDED REPORT - Majority (8) **Ought to Pass as Amended by Committee Amendment "A" (H-450)** - Minority (5) **Ought to Pass as Amended by Committee Amendment "B" (H-451)** - Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Promote the Safe Use and Sale of Firearms" (H.P. 874) (L.D. 1240)

TABLED - June 12, 2013 (Till Later Today) by Representative DION of Portland.

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

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

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

The SPEAKER: 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. 303

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

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

ABSENT - Beaudoin, Devin, Kaenrath, Marean, Peterson, Priest, Saxton.

Yes, 78; No, 66; Absent, 7; Excused, 0.

78 having voted in the affirmative and 66 voted in the negative, with 7 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-450)** 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-450)** and sent for concurrence.

HOUSE DIVIDED REPORT - Majority (10) **Ought Not to Pass** - Minority (3) **Ought to Pass as Amended by Committee Amendment "A" (H-460)** - Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Apply the Precautionary Principle to Decision Making in Certain State Agencies"

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

TABLED - June 12, 2013 (Till Later Today) by Representative HOBBS of Saco.

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

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

Representative **BOLAND**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The question of principle is something that is used in other countries and it's a principle to which the U.S. is a signatory under the real accords on environment and development, and it basically says that where there are threats of serious and irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation. This is something that I brought with the intention of having it a general principle. It went to the Utilities Committee and so the Utilities Committee would be, if this bill, if this vote were not supported, would be a place where it would be used, just to see how it would work. It would allow the PUC, if they see that there could be widespread damage, to consider asking the mover to take some precautions to avoid that. Thank you very much.

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

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

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

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

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Acceptance of the Majority **Ought**

Not to Pass Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 304

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

NAY - Beavers, Boland, Chapman, Chenette, Chipman, Dickerson, Dorney, Evangelos, Harlow, Hayes, Hickman, Jones, Kaenrath, Kent, Kusiak, McGowan, Moonen, Peoples, Russell, Rykerson, Stuckey.

ABSENT - Beaudoin, Devin, Marean, Peterson, Priest, Saxton.

Yes, 124; No, 21; Absent, 6; Excused, 0.

124 having voted in the affirmative and 21 voted in the negative, with 6 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** 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 12, 2013 (Till Later Today) by Representative FREDETTE of Newport.

PENDING - **ACCEPTANCE OF COMMITTEE REPORT**.

Subsequently, the Unanimous Committee Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-452)** 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-452)** and sent for concurrence.

SENATE DIVIDED REPORT - Majority (9) **Ought to Pass as Amended by Committee Amendment "A" (S-241)** - Minority (4) **Ought to Pass as Amended by Committee Amendment "B" (S-242)** - Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** 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)

- In Senate, Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-241)**.

TABLED - June 12, 2013 (Till Later Today) by Representative McCABE of Skowhegan.

PENDING - **ACCEPTANCE OF EITHER REPORT.**

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

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

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

The **SPEAKER**: The Chair recognizes the Representative from 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. The bill before you today has two reports. The Majority Report would allow a licensed retail pharmacy located in four countries – England, Northern Ireland, Australia or New Zealand – to export prescription drugs to a resident of this state. Please note that it does not say, "Manufactured in those countries," only that it goes through a pharmacy located in those countries with no inspection by the United States or the FDA. A company called CanaRX ran the program that the State of Maine looked to use last year. Is this a pharmacy located in Canada? You may think so, but no. They are actually an international broker of drugs and they are not registered as a pharmacy in Canada or any other country and drugs they supply are not Canadian drugs. You might wonder why those four countries are listed. It is because the Tier 1 countries the sponsors speak of are joined by Canada, Israel, Japan, Switzerland, South Africa, Austria, Belgium, Bulgaria, Cypress, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain and Sweden. Apparently, this long list worried some, so they thought if they just used four countries that would make it more palatable. Okay, but the brand name drugs I get will be the same, right. It's hard to tell. On their website, they state, "Although the drugs you receive may look slightly different or have a different name than the one you are used to, for all intents and purposes they are identical." If they were identical, why would they look different? So you may wonder why Maine pharmacies are so opposed to this scheme.

The opposition is on several levels. Maine pharmacies and over 500 licensed mail-order pharmacies in Maine are held to rigorous standards and we believe anyone supplying prescription drugs to Maine citizens should be held to the same standards. CanaRX complies with no standards. Maine pharmacists are concerned for their patients' health, counsel them on the appropriate use of their prescription medications, but would have no idea how to answer a question on a drug that might be the same, but looks quite different or has a different name. There are no FDA standards on these prescriptions. The FDA has a very strict closed supply chain. They inspect those facilities and they are certified. These drugs do not come through those same supply chains. They're different. But my physician or nurse practitioner wrote the prescription that was filled, so isn't that proof that it's safe enough? The only way that prescription can be filled is if a doctor or prescriber located in the foreign country that fills the prescription writes a new prescription for the drug being dispensed, so it is in fact not your original prescription. But

if I'm saving money, shouldn't that be worth it? This is the biggest myth of all. CanaRX only sells brand name drugs, not generic equivalents. If you based the savings on a drug that costs \$100 from a licensed pharmacy or licensed mail-order facility and they can sell you the same drug for \$40 with no co-pay that would seem like a big savings; however, the generic equivalent of that drug may be available for as little as \$10, plus a \$5 co-pay. Who is really making money here and who is saving money? We've had a huge explosion in generics in this country. These are safe generics regulated by our Food and Drug Administration. Ask yourself this: Shouldn't you really know where anything you inject or ingest into your system comes from? If this is such a great idea, why isn't everyone in the country buying drugs from unregulated entities. And importantly, if something were to happen, where would you seek restitution or help and who would provide that help? Several other states have looked into this drug scheme and they have stopped this illegal activity. Maine should do the same.

I also want to point that you're going to hear that the City of Portland, the state workers even who use drugs that came from CanaRX had no problem, but I ask you this: If you're taking a medication for a chronic condition or because you're ill and you go to your doctor and say, "You know, I'm not getting any better" or "My chronic condition seems to be worsening," your doctor is not going to say, "Well, where did you fill your prescription from? Maybe the medication I wrote your prescription for is counterfeit." They are going to just change your medication and you may or may not get better, your chronic condition may or may not improve. They're not going to send that vile of prescription drugs off to a facility to be tested. That's not going to happen. So to say that these people had no problems, how would you know if you had problems? I'll tell you, I wouldn't want my family taking this medication. 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 support of LD 171. Let's be clear about what this bill does. This bill provides that retail pharmacies licensed in Canada, Great Britain, Northern Ireland, Australia and New Zealand may provide prescription drugs by mail to a Maine resident for their personal use. How do we know these drugs are safe? The bill contains safeguards to ensure that the drugs imported to Maine people are FDA approved, based on a prescription, written by their own U.S. doctor and only filled by English speaking pharmacies who are licensed to dispense drugs to their own citizens. The bill requires pharmacies be licensed retail pharmacies in their home country. These licensed retail pharmacies are subject to comparable, if not stricter, regulatory requirements than U.S. pharmacies. This protects against the problem of transshipments and untraceable counterfeit drugs typically associated with non-retail internet pharmacies. The pharmacies in these countries are all locally licensed and monitored under the laws of their countries, which are at least as stringent as our laws. Saying that this practice is illegal and unsafe is like saying that if a Maine resident gets sick while visiting Canada, that they should not see a doctor or have a prescription filled in Canada because they have not been licensed under their standards in Maine. Opponents of LD 171 would have you believe that the only acceptable standards for pharmacy and medicine are those set forth by the Maine Pharmacy Board and that other international regulatory bodies do not have the capacity to regulate. For over eight years, the City of Portland offered its employees an international mail-order option via licensed retail international pharmacies, which issued 17,000 medications with 100 percent

accuracy and service satisfaction. For six years, Hardwood Products in Guilford, Maine, offered its employees free prescription drug coverage through the same model, which filled over 7,000 prescriptions with 100 percent accuracy and service satisfaction. The State Employee Health Commission here in Maine operated a program similar to this for a short time in 2012 and was on track to realize \$4 to \$6 billion in annual savings. These numbers are significant given our current budget problems. I urge you to vote yes on the pending motion. Thank you, Mr. Speaker.

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

Representative **MALABY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in somewhat conflicted opposition to the pending motion. I fully support the goal of lowering the cost of prescription medicine for Maine citizens as the Majority Report intends. Philosophically, I am predisposed to competition and its positive impact on prices. However, I cannot support the uneven playing field that the pending motion permits. Maine's pharmacists and pharmacies must abide by an extensive set of regulations administered by the Maine Board of Pharmacy. The Majority Report would render those regulations moved for foreign mail-order pharmacies, while leaving our domestic pharmacies subject to that regulatory burden. That, in itself, is patently unfair. Furthermore, the importation of prescription drugs from international sources is illegal under federal law. In addition, the risk of counterfeiting can't be discounted as the channel of distribution need not be documented, only that the country of origin is one of the five approved countries. I've watched enough "Law and Order" to know that drug counterfeiting is real. Those of you who serve on HHS know that I cannot be characterized as a friend of Big Pharma. This body has passed bills I have sponsored to study our prescribing practices for both antipsychotics and ADHD medicine. I have repeatedly questioned the role influence of the pharmaceutical industry within MaineCare. I have no doubt that as a society we look for a silver magic bullet, frequently in the form of a prescription and while I am uncomfortable with direct to consumer advertising that Big Pharma utilizes, I am compelled to acknowledge its legality and it is not the issue before this body today. Maine has a strong and growing tradition of rational and informed pharmaceutical policies. We have a highly efficient MaineCare pharmacy benefit manager, Goold Health Systems. We have recent national acknowledge of our effective reduction in prescribing the antipsychotics among the elderly. We have an academic detailing program that utilizes the resources to the Independent Drug Information Service. We have a somewhat nascent but successful prescription monitoring program. I want to continue to support the positive efforts we have made and the motion before us jeopardizes those efforts. Please vote no on the pending motion. 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've been down this road so many times before. You know, they talk about stuff being safe. There are compounding drugs right down in Boston that I don't know how many people it killed. Where was the FDA on that one? These drugs were coming in from Canada and saving the working people of the State of Maine millions upon millions of dollars, and this administration came in and their attorney general all of the sudden decided that it was illegal. Well, I hope that we can replace what we have lost for the people of Maine. They need the savings, not the drug companies. Thank you.

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

Representative **HERBIG**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. Access to affordable prescription drugs in Maine is a serious problem and that's what we're talking about right now. LD 171 will address this problem by providing a proven safe avenue through which Mainers will be able to purchase their medication at significantly decreased costs. It is safe and it is a proven method, which was described by the Representative from Amherst. This significant savings will not just be seen by Maine citizens but by their employers as well. Maine employees and employers should not continue to line the pockets of Big Pharma while they struggle to provide for themselves and their families. Mainers need this legislation. While some may argue we lack the authority, do we also lack the ability to lead when Maine citizens are struggling in this way? In the face of declining wages, health benefits, retirement benefits, and with the escalating costs of living and escalating costs of medical costs, this is one thing we can do to help Mainers make ends meet. I urge you to support LD 171.

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

Representative **JOHNSON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I represent Hardwood Products in the Maine Legislature and they have been using this program for several years, as you've already heard. I spoke to the CFO who is a particularly capable person. He and his family receive those drugs. There has never been a problem with those drugs. I should tell you that Hardwood Products is, I think, the last business of its kind in the United States and has been exceedingly successful, and they do it by keeping low margins and moderate wages for our state but high in Piscataquis County. I'm an old guy now and as you will come to understand as you reach these years, things aren't always what they seem and I can recall when we had an issue before our country, really at the national level, about providing drugs under the Medicare program. There was a great intensive campaign by pharmaceutical companies to make sure that the rules came out to help them financially. So I can remember that. It always occurred to me, why are all of these people from Maine taking buses to Canada to get drugs. Well, if you look at the price of drugs, and I see the Medicare bills that come in paid of drugs costing \$500 for a prescription by Medicare pay \$25 or \$100 or something significantly less, which tells me that there is a problem in the pharmaceutical industry with pricing. As I've grown older in age, I've experienced another phenomenon which people may come to realize. As you grow older, you become a target of advertising and my local pharmacy, and I use Rite Aid, and I use it because when my doctor sends in a prescription to Rite Aid, I can fill that in any Rite Aid store in the country, so when I travel around a lot, if I run out of a medicine, I can go in and get it. But now Rite Aid has figured out that I'm an old guy and I'm not in real good health, so they keep sending me advertisements for medicines that I don't need and that my doctor hasn't prescribed. They are doing that for their bottom line. Now, people have said that this is unsafe. I don't believe that because I know the CFO at Hardwood Products and he gets his medicine through this and he's about, well, he's a little younger than I am but not much, and he has the same medical issues. I do know that CanaRX is currently doing business in many states in the United States – in Vermont, in Illinois, in New York, Indiana, Massachusetts, Connecticut, Pennsylvania, Rhode Island, Minnesota, Alaska, Arizona, Florida and California – so I don't think it's quite as illegal as some people have said. I think this is

an extremely important bill and that we ought to support it, so please support the pending motion. Thank you.

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

Representative **STUCKEY**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I'd like to give you a little information from the City of Portland. The City of Portland, until last year, had participated with the CanaRX program for eight years with an annual savings of around \$400,000 a year. Half was a savings to the city; the other half was the savings to the individuals who were able to secure their drugs through this program. It involved over 17,000 medications with 100 percent accuracy and service satisfaction and no accidents, nothing unsafe about it at all.

I'd like to read you a letter I got from one of the employees from the City of Portland. He says:

As a city employee, I have good health insurance; however, the prescription drug coverage requires a co-pay of 25 to 30 percent. This is not a big problem for most prescriptions; however, I had recently had a liver transplant and will be on amino suppressant drugs for the rest of my life. The co-pay for Prograf, for example, is about \$300 per month. Another antiviral drug I had to take for six months post-transplant has a co-pay of about \$900 a month. I have been able to find private foundation support for these drugs so far, but that is a limited opportunity and is not assured for ongoing needs. That is why I am anxious for LD 171 to pass the Legislature. The City of Portland used to offer the services of ordering drugs via Canada with no co-pay requirements. At least one of my amino suppressant drugs was previously available that way. I hope that this will again be an option in the future. These drugs from the Portland Meds program are as safe and effective as U.S. sourced drugs and without this program, I, and others like me, face serious financial impacts in meeting our medical needs. Thank you for your commitment.

Pretty straightforward, it seems, to me. Thank you, Mr. Speaker.

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

Representative **HICKMAN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of the pending motion. My father, who left this world in 2007 at the age of 87, died of pancreatic cancer, which he had for years before ultimately succumbing to it. He also had Alzheimer's disease. My mother, who now resides in a nursing home in Milwaukee, swears that the only drugs that they were able to afford on their fixed income, drugs which came from a Canadian mail-order company prolonged my father's life and stopped cold the progression of his Alzheimer's disease so he could still recognize his family and friends in his latter days. I will support the pending motion without reservation. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Oakland, Representative Nutting.

Representative **NUTTING**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I spent the last 13 years of my life in this chamber and to say that this is a bad bill doesn't do it justice. For 30 years before I started my legislative service, I was a licensed pharmacist and I remain one today, and if we ever get out of here, I intend to put in a few days working in the pharmacy in my hometown. I'm going to try not to repeat things that you've heard already, but if I do, I apologize, and they may very well bear repeating. There were four reasons why this is not a good piece of legislation, and I will tell you about each of them, but first, they are demonstratively false savings projections.

Savings projections are just wrong. Secondly, it exports good paying jobs out of the State of Maine. Third, it is dangerous to your life and to your health. Fourth, and finally, it violates federal law. So let's take them one at a time.

First of all, you've heard that we can save \$7 million or \$15 million or \$2 million. You plug in a number because I've heard them all. You heard some reference to the fact that we use more generics now than ever before and that as products become available generically, the cost is substantially less. But if you wanted to promote a plan to show that you were saving money, you might take a drug like Singulair. Singulair is a drug that's used for asthma. It helps people breathe. If you were to have a prescription for the brand name Singulair, you would pay something in the neighborhood of \$340 in this country. If you went to a list that was in the *Portland Press Herald*, published by CanaRX, you would see that instead of \$340, you would pay \$130. What they don't tell you because they don't want you to know is that you can buy the same thing for less than \$50 in the generic form. Anybody who is taking brand name Singulair, whether they are buying it in the United States or from a mail-order pharmacy from Canada or Australia, is making a serious mistake, a mistake that they pay for with their wallet. If you were like me, and like many people in this country, you take a drug called Lipitor. Lipitor is a statin used for cholesterol. I think it's the most widely prescribed drug in the world, not just the United States. If you were to take 10 milligrams of Lipitor – and these are 90-day supplies we are talking about – if you were to take a 90-day supply of Lipitor and you were to buy it at the corner drugstore and you wanted brand name, you'd pay something in the neighborhood of \$276. If you order it from CanaRX, according to their pricelist, you'd pay \$114. That's a savings of about \$600 a year for one person, for one drug. But if you walk into your neighborhood pharmacy and buy a generic, it's less than \$40. Anybody taking brand name Lipitor is throwing their money away. There are many other choices and if you work with your pharmacist and with your physician, and they work together, there are many drugs that are available today for \$4 a month. Are they all? No.

Secondly, exporting good paying Maine jobs. Let me read to you a piece, just one paragraph from the sponsor's testimony that he presented. This is Senator Jackson from Aroostook County. In one line, he says, "I also want to make clear that under this legislation, pharmacies in Maine will still be able to negotiate with Canada Rx." I repeat that. Pharmacies in Maine will still be able to negotiate with Canada Rx. "This bill in no way hurts the ability of small business pharmacies to compete." There is absolutely no provision anywhere in this bill that deals with pharmacies in the State of Maine dealing with what he calls Canada Rx. It's just not true. In Maine, there are 225 licensed retail pharmacies. You probably have some within a few miles of you. In Maine, there are 511 licensed mail-order pharmacies around the country who have licenses in the State of Maine, 511. To say that we are afraid of competition is just not so. The University of New England and Husson University are just in the process of graduating their first classes of pharmacists after six years of college. Six years of college. I am old enough to have only had to go five years, but kids now go six years. They spend upwards of a quarter of a million dollars to get educated for that and they are graduating from colleges in Maine, something we've never had before to fill the needs of our gaining population. There are thousands of Maine people who work in Maine pharmacies. They wonder why we would pass legislation that would exempt a company in a foreign country from all the rules and regulations that they operate under.

Thirdly, it is dangerous. You've heard people say that it's

dangerous because you're not sure what you're getting. That's true. You can't go to your pharmacist and ask them "Is this what I'm supposed to be getting?" which is something we do every day, something I do every day, because I can't tell you, because what comes from foreign countries doesn't sound the same, doesn't look the same, doesn't have the same name in many cases. So my answer to you when you ask me is "I don't know." There are 200 pages of laws and rules that govern pharmacy practice in the State of Maine. Those are just the Maine rules and regulations, not to mention those promulgated by the FDA. Drugs in the system today have pedigrees. In other words, from the moment they leave the factory, wherever they are made, they are traced with barcoding until I hand you the bag in my pharmacy. I know exactly where they came from. I can trace them back. Things coming from other countries, not so much. Controlled substances. You've heard that perhaps we have a problem with Oxycodone. Maine has the biggest problem, perhaps, in the United States based on its population of Oxycodone. Do you think getting Oxycodone from New Zealand is a good idea? The prescription that your doctor writes and if you've ever noticed doctors don't, and with all due respect, doctors don't always have the best handwriting. Granted, we use electronic processing of prescriptions now more and more to avoid those problems, but somewhere in some country somebody is going to take your doctor's prescription, which is handwritten, most likely, and they're going to rewrite it and then they are going to give it to somebody to fill it, because your doctor is not licensed to practice in Canada, generally speaking, and certainly not in New Zealand and Australia.

I'll just skip to the fourth. The fourth is a violation of federal law and we've already heard that. It is specifically prohibited by the Affordable Care Act, so nobody who partakes in the insurance portion of the Affordable Care Act will be able to use drugs imported from foreign countries. Several states have tried to do that. The FDA has made them stop in most cases. There are a few. A few, I think there is less than a handful who continue to do it. The penalty, should the Federal Government decide to prosecute, is a fine for the first offense of \$250,000 and 10 years in federal prison.

Let me wrap up by saying that we're not just talking about CanaRX. We're not talking about getting on a bus and going to St. Stephen or Saint John to get a prescription filled. If you want to do that, go ahead. I don't have any problems with the pharmacies in Canada, but CanaRX is not a Canadian pharmacy. They're not located in Canada. Well, the office building, I think, is in Ontario. But if you go to their website, which looks more amateurish than websites that we all put together for our campaigns, the contact information has a post office box in Detroit, Michigan. So if you've got a problem, where do you go? And now I will really wrap up, to everybody's happiness, I think. Finally, if we are willing to violate federal laws, if we are willing to exempt health care providers from licensure, if we are willing to believe misleading savings estimates and if we are willing to take a risk with prescriptions for ourselves and those whom we love the most, then this is the bill for you. If it's not, I ask you to please vote against the pending motion. Thank you, Mr. Speaker.

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

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

The SPEAKER: The Representative may pose her question.

Representative **PRINGLE**: Thank you, and I apologize for not following more closely the details of this bill. The title says, it's "An Act To Facilitate the Licensing of International Mail Order

Prescription Pharmacies by the Maine Board of Pharmacy." What I'm reading from the summary is that the bill, and I don't know if it's limited only to pharmacies in Canada, Great Britain, Northern Ireland, Australia or New Zealand, so it's kind of a two-part question. Does the bill limit it to those countries which I know do have good health care systems and regulated pharmaceutical industries, but is the Maine Board of Pharmacy going to conduct some form of review of to whether these pharmacies that will be used need our licensing criteria? Thank you.

The SPEAKER: The Representative from Windham, Representative Pringle, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Oakland, Representative Nutting.

Representative **NUTTING**: Thank you, Mr. Speaker. In response to the question, it is limited to five countries. I believe it's Canada, New Zealand, Australia, Great Britain and Northern Ireland. In answer to your second question, the piece about licensing, I think that was the original title of the bill. This bill absolutely excludes any necessity to be licensed through the Board of Pharmacy to the State of Maine. There is no licensing requirements. It is carved out.

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

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

The SPEAKER: The Representative may pose her question.

Representative **DORNEY**: Since Medicare Part D is a federal program, can the insurance companies that sell policies for Medicare Part D, could they participate in this program?

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

Representative **NUTTING**: Thank you, Mr. Speaker. If I understood the question, does Medicare D avail itself of out of the country pharmacies, if that was the question, the answer is no. Several of the states who used to do this, similar to what the City of Portland was doing, several states that used to do it, when Medicare D became effective, they stopped doing it for that very reason, because Medicare D is not involved in international unregulated mail-order pharmacies.

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. 305

YEA - Ayotte, Beavers, Bennett, Berry, Black, Boland, Bolduc, Brooks, Campbell J, Carey, Casavant, Cassidy, Chapman, Chenette, Chipman, Cooper, Cotta, Crafts, Cray, Crockett, Daughtry, Davis, DeChant, Devin, Dickerson, Dill, Dion, Doak, Dorney, Evangelos, Farnsworth, Fowle, Frey, Gattine, Gideon, Gilbert, Goode, Graham, Grant, Hamann, Harlow, Herbig, Hickman, Hobbins, Hubbell, Jackson, Johnson P, Jones, Jorgensen, Kaenrath, Kent, Kinney, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby A, Libby N, Lockman, Long, Longstaff, Luchini, MacDonald S, MacDonald W, Maker, Marks, Mastraccio, McCabe, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nelson, Noon, Peoples, Plante, Pouliot, Powers, Pringle, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Saucier, Schneck, Shaw, Short, Stanley, Stuckey, Theriault, Timberlake, Tipping-Spitz, Treat, Turner, Tyler, Villa, Wallace, Welsh, Werts, Wilson, Wood, Mr. Speaker.

NAY - Beaulieu, Beck, Campbell R, Chase, Clark, Dunphy, Duprey, Espling, Fitzpatrick, Fredette, Gifford, Gilway, Guerin,

Harvell, Hayes, Johnson D, Keschl, Knight, Malaby, Mason, McClellan, McElwee, Nadeau A, Newendyke, Nutting, Parry, Pease, Peavey Haskell, Reed, Sanderson, Sirocki, Verow, Volk, Weaver, Willette, Winchenbach, Winsor.

ABSENT - Beaudoin, Briggs, Marean, Nadeau C, Peterson, Priest, Saxton.

Yes, 107; No, 37; Absent, 7; Excused, 0.

107 having voted in the affirmative and 37 voted in the negative, with 7 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-241)** 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-241)** in concurrence.

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

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

(H.P. 952) (L.D. 1335)

TABLED - June 12, 2013 (Till Later Today) by Representative WELSH of Rockport.

PENDING - **ACCEPTANCE OF COMMITTEE REPORT**.

Subsequently, the Unanimous Committee Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-470)** 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-470)** and sent for concurrence.

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

(H.P. 930) (L.D. 1303)

(C. "A" H-420)

TABLED - June 12, 2013 (Till Later Today) by Representative McCABE of Skowhegan.

PENDING - **FINAL PASSAGE**.

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. This constitutional amendment seeks to protect that which is important to our culture and to our heritage here in the great State of Maine which is hunting and fishing. This is a similar amendment which has been passed in roughly 10 other states in the last decade or so, each passing with 70, 80, 90 percent support. So I think it's important that we here in Maine, particularly in rural Maine, seek to move forward to recognize that that is in fact part of our

cultural heritage and therefore that's the purpose of the resolution. Thank you, Mr. Speaker.

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

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

The SPEAKER: The Representative may pose her question.

Representative **DORNEY**: I have a question for the House and that is, is there any other constitutional amendments that restrict citizen initiatives in the State of Maine?

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

Representative **CAREY**: Mr. Speaker, I rise to answer the question. The answer is no.

Representative TREAT of Hallowell **REQUESTED** a roll call on **FINAL PASSAGE**.

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

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

Representative **RYKERSON**: Thank you, Mr. Speaker. I rise to speak in opposition to this motion. When I decided to run for the Maine House of Representatives, my first action was to read the Constitution of Maine. Any change to this document is a big deal. This resolution proposes that the people of Maine vote to revise our Constitution to limit the content of future ballot questions. That's a dangerous idea. I urge you to vote against the motion. Thank you.

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

Representative **PEASE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. It's nice to hear these things, but I remember a vote the other night about the Constitution of the State of Maine. Thank you.

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

Representative **BROOKS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. It seems to me that the Constitution of Maine and the Constitution of the United States either intends or clearly says that we shall govern ourselves, and I am opposed to any measure, whether it go out to the voters or whether it is decided here, that limits my ability or any other citizen of this state to bring a petition or to introduce a bill that would make changes in how we conduct our business or our sports. Thank you, Mr. Speaker.

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. During the debate on the U.S. Constitution, a proposal was made by the Pennsylvania Delegation to protect hunting in the Bill of Rights. That was laughed off by the framers with the Constitution because, as it was stated at the time, wild game is held by all the people, not a king. Hunting and fishing were such universal activities, actually necessary activities, that constitutional protection was seen as superfluous. It was only in the last century that our Legislature, at the urging of sportsmen, subjected citizens to the requirements to purchase hunting and fishing licenses and along with bag limits, restricted seasons, these represent landmark conservation measures that ensure the sustainability of our natural resources. Over time, our wildlife management programs have come to stand as some of the best in the country. Using the best science provided by dedicated

biologists and public input from species-specific working groups and plenty public initiative, as well as oversight of the Legislature, we are blessed with a tremendous outdoor heritage that can be sustained forever. As a hunter, I am proud of what I do and I am accountable to all my neighbors in Maine for the activities that I pursue. I owe my son and everyone who wants to share in the bounty of the outdoors, that I pursue fish and game in a way that is ethical and sustainable. LD 1303 is an opportunity to continue that tradition. Outside pressure groups who have tried to have their way have come back to Maine and they have an agenda that does not have room for scientific management based on public goals. They don't want to hold hunters accountable for what they do. They don't care if we're ethical or if what we do is sustainable. They want to end it and they know how, throw huge amounts of money at referendum campaigns. They have succeeded elsewhere and they've tried here before and they want to try again.

This resolution would add to the sideboards already in place in our Constitution that govern the citizen initiative process and would simply say that we, the voters, will trust our scientists and our public process to manage fisheries and wildlife, and that if we hold votes on initiatives involving wildlife and fisheries management, then they can't just use the process to restrict or ban these activities. The Legislature could still regulate or prohibit practices or entire hunts, and nothing in this resolution would prevent the commissioner from closing seasons when the need would present itself. Restricting opportunity isn't always a fun thing to do for sportsmen, but we've had to do it plenty of times. The deer season was closed in 1971 because of severe winters and, in recent years, similar conditions have all but eliminated the availability of any deer permits, which were themselves another conservation measure. The moose hunt was ended in the 1930s and wasn't revived until the 1970s. This was done based on biological science and responsible management, not because an animal rights pressure group puts initiatives in front of our voters. Those same groups have tried to call this bill an assault on voter rights. The news is that these groups are no more interested in voter rights than they are in scientific biological management of wildlife, or, for that matter, running animal shelters that they don't use any of the millions of dollars that they raise. They are only interested in raising money and in winning initiatives, and that's why they target states like Maine, Michigan and Alaska. If they can win it here, it just helps them raise money and further their agenda on other states. I suppose that's their business, but public scientific management is ours and preserving the outdoor heritage for my son and all future generations is ours. These groups have brought forward bills to end most methods of bear hunting. They brought the bear referendum in 2004 that failed and are promising another one for next year. Here's something to think about. When was the last time you had a complaint about bear hunting. Our bear population has only grown in the years of regulated hunting. Really, have you heard complaints about any hunting or fishing at all? Today's *Bangor Daily News* has an editorial from one of these out of state lawyers complaining about LD 1303, and they talk about cruelty and hunting without actually defining what's cruel about it. Hunting is no more cruel than farming, but don't worry, they'll address that one too once they establish the beachhead here. That's how they operate. This is the defense of the public process we now use. Don't be fooled by the claptrap about an assault on voting rights. For much of Maine, this is who we are and how we have lived for many generations. The Constitution protects us in many ways and now we can have further protection from who we are as a people with the protection of our public process. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Pittsfield, Representative Short.

Representative **SHORT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in favor of LD 1303 and in support of the committee's 11-2 Majority Ought to Pass as Amended Report. Mr. Speaker, I requested to be a member of the IF and W Committee because I looked at it as an opportunity to create both jobs and revenue which are both desperately needed, as we all know, in our state. I knew it would most likely never happen again to have a paper mill built in our state or even a highway built in our state, but I thought certainly that Maine people would be in favor of expanding and promoting our hunting and fishing opportunities. Well, it didn't take me long to figure out that our hunting and fishing could very likely go the way of the industry that we once had here in the State of Maine and that we needed to do something to protect it. I believe a majority of the people in Maine feel the same way. That is why I am in support of the pending motion which will put the question out to the people of Maine to determine whether or not they want to protect this longtime tradition in Maine and the jobs and revenue that it creates. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Mexico, Representative Briggs.

Representative **BRIGGS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. On behalf of Sportsman's Alliance of Maine, they have asked me to read this letter into the record to which I support as well.

"Many of you have raised this important question during the debate on LD 1303, Resolution, Proposing and Amendment to the Constitution of Maine to Establish the Right to Hunt and Fish.

"Why does Hunting and Fishing Protection Rise to the level of Constitutional Protection?

"I will attempt to answer this question.

"When this country was founded in 1776, there were no hunting and fishing licenses, unlike the King of England who owned all the wildlife, new Americans placed wildlife in the public trust and from that point on the wildlife belonged to all the people.

"When the first American citizens awoke in the morning they could fish or hunt at will, no seasons, no rules, all Americans had the right to forage natural resources for sustenance.

"These rights of all Americans and Mainers to hunt and fish was established without restriction until the early 1900's when sportsmen and women concerned that some natural resources could be in danger of overharvesting established the first hunting and fishing licenses. At the time it was sportsmen and women that raised the voice of conservation and a willingness to pay for it and from that day sportsmen have invested billions in protecting wildlife.

"It is sportsmen and women's money and new legislation supported by the same that has protected song birds, endangered species and all non-hunted game. It was around the same times, (1909) that Maine changes our Constitution to allow citizen initiated petitions. I can only assume that most legislators of the time could not have imagined or foreseen that in a hundred years certain organizations ... would raise countless millions of dollars to exploit the Maine referendum system established over a 130 years after the founding of the country and that it would attempt to take the rights of all to hunt and fish created on the first day the nation was born.

"In 1776, Americans hunted and fished for sustenance, today, is no different, Mainers across the state earn their living by guiding, supplying equipment, lodging guests and countless other services and yes, some still hunt and fish for food. Their modest incomes pale in comparison to the deep pocketed anti-hunting forces who will work relentlessly and without restriction every

day, month and year until they accomplish their goal of ending all hunting.

"As an example of the financial capabilities look in the halls of the capitol at the several high paid lawyer lobbyists who are here in overwhelming numbers working every day to take away the livelihood of those in rural Maine while our citizens are struggling to their families.

"Many people want to preserve the citizen initiated petition process, we respect your concerns, but the right to hunt and fish has existed since 1776 and our referendum system came much later.

"Like the massive amounts of corporate and special interests money that has overwhelmed our national political system, an endless supply of out of state money has created a perfect storm here for those that would exploit our economically depressed state, unfortunately, if we want Mainers to have a future that still includes hunting and fishing amending the Constitution is the only way Mainers will have a fair chance in what will be a massive ongoing media blitz of misleading rhetoric that will be impossible to match. Sportsmen and women will lose their rights and livelihoods established when the country was founded one referendum at a time.

"Finally, if a special interest group is ultimately successful in ending or causing the collapse of guiding and hunting in rural Maine, where will the jobs come from to replace the thousands lost? Who will step up to replace the tens of millions in lost sportsmen fees that have since the early 1900's paid for the conservation of all Maine wildlife."

Also here, I have a list of 17 states that have already adopted as such this referendum and I would also like to read to you, ladies and gentlemen, the question that has been drawn up and thus far is the final question that would be going on the ballot. I think it's important that each of us hears this to know what we're voting on. "Do you favor amending the Constitution of Maine to provide that laws limiting hunting or fishing may not be proposed through a citizen initiative and that hunting and fishing and the taking of wildlife are a valued part of our heritage that must be forever preserved and regulated for the public good?" Thank you, Mr. Speaker.

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

Representative **CAREY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Amending the Constitution demands a high bar. That bar is particularly high in a case like this where rights are suggested to be declared and the right to petition government curtailed. Preempting a citizen's initiative does not meet that bar. Maine became a state in 1820. For 10,000 years, the Wabanaki had hunted, fished and worked the land. European settlers continue that lifestyle, subsisting on a diet of farm-raised potatoes, buckwheat, groundfish, shellfish and wild game. In 1820, 300,000 of those subsistence farmers, loggers, trappers and merchants formed the State of Maine and some of their representatives wrote this Constitution and declared certain rights. Twenty-four rights were declared. Among them, Section 1, all people are born equally free and independent. Section 3, all individuals have a natural and unalienable right to worship Almighty God. Section 4, every citizen may freely speak. Section 15, the right to give instructions to their representatives by petition. In 1820, the vast majority of Mainers hunted and fished as well as go to church, and yet only one of those activities was enshrined in our Constitution. In the almost 200 years since then, only once has a new right been added. This bill would additionally restrict the right of people to petition their government through the citizen's initiative process. As has been mentioned, that was added to the Constitution in

1907, the right to petition through referendum rather than through the Legislature. But in 1907, there was substantive restriction to that right, not of any of the existing 24 rights that were declared, not about how a citizen may worship the Almighty God, not about how a citizen may freely speak, and in fact there has never been a substantive restriction on the right to petition through referendum. I ask you to vote red on this enactment vote, not because I don't believe that hunting and fishing is a key to the State of Maine. Hunting and fishing is key to our fabric. It has been since the beginning of time. It was a deep part of the Wabanaki culture. It was a part of the lifestyle of the first European settlers and their descendants. It was so when this was Massachusetts, it was so when in 1820, when our forbearers created this state, and it was so in 1907. It was so when L.L.Bean made his first boot and it is so now. The right to hunt and fish was not written into the Constitution in 1820, in 1907 or after L.L.Bean made his boot. It does not meet the bar now. Preempting a citizen referendum does not meet the bar to amend the Constitution and to declare rights. Thank you, Mr. Speaker.

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

Representative **JONES**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I would like to expand the discussion a little beyond hunting and fishing and address the concerns or the issues raised by the good Representatives from Lewiston and Winterport. I am a sportsman. I do enjoy hunting and fishing. I do find interested parties outside of Maine seeking to influence and distort the nature of our policies. I find that abhorrent, but I will say, frankly, that I find some hunting and trapping practices repugnant as well. This issue, however, before us really is about the issue of citizen's initiative and there is a little bit of a twist here. You know, we've heard citizens have the right to petition and that what this constitutional amendment would do would take away the right to petition on this specific matter on the regulations involving the taking of fish, fowl and game. The real issue at stake here is there is no citizen's initiative way to begin a constitutional amendment. In other words, the citizens can initiate laws, but they cannot initiate a constitutional amendment. The only way for the citizens to bind this Legislature is through a constitutional amendment and they don't have the ability to initiate that. It's paradoxical, I know. We're asking the people to approve a constitutional amendment that would limit their own right to petition. I know it's paradoxical. Personally, I think it would be foolish for the citizens of the State of Maine to ever include an article in their Constitution which limits their right to petition, but I do think it's appropriate for them to have that right to vote so I will be speaking in favor of the current motion. Let the people decide whether or not they want to restrict their own ability to initiate legislation. Thank you, Mr. Speaker.

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

Representative **MORIARTY**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise to speak in opposition of the pending proposed legislation. I think it's important to take a broad perspective of the central issue and to view it from a mile high perspective and, in doing so, we must recognize that one of the most enduring and most conservative principles of American political democracy is that constitutions are not to be treated lightly. They are not to be trifled with. They are to be amended only when the fundamental rights to the people require that it be done. That is not the case in this particular situation. I will echo, to some extent, the comments made by my colleague and seatmate, Representative Carey, the first article of the Maine Constitution, appropriately enough, is

entitled the "Declaration of Rights." It follows the preamble. Section 2 is titled "Power inherent in people." and it reads briefly as follows. "All power is inherent in the people; all free governments are founded in their authority and instituted for their benefit; they have therefore an unalienable and indefeasible right to institute government, and to alter, reform, or totally change the same, when their safety and happiness require it." It is unthinkable to me that we would amend our Constitution to deprive the people of the right to propose laws through the initiative process and impact resources that they own and have an interest in. We ought not to alter the constitutional structure in any way to take this fundamental and key right away from the people. We have enjoyed the right of initiative for nearly a century. It was a key component of the reforms of the progressive era in the U.S., in the early 20th century, and we should not make any changes to our Constitution that would in any way carve out an exception of the fundamental right of the people to propose new laws and new legislation. So I would urge you opposition to the pending motion. Thank you, Mr. Speaker.

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 rise in opposition to this bill. Eight years ago, in 2005, this Legislature considered a constitutional amendment to define marriage in this state as one man and one woman, and polling at the time showed that if the Legislature had chosen to pass it, the voters probably would have approved it. In the eight years since 2005, the voters have changed their hearts and minds very quickly on that issue, and they spoke loud and clear last fall on the issue, and if the Legislature had passed that amendment in 2005, they would have been unable to do that because it would have been enshrined in the Constitution. So rather than the voters having their say, we would be debating this issue over and over and over again for who knows how long, until we were able to get two-thirds to undo that constitutional amendment. We have a very high bar for constitutional amendments for a reason. They can be very dangerous and so they need to meet that high bar before they should pass. However, I am sympathetic to the concerns about out-of-state groups and the tactics that they engage. I immediately think of the National Organization for Marriage. I have seen them engage in unethical signature gathering practices, refusal to disclose their donors, and I can understand why people are concerned about out-of-state activists trying to do something similar on this issue. So if somebody wants to propose some legislation to restrict that kind of unethical behavior by out-of-state activists, I'm all for it. But as far as changing our State Constitution, this just does not meet that bar and I think we would regret it if we did it. Thank you, Mr. Speaker.

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

Representative **COOPER**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just wanted to address more particularly the issue of the influence of outside interest groups and their money in Maine politics. Certainly, it is true that this has been a problem, but it is not confined to the issue of hunting and fishing in Maine. We have seen big money interests used not only with respect to the issue of same-sex marriage but casinos and other issues. We also see well-paid lobbyists lining our halls who are there on behalf of moneyed interests to influence our votes, so money is a problem. It is a constant source of influence in our actions, whether we like it or not. Maine is part of a larger society. The issues that we decide here are often seen to be of national importance and I, for one, would hope that we will find ways to restrict the use of money,

both from within the state and from without. If that is the reason for this amendment, I would say that the more important value that we would be sacrificing is that we would be silencing the voice of the people, one of the few ways in which ordinary Mainers can have their voices heard directly, through the referendum, through the citizen's initiative, and I think that that would be a very big price to pay. Thank you.

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

Representative **CHAPMAN**: Thank you, Mr. Speaker. Mr. Speaker, Friends and Colleagues of the House. I fully agree that our election system is under increasing threat of subversion by unfettered money from private sources. The solution is not to remove our election rights. The solution is to regulate campaign financing and, as you know, I attempted to do that just a few days ago, and I hope that we are able to continue our efforts at solving this serious problem, but we have to solve it in a way that's not taking away our voting rights but is actually regulating campaign financing. Thank you, Mr. Speaker.

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

Representative **LIBBY**: Thank you, Mr. Speaker. Good morning, Men and Women of the House. There is at least one serious problem, from my perspective, with the passage of this constitutional amendment. It would create the situation where municipal ordinances across the state regulating hunting, fishing and the taking of wildlife could all be challenged and local control overturned. Reasonable, longstanding local regulations, like firearm discharge ordinances, shellfish conservation ordinances, restrictions on hunting on public lands, among others, could all be challenged as an infringement of this new constitutional right. Thank you, Mr. Speaker.

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

Representative **GRAHAM**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition of the pending motion. For me, this is not about hunting and fishing, and I hope that those who oppose this motion are not characterized as being anti-hunting and fishing. I have the wonderful honor of having the Maine Wildlife Park in my backyard and I looked to IF and W for how we should be hunting and fishing. For example, bear hunting. I will oppose any restrictions on that because it makes no sense to me and I look to the experts in the field who say, "We don't need to do that." But this is the concern. Changing the Constitution in order to support hunting and fishing is a bad idea. Changing the Constitution to support anything is a bad idea. In the State and Local Government Committee, we heard eight separate bills to change our Constitution and every single time members of my committee said, "Do we really want to change the Constitution? Is this a good idea?" The Constitution is how our democracy works. I support hunting and fishing at every level, but I clearly do not support changing the Constitution to achieve a goal such as this. I thank you very much, ladies and gentlemen.

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

Representative **MARKS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am on the Minority Report. I will be voting with the Majority Report. Simply, my position is to put this question out to the voters this fall. Thank you, Mr. Speaker.

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. I will be brief. I

apologize for rising twice. Basically, I am certainly not against voting rights. I have another bill in, a constitutional resolution to allow for early voting. So this simply takes basically out-of-state special interests with millions of dollars out of the initiative process. Those folks would come in here and pay people to sit at the movie theaters or wherever they'd sit to collect the signatures to enact laws restricting Mainers from doing an activity that has been enshrined in our heritage for centuries. I would point out that this citizen's initiative process is limited and was actually enacted probably by a couple of people in this room. In 1987, for instance, there was a constitutional resolution put in by the good Representative from Eagle Lake, Representative Martin, and it says the right to keep and bear arms shall never be questioned. I wonder if someone put in a citizen's initiative to restrict firearms, if that would be deemed unconstitutional. I would say that it would. So it's not unheard of to change the Constitution to keep people's rights in our state free from outside interests coming in and trying to ban activities that are enshrined in our heritage. Let the people of the State of Maine decide if this does go out to referendum. They will be able to make the ultimate decision whether or not they want this in our Constitution or not. Thank you very much, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Norway, Representative Winsor.

Representative **WINSOR**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I just want to add a few things. I agree completely with the good Representative from Standish. The 150th amendment to our Constitution became effective on November 25, 1987, and that's the Article I, Section 16, regarding the right to keep and bear arms in the State of Maine. If this amendment is passed by this body and ultimately passed by the voters, it will be for the 173rd time that our Constitution is amended. In this case, I think it's important that we consider it and that we give it to the voters to consider, simply because I am convinced, as our good friend from Lewiston said earlier today, that hunting and fishing is a historic right in Maine. It goes from the very beginning of the times that we settled this country and this part of the world. I think it's threatened. I believe it sincerely, that there are people out there who do not want to respect our traditions in this state, and I believe it should be protected by our Constitution. Thank you, Mr. Speaker.

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

Representative **GRANT**: Thank you, Mr. Speaker. I rise in opposition to the LD 1303. I come from a hunting family. I've lived in Maine my whole life. I can remember winters when, if it hadn't been for someone in the family getting a deer, we wouldn't have had meat. I absolutely, one hundred percent support the right to hunt or fish in the State of Maine. However, I cannot support a change to our beloved Constitution to allow some folks to petition this government and other folks not to be able to petition this government. Listening here this morning, I would think that there were hordes of highly paid animal rights activists ready to take over the State of Maine. Seriously? Seriously? There are lots of moneyed interests lining the hallways of this capitol building. We see them every day. Some highly paid, some part of nonprofit organizations. They are part of the process of government here. They have a right to be representing the citizens who ask them to come and speak for them, and so I am appalled that anyone would stand here and say that we are about to be taken over by animal rights activists in the State of Maine. I will also say this. This is clearly about the bear baiting issue, let's cut to the chase. My late grandfather, a hunter his whole life, generations of hunters, said to me when the bear baiting referendum was out, he said bear baiting was the

worst form of hunting he had ever seen and it was the lowest form of sportsmanship. I'm just quoting my late grandfather, who meant a lot to me. There are lots of people who feel strongly about those issues. Let them bring their referendums. Let them debate it out in the public sector. All opinions, that's our democratic process. I absolutely refuse to discuss changing our Constitution for one specific group. Thank you, Mr. Speaker.

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

Representative **PRIEST**: Thank you, Mr. Speaker. Mr. Speaker, Fellow Representatives. In listening to this debate, I find it ironic that we trust people to vote on a constitutional amendment but we don't trust the people to vote on an initiative. I would remind everyone here that an initiative can propose a statute and the Legislature, if it wishes, can change the statute. A constitutional amendment is much closer to being permanent. Let us leave the initiative process, which has served the state well for over 100 years alone. Thank you.

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

Representative **FREDETTE**: Mr. Speaker, I inquire as to whether or not there was a request for a roll call.

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

This being a Constitutional Amendment, a two-thirds vote of the House being necessary, a total was taken.

ROLL CALL NO. 306

YEA - Ayotte, Bennett, Berry, Black, Briggs, Campbell J, Campbell R, Cassidy, Chase, Clark, Cotta, Crafts, Cray, Crockett, Davis, DeChant, Dill, Doak, Duprey, Espling, Evangelos, Fredette, Gifford, Gillway, Guerin, Harvell, Hickman, Jackson, Johnson D, Johnson P, Jones, Keschl, Kinney, Lockman, Long, MacDonald S, Maker, Marean, Marks, McCabe, McClellan, McElwee, Nadeau A, Newendyke, Parry, Pease, Pouliot, Reed, Shaw, Short, Sirocki, Stanley, Theriault, Timberlake, Turner, Tyler, Volk, Wallace, Weaver, Willette, Wilson, Winchenbach, Winsor, Wood, Mr. Speaker.

NAY - Beaulieu, Beavers, Beck, Boland, Bolduc, Brooks, Carey, Casavant, Chapman, Chenette, Chipman, Cooper, Daughtry, Devin, Dickerson, Dion, Dorney, Dunphy, Farnsworth, Fitzpatrick, Fowle, Frey, Gattine, Gideon, Gilbert, Goode, Graham, Grant, Hamann, Harlow, Hayes, Herbig, Hobbins, Hubbell, Jorgensen, Kaenrath, Kent, Knight, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby A, Libby N, Longstaff, Luchini, MacDonald W, Malaby, Mason, Mastraccio, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, Nelson, Noon, Nutting, Peavey Haskell, Peoples, Plante, Powers, Priest, Pringle, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Sanderson, Saucier, Saxton, Schneck, Stuckey, Tipping-Spitz, Treat, Verow, Villa, Welsh, Werts.

ABSENT - Beaudoin, Peterson.

Yes, 65; No, 84; Absent, 2; Excused, 0.

65 having voted in the affirmative and 84 voted in the negative, with 2 being absent, and accordingly the RESOLUTION **FAILED FINAL PASSAGE** and was sent to the Senate.

REPORTS OF COMMITTEE

Divided Reports

Majority Report of the Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-268)** on Resolve, To Allow

Licensed Clubs To Allow Their Members To Purchase Tickets to a Scheduled Function at the Time of the Function
(S.P. 509) (L.D. 1415)

Signed:
Senators:
TUTTLE of York
MASON of Androscoggin

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

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

Signed:
Senator:
PATRICK of Oxford

Representative:
RUSSELL of Portland

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-268)**.

READ.

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

The Resolve was **READ ONCE**. **Committee Amendment "A" (S-268)** 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" (S-268)** in concurrence.

Majority Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-271)** on Bill "An Act To Maintain Access to Safe Medical Marijuana" (EMERGENCY)

(S.P. 578) (L.D. 1531)

Signed:
Senators:
JACKSON of Aroostook
BOYLE of Cumberland
SHERMAN of Aroostook

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

SAUCIER of Presque Isle
TIMBERLAKE of Turner

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

Signed:
Representative:
HICKMAN of Winthrop

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-271)**.

READ.

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

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

Representative **DILL**: Thank you, Mr. Speaker. Briefly, what this bill does is when the medical marijuana bill was first passed, when rules were promulgated, it said that there was no pesticides allowed to be used on marijuana. Since then, there have been three major pest problems that have cropped up – powdery mildew, spider mites and fungus gnats – and since it's not a good way to treat this, this bill actually tries to address that issue. The problem becomes, of course, that there are no registered pesticides for marijuana. But the Federal Insecticide, Fungicide, and Rodenticide Act does have a group of pesticides called the 25(b) which basically are ones that do not have to be registered at the federal level, but they are registered in the State of Maine. So this bill allows these particular materials to be used as long as the label says "Plants" and that's how generic these are, and, for the most part, it's either essential oils like rosemary oil or garlic oil. So that's what this bill does. Thank you.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-271)** 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-271)** in concurrence.

Majority Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-272)** on Bill "An Act To Facilitate the Processing of Livestock That Is Not for Resale"

(S.P. 104) (L.D. 271)

Signed:
Senator:
SHERMAN of Aroostook

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-273)** on same Bill.

Signed:
Senator:
JACKSON of Aroostook

Representatives:
HICKMAN of Winthrop
JONES of Freedom
SAUCIER of Presque Isle

Came from the Senate with the Reports **READ** and the Bill and accompanying papers **INDEFINITELY POSTPONED**.

READ.

On motion of Representative DILL of Old Town, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-272)** 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-272)** in **NON-CONCURRENCE** and sent for concurrence.

Majority Report of the Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-156)** on Bill "An Act To Strengthen the Maine Clean Election Act"

(S.P. 452) (L.D. 1309)

Signed:
Senators:
TUTTLE of York
PATRICK of Oxford

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

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

Signed:
Senator:
MASON of Androscoggin

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

Representative MITCHELL of the Penobscot Nation - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (S-156)** Report.

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-156)**.

READ.

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

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

Majority Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-249)** on Bill "An Act To Encourage Development in the Logging Industry"

(S.P. 385) (L.D. 1103)

Signed:
Senator:
PATRICK of Oxford

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:
Senators:
CLEVELAND of Androscoggin
CUSHING of Penobscot

Representatives:
DUPREY of Hampden
LOCKMAN of Amherst

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-249)**.

READ.

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

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

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-260)** on Bill "An Act To Prohibit the Placement of Cameras and Electronic Surveillance Equipment on Private Property without the Written Permission of the Landowner"

(S.P. 354) (L.D. 1040)

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

Representatives:
PRIEST of Brunswick
BEAULIEU of Auburn
DeCHANT of Bath

MONAGHAN-DERRIG of Cape Elizabeth

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-261)** on same Bill.

Signed:

Representatives:

CROCKETT of Bethel
GUERIN of Glenburn
MOONEN of Portland
MORIARTY of Cumberland
PEAVEY HASKELL of Milford
VILLA of Harrison

Came from the Senate with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-261)**.
READ.

Representative PRIEST of Brunswick 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.

SENATE PAPERS
Non-Concurrent Matter

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

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

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-204) AS AMENDED BY HOUSE AMENDMENT "B" (H-410) thereto in the House on June 10, 2013.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-204)** in **NON-CONCURRENCE**.

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

Representative FREDETTE of Newport **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. 307

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

NAY - Ayotte, Beaulieu, Bennett, Black, Campbell J, Campbell R, Chase, Clark, Cotta, Crafts, Cray, Crockett, Davis, DeChant, Doak, Dunphy, Duprey, Espling, Fitzpatrick, Fredette, Gifford, Gillway, Guerin, Harvell, Hayes, Hickman, 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, Shaw, Short, Sirocki, Stanley, Timberlake, Turner, Tyler, Verow, Volk, Wallace, Weaver, Willette, Wilson, Winchenbach, Winsor, Wood.

ABSENT - Beaudoin, Peterson, Stuckey.

Yes, 81; No, 67; Absent, 3; Excused, 0.

81 having voted in the affirmative and 67 voted in the negative, with 3 being absent, and accordingly the House voted to **RECEDE AND CONCUR**.

SENATE PAPERS
Non-Concurrent Matter

Bill "An Act To Promote Tourism and Foster Economic Development" (EMERGENCY)

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

Majority (9) **OUGHT TO PASS AS AMENDED** Report of the Committee on **TAXATION READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-401)** in the House on June 10, 2013.

Came from the Senate with the Minority (4) **OUGHT NOT TO PASS** Report of the Committee on **TAXATION READ** and **ACCEPTED** in **NON-CONCURRENCE**.

On motion of Representative McCABE of Skowhegan, **TABLED** pending **FURTHER CONSIDERATION** and later today assigned.

COMMUNICATIONS

The Following Communication: (S.C. 470)

MAINE SENATE
126TH LEGISLATURE
OFFICE OF THE SECRETARY

June 12, 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 Indefinitely Postponed "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) and all accompanying papers, in non-concurrence.

Best Regards,

S/Darek M. Grant

Secretary of the Senate

READ and **ORDERED PLACED ON FILE**.

The Following Communication: (S.C. 471)

MAINE SENATE
126TH LEGISLATURE
OFFICE OF THE SECRETARY

June 12, 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 Increase the Lengths of Terms of Members of the Legislature (H.P. 339) (L.D. 489), in non-concurrence.

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

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.C. 472)

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

June 12, 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 Health and Human Services on Bill "An Act Regarding Delayed Birth Registration" (S.P. 446) (L.D. 1284), in non-concurrence.

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

READ and ORDERED PLACED ON FILE.

Reference was made to Bill "An Act To Ensure Accountability in State Contracts"

(S.P. 406) (L.D. 1169)

In reference to the action of the House on June 5, 2013 whereby it Insisted and Joined in a Committee of Conference, the Chair appointed the following members on the part of the House as Conferees:

Representative LIBBY of Lewiston
Representative MacDONALD of Old Orchard Beach
Representative VOLK of Scarborough

**ENACTORS
Emergency Measure**

An Act To Strengthen Maine's Hospitals and To Provide for a New Spirits Contract

(S.P. 596) (L.D. 1555)
(C. "A" S-269)

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

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

Representative **CAREY**: Thank you, Mr. Speaker. Mr. Speaker, I'm proud to rise today to hopefully have what would be the last action in this House to make the final payment that this Governor, and at least two Governors before, had been paying to pay down the final payment to the hospitals under the way that the state used to track payments, until the last Governor changed that. There has been billions of dollars paid to Maine hospitals. This will be the final payment. I am pleased that we are able to do this in this fashion. This is a bill that I and many others in this

body and in the other body have worked very hard on, and I ask you to support my light, Mr. Speaker. I ask for 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 Newport, Representative Fredette.

Representative **FREDETTE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am proud of the action that we are taking today. It's good to see the hard work of both sides of the aisle working together on this bill, bringing this forward and I think bringing a very good strong support to this bill in a bipartisan fashion. Thank you, Mr. Speaker.

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

Representative **ROTUNDO**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. Our hospitals are key to the health of our community, and this final payment makes good on the lifesaving work that our nurses and doctors do for Maine families. Paying back the hospitals is not a partisan issue and I strongly suspect that all of us are very pleased to be able to vote affirmatively in support of our hospitals today. This final payment is part of a long history of hospital repayments. It's particularly exciting for me to make this final payment because when I went on to the Appropriations Committee 11 years ago, we had inherited 11 years of unpaid hospital debt. From 2005 to 2010, we paid back to the hospitals combined state and federal settlement payments which totaled \$742 million. I hope that with the 2009 law instituting the new pay as you go system based on Diagnostic Related Groupings rather than the Perspective Interim Payment System of the past, we will not find ourselves in the position of owing money to our hospitals in the future. Our hospitals are critical to the wellbeing of our communities and state and we are all eager to help these important institutions stay strong and healthy. Thank you.

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

Representative **PEASE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I thank everyone for finally supporting this. Had we done this three months ago, we would have saved the taxpayers of the State of Maine over \$3 million.

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

Representative **McCABE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. As you've heard me speak before, my hospital means a lot to me and I'm pretty excited today to join in this effort, this bipartisan effort. A lot of work has been done in this body, as well as the body down the hall, to move this forward. The work of the Appropriations Committee, the VLA Committee. This is a historic moment. For Skowhegan this means around \$11 million that will be infused into our economy through the hospital and I am ecstatic that we are going to take these steps moving forward and I also am hopeful that this will lead to the release of long overdue bonds. Thank you, Mr. Speaker.

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. Thank you for moving this bill through. I have long supported it in a different iteration. I had attempted earlier to explain some of the finances that are involved with this. What we are doing here is issuing a revenue bond, which will be secured by the cash flow associated

with the liquor contract, and it's a process that is known as defeasance. A defeased debt does not appear on your books, so this will enable the state to further issue other bonds that had previously been authorized. Technically, when defeasances occur, they are generally collateralized with U.S. Treasury obligations. In this case, that is not the case. This bond will be collateralized by the liquor contract, as you're aware, and that's known as an in-substance defeasance. To be honest, in Maine, what would you rather collateralize your debt with – U.S. Treasuries, which are paying 1 percent, or Allen's Coffee Brandy? Thank you.

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

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

ROLL CALL NO. 308

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

NAY - NONE.

ABSENT - Beaudoin, Peterson.

Yes, 149; No, 0; Absent, 2; Excused, 0.

149 having voted in the affirmative and 0 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.

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

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

Representative **BRIGGS** : Thank you, Mr. Speaker. Had I been present for Roll Call No. 305, I would have voted yea. Thank you.

The House recessed until 1:00 p.m.

(After Recess)

The House was called to order by the Speaker.

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

UNFINISHED BUSINESS

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

HOUSE REPORT - Ought to Pass as Amended by Committee Amendment "A" (H-468) - 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)

TABLED - June 12, 2013 (Till Later Today) by Representative BERRY of Bowdoinham.

PENDING - ACCEPTANCE OF COMMITTEE REPORT.

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

Representative **ROTUNDO**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I proudly lay before you the bipartisan budget that was passed unanimously by the Appropriations and Financial Affairs Committee last week. It's a responsible budget and I urge you to support it. The proposal before us is a true compromise. It's not a Democratic budget or a Republican budget. It's not a conservative budget or a progressive budget. It's a responsible budget built in collaboration and one that found common ground. United together, the Appropriations Committee members built a budget on the premise that, in a divided government, you cannot demand all or nothing. In a divided government, you must be willing to give and make hard choices. In a divided government, you must stay at the table, even when you feel most strongly that you want to walk away. It's in these moments of divided government that we all have the hardest choice to make. Will we stay at the table? Will we seek common ground? Will we set party and ideology aside in order to meet our obligations to the people of Maine? This is the choice each and every one of us must make today. This is not an easy choice in the face of extreme pressures from the left and the right of the political spectrum, but we're not sent here to represent our political parties. We were sent here to represent our constituents, our constituents that are depending on us to mitigate a property tax shift to fund our schools, to ensure that our seniors can pay for their care and medicine. The people back home are tired of partisanship. They just want their government to work when they need it. By voting for the budget before you, you can show those constituents back home that we stand with them. You can show them that even in a divided government we can work together. We can collaborate, even when we vigorously disagree.

When the Appropriations Committee started our work on the budget months ago, many people told us that we would never get to this point. The proposed budget was just too difficult for us ever to reach agreement. Through the extraordinarily hard work and commitment of an exceptionally talented and dedicated Appropriations Committee, we have shown the naysayers to be wrong. It has not been an easy journey. Both sides are passionate and strong advocates for their caucuses, concerns

and principles. But we all knew from the beginning that failure was not an option for us, that a government shutdown was not an option and that no one wins in a shutdown, and those who think that they can win have never in fact experienced a shutdown. Everyone stayed at the table on the Appropriations Committee. We challenged each other's thinking and, with respect, we worked through our differences and compromised when necessary. I want to express my deep gratitude to the committee members from both sides of the aisle for their long hours, their thoughtfulness and care and passion as we worked through this budget. To my Republican colleagues, I extend my heartfelt thanks. For the Representative from Wells, Representative Chase, who represented her caucus with such intelligence and strength and passion, I thank you for your leadership. I have the greatest respect for you. You helped us very much, Representative Chase, to get to a fair and bipartisan agreement, and I learned so much from you. To my Democratic colleagues, who met night after night for weeks until 10:30 or 11 o'clock at night, pouring over the thousands of lines in this budget, you were each an inspiration to me. I am so very proud of the work that you did. I actually have no words that can fully express my thanks to you for your commitment. I also have no words to express, in terms of my appreciation, to the staff of the Office of Fiscal and Program Review, which has been with us for every step of our journey over the past few months. We couldn't have done this work without them. The OFPR staff are exemplary public servants whose professionalism, expertise and work ethic are incomparable. To the amazing Maureen Dawson, our principal analyst, who has barely slept this past month as she has worked to help us to complete this budget, we are in your debt. We thank her always for being there for us no matter what the hour. Not only was she always there for us, but she was there for us with a smile. Finally, I want to thank the Speaker for his wisdom, patience and calm as we've worked through this budget. Your support has never wavered and I am deeply grateful for that. I urge everyone in this chamber to support the unanimous bipartisan budget that's before you. Let's show our constituents that we can rise above partisan politics to serve the greater good of the people of Maine. Thank you.

The SPEAKER: The Chair recognizes the Representative from Wells, Representative Chase.

Representative **CHASE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of LD 1509, our biennial budget. The budget you have before you did not come easily. Weeks and weeks of public hearings, work sessions, information gathering, negotiations and robustly debated compromises brought together this difficult and deliberately built document. I want to thank our chairs of Appropriations and let them know how much we respect their efforts in their ability to work with us on our committee. Thank you from the bottom of my heart for that. I also want to thank all the members of our Appropriations Committee, Democrats and Republicans alike, for all your hard work, long hours and respectful dedication in the budget building process. I also wish to say thank you to our leadership who supported us along the way. Our job, as appropriators, is to pass out a balanced budget and our mission was to do it together, which we did. I am proud of that and I have enjoyed working with each and all of you on our committee. The budget before us is a tough one, but we are in a continued tough economic climate. As a responsible appropriator, we made the hard choices and the results are now to be voted on. Just as our duty in Appropriations is to present a balanced budget, it is our job as legislators to pass a budget. While this budget surely has pieces in it we can all dislike, it also has pieces we can all agree to. It is on the latter that I ask for

your support on the motion before us. Thank you and 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. I rise in support of the budget. I do so, however, knowing that our economy is just now beginning to recover a half decade of economic distress. I applaud the work of the Appropriations Committee, having served on that committee in the 125th Legislature. I personally know that they have perhaps the toughest job in the building and they have worked many long and hard hours to come to this compromise, which is an exceedingly rare thing in politics today. Two years ago, the person in my position as House Minority Leader said, of the last biennial budget, "My caucus hates these tax cuts." With her statement in mind, let me go on the record today and say that my caucus hates these tax increases. We must, however, have a budget. After all, we are not Washington. Maine people expect their legislators to come to Augusta and make the tough decisions that must be made to move Maine in the right direction. This budget is a tough budget for Republicans. It contains tax increases and spends money in places where, if I alone were writing this budget, I would be more fiscally conservative. However, at the end of the day, the Appropriations Committee, made up of Democrats and Republicans, from both parties, produced this document and passed it with unanimous support. Time is now short and we, the Legislature, must act to protect the hardworking people of Maine. I want to be clear on one point, however, and that is that Maine will only move forward by increasing its economic growth, job creation, and a focus on our children and those most vulnerable in our state. In some ways, this budget does that. In other ways, it does not. For these reasons, I am voting to support the bipartisan budget put before us today, knowing that it is the best budget given the circumstances of our budget today, of our state today. Thank you, Mr. Speaker.

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

Representative **BERRY**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. The Joint Standing Committee on Appropriations and Financial Affairs has achieved something that many thought was impossible. It's been said that politics is the art of the possible, but I really believe that they did accomplish something that could, in other Legislatures and with other individuals, have been truly impossible. So it's a bit of a miracle that we stand here today poised to enact a compromised budget, a budget in which no one gets everything that they wanted at the outset. But we can all leave knowing that we've paid our bills and that we have a responsible solution that is a better alternative than what had been proposed. It prevents significant property tax hikes on all Maine people. It's a responsible solution that restores cuts to Maine cities and towns and property tax relief programs for middle and low-income families. It's a responsible solution that restores funds to Maine's public schools and covers part of the cost pertinent to retirements, putting Maine on an incremental track to meet the voter approved 55 percent mandate. And it's a responsible solution that restores merit, longevity pay and retiree health insurance to state workers, like state police officers who have not had a raise in four years. It's a responsible solution that restores funds that help Maine seniors and people with disabilities to pay for their health insurance and medicine. It's a responsible solution that tackles the problems, challenges and also the opportunities in our economy through the incorporation of the unanimous report out of the Workforce Committee that will help

to move Maine forward. I want to thank the Representative from Lewiston for her heart of gold and her will of steel throughout and her leadership for our caucus in financial affairs. I want to thank the Representative from Wells and the Representative from Newport for their work representing their caucuses and making sure that the priorities that are reflected in this budget truly do reflect the concerns and the hopes of both of our caucuses. And I want to thank you, Mr. Speaker, for your leadership. I've never seen such amazing decisions made in so short a time and I've never seen the possible and impossible achieved in such a miraculous way as in this budget. So I urge you my colleagues to vote in favor of the pending motion and I further request a roll call.

The same Representative **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 Turner, Representative Timberlake.

Representative **TIMBERLAKE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. My father told me when I was about 10 years old that if I couldn't say anything nice, not to say anything at all. So I promise to be nice, but I'm going to say something. This time, Mr. Speaker and Ladies and Gentlemen of the House, at this time, I feel every person on the Appropriations Committee from both sides of the aisle worked hard and brought the best budget forward they thought they could. But I'm sorry, folks, I don't agree with you. I am asking for your indulgence for a few minutes, Mr. Speaker and Ladies and Gentlemen of the House. I don't think anyone in this body has voted on things. We voted on things – tanning booths, raw milk, energy bills, mergers and many other things – that are important to each and every one of us in this body. But probably the most important thing we do here is to vote on the budget. This budget will affect my kids and my grandchildren, so I'm going to tell you right now that I will be voting against this budget, because I believe that we can fix it. And to reference things that I understand, as all of you know, I am an apple grower and I'm going to put things in terms that hopefully will relate, because I don't think anyone in this room realizes what \$6.3 billion is. Six point three billion dollars is a lot of money and, for a reference, a bushel is 17½ inches by 17½ inches by 7¹/₁₆. There are approximately 120 apples in a bushel. My family has a very large apple farm and we grow, on our very best year in our life, we grew 250,000 bushels and 250,000 bushels, my family would have to raise that same crop, the very largest crop we ever raised, for 210 years to equal 6.3 billion apples. Ladies and gentlemen, our budget has grown over the last 15 years at a very rapid rate. It's time that we made government smaller in the State of Maine. Six point three billion apples, Mr. Speaker and Ladies and Gentlemen of the House, you could not store, in the Cross Building and in this capitol building, if we emptied them out. Six point three billion dollars is a lot of money.

My father also told me, if you can't be part of the solution, then don't be part of the problem. So I'm going to offer a solution because I don't think I should be part of the problem. By saying this, I propose that we cut the budget by 1.5 percent across the board in every department. We don't have to raise taxes on the poor or the working people of Maine. I only propose removing the 5 percent sales tax, not the food and lodging tax because that, folks, is for the people who decide they want to go out to supper and go stay at a hotel. The poor working people of Maine and everyone else has to buy clothing, toilet paper and other essentials, or we could use the newspaper for our toilet paper but, trust me, that doesn't work all that well. Oh, by the way,

we're going to tax that too, so that doesn't work. Now, my 1.5 percent across the board cut does not need to cut anybody's wages or jobs, and I believe that there is enough waste in government today and in the departments to achieve this without hurting everyone. I propose it equally across the board of all departments. We all remember the sequester that happened in the Federal Government, the 2 percent. It has now been going on for six months and hardly talked about and we'd never know they cut the government by 2 percent. This is still moving forward, the United States is still moving forward and so is the State of Maine. So I ask you, no I beg you, to please vote no on this budget and send it back to the Appropriations to fix. Don't send it to the Chief Executive, send it back to Appropriations to fix and protect the working people and the poor people of Maine. This is a simple fix from a simple man. Appropriations can do this in about an hour, I feel, a 1.5 percent across the board cut. Yes, 1.5 percent is like the size of the Clerk's Office when it comes to the apple scenario that I read you earlier. The State of Maine will survive just fine if we make a 1.5 percent cut across the board, leave our lodging and sales tax in place and we can go on and the working people of the State of Maine would be very proud of each and every one of us on both sides of the aisle. So please, ladies and gentlemen, join me in voting down this budget at this time and let them go back and fix it and do what's right for the people of Maine. Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House.

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

Representative **VILLA**: Thank you, Mr. Speaker. I apologize for pushing my button. I'm so late. But I rise in opposition to this budget. I want to thank Appropriations for their work on the budget and I appreciate their hard work, but I cannot support it. This budget continues to undermine the state's 40-year cooperative agreement with municipalities to provide revenue sharing, and it guarantees a tax shift to property taxpayers. This does not include the other taxes imposed upon taxpayers, if this budget is passed. If we had rolled back the 2011 income and estate tax cut to the wealthy, it would have added \$400 million to the budget and eliminated much of the need to raise taxes on Maine families. The top 2 percent pay less in state taxes than your average Mainer and that is wrong. A rollback could have funded Representative Sanderson's amendment to provide services to the 3,100 people with physical and intellectual disabilities who are currently on waiting lists for services in their homes and communities. Mainers are struggling to pay their mortgages, rent, heat and groceries, all basic necessities. This budget protects those who need it the least and taxes those who can least afford it. 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. 309

YEA - Beavers, Beck, Berry, Black, Bolduc, Briggs, Brooks, Campbell J, Carey, Chase, Chenette, Clark, Cooper, Cotta, Daughtry, DeChant, Devin, Dickerson, Dill, Dion, Doak, Dorney, Farnsworth, Fitzpatrick, Fowle, Fredette, Frey, Gattine, Gideon, Gilbert, Gillway, Goode, Graham, Grant, Hamann, Harvell, Hayes, Herbig, Hobbins, Hubbell, Jorgensen, Keschl, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby N, Longstaff, Luchini, MacDonald S, MacDonald W, Maker, Malaby, Marean, Marks, Mason, Mastraccio, McCabe, McElwee, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, Nelson, Noon, Peavey Haskell, Peoples, Plante, Pouliot, Powers, Priest, Pringle, Rankin, Rochelo, Rotundo, Russell, Rykerson,

Sanborn, Saucier, Saxton, Schneck, Shaw, Short, Stanley, Stuckey, Theriault, Tipping-Spitz, Treat, Tyler, Verow, Volk, Weaver, Welsh, Werts, Wilson, Winchenbach, Winsor, Mr. Speaker.

NAY - Ayotte, Beaulieu, Bennett, Boland, Campbell R, Casavant, Cassidy, Chapman, Chipman, Crafts, Cray, Crockett, Davis, Dunphy, Duprey, Espling, Evangelos, Gifford, Guerin, Harlow, Hickman, Jackson, Johnson D, Johnson P, Jones, Kaenrath, Kent, Kinney, Knight, Libby A, Lockman, Long, McClellan, Nadeau A, Newendyke, Nutting, Parry, Pease, Reed, Sanderson, Sirocki, Timberlake, Turner, Villa, Wallace, Willette, Wood.

ABSENT - Beaudoin, Peterson.

Yes, 102; No, 47; Absent, 2; Excused, 0.

102 having voted in the affirmative and 47 voted in the negative, with 2 being absent, and accordingly the Unanimous **Ought to Pass as Amended by Committee Amendment "A" (H-468)** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-468)** was **READ** by the Clerk.

Representative **LOCKMAN** of Amherst **PRESENTED House Amendment "J" (H-486) to Committee Amendment "A" (H-468)**, which was **READ** by the Clerk.

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

Representative **LOCKMAN**: Mr. Speaker, budgets are about making choices and setting priorities. This amendment will make sure that Maine's most profitable nonprofits pay their fair share for municipal services. This fee, in lieu of taxes, is a fair share recycling fee because, in many cases, these big nonprofits are simply recycling tax dollars that flow through this building. If these corporations can afford to pay their CEOs multiple hundreds of thousands of dollars in salary and benefits every year, and spend hundreds of thousands of dollars to hire lobbyists to work these halls, they can certainly afford to pay their fair share of the cost of local government. I urge adoption of this amendment and request a roll call.

The same Representative **REQUESTED** a roll call on the motion to **ADOPT House Amendment "J" (H-486) to Committee Amendment "A" (H-468)**.

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

Representative **ROTUNDO** of Lewiston moved that **House Amendment "J" (H-486) to Committee Amendment "A" (H-468)** be **INDEFINITELY POSTPONED**.

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

Representative **ROTUNDO**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. The Appropriations Committee did carefully look at this proposal. It came before us, but it was at the end of our deliberations and we felt that it could have unintended consequences without proper vetting in a public hearing. So instead of adopting it in the budget, we have established a study committee to look at this proposal with the understanding that, perhaps in the coming year, we will be able to do something with it. Thank you.

Representative **LOCKMAN** of Amherst **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "J" (H-486) to Committee Amendment "A" (H-468)**.

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 Indefinite Postponement of House

Amendment "J" (H-486) to Committee Amendment "A" (H-468). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 310

YEA - Beavers, Beck, Berry, Boland, Bolduc, Briggs, Brooks, Campbell J, Carey, Casavant, Chapman, Chase, Chenette, Chipman, Clark, Cooper, Cotta, Daughtry, DeChant, Devin, Dickerson, Dill, Dion, Dorney, Evangelos, Farnsworth, Fitzpatrick, Fowle, Frey, Gattine, Gideon, Gilbert, Goode, Graham, Grant, Hamann, Harlow, Hayes, Herbig, Hickman, Hobbins, Hubbell, Jorgensen, Kaenrath, Kent, Keschl, Knight, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby N, Longstaff, Luchini, MacDonald W, Maker, Marks, Mason, Mastraccio, McCabe, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, Nelson, Noon, Nutting, Peoples, Plante, Pouliot, 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, Winsor, Mr. Speaker.

NAY - Ayotte, Beaulieu, Bennett, Black, Campbell R, Cassidy, Crafts, Cray, Crockett, Davis, Doak, Dunphy, Duprey, Espling, Fredette, Gifford, Gillway, Guerin, Harvell, Jackson, Johnson D, Johnson P, Jones, Kinney, Libby A, Lockman, Long, MacDonald S, Malaby, Marean, McClellan, McElwee, Nadeau A, Newendyke, Parry, Pease, Peavey Haskell, Reed, Sanderson, Sirocki, Timberlake, Turner, Volk, Wallace, Weaver, Willette, Winchenbach, 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 **House Amendment "J" (H-486) to Committee Amendment "A" (H-468)** was **INDEFINITELY POSTPONED**.

Representative **LOCKMAN** of Amherst **PRESENTED House Amendment "K" (H-487) to Committee Amendment "A" (H-468)**, which was **READ** by the Clerk.

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

Representative **LOCKMAN**: Thank you, Mr. Speaker. Budgets are about making choices and setting priorities. Currently, more than 3,000 seriously disabled Mainers are on waitlists for MaineCare services because no funding is available. This amendment will provide that funding and ensure that Maine's most vulnerable citizens go to the front of the line in this budget. I urge its adoption and request a roll call.

The same Representative **REQUESTED** a roll call on the motion to **ADOPT House Amendment "K" (H-487) to Committee Amendment "A" (H-468)**.

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

Representative **ROTUNDO** of Lewiston moved that **House Amendment "K" (H-487) to Committee Amendment "A" (H-468)** be **INDEFINITELY POSTPONED**.

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

Representative **ROTUNDO**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. There was a lot of discussion within the Appropriations Committee about this waitlist and I'm very pleased that the budget that we negotiated actually takes many people from the waitlist and provides them with the services that they need and clearly we're all committed to removing everyone from the waitlist that currently is on it. Unfortunately, this particular amendment would unbalance our budget and I would urge people to Indefinitely Postpone it. Thank you.

Representative LOCKMAN of Amherst **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "K" (H-487) to Committee Amendment "A" (H-468)**.

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 Indefinite Postponement of House Amendment "K" (H-487) to Committee Amendment "A" (H-468). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 311

YEA - Beavers, Beck, Berry, Bolduc, Briggs, Brooks, Campbell J, Carey, Cassidy, Chapman, Chase, Chenette, Chipman, Clark, Cooper, Cotta, Daughtry, DeChant, Devin, Dickerson, Dill, Dion, Dorney, Evangelos, Farnsworth, Fitzpatrick, Fowle, Frey, Gattine, Gideon, Gilbert, Goode, Graham, Grant, Hamann, Hayes, Herbig, Hickman, Hobbins, Hubbell, Jones, Jorgensen, Kaenrath, Kent, Keschl, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby N, Longstaff, Luchini, MacDonald W, Maker, Marks, Mason, Mastraccio, McCabe, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, Nelson, Noon, Nutting, Peoples, Plante, Pouliot, 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, Winsor, Mr. Speaker.

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

ABSENT - Beaudoin, Peterson.

Yes, 99; No, 50; Absent, 2; Excused, 0.

99 having voted in the affirmative and 50 voted in the negative, with 2 being absent, and accordingly **House Amendment "K" (H-487) to Committee Amendment "A" (H-468)** was **INDEFINITELY POSTPONED**.

Representative LOCKMAN of Amherst **PRESENTED House Amendment "H" (H-484) to Committee Amendment "A" (H-468)**, which was **READ** by the Clerk.

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

Representative **LOCKMAN**: Thank you, Mr. Speaker. Budgets are about making choices and setting priorities. Adopting this amendment will make clear to Maine people that we are serious about setting priorities. As long as we have more than 3,000 seriously disabled Mainers languishing on waitlists for MaineCare services, we cannot afford to continue a Methadone program that provides free drugs to addicts and free transportation to the clinics where the addictive drugs are administered. I urge its adoption and request a roll call. Thank you.

The same Representative **REQUESTED** a roll call on the motion to **ADOPT House Amendment "H" (H-484) to Committee Amendment "A" (H-468)**.

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

Representative ROTUNDO of Lewiston moved that **House Amendment "H" (H-484) to Committee Amendment "A" (H-468)** be **INDEFINITELY POSTPONED**.

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

Representative **ROTUNDO**: Thank you, Mr. Speaker. I just want to clarify that those individuals who are currently on the waitlist do receive MaineCare services now.

Representative BERRY of Bowdoinham **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "H" (H-484) to Committee Amendment "A" (H-468)**.

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 Indefinite Postponement of House Amendment "H" (H-484) to Committee Amendment "A" (H-468). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 312

YEA - Beavers, Beck, Berry, Boland, Bolduc, Briggs, Brooks, Campbell J, Carey, Casavant, Cassidy, Chapman, Chase, Chenette, Chipman, Clark, Cooper, Cotta, Daughtry, DeChant, Devin, Dickerson, Dill, Evangelos, Fitzpatrick, Fowle, Frey, Gattine, Gideon, Gilbert, Goode, Graham, Grant, Hamann, Harlow, Hayes, Herbig, Hickman, Hobbins, Hubbell, Jones, Jorgensen, Kaenrath, Kent, Keschl, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby N, Longstaff, Luchini, MacDonald W, Maker, Marks, Mason, Mastraccio, McCabe, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, Nelson, Noon, Nutting, Peoples, Plante, Pouliot, 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, Winsor, Mr. Speaker.

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

ABSENT - Beaudoin, Dion, Dorney, Farnsworth, Nadeau A, Pease, Peterson.

Yes, 99; No, 45; Absent, 7; Excused, 0.

99 having voted in the affirmative and 45 voted in the negative, with 7 being absent, and accordingly **House Amendment "H" (H-484) to Committee Amendment "A" (H-468)** was **INDEFINITELY POSTPONED**.

Representative LOCKMAN of Amherst **PRESENTED House Amendment "I" (H-485) to Committee Amendment "A" (H-468)**, which was **READ** by the Clerk.

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

Representative **LOCKMAN**: Thank you, Mr. Speaker. Budgets are about making choices and setting priorities. This amendment reduces the budget of the Office of Information Technology by 10 percent and generates \$28 million in savings over the biennium. I urge adoption of this amendment and request a roll call.

The same Representative **REQUESTED** a roll call on the motion to **ADOPT House Amendment "I" (H-485) to Committee Amendment "A" (H-468)**.

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

Representative ROTUNDO of Lewiston moved that **House Amendment "I" (H-485) to Committee Amendment "A" (H-468)** be **INDEFINITELY POSTPONED**.

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

Representative **ROTUNDO**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. On Appropriations, we looked at the technology budget very, very carefully and actually did make some changes to it. Changes of this drastic nature, I think, would really hamper the work of state government, particularly in areas like the Department of Health and Human Services where we've already been challenged significantly through their computer system, and, I think, at this point in time, we want to be enhancing that system and not making it more difficult for providers to be paid and for us to do our state business. Thank you.

Representative **BERRY** of Bowdoinham **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "I" (H-485) to Committee Amendment "A" (H-468)**.

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 Indefinite Postponement of House Amendment "I" (H-485) to Committee Amendment "A" (H-468). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 313

YEA - Beavers, Beck, Berry, Boland, Bolduc, Briggs, Brooks, Campbell J, Carey, Casavant, Cassidy, Chapman, Chase, Chenette, Chipman, Clark, Cooper, Daughtry, DeChant, Devin, Dickerson, Dill, Evangelos, Farnsworth, Fitzpatrick, Fowle, Frey, Gattine, Gideon, Gilbert, Goode, Graham, Grant, Hamann, Harlow, Hayes, Herbig, Hobbins, Hubbell, Jones, Jorgensen, Kaenrath, Kent, Keschl, Knight, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby N, Longstaff, Luchini, MacDonald W, Maker, Marean, Marks, Mason, Mastraccio, McCabe, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, Nelson, Noon, Nutting, Peoples, Plante, Pouliot, 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, Winsor, Mr. Speaker.

NAY - Ayotte, Beaulieu, Bennett, Black, Campbell R, Crafts, Cray, Crockett, Davis, Doak, Dunphy, Duprey, Espling, Fredette, Gifford, Gillway, Guerin, Harvell, Hickman, Jackson, Johnson D, Johnson P, Kinney, Libby A, Lockman, Long, MacDonald S, Malaby, McClellan, McElwee, Newendyke, Parry, Peavey Haskell, Reed, Sanderson, Sirocki, Timberlake, Turner, Volk, Wallace, Weaver, Willette, Winchenbach, Wood.

ABSENT - Beaudoin, Cotta, Dion, Dorney, Nadeau A, Pease, Peterson.

Yes, 100; No, 44; Absent, 7; Excused, 0.

100 having voted in the affirmative and 44 voted in the negative, with 7 being absent, and accordingly **House Amendment "I" (H-485) to Committee Amendment "A" (H-468)** was **INDEFINITELY POSTPONED**.

Representative **LOCKMAN** of Amherst **PRESENTED House Amendment "A" (H-477) to Committee Amendment "A" (H-468)**, which was **READ** by the Clerk.

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

Representative **LOCKMAN**: Thank you, Mr. Speaker. Budgets are about making choices and setting priorities. This amendment will sweep all funding out of Clean Elections, not just for the Chief Executive's race but for our races. As long as we have more than 3,000 seriously disabled Mainers on waitlists for MaineCare services, we cannot afford welfare for politicians. I urge adoption of the amendment and request a roll call.

The same Representative **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-477) to Committee Amendment "A" (H-468)**.

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

Representative **CAREY** of Lewiston moved that **House Amendment "A" (H-477) to Committee Amendment "A" (H-468)** be **INDEFINITELY POSTPONED**.

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

Representative **CAREY**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. The Appropriations Committee considered this line, along with all of the others, and has taken more than \$1 million from this line and, in so doing, has suspended the gubernatorial system for this election cycle, something that was a very difficult decision for many of us. This is, as everyone knows, the position with the most power and the largest amount of interest in the state and to take away Clean Elections was a very difficult one. At this time, this is not something that we can support. This would not only entirely kill the Clean Elections but go against the will of the voters as expressed in 1996. Mr. Speaker, I ask for a roll call.

The same Representative **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "A" (H-477) to Committee Amendment "A" (H-468)**.

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 Indefinite Postponement of House Amendment "A" (H-477) to Committee Amendment "A" (H-468). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 314

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

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

ABSENT - Ayotte, Beaudoin, Cotta, Nadeau A, Peterson.

Yes, 101; No, 45; Absent, 5; Excused, 0.

101 having voted in the affirmative and 45 voted in the negative, with 5 being absent, and accordingly **House Amendment "A" (H-477) to Committee Amendment "A" (H-468)** was **INDEFINITELY POSTPONED**.

Representative **WILLETTE** of Mapleton **PRESENTED House Amendment "F" (H-482) to Committee Amendment "A" (H-468)**, which was **READ** by the Clerk.

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

Representative **WILLETTE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise to urge you to vote in favor of this amendment that I've sponsored which deallocates funding for the Efficiency Maine Trust that has collected from assessments that the Public Utilities Commission places on transmission and distribution of utilities. Maine's energy costs are high. Mainers are overtaxed and about to be taxed worse in this budget. Budgets are stressed across the state at the household level, at the municipal level and, as we are all too familiar with, the state level. This weekend my wife and I visited our local Wal-Mart and much to my amazement, I walked in to see this giant pile of air conditioners, these great air conditioners which, when I grew up, we didn't have an air conditioner because air conditioners were a luxury item. But on each one of these air conditioners was a nice little sticker and it was an Efficiency Maine Trust sticker saying the Efficiency Maine Trust will give you \$50 if you buy this \$200 air conditioner. I do not believe now is the time for assessments to be placed on utilities and used to fund Efficiency Maine and programs like subsidizing air conditioners and those little circle light bulbs, the squiggly light bulbs. As a result, I ask you to please follow my light and support this amendment.

Representative **ROTUNDO** of Lewiston moved that **House Amendment "F" (H-482) to Committee Amendment "A" (H-468)** be **INDEFINITELY POSTPONED**.

Representative **BERRY** of Bowdoinham **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "F" (H-482) to Committee Amendment "A" (H-468)**.

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

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

Representative **RUSSELL**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise in support of the pending motion. The Efficiency Maine Trust does more than just electric efficiency and, in fact, we passed a bill through here recently that would change some of the funding so that we could actually increase access to energy savings for home heating and not just electrical. The way that the money comes into the Efficiency Maine Trust, it does come in off of the electricity system benefit charge, and so that money has gone through electrical efficiency. We have been working this session in a very, very bipartisan manner on the Energy Committee to reappropriate some of that money so that people can save money on their home energy efficiency for their home heating issues. So I would urge folks to respect the bipartisan work of the Energy and Utilities Committee and to actually follow my light and Indefinitely Postpone this amendment. Thank you, Mr. Speaker.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "F" (H-482) to Committee Amendment "A" (H-468). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 315

YEA - Beavers, Beck, Berry, Boland, Bolduc, Briggs, Brooks, Campbell J, Campbell R, Carey, Casavant, Cassidy, Chapman, Chase, Chenette, Chipman, Clark, Cooper, Cotta, Daughtry, DeChant, Devin, Dickerson, Dill, Dion, Dorney, Dunphy, Espling, Evangelos, Farnsworth, Fitzpatrick, Fowle, Frey, Gattine, Gideon, Gilbert, Goode, Graham, Grant, Hamann, Harlow, Hayes, Herbig, Hickman, Hobbins, Hubbell, Jones, Jorgensen, Kaenrath, Kent, Keschl, Knight, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby N, Longstaff, Luchini, MacDonald W, Maker, Marean, Marks, Mason, Mastraccio, McCabe, McGowan, McLean,

Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, Nelson, Newendyke, Noon, Nutting, Peoples, Plante, Pouliot, 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, Winsor, Mr. Speaker.

NAY - Beaulieu, Bennett, Black, Crafts, Cray, Crockett, Davis, Doak, Duprey, Gifford, Gillway, Guerin, Harvell, Jackson, Johnson D, Johnson P, Kinney, Libby A, Lockman, Long, MacDonald S, Malaby, McClellan, McElwee, Nadeau A, Parry, Pease, Peavey Haskell, Reed, Sanderson, Sirocki, Timberlake, Turner, Volk, Wallace, Weaver, Willette, Winchenbach, Wood.

ABSENT - Ayotte, Beaudoin, Fredette, Peterson.

Yes, 108; No, 39; Absent, 4; Excused, 0.

108 having voted in the affirmative and 39 voted in the negative, with 4 being absent, and accordingly **House Amendment "F" (H-482) to Committee Amendment "A" (H-468)** was **INDEFINITELY POSTPONED**.

Representative **BECK** of Waterville **PRESENTED House Amendment "E" (H-481) to Committee Amendment "A" (H-468)**, which was **READ** by the Clerk.

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

Representative **BECK**: Thank you, Mr. Speaker. The amendment before us builds on sales tax changes by an additional 0.5 percent, thus flat funding revenue sharing for Maine's towns and cities. Despite the generally responsible work of the Appropriations Committee, the final outcome of the Committee Amendment previously adopted certainly could lead to cuts in municipal services, municipal layoffs and property tax hikes, probably all three. Property tax hikes are particularly harmful to middle class families and Maine businesses, and the state, as compared to towns and cities, enjoys more flexibility in regards to revenue. Mr. Speaker, I must say with decorum and sincerity that it was my years in Waterville City Hall where I learned from a political leader about the legitimate importance and the political importance of keeping taxes on real property low, and on behalf of myself, the mayor's coalition and the service center coalition, I urge the House to adopt this amendment. Thank you, Mr. Speaker.

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

Representative **MASTRACCIO**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise in support of House Amendment "E." In Title 30-A, subsection 5681, the Legislature finds that the principal problem of financing municipal services is the burden on the property tax, and to stabilize the municipal property tax burden and to aid in financing all municipal services, it is necessary to provide funds from the broad-based taxes of State Government. Revenue sharing is a bill owed to the municipalities as a mechanism to distribute broad-based taxation equitably. It is the same as the state receiving broad-based taxation from the Federal Government to implement as MaineCare, yet not encumbering for a payment that portion the state must match and pay to the hospitals for services mandated that they render. Revenue sharing helps offset those municipal services that we are mandated to render and revenue sharing as a funding mechanism to meet those needs. If the Legislature does not support revenue sharing, then we must allow for alternative means of revenue generation. I ask you to support the House Amendment "E." Thank you, Mr. Speaker.

Representative **ROTUNDO** of Lewiston moved that **House Amendment "E" (H-481) to Committee Amendment "A" (H-468)** be **INDEFINITELY POSTPONED**.

The SPEAKER: The Chair recognizes the Representative from Biddeford, Representative Casavant.

Representative **CASAVANT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. All politics is local. I'll say that again. All politics is local. It goes back to Tip O'Neil. This issue is a local issue. It's not even a partisan issue. You've all gotten letters or comments from your people back home. Many of you serve as selectmen or members of the boards of city councils and you know that the whole idea of revenue sharing is critical to the functionality to your communities. I reject this motion to table indefinitely because this breaks a partnership that has existed for 40 years. As speaking from my community, I can tell you that we have a major serious impact on this. The first year, a \$553,000 reduction, and the next year, it will be a \$637,000 reduction. That's a tough hole to fill and it all goes on the property tax, unless you cut services. Now, sitting in Augusta, we're rather insulated from the pressures of taxpayers, but I can tell you, back home, that pressure is real because they show up arguing every single meeting about tax increases. They can't absorb those increases because property taxes are essentially the least fair form of taxation. This amendment essentially replaces flat funds revenue sharing, and it allows some money to move into the Budget Stabilization Fund, which is also needed. You know, we often talk about the sanctity of home rule, but the ultimate irony is that when it comes to taxation, we, in the Legislature, refuse to even allow any conversation whatsoever in terms of local ability to raise funds. We reject fees, we reject local option income taxes and we say we know better, but we don't do anything and here we are in this particular budget cycle actually removing revenue and saying to the local towns and cities "Sorry guys. You're going to have fill it yourself without giving any options or any suggestions about how to do that." So I ask you, please consider raising the sales tax by a half a cent which means \$10 for every \$1,000 that are spent, and I ask you, when you go back home, what would your constituents prefer you to do? Pay for a property tax increase or pay that half penny? And I would suggest that they would prefer that half penny. Thank you very much.

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

Representative **GRANT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of the amendment and against the Indefinite Postponement thereof. With all due respect to the hard work and dedication of the Appropriations Committee who has my undying respect, I must insist that we keep our promises to our local municipalities through revenue sharing. Five percent is a partnership that has eroded over the last few years. In the budget that was proposed by the Chief Executive, this partnership, this promise, this debt I would even say, was broken completely. I appreciate their efforts, this committee's efforts, to at least restore a large portion, but it's not enough. My community is facing serious cuts to services, necessary services. We have, unfortunately, in this budget, passed the buck, though, unfortunately, not literally, to the local level. We have to stand up and be counted to say that we're willing to do our work first. I think raising the sales tax to 6 percent makes more sense than 5.5 percent. I can't even figure out 5.5 percent and I think 6 percent is actually easier to figure out, so I ask you to support our local communities in this amendment. Thank you, Mr. Speaker.

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

Representative **JONES**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I'd like to recall for my fellow Men and Women of this House, the 40 resolutions – 40

resolutions – passed by municipalities in town council and town meeting and communicated to this body. After the generally common recitations, you know, the "whereas" portion of each resolution, every one of these municipalities conveyed to us, the representatives of the people, their wishes. Here's a representative sample of these resolutions, from one town I'm humbled to represent:

RESOLVED: that we, the people of the Town of Montville assembled at our annual town meeting on March 30, 2013, call upon the Legislature of the State of Maine to reject these proposals, identify less harmful cost savings, and raise revenue in an equitable fashion to avoid this tax shift onto the property owners of Montville and other Maine cities and towns.

Mr. Speaker, the purpose here is to remind us of who we represent. And I thank the good Representative from Biddeford for reminding us that all politics is local. The 40 towns who have expressed their deep concern with the cuts to revenue sharing are these, and I'd be happy to share with us how much of the budget before us will cost each town in the state, but I will not belabor that. The 40 towns who have asked us not to cut revenue sharing include Auburn, Aroostook, Bangor, Belfast. Are any of these towns we represent? Boothbay, Bridgton, Buckfield, Calais, Fayette, Fairfield, Gouldsboro, Hallowell, Hancock, Lamoine, Lewiston, Lincoln, Livermore, Livermore Falls, Lubec, Mexico, Northfield, Pittsfield, Presque Isle, Rockland, Sanford, Sebago, Scarborough, South Portland, St. Albans, Thomaston, Tremont, Yarmouth, Waterville, Wayne, Winslow, Winthrop, Norway, Harpswell, Gardiner, Jay, Freeport, Starks, Old Town, Lovell, Waldoboro, Kittery, Paris, North Berwick, South Berwick, Portland, Benton, Biddeford, Searsport, Bar Harbor, Greenwood, Gorham, Orland, Falmouth, Camden and Montville.

Mr. Speaker, representing eight towns in western Waldo County, I call to the attention of the House the fact that the poverty level in the towns I represent is close to 20 percent and median household income is less than \$35,000. It is unacceptable to me and to the property owners in the towns that I represent to bear this irresponsible budget's tax shift. As the good Representative from Biddeford alluded, the property tax is the most onerous, regressive, and nasty tax of all. It affects those on fixed incomes and the working poor disproportionately. Mr. Speaker, I urge my fellows to reject the motion to Indefinitely Postpone consideration of this amendment.

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

Representative **CAREY**: Thank you, Mr. Speaker. Mr. Speaker, it's been said here today that budgets are about making choices and I could not agree with that sentiment more. This amount that we're talking about, the \$125 that was restored, represents almost half of the restorations that the Appropriations Committee made. You can imagine how difficult that negotiation was and how difficult the choices that went into it were in reaching this number and realize that this was the right number. I was intimately involved in that and I stand behind the decision that we made as a group and I believe that we made the right decision based on the budget before us. I said I agree with everything that's been said before in this particular debate. The 5 percent revenue sharing is a promise that the state has made to municipalities. It's a promise now in this biennial budget that will be the third, 6 years, that has not been kept, and that is a huge, huge problem.

In terms of what this means for my community in Lewiston, the amendment that I'm asking you to Indefinitely Postpone now would represent \$1.1 million more in next year alone. That's

\$0.61 on the property tax that's already in the top 10 in the state at a 27 mill rate. It's about 20 percent of the fire department budget. It's about 20 percent of our police department budget. You can't cut a firefighter because in the ways in which the staffing has to work on for a given truck and any truck around in the substations around the central fire station. We cut one fire station and the truck falls below the three that are required, the three on duty that are required for that truck and, without a truck, we can't open that substation. Many people in this room represent communities that helped Lewiston last month when we had three four-alarm fires. We cannot afford to be closing down fire stations. There is not room in the capital budget to be cut. Much of that that has been there to maintain the roads in Lewiston that you drive through when you come south was captured to pay Debt Service on the school construction that wasn't covered by the state, even though Lewiston, every year, is adding 150 new kids to the school system and our middle school was absolutely filled to the seams and far too old. I don't know where our community is going to go to find that \$1.1 million, but I'm going to ask you to Indefinitely Postpone this motion not because I don't want to fund that community, not because I don't believe that this is a promise that past Legislatures have made and we have not removed. We are not removing it now. I still believe 5 percent of the sales and income tax that comes into the state should go back to communities, but in terms of the budget that was before us and the negotiation that we had, we made a collective choice that \$125 million was the right number. That's a decision that pains me, but I believe, as tough decisions are, it's the right one. Mr. Speaker, I ask that you vote green and all members vote green when the roll is called. Thank you, Mr. Speaker.

Representative BECK of Waterville **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "E" (H-481) to Committee Amendment "A" (H-468)**.

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 Winterport, Representative Brooks.

Representative **BROOKS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I will first off thank my friend, Representative Beck, for bringing this forward and also my very close friend from the Town of Friendship for reading off most all the towns that have sided with this particular issue. I am currently, I may have to withdraw, but I am currently a member of the Legislative Policy Council of the Maine Municipal Association and I'm sure all of you know that those of you who represent various towns pay a fairly good sized set of dues to be a member of that organization, and I'm quite dedicated to the people who are there because they do speak of municipal needs and municipal requirements. I understand fully that this budget is now somewhat complete. I doubt that we will accept this amendment, but I want you to know that of the Maine Municipal Association's member towns which represent about 90 percent, or even more than that, 95 percent of the municipalities in the state, I have seen almost all of them return a survey that says, "Oppose the budget unless we go to \$0.6." They want the revenue sharing that was promised to them many years ago restored. We can do that. I don't know what the effect will be on the budget. Perhaps we'd have to go to work and do a little bit more work, or perhaps not. Perhaps this can all be targeted through revenue sharing and it wouldn't take much work at all. But if I didn't get up today, I would be remiss in my duties not to tell you that I support this amendment for my friends and my colleagues on the Legislative Policy Council and my friends on

the Mayors Coalition which represents nearly every one of the large major cities who are really clamoring. We know there is a recession out there and we know it's hard to find money and municipalities are struggling just like the rest of us. Thank you, Mr. Speaker.

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

Representative **HICKMAN**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise to support this amendment because I got a message from a constituent that simply says, "Would you please support the Beck Amendment if an appropriate opportunity presents itself without unraveling the proceedings." So this is that opportunity. Both of my towns have passed those resolutions that the good Representative from Freedom referenced before. My constituent further says, "I hope someone presents a way through that isn't just the deal with the Devil, because the reality is, in Maine communities, it is still Hades." I support the work of the Appropriations Committee, but I support this amendment and I hope that we do not Indefinitely Postpone it. Thank you.

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

Representative **BERRY**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise in support of the pending motion and I do so reluctantly because I think that the sentiments expressed by those who support the amendment that this motion concerns do so for good reasons. But, Mr. Speaker, I am also very conscious and my municipal officials back home are also very conscious that two-thirds of a loaf is better than none, and the reality is that if this motion is not successful, then no loaf or certainly a smaller loaf is what will occur. Thank you, Mr. Speaker.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "E" (H-481) to Committee Amendment "A" (H-468). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 316

YEA - Ayotte, Bennett, Berry, Black, Bolduc, Campbell J, Campbell R, Carey, Chapman, Chase, Clark, Cooper, Cotta, Crafts, Cray, Crockett, Davis, Devin, Dion, Doak, Dorney, Dunphy, Duprey, Esping, Evangelos, Farnsworth, Fitzpatrick, Fowle, Fredette, Frey, Gattine, Gideon, Gifford, Gillway, Graham, Guerin, Harvell, Hayes, Hobbins, Hubbell, Jackson, Johnson D, Johnson P, Jorgensen, Kaenrath, Keschl, Kinney, Kruger, Kumiega, Libby A, Lockman, Long, Luchini, MacDonald S, MacDonald W, Maker, Malaby, Marean, Marks, Mason, McCabe, McClellan, McElwee, McGowan, Monaghan-Derrig, Moriarty, Morrison, Nelson, Newendyke, Nutting, Parry, Pease, Peavey Haskell, Peoples, Plante, Pouliot, Powers, Priest, Pringle, Rankin, Rochelo, Rotundo, Rykerson, Sanborn, Sanderson, Saxton, Shaw, Sirocki, Stanley, Timberlake, Treat, Turner, Tyler, Villa, Volk, Wallace, Weaver, Welsh, Willette, Wilson, Winchenbach, Winsor, Mr. Speaker.

NAY - Beaulieu, Beavers, Beck, Boland, Briggs, Brooks, Casavant, Cassidy, Chenette, Chipman, Daughtry, DeChant, Dickerson, Dill, Gilbert, Goode, Grant, Hamann, Harlow, Herbig, Hickman, Jones, Kent, Knight, Kornfield, Kusiak, Lajoie, Libby N, Longstaff, Mastraccio, McLean, Moonen, Nadeau A, Nadeau C, Noon, Reed, Russell, Saucier, Schneck, Short, Stuckey, Theriault, Tipping-Spitz, Verow, Werts, Wood.

ABSENT - Beaudoin, Peterson.

Yes, 103; No, 46; Absent, 2; Excused, 0.

103 having voted in the affirmative and 46 voted in the negative, with 2 being absent, and accordingly **House**

Amendment "E" (H-481) to Committee Amendment "A" (H-468) was INDEFINITELY POSTPONED.

Representative VOLK of Scarborough **PRESENTED House Amendment "L" (H-488) to Committee Amendment "A" (H-468)**, which was **READ** by the Clerk.

On motion of Representative ROTUNDO of Lewiston **House Amendment "L" (H-488) to Committee Amendment "A" (H-468) was INDEFINITELY POSTPONED.**

Representative JOHNSON of Greenville **PRESENTED House Amendment "M" (H-489) to Committee Amendment "A" (H-468)**, which was **READ** by the Clerk.

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

Representative **JOHNSON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. It has been my pleasure for five years to serve on the Education Committee. During that time, we have made significant progress in education and the last three years we've had the Department develop a strategic plan, we've passed a proficiency-based diploma requirement, an early college and aspirations program, career and technical moving toward higher national standards, a five-year high school program called "The Bridge Year" which is a game changer for many of our students. We've undertaken school evaluation and in the budget there was an Office of Accountability that would talk to some of the struggling school problems that we have in our school. I've been around here now, this is my sixth year, and sometimes in the final days of our sessions, we make errors. I've seen it done before and we'll see it done this time. In my opinion, the Appropriations Committee adequately funded education, given the economic conditions that our state faces; however, the distribution of those funds is a problem. There is a line in the budget called School Improvement and Support, and within that line is an Office of Accountability. This office was funded in the Governor's budget, at one point, \$5 million per year, and was zeroed out in the Appropriations process. The savings from that and other lines of targeted funds were moved into GPA. In my opinion, this will have an adverse impact on our ability to support struggling schools. I should add that money was taken from all of those programs that I talked about up there, but this is particularly troublesome to me. I believe that we have great schools in Maine, but all of our schools can improve. If the Department of Education is to help struggling schools, they need the resources to do it. To zero out that line, in my opinion, is wrong. So I don't believe that this is a partisan issue and I don't ask for your vote. I just ask that for the children of our state, you give this serious consideration. Thank you very much.

Representative ROTUNDO of Lewiston moved that **House Amendment "M" (H-489) to Committee Amendment "A" (H-468) be INDEFINITELY POSTPONED.**

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

Representative **ROTUNDO**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I just want to mention that we did look very closely at this fund and we did look very closely at the other targeted funds that had been proposed in the Governor's budget. Many of them are designated for wonderful purposes. At the end of the day, we felt it was very important to put more money into General Purpose Aid to education, and we did that, and we took those funds and we put them through the formula so that students throughout the state could benefit from them. Thank you.

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

Representative **CHAPMAN**: Thank you, Mr. Speaker. I rise very briefly in support of the amendment. Thank you very much.

Representative BERRY of Bowdoinham **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "M" (H-489) to Committee Amendment "A" (H-468).**

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 Indefinite Postponement of House Amendment "M" (H-489) to Committee Amendment "A" (H-468). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 317

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

NAY - Ayotte, Beaulieu, Bennett, Black, Campbell R, Chapman, Crafts, Cray, Crockett, Davis, Doak, Dunphy, Duprey, Fredette, Gifford, Guerin, Harvell, Jackson, Johnson D, Johnson P, Kinney, Knight, Lockman, Long, MacDonald S, Maker, Malaby, Marean, McClellan, Nadeau A, Nadeau C, Newendyke, Parry, Peavey Haskell, Pouliot, Reed, Sanderson, Short, Sirocki, Timberlake, Turner, Verow, Volk, Weaver, Willette, Wilson, Wood.

ABSENT - Beaudoin, Peterson, Wallace.

Yes, 101; No, 47; Absent, 3; Excused, 0.

101 having voted in the affirmative and 47 voted in the negative, with 3 being absent, and accordingly **House Amendment "M" (H-489) to Committee Amendment "A" (H-468) was INDEFINITELY POSTPONED.**

Representative STUCKEY of Portland **PRESENTED House Amendment "N" (H-493) to Committee Amendment "A" (H-468)**, which was **READ** by the Clerk.

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

Representative **STUCKEY**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. The one thing I liked about the biennial budget proposal that came from the second floor was its no holds barred candor and transparency. It said, loud and clear, state government is still too big, it's meddlesome and ineffective, and it's way too costly. Local government is all of that, and it's inefficient too. Not to mention, we're a nanny state. We need to find the money to pay for all those tax cuts for the rich people we passed, but didn't fund, last year. Mr. Speaker, this budget has never been about the shared sacrifice the Executive used to talk about. We're not in this together in his budget. It's every man for himself. And don't worry, I'm not going to Venus or Mars. This proposal has intentionally pitted Mainers against Mainers, represented a huge tax increase for all but the wealthiest amongst us, compromised the health and safety of thousands of our most vulnerable friends and neighbors, and would do virtually nothing to grow our economy and middle class.

The SPEAKER: Will the Representative defer? The House will be in order. The Chair recognizes the Representative from Portland, Representative Stuckey.

Representative **STUCKEY**: Thank you, Mr. Speaker. The second floor's original budget is bad math and terrible public policy. The proposed shared sacrifice is not shared. This budget was, and still is, balanced out of the wallets of hardworking Mainers. Originally, this budget continued the administration's assault on Mainers in need, without telling folks where they could get their bootstraps or how to use them. It would have gutted the State-local General Assistance partnership that provides a lifeline to folks with nowhere else to turn. It would have eliminated Medical Add-Ons, the program that pays for medical services that allow folks with disabilities to stay at home or in their community. It would have cut Drugs for the Elderly and the Medicare Savings program, critical and proven supports for our elders. All of these proposals would really hurt people, and in the end, would simply shift costs to less appropriate and more expensive venues. More bad math, more bad public policy.

In the beginning, this budget was very clear about how to pay for those \$414 million in income and estate tax cuts. Simply eliminate the state's share of the revenue sharing program we've run with our municipal partners for the last 30 plus years, and stop sending the towns most of that Circuit Breaker money too. Simply continue not to reimburse schools for our agreed upon share of their basic costs, cut our support for special education services, and then shift to the schools half the cost of what the state now pays for teacher retirement. That's still not enough to feed those tax cuts so the original proposal also suspended state employee merit pay for the fifth and sixth year, actually taking away current longevity pay, increased health care premiums and co-pay costs, and eliminated the pension COLA negotiated in last year's budget.

Fortunately, our colleagues on the AFA Committee didn't drink the Kool-Aid. They have unanimously agreed that most of these proposals were not in the best interests of the people of the State of Maine, that they were bad math and bad public policy. So they worked incredibly hard to find unanimously endorsed ways to restore most of the proposed cuts. Some of it is much better short-term math, but some serious structural funding gaps still exist, and it's riddled with some very bad public policy. The good math includes restored funding to schools to the 2010 levels, plus \$30 million. It avoids elimination of longevity pay and increases to health care costs, and reinstatement of one year of merit pay for state employees. Reinstatement of critical health care and prescription drug programs, and retention of our social services' safety net and integrity of the General Assistance program.

The bad math and policy challenges include the sales, meals and lodging tax increases are all sunsetted on June 30, 2015. Revenue sharing is restored to less than two-thirds of its statutorily required level. Teacher retirement may well be more appropriately a local expense, but the budget only covers this cost shift for one year. The feel-good language requiring future Legislatures to move us year by year closer to funding 55 percent of ETA is redundant and as binding as the next "notwithstanding" proposal to suspend or reverse it. There is still a very significant cost shift to our municipalities and to our most regressive tax, the property tax. The new property tax fairness program will be much easier to access and will be used by more people, but the maximum rebate and the total funds available are reduced by 60 percent. The incredibly regressive reductions to the state income tax and the elimination of the estate tax are still in place. And they are still not permanently funded. These should be the tools

that bring structural progressivity and fairness to our state tax code. Instead, they now create an ongoing structural deficit.

We've got problems here in River City, Mr. Speaker. My amendment borrows ideas from my friend, the Representative from Bowdoinham, Representative Berry, and his tax fairness bill, and from the Taxation Committee's report back to the Appropriations Committee. Approximately 3,500 of our wealthiest households will be assessed an average of just under \$6,000 in additional taxes. The Property Tax Fairness Fund will be raised to the level of the current Circuit Breaker program, increasing this refundable credit to approximately 300,000 households. The maximum rebates will increase by more than 60 percent, from \$300 for a household under 70 and \$400 over to \$500 and \$600 respectively. The balance will go to the Budget Stabilization Fund. That's estimated to be \$475,000 in fiscal year '14 and just over \$1.3 million in fiscal year '15. By the way, if I'd been a little quicker, that would have been more than enough to restore the IV sedation services to the Portland Dental Clinic.

The Property Tax Fairness Fund will be accessible through the State Income Tax and from the Department of Health and Human Services' Automated Client Eligibility System, ACES, and therefore used by most all of the eligible households. The maximum rebate will only be about a third of the current Circuit Breaker program. Mr. Speaker, this amendment is fair math and good public policy. But, Mr. Speaker, it does not address the major problems with this budget. It won't fix the cost shift to towns or the ongoing structural deficit. It will simply make our overall tax system a little more fair when our towns are forced to raise property taxes to cover the loss of revenue sharing funds from the state, the added responsibility of one half of their teacher's retirement fund contributions currently being paid by the state, and who knows what else will happen, if and when the current stopgap revenues are not continued. But I'll save the larger tax fairness issue for another day. Thank you, Mr. Speaker, and I request a roll call. And finally, go Bruins!

The same Representative **REQUESTED** a roll call on the motion to **ADOPT House Amendment "N" (H-493) to Committee Amendment "A" (H-468)**.

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

Representative ROTUNDO of Lewiston moved that **House Amendment "N" (H-493) to Committee Amendment "A" (H-468) be INDEFINITELY POSTPONED**.

Representative BERRY of Bowdoinham **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "N" (H-493) to Committee Amendment "A" (H-468)**.

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

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

Representative **TIPPING-SPITZ**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of the amendment proposed by the Representative from Portland, Representative Stuckey. The budget presented to us from the Chief Executive was a one-two punch. It passed on the expense of income and estate tax cuts that benefited mostly the wealthy families in Maine, and paid for it, but passing on cuts to our towns. These cuts were orders of magnitude larger than consolidation efforts our towns could muster. Then the budget all but eliminated the program's that helped people deal with the property tax increases that will be proposed by our towns to fix this problem. I applaud the efforts of the Appropriations Committee to deal with these cuts, and restoring the Homestead Exemption and putting in place the Property Tax Fairness Credit.

I don't think it goes far enough and I support the Representative from Portland's efforts to make sure it goes a little bit further towards that goal. Thank you.

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

Representative **RUSSELL**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise in opposition to the pending motion. There's not much I can say beyond what the good Representatives have said already, but I wanted to stand in concurrence and to say that we are still reeling from the impact of the Great Recession and there are families across this state who are struggling, there are towns across this state that are struggling and we are having an increasingly difficult time responding to those. When people have lost their jobs through no fault of their own, we should be allowing them a hand up and not accusing them of taking a handout. This would provide significant funding to restore money to support our cities, our towns, our region, and make sure that the people that are struggling so hard to put food on the table right now are not just falling between cracks, they are starting to fall between fishers and those fishers are becoming canyons. I think this is an opportunity for us to provide funding to support these services so that we can keep our economy going, we can kick start it and make sure that our towns and our cities are taken care of. Thank you, Mr. Speaker. I hope folks will be voting red on this particular motion.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "N" (H-493) to Committee Amendment "A" (H-468). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 318

YEA - Ayotte, Beaulieu, Beavers, Beck, Bennett, Berry, Black, Bolduc, Campbell J, Campbell R, Carey, Chase, Clark, Cooper, Crafts, Cray, Crockett, Daughtry, Davis, Dill, Dion, Dorney, Dunphy, Duprey, Espling, Fitzpatrick, Fowle, Fredette, Frey, Gattine, Gideon, Gifford, Gillway, Graham, Grant, Guerin, Hamann, Harvell, Hayes, Herbig, Hobbins, Hubbell, Jackson, Johnson D, Johnson P, Jorgensen, Kaenrath, Keschl, Kinney, Kruger, Kumiega, Lajoie, Libby A, Libby N, Lockman, Long, Longstaff, Luchini, MacDonald W, Maker, Marean, Marks, Mason, Mastraccio, McCabe, McClellan, McElwee, McGowan, Monaghan-Derrig, Moriarty, Morrison, Nadeau A, Nadeau C, Nelson, Newendyke, Nutting, Parry, Peavey Haskell, Peoples, Plante, Pouliot, Priest, Pringle, Rankin, Reed, Rochelo, Rotundo, Sanborn, Sanderson, Saucier, Saxton, Shaw, Short, Sirocki, Stanley, Theriault, Timberlake, Treat, Turner, Tyler, Verow, Volk, Weaver, Welsh, Willette, Wilson, Winchenbach, Winsor, Wood, Mr. Speaker.

NAY - Boland, Briggs, Brooks, Casavant, Cassidy, Chapman, Chenette, Chipman, DeChant, Devin, Dickerson, Evangelos, Farnsworth, Gilbert, Goode, Harlow, Hickman, Jones, Kent, Kornfield, Kusiak, MacDonald S, McLean, Moonen, Noon, Powers, Russell, Rykerson, Schneck, Stuckey, Tipping-Spitz, Villa, Werts.

ABSENT - Beaudoin, Cotta, Doak, Knight, Malaby, Pease, Peterson, Wallace.

Yes, 110; No, 33; Absent, 8; Excused, 0.

110 having voted in the affirmative and 33 voted in the negative, with 8 being absent, and accordingly **House Amendment "N" (H-493) to Committee Amendment "A" (H-468) was INDEFINITELY POSTPONED.**

Representative ROTUNDO of Lewiston **PRESENTED House Amendment "P" (H-499) to Committee Amendment "A" (H-468)**, which was **READ** by the Clerk.

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

Representative **ROTUNDO**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. This is simply a technical amendment correcting a few drafting errors appearing in the Committee Amendment. Usually when we are done with a budget, there are a few drafting errors which we need to correct, and that's what we're doing in this technical amendment. Thank you.

Subsequently, **House Amendment "P" (H-499) to Committee Amendment "A" (H-468) was ADOPTED.**

Committee Amendment "A" (H-468) as Amended by House Amendment "P" (H-499) 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-468) as Amended by House Amendment "P" (H-499)** thereto and sent for concurrence. **ORDERED SENT FORTHWITH.**

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

SENATE DIVIDED REPORT - Majority (7) Ought to Pass as Amended by Committee Amendment "A" (S-249) - Minority (4) Ought Not to Pass - Committee on LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT on Bill "An Act To Encourage Development in the Logging Industry"

(S.P. 385) (L.D. 1103)

Which was **TABLED** by Representative HERBIG of Belfast pending her motion to **ACCEPT** the Majority **Ought to Pass as Amended Report.**

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

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

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

Representative **VOLK**: Thank you, Mr. Speaker. Mr. Speaker, I rise in opposition to the pending motion and I will briefly tell the body why. LD 1103 is a carbon copy of LD 314 which Governor John Baldacci refused to sign in the 124th Legislature. Why did he refuse to sign it? Well, it violates three causes of the U.S. Constitution, perhaps a minor problem – the Foreign Commerce Clause, the Supremacy Clause and the Equal Protection Clause. It requires landowners to illegally discriminate against bonded workers, simply because they are Canadian or face additional taxes from the state. It inappropriately connects fire protection, the Forestry Excise Tax, with bonded labor, and it discriminates against foreign commerce. It encourages landowners to violate federal antidiscrimination laws. It requires landowners to discriminate against bonded workers or face additional taxes. I urge you to oppose the pending motion.

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

Representative **HERBIG**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. If someone is doing something illegal, should they qualify for a tax credit? The answer is absolutely no. Yet currently in Maine, logging contractors who unethically and illegally hire Canadian workers can qualify for a tax credit for our Tree Growth Tax Law. These

landowners and harvesters hire bonded Canadian labor for less pay and no benefits and then turn around and collect a tax credit, and all this goes on while a large portion of our Maine loggers remain unemployed. This is ridiculous. Any employer that illegally hires workers should not be rewarded for that behavior. I urge you to support the pending motion.

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. 319

YEA - Beavers, Beck, Berry, Boland, Bolduc, Briggs, Brooks, Campbell J, Casavant, Cassidy, Chapman, Chenette, Chipman, Cooper, Daughtry, Devin, Dickerson, Dill, Dion, Dorney, Evangelos, Farnsworth, Fowle, Frey, Gattine, Gideon, Gilbert, Goode, Graham, Grant, Hamann, Harlow, Herbig, Hickman, Hobbins, Hubbell, Jones, Jorgensen, Kaenrath, Kent, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby N, Longstaff, Luchini, MacDonald W, Marks, Mason, Mastraccio, McCabe, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, 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, Campbell R, Chase, Clark, Cotta, Crafts, Cray, Crockett, Davis, Doak, Dunphy, Duprey, Espling, Fitzpatrick, Fredette, Gifford, Gillway, Guerin, Harvell, Hayes, Jackson, Johnson D, Johnson P, Keschl, Kinney, Libby A, Lockman, Long, MacDonald S, Maker, Malaby, Marean, McClellan, McElwee, Nadeau A, Nelson, Newendyke, Nutting, Parry, Pease, Peavey Haskell, Pouliot, Reed, Sanderson, Sirocki, Timberlake, Turner, Tyler, Volk, Weaver, Willette, Wilson, Winchenbach, Winsor, Wood.

ABSENT - Beaudoin, Black, Carey, DeChant, Knight, Peterson, Wallace.

Yes, 87; No, 57; Absent, 7; Excused, 0.

87 having voted in the affirmative and 57 voted in the negative, with 7 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (S-249) 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-249)** in concurrence.

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

SENATE DIVIDED REPORT - Majority (7) **Ought to Pass as Amended by Committee Amendment "A" (S-260)** - Minority (6) **Ought to Pass as Amended by Committee Amendment "B" (S-261)** - Committee on **JUDICIARY** on Bill "An Act To Prohibit the Placement of Cameras and Electronic Surveillance Equipment on Private Property without the Written Permission of the Landowner"

(S.P. 354) (L.D. 1040)

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

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

Subsequently, Representative **WILLETTE** of Mapleton **WITHDREW** his **REQUEST** for a roll call.

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

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

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

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

Representative **GUERIN**: Mr. Speaker, on the screen it was saying Majority Report and you were saying Minority Report.

The SPEAKER: It is Acceptance of the Minority Report.

The Bill was **READ ONCE. Committee Amendment "B" (S-261) was READ** by the Clerk and **ADOPTED.**

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

Representative **FREDETTE**: Point of Order, Mr. Speaker. I just want to get some clarification for my folks on the last action that was taken, that that was actually on the Minority Report. Is that correct?

The SPEAKER: The Chair would answer in the affirmative.

Representative **FREDETTE**: Thank you, Mr. Speaker.

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-261)** in concurrence.

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

ENACTORS

Emergency Measure

Resolve, To Establish the Task Force To Study Issues Associated with Implementation of a Virtual Legislature

(H.P. 606) (L.D. 855)

(C. "A" H-467)

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. 60 voted in favor of the same and 85 against, and accordingly the Resolve **FAILED** of **FINAL PASSAGE** and was sent to the Senate.

Emergency Measure

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

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

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. 85 voted in favor of the same and 54 against, and accordingly the Resolve **FAILED** of **FINAL PASSAGE** and was sent to the Senate.

Acts

An Act To Amend the Laws Governing the Inland Fisheries and Wildlife Advisory Council

(S.P. 49) (L.D. 128)
(C. "B" S-257)
An Act To Change Document Filing and Copying Fees for
County Registries of Deeds

(H.P. 378) (L.D. 559)
(C. "A" H-445)

An Act To Amend the Laws Governing Confidentiality of
Health Care Information To Enhance Public Safety

(S.P. 307) (L.D. 882)
(C. "A" S-264)

An Act To Create the Presque Isle Utilities District

(H.P. 920) (L.D. 1293)
(C. "A" H-458)

An Act To Improve the Delivery of Early Child Care and
Education Services

(H.P. 982) (L.D. 1383)
(C. "A" H-464)

An Act To Clarify and Correct Provisions of the Maine Medical
Use of Marijuana Act

(H.P. 1047) (L.D. 1462)
(C. "A" H-465)

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. 1087) (L.D. 1515) Bill "An Act To Increase the
Availability of Mental Health Services" Committee on **CRIMINAL
JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as
Amended by Committee Amendment "A" (H-490)**

On motion of Representative MALABY of Hancock, was
REMOVED from the First Day Consent Calendar.

The Unanimous Committee Report was **READ** and
ACCEPTED.

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

Representative MALABY of Hancock **PRESENTED** House
Amendment "A" (H-495) to Committee Amendment "A" (H-
490), which was **READ** by the Clerk.

On motion of Representative BERRY of Bowdoinham,
TABLED pending **ADOPTION** of House Amendment "A" (H-
495) to Committee Amendment "A" (H-490) and later today
assigned.

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act To Implement Managed Care in the MaineCare
Program"

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

Majority (12) **OUGHT NOT TO PASS** Report of the
Committee on **HEALTH AND HUMAN SERVICES READ** and
ACCEPTED in the House on June 12, 2013.

Came from the Senate with that Body having **INSISTED** on its
former action whereby the Reports were **READ** and the Bill and
accompanying papers **COMMITTED** to the Committee on
HEALTH AND HUMAN SERVICES in **NON-CONCURRENCE**.

The House voted to **RECEDE AND CONCUR**.

Non-Concurrent Matter

An Act To Reduce Obesity among Schoolchildren
(MANDATE)

(S.P. 397) (L.D. 1160)
(CC. "A" S-255)

FAILED of **PASSAGE TO BE ENACTED** in the House on
June 12, 2013.

Came from the Senate **PASSED TO BE ENACTED** in **NON-
CONCURRENCE**.

The House voted to **INSIST**.

Non-Concurrent Matter

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

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

Minority (5) **OUGHT TO PASS AS AMENDED** Report of the
Committee on **MARINE RESOURCES READ** and **ACCEPTED**
and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY
COMMITTEE AMENDMENT "A" (H-443) AS AMENDED BY
HOUSE AMENDMENT "A" (H-466)** thereto in the House on
June 12, 2013.

Came from the Senate with the Majority (8) **OUGHT NOT TO
PASS** Report of the Committee on **MARINE RESOURCES
READ** and **ACCEPTED** in **NON-CONCURRENCE**.

The House voted to **INSIST** and **ASK** for a **COMMITTEE OF
CONFERENCE**. Sent for concurrence.

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)

House **INSISTED** on its former action whereby the Minority
(2) **OUGHT TO PASS AS AMENDED** Report of the Committee
on **AGRICULTURE, CONSERVATION AND FORESTRY** was
READ and **ACCEPTED** and the Bill **PASSED TO BE
ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT
"A" (H-376)** in the House on June 12, 2013.

Came from the Senate with that Body having **INSISTED** on its
former action whereby the Majority (11) **OUGHT NOT TO PASS**
Report of the Committee on **AGRICULTURE, CONSERVATION
AND FORESTRY** was **READ** and **ACCEPTED** and **ASKED** for a
Committee of Conference in **NON-CONCURRENCE**.

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

CONSENT CALENDAR

First Day

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

(H.P. 993) (L.D. 1390) Bill "An Act Regarding the
Cancellation of Subscription Services" Committee on **LABOR,
COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT**
reporting **Ought to Pass as Amended by Committee
Amendment "A" (H-498)**

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

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

The House recessed until the Sound of the Bell.

(After Recess)

The House was called to order by the Speaker.

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

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

UNFINISHED BUSINESS

The following 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.

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

TABLED - June 12, 2013 (Till Later Today) by Representative McCABE of Skowhegan.

PENDING - **PASSAGE TO BE ENACTED**.

Representative BERRY of Bowdoinham **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

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

ROLL CALL NO. 320

YEA - Ayotte, Beaulieu, Beavers, Beck, Bennett, Berry, Boland, Bolduc, Briggs, Brooks, Campbell J, Campbell R, Carey, Casavant, Cassidy, Chapman, Chase, Chenette, Chipman, Clark, Cooper, Cotta, Crockett, Daughtry, Devin, Dickerson, Dill, Dion, Doak, Dorney, Evangelos, Farnsworth, Fitzpatrick, Fowle, Fredette, Frey, Gattine, Gideon, Gilbert, Gillway, Goode, Graham, Grant, Guerin, Hamann, Harlow, Harvell, Hayes, Herbig, Hobbins, Hubbell, Jackson, Johnson D, Johnson P, Jones, Jorgensen, Kaenrath, Kent, Keschl, Kinney, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby N, Longstaff, Luchini, MacDonald S, MacDonald W, Maker, Malaby, Marean, Marks, Mason, Mastraccio, McCabe, McElwee, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, Nelson, Noon, Nutting, Parry, Pease, Peavey Haskell, Peoples, Plante, Pouliot, Powers, Priest, Pringle, Rankin, Reed, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Sanderson, Saucier, Saxton, Schneck, Shaw, Short, Stanley, Stuckey, Theriault, Tipping-Spitz, Treat, Turner, Tyler, Verow, Villa, Volk, Welsh, Werts, Wilson, Winchenbach, Wood, Mr. Speaker.

NAY - Crafts, Cray, Davis, DeChant, Dunphy, Duprey, Espling, Gifford, Hickman, Libby A, Lockman, Long, McClellan, Nadeau A, Sirocki, Timberlake, Weaver, Willette, Winsor.

ABSENT - Beaudoin, Black, Knight, Newendyke, Peterson, Wallace.

Yes, 126; No, 19; Absent, 6; Excused, 0.

126 having voted in the affirmative and 19 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.

HOUSE REPORT - **Ought to Pass as Amended by Committee Amendment "A" (H-476)** - Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Promote Small-scale Poultry Farming"

(H.P. 179) (L.D. 218)

TABLED - June 12, 2013 (Till Later Today) by Representative KUMIEGA of Deer Isle.

PENDING - **ACCEPTANCE OF COMMITTEE REPORT**.

Subsequently, the Unanimous Committee Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-476)** was **READ** by the Clerk.

Representative KUMIEGA of Deer Isle **PRESENTED House Amendment "A" (H-497)** to **Committee Amendment "A" (H-476)**, which was **READ** by the Clerk.

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

Representative **KUMIEGA**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. This amendment adds some language to the bill that will keep us in compliance with the federal meat inspection program while still allowing with the intent of the bill, which is to give more flexibility to small farmers to process poultry.

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

Representative **CHAPMAN**: Thank you, Mr. Speaker. The intent of this amendment may be fine. The problem is that it's an interpretation of what the federal requirements are that caused us so much trouble with the Department of Agriculture and our small diversified farms. We have some serious problems and we're making some real progress at solving them, and this is a little bit of a backslide into providing the Department one more opportunity to provide some misinterpretations that are going to bother our small farmers. So I would recommend not going with this amendment and ask for a roll call. Thank you.

The same Representative **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-497)** to **Committee Amendment "A" (H-476)**.

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-497) to Committee Amendment "A" (H-476). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 321

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

NAY - Beavers, Boland, Briggs, Casavant, Chapman, Chipman, Cooper, Daughtry, Devin, Dickerson, Doak, Evangelos, Hamann, Harlow, Hayes, Hickman, Johnson P, Jones,

Jorgensen, Kaenrath, Kent, Lajoie, Lockman, McClellan, McGowan, Nadeau A, Peavey Haskell, Russell, Rykerson, Sanborn, Stuckey, Verow, Villa, Werts.

ABSENT - Beaudoin, Black, Knight, Newendyke, Peterson, Wallace.

Yes, 111; No, 34; Absent, 6; Excused, 0.

111 having voted in the affirmative and 34 voted in the negative, with 6 being absent, and accordingly **House Amendment "A" (H-497) to Committee Amendment "A" (H-476) was ADOPTED.**

Committee Amendment "A" (H-476) as Amended by House Amendment "A" (H-497) 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-476) as Amended by House Amendment "A" (H-497) thereto and sent for concurrence.**

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

HOUSE REPORT - **Ought to Pass as Amended by Committee Amendment "A" (H-490) - Committee on CRIMINAL JUSTICE AND PUBLIC SAFETY on Bill "An Act To Increase the Availability of Mental Health Services"**

(H.P. 1087) (L.D. 1515)

Which was **TABLED** by Representative BERRY of Bowdoinham pending **ADOPTION of House Amendment "A" (H-495) to Committee Amendment "A" (H-490).**

Subsequently, **House Amendment "A" (H-495) to Committee Amendment "A" (H-490) was ADOPTED.**

Committee Amendment "A" (H-490) as Amended by House Amendment "A" (H-495) 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-490) as Amended by House Amendment "A" (H-495) thereto and sent for concurrence.**

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

ENACTORS

Emergency Measure

An Act To Preserve Marine Resources Licenses for Active Duty Service Members

(S.P. 530) (L.D. 1448)

(C. "A" S-267)

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. 140 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act To Maintain Access to Safe Medical Marijuana

(S.P. 578) (L.D. 1531)

(C. "A" S-271)

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. 123 voted in favor of the same and 17 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Acts

An Act To Facilitate the Personal Importation of Prescription Drugs from International Mail Order Prescription Pharmacies

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

(C. "A" S-241)

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

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

(C. "A" H-204)

An Act To Amend the Laws Governing Awarding a High School Diploma to Veterans

(H.P. 316) (L.D. 466)

(C. "A" H-471)

An Act To Protect Maine's Loons by Banning Lead Sinkers and Jigs

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

(S. "A" S-274 to C. "A" S-231)

An Act To Increase Ethics and Transparency in Government Service

(H.P. 610) (L.D. 859)

(C. "A" H-423)

An Act To Establish the Volunteer Advocate Program and the Volunteer Advocate Program Council

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

(C. "A" H-462)

An Act To Amend Licensing Requirements for Professional Engineers

(S.P. 456) (L.D. 1313)

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

(S.P. 588) (L.D. 1545)

(H. "A" H-473 to C. "A" S-247)

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 Amend the Rules Governing Events at Clubs with a License To Sell Alcohol for On-premises Consumption with Catering Privileges

(S.P. 509) (L.D. 1415)

(C. "A" S-268)

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

REPORTS OF COMMITTEE

Divided Reports

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-494)** on Resolve, Directing the Department of Health and Human Services To Amend Its Rules of Reimbursement under the MaineCare Program for Audiology and Speech-language Pathology Services

(H.P. 832) (L.D. 1188)

Signed:
Senator:
HAMPER of Oxford

Representatives:
CASSIDY of Lubec
DORNEY of Norridgewock
MALABY of Hancock
McELWEE of Caribou
SANDERSON of Chelsea
SIROCKI of Scarborough
STUCKEY of Portland

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

Signed:
Senators:
CRAVEN of Androscoggin
LACHOWICZ of Kennebec

Representatives:
FARNSWORTH of Portland
GATTINE of Westbrook

READ.

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

Majority Report of the Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-491)** on Bill "An Act To Provide for the Effective Marketing and Promotion of Maine Lobster" (H.P. 336) (L.D. 486)

Signed:
Senators:
JOHNSON of Lincoln
MAZUREK of Knox
WOODBURY of Cumberland

Representatives:
KUMIEGA of Deer Isle
DEVIN of Newcastle
DOAK of Columbia Falls
KRUGER of Thomaston
PARRY of Arundel
WEAVER of York
WINCHENBACH of Waldoboro

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-492)** on same Bill.

Signed:
Representatives:
CHAPMAN of Brooksville
DICKERSON of Rockland

READ.

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

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

Representative **CHAPMAN**: Thank you, Mr. Speaker. Mr. Speaker, Friends and Colleagues of the House. This bill has to

do with lobster marketing and promotion. Lobster is the largest value fishery that we have in Maine, in terms of the landings, and it's 10 times larger than number 2. The value of the landed lobster is more than \$300 million a year. Since the global financial crisis in 2008, the boat price collapsed. The boat price is what the harvester or the lobsterman receives when he sells his catch at the shore. Not all agree that the industry responds simply to supply and demand, but the conventional wisdom that if we increase the demand, it will increase the price and so the purpose of this effort is to increase the boat price, especially for the lobstermen, for the harvesters. A consultant was hired by the industry and recommended a \$3 million per year marketing and promotion program. This is not taxpayer money. This is industry money. The money comes from licensing fees on Maine harvesters, dealers and processors. The only argument is the balance of costs for the program. How much of the marketing and promotion should be paid for by the harvesters and how much should be paid for by the dealers and processors? Now, bear in mind, that there are about 5,000 harvesters, a few hundred dealers and a handful of processors. Our committee discussed a range of how to apportion the costs of this program, that range between 75 percent for the harvesters and 25 percent for the dealers and processors, to almost the reverse, 30 percent paid for by the harvesters and 70 percent paid for by the dealers and processors. We unanimously compromised at a 50/50 split for this \$3 million a year program. That's a unanimous vote of the committee. The problem comes in the details. We found ourselves trying to negotiate with an absent party and, consequently, the Majority Report here has a 69 percent/31 percent split – 69 percent on the harvester side, 31 percent on the dealer and processor side – for a \$2.2 million program. The Minority Report is the 50/50 split with a \$3 million program. So I just wanted to explain what the situation is and what the difference is between the Majority Report and the Minority Report. I am on the Minority Report because I could not, in good conscience, assign 69 percent of the costs of the program to the harvesters. The committee heard testimony to indicate that the harvesters would be the last to benefit and that they would benefit the least from the marketing and promotion program. So although the committee was unanimous in trying to promote the lobster industry through this mechanism, this split on the committee comes into what the cost split is between the harvesters versus the dealers and processors. So I recommend that we defeat the Majority Report and Accept the Minority Report. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Thomaston, Representative Kruger.

Representative **KRUGER**: Thank you, Mr. Speaker. Mr. Speaker, Women and Men of the House. The lobster industry is very, very important to more than just the coastal Maine communities. It's one of the major economic drivers for the entire state and the harvester community has done a truly outstanding job of creating a sustainable fishery and a partnership with enforcement, surprisingly, more than an adversarial relationship that you see so often. It's very impressive to see this close up. But it's not easy. It's not easy being a harvester. While the boat price remains lower, costs of fuel, bait and dockage go up each year, and that's only the beginning. This bill offers a great solution. Raise the boat price by developing markets in Europe and Asia, markets that could not receive fresh product just over a decade ago. The way to boost these markets is to spend some money and that's where we come in. Just like blueberries, which is a true success story that you all know, we can make a huge impact on Maine's economy and I urge you to support our hardworking dedicated fishermen by voting for this measure. Mr.

Speaker, I request a reading of the Committee Report, and a roll call, if it isn't already in order.

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

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

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

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

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

Representative **PARRY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. As you can see, I am on the Majority Report. I am actually one that will be paying this new marketing fee. The good Representative from Brownville, I think, that's where we started was with the Minority Report on the 50/50. The Majority Report, we felt, really damaged the small dealers and there was no way to make the numbers mix. So what we did was, we have the original 50/50, we left the harvesters where they were and we just lowered the dealer costs, because it was putting all the dealers, no matter how small you were, in the same boat as the big dealers. As a committee, we didn't feel that you could hit the small dealers with as much as a \$4,000 cost for somebody that had maybe six or eight crates in their small fish market. So that's why we went, the majority of the committee went with the smaller amount, just because we didn't want to destroy those small dealers and charge them the same as a great big dealer. Thank you, Mr. Speaker.

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

Representative **DICKERSON**: Thank you, Mr. Speaker. I think it's important for us to do whatever we can to support the lobster industry in whatever way we can. We all saw what happened last summer when we had tremendous surpluses and the prices dropped so drastically, and I really applaud all of us who came together to work on this issue and to try to find something that we could do to help this industry that's so important to the State of Maine. Our committee worked incredibly hard on this measure and I love being a part of the Marine Resources Committee because we really did work hard on this, and it was a very complicated thing to try to approach because there is lots of different types of tiers of people who are involved with this industry. We did actually come to a point where we felt we were out of place where it was going to be done and going to work with that 50/50 split, and then as some of the other members of the committee have indicated, other factors came into play. The reason I am supporting the Minority Report is because the testimony that I heard from the dealers who came were clear that they were fine with what we were going to be putting into the bill, although that may not be the case for some of the other dealers who did not attend and I am hopeful that, moving forward, whichever report we adopt, that we can continue to fine-tune this legislation if there are difficulties with it moving forward. My main concern with going with the Majority Report in my particular district was my lobstermen and women who are working as independent contractors, in my district, those individuals are often very small business people and do not have the same kind of volume as some of the other business people in this industry. I was concerned that some of these costs might be prohibitive; however, hopefully moving forward, if there are issues, the committee being what the committee is, we can continue to take a look at it. Thank you.

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

ROLL CALL NO. 322

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

NAY - Beavers, Briggs, Chapman, Chipman, Dickerson, Espling, Grant, Harlow, Hickman, Jones, Libby A, Verow, Villa.

ABSENT - Beaudoin, Black, Knight, Newendyke, Peterson, Wallace.

Yes, 132; No, 13; Absent, 6; Excused, 0.

132 having voted in the affirmative and 13 voted in the negative, with 6 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-491)** 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-491)** and sent for concurrence.

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

CONSENT CALENDAR

First Day

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

(H.P. 1024) (L.D. 1435) Bill "An Act To Amend Certain Provisions of the Fish and Wildlife Laws" Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-500)**

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

Acts

An Act To Clarify the Laws Establishing the Department of Agriculture, Conservation and Forestry

(H.P. 588) (L.D. 837)
(H. "A" H-354 to C. "A" H-339)

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

On motion of Representative JONES of Freedom, 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. 323

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

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

ABSENT - Beaudoin, Black, Knight, Newendyke, Peterson, Wallace.

Yes, 98; No, 47; Absent, 6; Excused, 0.

98 having voted in the affirmative and 47 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.

Emergency Measure

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, 2013, June 30, 2014 and June 30, 2015

(H.P. 1079) (L.D. 1509)
(H. "P" H-499 to C. "A" H-468)

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

Representative BERRY of Bowdoinham **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

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

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

ROLL CALL NO. 324

YEA - Beavers, Beck, Berry, Bolduc, Briggs, Brooks, Campbell J, Carey, Chase, Chenette, Clark, Cooper, Cotta, Cray, Daughtry, DeChant, Devin, Dickerson, Dill, Dion, Doak, Dorney, Farnsworth, Fitzpatrick, Fowle, Fredette, Frey, Gattine, Gideon, Gilbert, Gillway, Goode, Graham, Grant, Hamann, Hayes, Herbig, Hickman, Hobbins, Hubbell, Jorgensen, Keschl, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby N, Longstaff, Luchini, MacDonald S, MacDonald W, Maker, Malaby, Marean, Marks, Mason, Mastraccio, McCabe, McElwee, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, Nelson, Noon, Peavey Haskell, Peoples, Plante, Pouliot, Powers, Priest, Pringle, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Saucier, Saxton, Schneck, Shaw, Short, Stanley, Stuckey, Theriault, Tipping-Spitz, Treat, Tyler, Verow, Volk, Weaver, Welsh, Werts, Wilson, Winchenbach, Winsor, Mr. Speaker.

NAY - Ayotte, Beaulieu, Bennett, Boland, Campbell R, Casavant, Cassidy, Chapman, Chipman, Crafts, Crockett, Davis, Dunphy, Duprey, Espling, Evangelos, Gifford, Guerin, Harlow, Harvell, Jackson, Johnson D, Johnson P, Jones, Kaenrath, Kent, Kinney, Libby A, Lockman, Long, McClellan, Nadeau A, Nutting, Parry, Pease, Reed, Sanderson, Sirocki, Timberlake, Turner, Villa, Willette, Wood.

ABSENT - Beaudoin, Black, Knight, Newendyke, Peterson, Wallace.

Yes, 102; No, 43; Absent, 6; Excused, 0.

102 having voted in the affirmative and 43 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.

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:

Expression of Legislative Sentiment recognizing Ben Greenberg, of Scarborough.

(HLS 439)

Which was **TABLED** by Representative VOLK of Scarborough pending **PASSAGE**.

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

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

Expression of Legislative Sentiment recognizing Dillon Russo, of Scarborough.

(HLS 439)

Which was **TABLED** by Representative VOLK of Scarborough pending **PASSAGE**.

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

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

Representative **JONES**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. On this day in 1966, the Supreme Court published its decision in *Miranda v Arizona*. In that decision, the high court determined that suspects must be informed of their Fifth and Sixth Amendment rights prior to interrogation. Chief Justice Earl Warren, writing the majority opinion, said that, "the person in custody must, prior to interrogation, be clearly informed that he has the right to remain silent, and that anything [the person] says will be used against [that person] in court; [the person] must be clearly informed that he has the right to consult with [an attorney] and to have [that attorney present] during [questioning], and that, if he is indigent, [an attorney] will be [provided at no cost] to represent him." I just remind the body of this important civil liberty's court decision. Thank you.

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

On motion of Representative FREDETTE of Newport, the House adjourned at 9:45 p.m., until 10:00 a.m., Friday, June 14, 2013 in honor and lasting tribute to Joseph Stephen Essency, Sr., of Farmington.