

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
62nd Legislative Day
Monday, June 17, 2013

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

Prayer by Honorable Peter B. Johnson, Greenville.

National Anthem by Graci Gillen, Gray.

Pledge of Allegiance.

Doctor of the day, Honorable Jane P. Pringle, M.D., Windham.

The Journal of Friday, June 14, 2013 was read and approved.

**SENATE PAPERS
Non-Concurrent Matter**

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

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

FAILED of **PASSAGE TO BE ENACTED** in the House on June 10, 2013.

Came from the Senate with the Bill and accompanying papers **COMMITTED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Resolve, Regarding Legislative Review of Portions of Chapter 3: Maine Clean Election Act and Related Provisions, a Late-filed Major Substantive Rule of the Commission on Governmental Ethics and Election Practices (EMERGENCY)

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

FAILED of **FINAL PASSAGE** in the House on June 13, 2013.

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

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

COMMUNICATIONS

The Following Communication: (S.C. 476)

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

June 14, 2013

Honorable Millicent M. MacFarland

Clerk of the House

2 State House Station

Augusta, Maine 04333

Dear Clerk MacFarland:

Please be advised the Senate today insisted to its previous action whereby it accepted the Majority Ought Not to Pass Report from the Committee on Marine Resources on Bill "An Act To Require Labeling of Genetically Engineered Marine Organisms" (H.P. 621) (L.D. 898), in non-concurrence.

Best Regards,

S/Darek M. Grant

Secretary of the Senate

READ and **ORDERED PLACED ON FILE**.

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

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Specialist Nicholas Emery, of Whitefield, who has completed 2 tours of duty in the Maine Army National Guard. Specialist Emery enlisted in the Maine Army National Guard in 2008, following his graduation from Erskine Academy in South China. He first served in Belfast, Maine as a heavy construction equipment operator in the 262nd Engineer Company. In 2011, he transferred to Charlie Company, 1st Battalion, 126th Aviation Regiment and became a qualified UH-60 Black Hawk aircraft electrician. When the MEDEVAC Company deployed to Kuwait in support of Operation Enduring Freedom in March 2012, Specialist Emery deployed with the unit and put his skills to use as an irreplaceable member of the unit's avionics section. During his tenure in Kuwait, he was awarded the Army Achievement Medal, the Global War on Terrorism Service Medal and the Army Reserve Components Achievement Medal, along with several other awards and accolades. Specialist Emery has a scheduled date to attend Warrant Officer Candidate School and Initial Entry Rotary Wing training at Fort Rucker, Alabama later this year. We welcome him home and extend our appreciation to him for his commitment to his State and Nation;

(HLS 454)

Presented by Representative SANDERSON of Chelsea.

Cosponsored by Senator JOHNSON of Lincoln.

On **OBJECTION** of Representative SANDERSON of Chelsea, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **SANDERSON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am often asked, "What is the best part of being a Representative?" More often than not, the answer they expect to hear is something like "It's an honor to serve our state and the people of my district" or "It's an honor to help shape our state's future." Well, yes, these are all true. For me, the best part of being a State Representative is when I have the privilege to honor others for their accomplishments. Specialist Nick Emery is an amazing young man and it probably has a lot to do with the fact that he comes from a pretty amazing family. His mom and dad have three boys. These boys have all dedicated themselves to service in one form or another. A few years ago, two years ago, I had the honor of honoring his brother Joe for his service to our nation and his brother Dan is a councilman for the City of Augusta, and today, it's Nick's turn. Nick, I want to thank you for your service to our country, to your state and I want to thank the entire Emery family for being here to see him receive this honor.

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

In Memory of:

Rebecca Schaffer, of Yarmouth, who was committed to helping others throughout the world. Born on June 17th, 1988 in Washington, D.C., Becky grew up in Yarmouth and was a graduate of Yarmouth High School. She was known as a gifted and fearless athlete and was the only female on the boys hockey team and a key member of the girls team. She attended McGill

University in Montreal, Quebec, Canada and studied abroad in England, India and Kenya. Becky taught English in Kenya and she tutored African refugees in Maine. Dedicated to helping those in need, Becky also had a desire to challenge herself by working far away from anything familiar and, as she described it, be surrounded by a culture and environment she never experienced, but had reason to expect to love because of its people's warmth and the land's natural beauty. She was to begin a year-long teaching program in Micronesia before joining the Peace Corps when she died during a hiking accident on August 6, 2011. Becky is sadly missed and will be remembered on the date of what would be her 25th birthday by her loving family, her many friends and those whose lives she touched;

(HLS 453)

Presented by Representative COOPER of Yarmouth.
Cosponsored by Senator WOODBURY of Cumberland.

On **OBJECTION** of Representative COOPER of Yarmouth, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **COOPER**: Thank you, Mr. Speaker. Twenty-five years ago today, I stopped eating for two and gave birth to my beloved daughter, Becky Schaffer. Today, nearly two years after her accidental death on the other side of the earth, I am trying to live for two. Losing a child is the hardest thing that a parent can endure. To make some sense of that tragedy to our family, Becky's friends and to the hundreds of children in Maine, Africa, India and Micronesia that she nurtured, I determined to live a life that would make her proud and would make the world a better place, as I am sure Becky would have continued to do. In her 23 brief years, she led a remarkable life full of love, adventure and compassion. She was a true humanitarian. She continues to be an inspiration to others, not only me but her friends. Recently, I received an email from a friend that she made in India, Brittany, who has for the last two years been a Peace Corps volunteer in Paraguay. And Brittany dedicated those two years to Becky, and her students, she called "Becky's kids," and every time she taught them English, she spoke to them about Becky and the values that she espoused. I was touched by the remarks given earlier by Representative Johnson about fear and what a folly it is to live in fear rather than in hope, and I can tell you that, having lost a child, I have nothing to fear anymore and that is a very empowering feeling. So, if I sometimes go a little too far, that's where it's coming from. I thank the Speaker and this body for the opportunity to honor my daughter, Becky Schaffer, today, on this, her 25th birthday. 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 did not know Becky Schaffer personally, but I do know and love and admire her family, the Cooper-Schaffer family, and I know from others who knew Becky in her youth, that she inspired many and she touched many lives, countless lives, here in Maine and elsewhere around the world. I also relate a little bit to Becky in that she was born almost exactly 20 years after I was and, like me, she wanted to see the other side of the mountain. Having grown up in Maine, in a small rural state, I wanted to travel the world and to give and to teach, and she was tragically taken from us in that. No parent, many of us here are parents and grandparents and we've just celebrated Father's Day, and now, especially having celebrated Father's Day yesterday, it is so clear and so strongly felt, I think for all of us, that no parent should ever have to bury their own child. And also that this can happen to any one of us, and there

but for the grace of God, go all of us. So I hope, Mr. Speaker, that we, here today, will resolve in the next few weeks of this session to work in Becky's honor and to work not just for her memory and for what she wanted to accomplish but for the delicate promise and potential of all of our youth, of our future, of our legacy as leaders of this state, as teachers, as parents, and grandparents. And, Mr. Speaker, I ask that when the House adjourn today, that we do so in honor and lasting memory to Rebecca Schaffer of Yarmouth. Thank you, Mr. Speaker.

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

REPORTS OF COMMITTEE
Divided Report

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought Not to Pass** on Bill "An Act To Make Post-conviction Possession of Animals a Criminal Offense"

(S.P. 252) (L.D. 703)

Signed:

Senator:

PLUMMER of Cumberland

Representatives:

DION of Portland

LAJOIE of Lewiston

LONG of Sherman

MARKS of Pittston

PEASE of Morrill

PLANTE of Berwick

TYLER of Windham

WILSON of Augusta

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-283)** on same Bill.

Signed:

Senators:

GERZOFISKY of Cumberland

DUTREMBLE of York

Representatives:

CASAVANT of Biddeford

KAENRATH of South Portland

Came from the Senate with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-283)**.

READ.

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

CONSENT CALENDAR
First Day

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

(H.P. 330) (L.D. 480) Bill "An Act To Establish Fees under the Maine Medical Use of Marijuana Act" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-512)**

(H.P. 833) (L.D. 1189) Bill "An Act Regarding Implementation of Cost-of-living Increases for Nursing Facilities" (EMERGENCY) Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-513)**

(H.P. 1000) (L.D. 1404) Bill "An Act To Ensure the Integrity of Maine's Medical Marijuana Program" (EMERGENCY) Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-514)**

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

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

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

ENACTORS
Emergency Measure

An Act To Establish a Pilot Natural Gas District in Maine
(H.P. 1036) (L.D. 1442)
(C. "A" H-419)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 131 voted in favor of the same and 1 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Acts

An Act To Establish a State Board of Dental Hygiene
(H.P. 657) (L.D. 933)
(C. "A" H-452)

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)
(C. "B" S-261)

An Act To Lower Costs to Municipalities and Reduce Energy Consumption through Increased Competition in the Municipal Street Light Market

(H.P. 885) (L.D. 1251)
(C. "A" H-472)

An Act To Implement Recommendations of the Department of Environmental Protection Concerning Product Stewardship in Maine

(H.P. 952) (L.D. 1335)
(C. "A" H-470)

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

An Act To Encourage Development in the Logging Industry
(S.P. 385) (L.D. 1103)
(C. "A" S-249)

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

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

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

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment Friday, June 14, 2013, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

Expression of Legislative Sentiment Recognizing Caroline Colan, of Readfield

(HLS 255)

TABLED - May 14, 2013 (Till Later Today) by Representative BERRY of Bowdoinham.

PENDING - PASSAGE.

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

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

HOUSE DIVIDED REPORT - Majority (7) **Ought to Pass as Amended by Committee Amendment "A" (H-288)** - Minority (5) **Ought Not to Pass** - Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Prohibit a Health Insurance Carrier from Establishing a Separate Premium Rate Based on Geographic Area"

(H.P. 136) (L.D. 161)

TABLED - June 3, 2013 (Till Later Today) by Representative TREAT of Hallowell.

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

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

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

The **SPEAKER**: The Chair recognizes the Representative from Presque Isle, Representative Saucier.

Representative **SAUCIER**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This is my first time rising in this body. This is something that is near and dear to my heart. Aroostook County has been severely injured by PL 90 and the businesses that I have talked to have given me permission to actually use some of their information here today. All Mainers should be able to get the care they need, when they need it, without facing huge medical bills, at affordable prices. This bill represents an important step towards ensuring that all Mainers can afford to buy coverage. Stated simply, this bill will end the practice of unfairly hiking my constituents' insurance rates because of their geographic location. Rural areas of the state, and especially Presque Isle residents, have been hit hard by increased insurance rates since the passage of PL 90, which allows insurers to discriminate against customers on the basis of age and of geographic location. Some of the businesses in Presque Isle have seen rates for their insurance go up as much as 100 percent. In researching this bill, I have spoken with the business owners and they have told me of the devastating impacts of PL 90. The numbers don't lie. Owner of The Sled Shop, Kevin Freeman, an ATV/snowmobile business, faced a 62 percent increase in his insurance cost. Before PL 90, he paid \$603 per employee with a \$2,500 deductible. After PL 90, he was asked to pay \$981 per employee with a \$2,500 deductible. Because of the drastic increase in his rates, he can only offer his

employees now the catastrophic plan with a deductible of \$3,000, which only pays 20 percent of preventative care and no prescription drug coverage. This new plan cost his business, for his employees, \$715 per month. Frank Bemis, an attorney in Presque Isle, saw his rates increase 100 percent. Since PL 90, he cancelled his policy and now does not have insurance for his employees. 27 Sign Place owner, Rick Guerrette, can only afford a catastrophic plan for \$7,000 a year with a \$10,000 deductible since PL 90. Shelly Mountain, a Mapleton resident, paid \$443 before PL 90. After PL 90 went into effect, she now pays \$529 per month with a \$20,000 deductible. She canceled her policy also. In times like this, we need to partner with businesses to get our economy moving and grow Maine's middle class. Allowing insurance companies to discriminate against rural Mainers is clearly hurting our small businesses because it allows insurance companies to take the money away from their bottom line and degrades the health of their employees. I urge you to support LD 161. By helping Mainers get the care they need, when they need it, we will jumpstart our economy and put money back in the pockets of hardworking Mainers. Thank you, Mr. Speaker.

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

Representative **FITZPATRICK**: Thank you, Mr. Speaker. Mr. Speaker, I rise today in opposition to this motion. PL 90 has just barely had a year's worth of renewals and there were some disruptions; we understand that. To change it back now, at this point, when things have leveled out, would merely shift the burden back to the counties that saw the decreases, which were Cumberland, Sagadahoc and York County. Making additional changes to geographic rating will create more disruption in insurance rates. Because LD 161 will increase costs in the most populous counties, more people will see cost increases as a result of LD 161 than will see costs decreases. Reducing or limiting the ability to rate based on geography eliminates the incentives for hospitals and providers to become more efficient because the resulting cost reductions will be diluted statewide and will not benefit the people who live and work in the area served by the hospital or provider. As a result, lower cost regions will subsidize higher cost regions and provide a disincentive for higher cost hospitals to become more efficient. The effect of the rating bands pulling geography out of the consolidated bands and establishing it as a separate rating factor resulted in a onetime adjustment to all small group plans, and it took 12 months for all groups to see the effects because the changes in rating factors applied on renewal beginning October 1, 2011. All changes, as a result of the changes to geographic rating, were fully implemented by October 1, 2012. The ACA allowed for age rating bands of 3 to 1 and allows for geography as a separate rating factor with no rating band restrictions, and it is consistent with the ACA which provides for a separate rating factor for geography outside the age bands. The ACA allows for four geographic rating areas and the current geographic rating areas will have to comply with the ACA and go to four, whereas now we have 16. I ask you to oppose this motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Ellsworth, Representative Luchini.

Representative **LUCHINI**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise to urge your support of LD 161, which seeks to create a level playing field for Maine businesses and individuals, regardless of where in Maine they are located. As a Representative from a rural part of the state, Downeast Maine, I sponsored this bill in response to the many, many phone calls I have received over the past year, year and a half, related to excessive increases in health insurance premiums that some of my local businesses and individuals were

facing after the enactment of PL 90 in the last session. I will give a couple of quick examples and you will see the people hit hardest were the smallest of businesses. At the public hearing, the executive director of the Hancock County Habitat for Humanity came in and testified that his rates increased by 59 percent. Finding it unaffordable to continue coverage for his employees, he had to settle on a plan with a much larger deductible, \$7,500 for individuals, \$15,000 for family, and even that had a 25 percent higher premium that he previously had before. A local photographer came to me. He owns a studio. He said his premiums increased so high that he is considering, right now, dropping coverage altogether. Our local YMCA experienced increases of 41 percent. They are a pretty healthy group. They live at the gym. A craftsman in Trenton, the owner of a woodshop, saw his rates increase over 60 percent. Again, he is pondering considering dropping his coverage. We have a local chain of retail shops in Ellsworth that reported increases of 78 percent, which led them to drop existing coverage and again had to go to really, really large deductible plans. So in working with these businesses, other individuals, other businesses and the Ellsworth Chamber of Commerce, we see this legal disparity as a major economic disincentive for rural parts of the state. It's hard to bring businesses when they know they are going to be paying more to go to that area of the state. Of course, we've all heard the notion of two Maines. We feel that this exacerbates that problem. Just a last quick note, I just want to make sure it's clear. This isn't some type of huge rollback of PL 90. This is simply a little tweak that we're trying to do to make a quick fix. I think anytime you pass a large piece of legislation like PL 90, you are going to have some unintended consequences. I don't think anybody intended to hit rural businesses hard, but I think it's a problem that is existing and something that needs to be addressed. In fact, in the last session, in the 125th in the Second Session, we identified that small group plans were getting a similar huge increase, so an emergency fix was proposed by then Senator Courtney, and it passed unanimously through the 125th to try to fix that problem. I think this rural disparity needs to be fixed and I hope you will support this bill, LD 161. Thank you.

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

Representative **McCABE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I think we have an opportunity today to go green on this one and, in my view, we would right a wrong for rural Maine. Those of us, coming from rural Maine in the Second CD, have heard from numerous businesses. I know the businesses in my area, my community, were featured on a Maine Public Broadcasting story just about the unacceptable increase in their health insurance and the drastic measures that they had to take. I rise today to recognize the Representative from Hallowell, the Representative from Presque Isle, for their leadership on this issue and really addressing an issue that is a major burden for businesses in rural Maine, and I hope that folks will join me in righting this wrong today. Thank you.

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

Representative **TREAT**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I urge your support of the Majority Report of our committee, the Insurance and Financial Services Committee. This is an important bill that will help your constituents. In the Insurance and Financial Services Committee, we took to calling this bill, as amended by the Committee Report, the "One Maine Bill" because it says that when insurance companies set insurance rates, it should not matter where you live in the State of Maine. After PL 90 was

passed by the 125th Legislature, small businesses in some of our more rural counties, as well as individuals, saw their insurance rate increases skyrocket. Some went up as much as 100 percent, some 50 to 60 percent as you've heard in the comments today from the Representative from Ellsworth, Representative Luchini, and the Representative from Presque Isle, Representative Saucier. We've heard pretty much a half a day of hearings on this particular issue. We heard from a small business person from Castine, a 59 percent increase. A small business in Boothbay, in 2011, a 26.39 percent increase. In 2012, a 34.79 percent increase. The Wooden Boat Company in Brooklin, a 32 percent increase. The IFS Committee considered many bills to make changes to PL 90. As you may recall, those of you who were around, that bill, at least in one form, was about 50 pages and had many provisions. We took a very targeted approach to making any changes, focusing on those things that were absolute must do changes. This is one of them. Other provisions of PL 90, such as differences in age, charging based on your age, differences in charging based on the size of the small group, differences in terms of charging for smoking or not smoking, we didn't touch. Passing LD 161 will help the small businesses in our state and it will stop the discrimination that they face, simply by being located in a more rural area. We should be helping our small businesses, not hurting them. Please vote for the pending motion, which lower health care costs for much of the state and help our economy recover. Thank you.

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

Representative **BOLAND**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I appreciate the goal of the one Maine, but as a Representative from Sanford, I won't be able to support this vote. We've been hit particularly hard on the revenue sharing part. We are a service center with high unemployment and seeing increasing high property taxes. So for those reasons, because we have been hit that hard, I will not be able to support this particular vote to add more burden to our people. 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. 328

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

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

ABSENT - Beaudoin, Beck, Bolduc, Doak, Frey, Hobbins, Libby A, McGowan, Peterson, Rykerson, Werts.

Yes, 83; No, 57; Absent, 11; Excused, 0.

83 having voted in the affirmative and 57 voted in the negative, with 11 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-288)** 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-288)** and sent for concurrence.

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

HOUSE DIVIDED REPORT - Majority (7) **Ought to Pass as Amended by Committee Amendment "A" (H-314)** - Minority (5) **Ought Not to Pass** - Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Restore Consumer Rate Review for Health Insurance Plans in the Individual and Small Group Markets"

(H.P. 186) (L.D. 225)

TABLED - June 4, 2013 (Till Later Today) by Representative TREAT of Hallowell.

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

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

Representative **LIBBY**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. Good morning. The bill before us would restore the state's longstanding practice of reviewing health insurance rate increases in the individual market and either approving or denying the requested rate increase if the superintendent of the Bureau of Insurance deemed the requested rate increase was either excessive, inadequate or unfairly discriminatory. This bill is about transparency, accountability and fairness. Under current law, only rate increases above 10 percent a year are given the level of transparency, accountability and fairness that LD 225 seeks to restore across the board in the individual health insurance market. Keep in mind, under current law, health insurance companies selling individual market plans to thousands of Mainers, many of whom are small business owners who operate as sole proprietors, that these health insurance companies could ask for and be granted a 9.9 percent rate increase, year after year, under the radar of insurance policyholders. At nearly 10 percent, these sorts of increases would be nine times the current rate of inflation in this country. We have tools at our disposal to help mitigate the runaway cost of health insurance in this state and LD 225 would restore a significant regulatory tool. Again, this bill is about transparency, accountability and fairness, so I ask that you support the pending motion and, Mr. Speaker, I request a roll call.

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

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

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

Representative **MORRISON**: Good morning, Mr. Speaker. Good morning, Ladies and Gentlemen of the House. I rise in support of the pending motion. If a health care provider requests a rate increase, LD 225 would restore transparency in the rate review process by allowing the Bureau of Insurance to evaluate provider's rate increase requests to ensure that rates aren't excessive, inadequate or unfairly discriminatory. I also rise in support because it gives the public an ability to weigh in on this process. Ladies and gentlemen, we see our cost of living going up on a day-to-day basis and our paychecks are not. If a provider needs a rate increase, I think consumers should have the option of knowing why the increase is needed and the Bureau of Insurance will do what they do best, which is review this process and make sure it's fair and honest for everyone. All of us in this body are really clear and know that the insurance market is confusing, complex, and very expensive. Restoring this rate review process brings a little bit more clarity and openness to that process. Please help consumers by voting in favor of this pending motion. Thank you very much, Mr. Speaker.

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

Representative **FITZPATRICK**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I ask you to oppose this motion and I'd like to read a little bit from our analyst on our Insurance Committee. It's a quick overview of the current law related to health insurance rate review for individual and small group policies.

"Rate filings and Hearings. Carriers in the individual market must file every rate, rating formula, classification of risks and every modification of any formula or classification that it proposes to use not less than 60 days in advance to the stated effective date of the rate, unless the 60-day requirement is waived by the Superintendent. The Superintendent may suspend the proposed effective date of a rate for a period of time not to exceed 30 days. Rates may not be excessive, inadequate or unfairly discriminatory.

"During the 125th Legislature, the law was amended to permit carriers in the individual market to file rates for informational purposes without prior approval of the Superintendent if a carrier maintains a minimum medical loss ratio of 80% unless rate review is required pursuant to the federal Affordable Care Act. Federal regulations on the rate review requirements for State insurance departments have recently been published. Additional changes in State law may be considered next session to conform to federal law and regulations.

"If at any time, the Superintendent of Insurance has reason to believe that a filing does not meet the requirements that rates not be excessive, inadequate or unfairly discriminatory or that the filing violates any provision relating to trade practices and fraud, the Superintendent shall hold an administrative hearing. If a rate filing proposes a rate increase, the Attorney General may request a hearing. The carrier has the burden of establishing that the rates are not excessive, inadequate, or unfairly discriminatory. The Superintendent must disapprove any rates that are excessive, inadequate or unfairly discriminatory. In addition, the Superintendent of Insurance is required to disapprove any initial or revised premium rate filed by a carrier for an individual health insurance policy unless it is anticipated that the carrier's loss ratio for its individual policies and contracts will be at least 65%.

"Small group rates must be filed for review with the Superintendent of Insurance. The Superintendent must disapprove any rates that are excessive, inadequate or unfairly discriminatory. Carriers that maintain a minimum loss ratio of 80% may continue to 'file and use' rates unless additional rate review if required pursuant to federal law. As mentioned above,

federal regulations have recently been published. Additional changes in State law may be considered next session to conform to federal law and regulations.

"State law was recently amended to adopt the minimum medical loss ratios adopted in the federal Affordable Care Act. The minimum medical loss ratios are as follows: Individual health plans, 80% or such lower minimum as determined by the Secretary of Health and Human Services pursuant to waiver; Small group health plans, 80%; and Large group health plans, 85%. This means that the aggregate benefits returned to the policyholders under all individual policies maintained by the carrier will meet the minimum percentage of the aggregate premiums collected for those policies.

"To the extent required by federal law and regulation, carriers are required to provide rebates if the medical loss ratio in a particular market if the medical loss ratio is less than the minimum required.

"Notice of Rate Filings and Rate Increases. Carriers in the individual market must provide policyholders' with at least 60 days' prior notice of a proposed rate increase or rate filing made to the Bureau of Insurance. Unless the carrier has the right to file rates without prior approval, the notice must also be provided that the policyholder has the right to request a hearing on the proposed rate increase or rate filing pursuant to the Insurance Code. Carriers must also inform policyholders of a rate increase anticipated within 90 days when quoting rates for new business.

"Carriers in the small group market must provide policyholders' with at least 60 days' prior notice of a proposed rate increase. Carriers must also inform policyholders of a rate increase anticipated within 90 days when quoting rates for new business."

So policyholders can request hearings, the Attorney General can request a hearing and the Superintendent of Insurance can request a hearing. Prior approval does not translate to lower rates. Some of the lowest individual market increases in the last 10 plus years were under file and use. Minimum loss ratio requirements are the ultimate protection. If carriers do not meet the minimum medical loss ratio required, they have to pay rebates. The fact that rates do not require prior approval does not mean that they are not subject to review and scrutiny. Both federal and state law require review and a great deal of review conducted by the Maine Bureau of Insurance, both on individual and small group rates, are subject of a number of questions from the Bureau of Insurance. CMS determined that Maine has an effective rate review program and I have distributed on salmon the rate reviews recently done last year by the CMS and the Center for Consumer Information and Insurance Oversight has declared that we have an excellent rate review process. In the last paragraph it says, we applaud your efforts to provide your state's insurance consumers with an effective rate review program for association coverage and we encourage all states to continue their efforts to ensure that rates charged to health insurance consumers in their state are reasonable, on both letters, on July 1 and October 19.

The Center for Consumer Information and Insurance Oversight has an effective rate review system and their criteria are lengthy. They must receive sufficient data and documentation concerning rate increases to conduct an examination of the reasonableness of the proposed increases. They must consider the factors below as they apply to the review: Medical cost trend changes by major service categories. Changes in utilization of services – in other words, hospital care, pharmaceuticals, doctor's office visits – by major service categories. Cost sharing changes by major service categories. Changes in benefits. Changes in enrollee risk profile. Impact of

over or under estimate of medical trend in previous years on the current rate. Reserve needs. Administrative costs related to programs that improve health care quality. Other administrative costs. Applicable taxes and licensing or regulatory fees. Medical loss ratio. The issuer's capital and surplus. The impacts of geographic factors and variations. The impact of changes within a single risk pool to all products or plans within the risk pool. And the impact of reinsurance and risk adjustment payments and charges under sections 1341 and 1343 of the Affordable Care Act. They must make a determination of the reasonableness of the rates increased under a standard set forth in state statute or regulation. They must post either rate filings under review or preliminary justifications on their websites or post a link to the preliminary justifications that appear on the CMS website. They must provide a mechanism for receiving public comments on proposed rate increases, and must report results of rate reviews to CMS for rate increases subject to review. In general, this will not make an attractive marketplace to carriers trying to decide whether to enter the market and sell through the exchange, and PL 90 is working. Individual membership has grown for the first time in 20 years and the average age of individual market has decreased. Mr. Speaker, I ask that you oppose this motion. Thank you.

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

Representative **PRINGLE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise in support of the pending motion and with all respect to my good colleague, the Representative from Houlton, who has indeed explained how many tools are available to the Superintendent of Insurance as he reviews requests to change the rates by insurance companies. But perhaps you all will remember a few years back when one of our individual health insurers intended to raise rates by a significant amount and the overwhelming response of the public and the public testimony, which we all experience in our committees when the public comes forth, were significantly influential in the Superintendent's decision to deny the request for rate increase. Serving on Insurance and Financial Services, I saw many positive things that came out of PL 90, including the reinsurance fund, MGARA, but I do believe that restoring the ability of the public to provide comment when there is going to be a rate increase is appropriate. Thank you.

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

Representative **TREAT**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I urge that you support the Majority Report of the committee, the pending motion, Ought to Pass as Amended. As you have heard this morning, insurance law can be quite complicated. This bill is not complicated, however. It's simple. Do you want the Superintendent of Insurance to review rate increases up to 10 percent before they go into effect? Do you want to give the Superintendent of Insurance the authority to reduce those rates before they go into effect, if the Superintendent of Insurance finds that they are excessive, as previous Superintendents of Insurance have done under our past law, which was in effect for decades? That is what is before us today. As you have heard, this bill simply restores a requirement of prior review, changing from what we have today, which is called "file and use." The fact that the Federal Government, as stated in this orange sheet that was passed out to many of us – those that didn't receive it, I believe you have it on your virtual lap, whatever, the computer program, you should be able to find it – the fact that the Federal Government has said that we meet the minimum requirements of the Affordable Care Act is irrelevant. Do we want to protect our

constituents? This bill is good for individuals and families. As you have heard, many are facing significant rate increases right now. It is also important for those solo businesses. This bill, as we amended it, only applies to the individual insurance market, which is what the prior law was before PL 90. We have many, many small businesses that are essentially one-person businesses where those small businesses get their insurance through the individual market. This bill is a good bill for your constituents. It increases transparency in the insurance marketplace, it provides more tools in the hands of the Bureau of Insurance to make sure that those rates are affordable and appropriate, and I urge your support of the pending motion.

Representative **WILLETTE** of Mapleton **REQUESTED** that the Clerk **READ** the Committee Report.

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

The SPEAKER: A roll call has been ordered. The pending question before the House is 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. 329

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

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

ABSENT - Beaudoin, Beck, Bolduc, Doak, Frey, Libby A, McGowan, Peterson, Rykerson, Werts.

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

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-314)** 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-314)** and sent for concurrence.

HOUSE REPORT - Ought to Pass as Amended by Committee Amendment "A" (H-501) - Committee on LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT on Bill "An Act To Establish the Maine Length of Service Award Program"

(H.P. 819) (L.D. 1154)

TABLED - June 14, 2013 (Till Later Today) by Representative FREDETTE of Newport.

PENDING - ACCEPTANCE OF COMMITTEE REPORT.

Subsequently, on motion of Representative HERBIG of Belfast, the Bill and all accompanying papers were **COMMITTED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** and sent for concurrence.

COMMUNICATIONS

The Following Communication: (H.C. 206)

**STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0001**

The 126th Legislature of the State of Maine
State House
Augusta, Maine

Dear Honorable Members of the 126th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 610, "Resolve, To Review and Amend the Rules Regarding Hospital Charity Care Guidelines."

I want to thank Representative Sanderson for bringing this bill forward. Since the Affordable Care Act claims it will enable coverage for individuals through a taxpayer-subsidized exchange, it is appropriate to reduce the eligibility thresholds for charity care in our hospitals. That is why I am directing the Department of Health and Human Services to begin the rulemaking process immediately. Allowing the Resolve to become law would slow the process and therefore I return it today.

Additionally, this Resolve would create another working group with executive branch resources, and would ultimately require multiple reports to the Legislature. As you all know, the Department has the legal authority to propose rulemaking and the Administrative Procedures Act provides an opportunity for public input during that process. If the various organizations impacted by these rules decide to collaborate on their own time utilizing their own resources, they are free to do so. Their comments will be given all due consideration by the Department. For these reasons, I return LD 610 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The accompanying item Resolve, To Review and Amend the Rules Regarding Hospital Charity Care Guidelines

(H.P. 429) (L.D. 610)
(C. "A" H-236)

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

Representative **SANDERSON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. When we submit bills, we all think they are great bills, especially when they are our own and this one was a very good bill. In conversations with the Executive on the second floor, the intent of this bill is still going to be carried out and I have that assurance and it is mentioned in the communication before us on (2-1) that the intent of the bill is going to be carried out. It will be done in a more timely manner and so I ask you to sustain the veto. Thank you.

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

Representative **SANDERSON**: Could you clarify the question, please, and how the votes should go, on which we're voting? We're having a little confusion over here.

The SPEAKER: A vote of yes will be in favor of the bill. A vote of no will be in favor of sustaining the veto.

After reconsideration, the House proceeded to vote on the question, 'Shall this Resolve become a law notwithstanding the objections of the Governor?' A roll call was taken.

The SPEAKER: The pending question before the House is 'Shall this Resolve become a law notwithstanding the objections of the Governor?' All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 330V

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

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

ABSENT - Beaudoin, Beck, Bolduc, Doak, Frey, Libby A, Peterson, Rykerson, Theriault, Werts.

Yes, 83; No, 58; Absent, 10; Excused, 0.

83 having voted in the affirmative and 58 voted in the negative, with 10 being absent, and accordingly the Veto was **SUSTAINED**.

The Following Communication: (H.C. 207)

**STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0001**

June 14, 2013

The 126th Legislature of the State of Maine
State House
Augusta, Maine

Dear Honorable Members of the 126th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 555, "Resolve, Directing the Commissioner of Professional and Financial Regulation To Convene a Working Group To Consider Reforms of the Practices of the Nursing Home Administrators Licensing Board."

I want to thank Representative Sanderson for bringing this bill forward. The original version directed the Nursing Home Administrators Licensing Board to amend its rules and provide opportunities to recognize work experience in the licensing process. This is an important objective and one I support.

That is why the board is currently creating rules to meet this objective, as well as deal with some of the concerns related to continuing education credits. We are on the path to completion for the underlying objective of this Resolve and I am concerned a working group would slow down progress. The Administrative Procedures Act provides opportunity for input and comment and that provides the proper forum to fine tune the rules.

For these reasons, I return LD 555 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,
S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The accompanying item Resolve, Directing the Commissioner of Professional and Financial Regulation To Convene a Working Group To Consider Reforms of the Practices of the Nursing Home Administrators Licensing Board

(H.P. 374) (L.D. 555)
(C. "A" H-241)

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

Representative **SANDERSON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Again, like the item we just dispensed with, this is my bill and it is a good bill. Again, in the Executive's letter, the intent of the bill is going to be carried out. It's going to be carried out in a more timely manner, so I would urge you to sustain the veto. Thank you.

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

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

The SPEAKER: The Representative may pose her question.

Representative **RUSSELL**: Thank you, Mr. Speaker. If this was going to be the outcome, why wasn't this brought up during the committee process? This is the second bill in a row that we've seen this reaction from and it just strikes me that this could have been dealt with through the committee process and saved us the trouble of getting it all the way through the House, the other body and to the desk of the Chief Executive.

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

Representative **SANDERSON**: Thank you. This was debated in the committee process and it came out with positive reports on the bill. As indicated, on Supplement 2, in the letter from the Executive, he supports the intent of the bill, supports the action of the bill; however, the veto, the bill would take longer to be able to implement the process. So he has done, through the Executive office, he has directed these departments to get this done much quicker through the process of rulemaking and therefore we don't need the bill. It is going to be done.

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

Representative **RUSSELL**: Thank you, Mr. Speaker. I appreciate the answer from the good Representative and I'm still confused as to why this had to go to a veto process instead of having this same conversation well in advance of it so that it never got to this point. I guess my question may not ultimately end up answered, but I just wanted to rise to mention that I didn't still get the answer that I was looking for, though I do believe that the intent was to give me an answer. Thank you, Mr. Speaker.

After reconsideration, the House proceeded to vote on the question, 'Shall this Resolve become a law notwithstanding the objections of the Governor?' A roll call was taken.

The SPEAKER: The pending question before the House is 'Shall this Resolve become a law notwithstanding the objections of the Governor?' All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 331V

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

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

ABSENT - Beaudoin, Beck, Bolduc, Doak, Frey, Libby A, Peterson, Rykerson, Werts.

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

82 having voted in the affirmative and 60 voted in the negative, with 9 being absent, and accordingly the Veto was **SUSTAINED**.

REPORTS OF COMMITTEE

Divided Reports

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-510)** on Bill "An Act To Increase Consumption of Maine Foods in All State Institutions"

(H.P. 888) (L.D. 1254)

Signed:

Senators:

LACHOWICZ of Kennebec
COLLINS of York
GERZOFKY of Cumberland

Representatives:

GRAHAM of North Yarmouth
BOLAND of Sanford
BOLDUC of Auburn
COTTA of China
HAYES of Buckfield
MacDONALD of Old Orchard Beach
NADEAU of Fort Kent
NADEAU of Winslow
PEASE of Morrill

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-511)** on same Bill.

Signed:

Representative:
CHENETTE of Saco

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-510)** 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-510)** and sent for concurrence.

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought Not to Pass** on Bill "An Act To Make Convicted Drug Felons Ineligible for TANF Assistance" (H.P. 1037) (L.D. 1443)

Signed:

Senators:

CRAVEN of Androscoggin
LACHOWICZ of Kennebec

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-519)** on same Bill.

Signed:

Senator:

HAMPER of Oxford

Representatives:

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

READ.

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

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

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

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

Representative **SANDERSON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. As in many things, Maine's guidelines are much more relaxed and much more generous than many others. This bill sought to seek to roll back the eligibility for TANF assistance for felons back to the federal guidelines. That's all it does. It will be no less than the federal. It will be exactly as the federal guidelines are. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Westbrook, Representative Gattine.

Representative **GATTINE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise today in support of the Majority Ought Not to Pass Report. This bill, if it passed, would change Maine law, which currently prohibits the state from denying TANF benefits to a person convicted of a related felony. If it passed, it meant that any parents convicted of a drug related felony after August 22, 1996 would be ineligible for TANF benefits as they are trying to reenter society. I think this proposed policy is punitive or counterproductive and runs counter to the goals of TANF, which is a program designed to help people get on their feet. TANF provides temporary support to children and their parents while the family works towards self-sufficiency. For someone trying to stay on the path to rehabilitation from prior drug use, a place to live, food to eat and support in finding employment are critical to any success. I want to point out in response to the previous comments that Maine would be in the minority of states if it adopts this policy. The vast majority of states, including all of the New England states, have passed legislation restoring TANF benefits to this group of individuals. Maine would be an outlier if we enact this. Again, I do want to point out that whenever we're talking about TANF and limiting TANF, we need to keep focus on the fact that this is a program designed to help families with children. The people who rely on this are people who are of the greatest need in our society and people who will suffer physically, mentally and emotionally in this area if we were to make these kinds of cuts. Any cut to a parent's share of the benefit will reduce the benefit that is already inadequate, sometimes, to meet a family's need and children will suffer. The maximum TANF benefit for a family of three is only \$485. Monthly benefit, \$485. This would mean that if we were to take the parent's benefit out, only \$262 would be available to meet the needs of the children and the family. I mean, as we all know, this isn't even enough to meet basic needs, let alone pay rent and buy food. So I do hope that you will support the Majority Ought Not to Pass Report. Thank you very much, Mr. Speaker.

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

Representative **DORNEY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I work a lot with drug addicts. I have been doing that for the last seven or eight years. This would be very punitive and would discourage people from getting help for their drug issues. It takes a while for people who are drug addicts to get treatment and often they have to be in intensive programs to help get rid of their drugs so that they can go on and actually parent their children. This would be a very bad mistake and I encourage you to vote with the current motion. Thank you.

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

ROLL CALL NO. 332

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

Saxton, Schneck, Shaw, Short, Stanley, Stuckey, Theriault, Tipping-Spitz, Treat, Verow, Villa, Welsh, Mr. Speaker.

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

ABSENT - Beaudoin, Beck, Bolduc, Doak, Frey, Gifford, Hickman, Libby A, Peterson, Rykerson, Werts.

Yes, 85; No, 55; Absent, 11; Excused, 0.

85 having voted in the affirmative and 55 voted in the negative, with 11 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought Not to Pass** on Bill "An Act To Require That Electronic Benefits Transfer System Cash Benefits Are Used for the Purpose for Which the Benefits Are Provided" (H.P. 725) (L.D. 1030)

Signed:

Senators:

CRAVEN of Androscoggin
LACHOWICZ of Kennebec

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-518)** on same Bill.

Signed:

Senator:

HAMPER of Oxford

Representatives:

McELWEE of Caribou
SANDERSON of Chelsea
SIROCKI of Scarborough

READ.

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

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

Representative **FARNSWORTH**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This is a bill that is designed to basically restrict the use of the TANF EBT card so that it limits it in terms of the recipient's ability to use it for things such as alcohol and tobacco. I think the reality, however, as was mentioned in the prior bill, is that the TANF allocation is generally used predominantly just to cover rent. It isn't a huge amount and, as a result, the \$485 or so would certainly be quickly eaten up by any rent. The other aspect of it, however, is that it is

designed to require the recipient of the TANF supplement to maintain receipts for all of their purchases with that EBT card for a year on the mere chance that they might be audited, and this becomes an extraordinary burden for the recipients, many of whom, I'm sure as some of us have trouble managing the receipts and that sort of thing, on an annual basis. Finally, it also would represent a significant additional administrative burden to the Department of Health and Human Services, who would then have to set up an audit process in order to cover this. So I would urge you to vote with the committee Majority Report. Thank you.

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

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

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

Representative **SANDERSON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The good Representative Farnsworth is right. This does seek to restrict the use of TANF benefits for alcohol and tobacco products. There's nothing wrong with that because they are not supposed to be used for that anyways. This is TANF, Temporary Assistance for Needy Families. This money should not be used for alcohol. This money should not be used for tobacco products. What this bill does is it does ask the recipients of TANF benefits, if you take cash and these folks are able to take a cash withdrawal from an ATM on their TANF card, then they have the cash. With the cash, there is absolutely no way, no way where we can find out whether we can track whether they're using this money appropriately for what it's meant to be used for, no way at all. So when you take a \$20, \$40, \$60 cash withdrawal from your TANF benefit card, what we're merely asking is save the receipt. When you purchase something for it, save the receipt. The recipients of TANF, they save their receipts for up to a year. The Department is only required – it says the Department may, not required to do it, but that they may randomly audit receipts for the period from January 1 to June 30, or July 1 to December 15. They can only audit a six-month period, okay, in whichever period is most recent, for up to 1 percent of TANF recipients per year. That's it. We're not saying you have to audit a whole bunch of folks. We're saying you may. This gives them the ability to really kind of take a look at what we're doing. If there is someone who may be in question, they can take a look at how they're spending this money to make sure that we're spending our benefit dollars, our assistance dollars wisely for the folks who really need it the most. That's the argument we've been having here all year. We want to make sure folks get help. We want to make sure that they have the services and the support they need, but we want to make sure that it's done appropriately. Thank you.

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative Gattine.

Representative **GATTINE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise in support of the Majority Ought Not to Pass Report. I believe program integrity and all the efforts that we are currently undertaking to make sure that our limited resources are spent wisely are very important, and I wish we had more money and effort and could focus more of those efforts in that area. But again, to echo what the Representative from Portland said, when we spoke about this at the committee, we spoke with the Department and they don't have enough resources to do the work that they're currently doing. The idea that we're going to turn TANF recipients into keeping all of their receipts like they were Deloitte consultants and turn Department auditors, going into people's homes, into the

equivalent of IRS agents looking at every single receipt, I don't think it's practical, I don't think it's going to result in a significant savings, and I just think that our efforts and our resources could be focused on much more important and much more productive areas. I hope that folks in this chamber will support the Majority Ought Not to Pass Report. Thank you very much.

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 rise in opposition to the pending motion. As the General Assistance Administrator for the Town of Freedom, I can tell you that this notion of retaining receipts is consistent with how we administer General Assistance in my community. If you qualify for a General Assistance award, when you reapply, within 30 days you are required to show us, the community, how you spent your money and what we do is we look at nonessentials and without moralizing we do subtract the monies that were spent on tobacco and alcohol, and your further awards for General Assistance are reduced by the same amount. The good Representative from Westbrook pointed out the difficulties with implementing this program. I can argue that, at the municipal level, yes, indeed, it is complex and it is difficult, but I do think that when we're talking about public funds at stake and we're talking about funds that are designed for a specific purpose, which are temporary aid to needy families, that there is some accountability. Even as the good Representative from Chelsea pointed out, it's only an audit rather than an actual sit down and go through every single receipt you've submitted. It's a worthy goal, it's a worthy effort and I think it would put some of our citizens who may indeed be abusing this system on record. Thank you, Mr. Speaker.

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 but not for the reasons that most people would probably assume that I rise. I actually don't disagree that we should be creating accountability and that folks should not be using their TANF funds for things like tobacco and alcohol. As a cashier – well, prior to someone burning down the convenience store, minor detail – that was something that bothered me when people would choose to do that, and it was not very often, contrary to popular belief, but the problem that I had with this is that you're asking people to collect receipts with the understanding that that receipt is going to say what it was that you purchased, and that's not always the case. There are a lot of mom-and-pop stores across the state that, their cash registers are not point of sale systems. It doesn't actually say what the transaction was. I see this as there will be unintended consequences with this and, ultimately, it is going to be a burden on small Maine businesses because they will have to retrofit their cash registers, and instead of having a register cash register, they will have to invest in a very pricey point of sale system to track exactly what that purchase was. So with all due respect, I will be supporting the pending motion.

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

Representative **HARVELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. We're a caring society and we ought to be. It is one of the foundations of our Christian traditions. But it is not wrong to also ask those being aided to participate in this equation as well. We have numerous tax exemptions that people have to save receipts for. Anybody that's ever been through and done their taxes knows this. You have to record many of your information. If you can use an EBT

card in a store, they can print a receipt. They're not that old. This isn't an Ike Godsey store here. But this is being lost that we help those, but those receiving aid owe nothing in return and, at some point, it has to stop.

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

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

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

Representative **VILLA**: Is there a fiscal note attached to this?

The **SPEAKER**: The Representative from Harrison, Representative Villa, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Chelsea, Representative Sanderson.

Representative **SANDERSON**: It does provide funding for two Auditor II positions. Yes, it does.

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

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

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

Representative **VILLA**: What amount would the fiscal note be?

The **SPEAKER**: The Representative from Harrison, Representative Villa, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Chelsea, Representative Sanderson.

Representative **SANDERSON**: For General Fund net cost savings, hang on. For General Fund, \$89,000 for the 2013-14, \$122,000 for 2014-15, \$126,000 for 2015-16, and \$129,000 for 2016-17.

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. 333

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

NAY - Ayotte, Beaulieu, Bennett, Black, Briggs, Campbell R, Casavant, Chase, Clark, Cotta, Crafts, Cray, Crockett, Davis, DeChant, Dunphy, Duprey, Espling, Evangelos, Fitzpatrick, Fredette, Gillway, Guerin, Harvell, Jackson, Johnson D, Johnson P, Jones, Kaenrath, Kent, Keschl, Kinney, Knight, Libby N, 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, Volk, Wallace, Weaver, Willette, Wilson, Winchenbach, Winsor, Wood.

ABSENT - Beaudoin, Beck, Bolduc, Doak, Frey, Gifford, Hickman, Libby A, Peterson, Rykerson, Werts.

Yes, 74; No, 66; Absent, 11; Excused, 0.

74 having voted in the affirmative and 66 voted in the negative, with 11 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-517)** on Bill "An Act To Improve Preventive Dental Health Care and Reduce Costs in the MaineCare Program"

(H.P. 555) (L.D. 804)

Signed:

Senators:

CRAVEN of Androscoggin
LACHOWICZ of Kennebec

Representatives:

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

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

Signed:

Senator:

HAMPER of Oxford

Representative:

SANDERSON of Chelsea

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-517)** 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-517)** and sent for concurrence.

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-516)** on Bill "An Act To Align Costs Recognized for Transfer of Nursing Facilities and Residential Care Facilities with Ordinary Commercial and Government Contracting Standards"

(H.P. 357) (L.D. 538)

Signed:

Senators:

CRAVEN of Androscoggin
HAMPER of Oxford
LACHOWICZ of Kennebec

Representatives:

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

PRINGLE of Windham
SANDERSON of Chelsea
SIROCKI of Scarborough
STUCKEY of Portland

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

Signed:

Representative:

DORNEY of Norridgewock

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-516)** 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-516)** and sent for concurrence.

Representative FREDETTE of Newport moved that the House **RECONSIDER** its action whereby 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)

(C. "B" S-261)

Was **PASSED TO BE ENACTED**.

Representative McCABE of Skowhegan **REQUESTED** a roll call on the motion to **RECONSIDER** whereby the Bill was **PASSED 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 to Reconsider whereby the Bill was Passed to be Enacted. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 334

YEA - Ayotte, Beaulieu, Bennett, Black, Campbell R, Chase, Chipman, Clark, Cotta, Crafts, Crockett, Davis, Duprey, Fredette, Gilbert, Gillway, Harlow, Harvell, Hayes, Hickman, Jackson, Johnson D, Johnson P, Jones, Keschl, Kinney, Knight, Lockman, MacDonald S, Maker, Marean, Nadeau A, Newendyke, Nutting, Parry, Pease, Pouliot, Reed, Sanderson, Shaw, Sirocki, Timberlake, Turner, Verow, Volk, Weaver, Willette, Wilson, Winchenbach, Winsor.

NAY - Beavers, Berry, Boland, Briggs, Brooks, Campbell J, Carey, Casavant, Cassidy, Chapman, Chenette, Cooper, Cray, Daughtry, DeChant, Devin, Dickerson, Dill, Dion, Dorney, Dunphy, Espling, Evangelos, Farnsworth, Fitzpatrick, Fowle, Gattine, Gideon, Goode, Graham, Grant, Guerin, Hamann, Herbig, Hobbins, Hubbell, Jorgensen, Kaenrath, Kent, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby N, Long, Longstaff, Luchini, MacDonald W, Malaby, Marks, Mason, Mastraccio, McCabe, McClellan, McElwee, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, Nelson, Noon, Peavey Haskell, Peoples, Plante, Powers, Priest, Pringle, Rankin, Rochelo, Rotundo, Russell, Sanborn, Saucier, Saxton, Schneck, Short, Stanley, Stuckey, Theriault, Tipping-Spitz, Treat, Tyler, Villa, Wallace, Welsh, Wood, Mr. Speaker.

ABSENT - Beaudoin, Beck, Bolduc, Doak, Frey, Gifford, Libby A, Peterson, Rykerson, Werts.

Yes, 50; No, 91; Absent, 10; Excused, 0.

50 having voted in the affirmative and 91 voted in the negative, with 10 being absent, and accordingly the motion to **RECONSIDER** whereby the Bill was **PASSED TO BE ENACTED FAILED**.

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

The House recessed until 2:00 p.m.

(After Recess)

The House was called to order by the Speaker.

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

REPORTS OF COMMITTEE

Divided Reports

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-505)** on Bill "An Act To Exclude Certain State-funded Costs from the State Share of the Total Cost of Funding Public Education"

(H.P. 23) (L.D. 25)

Signed:

Senators:

MILLETT of Cumberland
JOHNSON of Lincoln
LANGLEY of Hancock

Representatives:

MacDONALD of Boothbay
DAUGHTRY of Brunswick
HUBBELL of Bar Harbor
KORNFELD of Bangor
MAKER of Calais
NELSON of Falmouth
RANKIN of Hiram

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-506)** on same Bill.

Signed:

Representatives:

JOHNSON of Greenville
McCLELLAN of Raymond
POULIOT of Augusta

Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (H-505)** Report.

READ.

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

Seven Members of the Committee on **EDUCATION AND CULTURAL AFFAIRS** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (H-507)** on Resolve, Regarding Legislative Review of Chapter 180: Performance Evaluation and Professional Growth Systems, a Late-filed Major Substantive Rule of the Department of Education (EMERGENCY)

(H.P. 1109) (L.D. 1542)

Signed:

Senators:

MILLETT of Cumberland
JOHNSON of Lincoln

Representatives:

MacDONALD of Boothbay
DAUGHTRY of Brunswick
KORNFELD of Bangor
NELSON of Falmouth
RANKIN of Hiram

Five Members of the same Committee report in Report "B" **Ought to Pass as Amended by Committee Amendment "B" (H-508)** on same Resolve.

Signed:

Senator:

LANGLEY of Hancock

Representatives:

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

One Member of the same Committee reports in Report "C" **Ought to Pass as Amended by Committee Amendment "C" (H-509)** on same Resolve.

Signed:

Representative:

HUBBELL of Bar Harbor

READ.

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

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-515)** on Bill "An Act To Protect Newborn Infants by Requiring Birthing Facilities To Screen for Congenital Heart Disease Using Pulse Oximetry" (EMERGENCY)

(H.P. 310) (L.D. 460)

Signed:

Senators:

CRAVEN of Androscoggin
LACHOWICZ of Kennebec

Representatives:

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

STUCKEY of Portland

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

Signed:
Senator:
HAMPER of Oxford

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

Representative BEAR of the Houlton Band of Maliseet Indians - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (H-515)** Report.

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-515)** was **READ** by the Clerk.

Representative MALABY of Hancock **PRESENTED House Amendment "A" (H-535)** to **Committee Amendment "A" (H-515)**, which was **READ** by the Clerk.

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. This bill on pulse oximetry was a unanimous bill when first voted upon. It later came back to the committee with a fiscal note as the Department determined that it was going to require one person to track and report and do some of the stuff that was asked for in the bill. There was a Divided Report after that and it split along party lines. I was a member of the Minority. Subsequent to that, we had some changes. We asked the Department if they could effectuate everything that we hoped to do and do it at no cost and indeed this amendment addresses that through removing the report back language. I can comfortably say and I'm sure the sponsor and the other members of the Minority Report would say we would like to move this forward and ask that it pass under unanimous consent, and I thank you.

Subsequently, **House Amendment "A" (H-535)** to **Committee Amendment "A" (H-515)** was **ADOPTED**.

Committee Amendment "A" (H-515) as **Amended by House Amendment "A" (H-535)** 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-515) as Amended by House Amendment "A" (H-535)** thereto and sent for concurrence.

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-520)** on Bill "An Act To Reduce the Use of Hospital Emergency Departments for Preventable Oral Health Conditions"

(H.P. 1068) (L.D. 1486)

Signed:
Senators:
CRAVEN of Androscoggin

LACHOWICZ of Kennebec

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

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

Signed:
Senator:
HAMPER of Oxford

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

Representative BEAR of the Houlton Band of Maliseet Indians - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (H-520)** Report.

READ.

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

Majority Report of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-521)** on Bill "An Act To Improve Wind Energy Development Permitting"

(H.P. 260) (L.D. 385)

Signed:
Senators:
CLEVELAND of Androscoggin
JACKSON of Aroostook

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-522)** on same Bill.

Signed:
Senator:
YOUNGBLOOD of Penobscot

Representatives:
DUNPHY of Embden
HARVELL of Farmington
LIBBY of Waterboro
NEWENDYKE of Litchfield

READ.

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

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

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

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

Representative **DUNPHY**: Thank you, Mr. Speaker. Mr. Speaker, I'd like to address this bill. It's been more than five years since the Legislature passed the Wind Energy Act which was lauded as a method to once and for all bring homegrown energy to the people of Maine and diminish or reduce our dependency on foreign oil. Five years later, we are now nearly 400 megawatts of wind installed in Maine, yet despite all the growth Mainers have just experienced the most expensive heating oil session on record. Wind simply has not and will not be the only solution to bringing off affordable and clean energy to Maine, yet our policies in law today look like a playbook for growing one industry and another industry alone, the wind industry. We need to learn from the experience of the past five years and make the wind industry, for once, work for the average Mainer. Clearly, wind has generated short-term construction jobs in the state, but this was not the goal of the law. It was to change Maine's energy situation in the world. While I appreciate Representative Beaver's attempt to improve the wind permitting process and allow best practical mitigation, we have learned a lot more than simply mitigating the impact of Maine's environment. We need to protect key areas of our state – Baxter, the Allagash, the Appalachian Trail – and finally to ensure that when Maine turbines are going up in Maine, that they are working to bring Maine electricity prices down. Would it be better were we to ensure that before a wind turbine is placed on Maine's mountains, that it demonstrates that the electricity generated will be used to lower Maine's energy costs? Most residents acknowledge that it's not just wind that supports our economy. Maine has a vast supply of tidal, hydro, solar and biomass, yet our policies do not permit large-scale projects based on these technologies to be eligible for our state's renewable energy policies. Isn't it time for sensible reform to Maine's Wind Energy Act, which prevents the status quo and stops Maine's wind resources by exploiting our out-of-state companies that sell power to southern New England? I will be voting against this Majority Report and ask that you follow my light. Thank you, Mr. Speaker.

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

Representative **BEAVERS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I recognize that the Wind Energy Act was a consensus approach to promote greater development of wind power in Maine and also guide it towards more appropriate places and ensure significant, tangible community benefits. However, like all major laws, it makes sense to look periodically for ways to improve it. This bill, which was brought to me by several major environmental groups who support a balanced approach to wind power, is meant to fit that need. Wind development in Maine has been quite successful over the past several years, and as Representative Dunphy pointed out, there are roughly 430 megawatts of operating wind power in Maine, about ten times what was operating when the Wind Energy Act was passed. In addition, over 200 megawatts has been permitted or is under construction and another 270 megawatts is currently in permitting.

Maine has a clear record of approving wind projects – the Land Use Regulatory Commission, or LURC, the predecessor of LUPC, has only denied one project since the Act was passed, and that project is now back in permitting under the Department of Environmental Protection. The DEP has now reviewed more wind projects than LURC did and they have only denied one project, which was approved in an appeal to the Board of Environmental Protection a couple of months back.

At the same time as wind power has moved forward, a significant minority of Maine people have expressed concern about the impact either of specific projects or of the cumulative impact of wind on those places and qualities important to Maine. This is not an anti-wind bill – it is an attempt to improve both the substance and the process for permitting based on evidence from the permitting process. I will attempt to explain briefly, the three parts of this bill: First, the bill improves public participation through procedural changes that allow for public hearings when the public requests them, and by permitting an intervener to request an adjudicatory hearing. This ensures that the Department is fully able to receive and respond to public input. Second, the bill reflects the current state of ecology by providing a rebuttable presumption that wind energy development constitutes significant adverse effect on natural resources in certain areas. This step would also provide more certainty and clarity to developers. These areas only account for a very tiny fraction of windy areas in Maine. The third piece of the bill would give the DEP additional tools and flexibility to require best practices to reduce impacts on scenic or wildlife resources. Some may perceive these practices as additional barriers to development. In fact, "mitigation" can have the opposite effect – they allow the Department to grant a permit for an otherwise deniable project if suitable mitigation can be reasonably implemented. This report was the only report supported by both environmental advocates and renewable energy advocates. I hope you will follow my light. 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. 335

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

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

ABSENT - Beaudoin, Berry, Dickerson, Doak, Fredette, Gifford, Kent, Libby A, Peterson, Pouliot, Rykerson, Saxton, Werts.

Yes, 81; No, 57; Absent, 13; Excused, 0.

81 having voted in the affirmative and 57 voted in the negative, with 13 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-521)** 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-521)** and sent for concurrence.

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

ORDERS

On motion of Representative FOWLE of Vassalboro, the following Joint Order: (H.P. 1133)

ORDERED, the Senate concurring, that Bill, "An Act To Amend the Laws Governing Pawn Transactions," H.P. 64, L.D. 71, and all its accompanying papers, be recalled from the Governor's desk to the House.

READ and **PASSED**.

Sent for concurrence.

COMMUNICATIONS

The Following Communication: (H.C. 208)

MAINE SENATE 126TH LEGISLATURE OFFICE OF THE PRESIDENT

June 14, 2013

Honorable Millicent M. MacFarland

Clerk of the House

2 State House Station

Augusta, Maine 04333

Dear Clerk MacFarland:

With reference to the Senate's action whereby it insisted and asked for a Committee of conference on the disagreeing action between the two branches of the Legislature on the Bill "An Act To Protect Maine Communities by Prohibiting Horse Slaughter for Human Consumption and the Transport of Horses for Slaughter" (H.P. 913) (L.D. 1286)

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

Senator Troy Jackson of Aroostook

Senator Linda Valentino of York

Senator Thomas Saviello of Franklin

Sincerely,

S/Justin L. Alford

President of the Senate

READ and **ORDERED PLACED ON FILE**.

CONSENT CALENDAR

First Day

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

(S.P. 506) (L.D. 1412) Bill "An Act To Create an Educational Collaborative To Implement a Program That Enables Career and Technical Education Students To Earn College Credits while

Attending High School" (EMERGENCY) Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-286)**

(H.P. 552) (L.D. 801) Resolve, To Extend the Deadline for the Department of Health and Human Services To Submit a Report on Persons with Intellectual Disabilities or Autism (EMERGENCY) Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass**

(H.P. 190) (L.D. 229) Bill "An Act To Simplify and Encourage the Sale of Hunting and Fishing Licenses and Permits" (EMERGENCY) Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-523)**

(H.P. 630) (L.D. 906) Bill "An Act To Permit a School Administrative Unit Discretion Concerning Participation of Students from Charter Schools in School Extracurricular and Interscholastic Activities" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-524)**

(H.P. 1053) (L.D. 1472) Bill "An Act To Provide for Economic Development with Offshore Wind Power" Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-525)**

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

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

ORDERS

On motion of Representative DION of Portland, the following Joint Order: (H.P. 1132)

ORDERED, the Senate concurring, that, notwithstanding Joint Rule 353, the Blue Ribbon Commission To Study the State Board of Corrections and the Unified County Corrections System, referred to in this order as "the commission," is established as follows.

1. Membership. The commission consists of the following members:

A. Three county commissioners, one of whom is appointed by the President of the Senate and 2 of whom are appointed by the Speaker of the House of Representatives from a list of 5 county commissioners submitted by the Maine County Commissioners Association;

B. Three county administrators, 2 of whom are appointed by the President of the Senate and one of whom is appointed by the Speaker of the House of Representatives from a list of 5 county administrators submitted by the Maine Association of County Administrators and Managers;

C. Two jail administrators, one of whom is appointed by the President of the Senate and one of whom is appointed by the Speaker of the House of Representatives from a list of 4 jail administrators submitted by the Maine Jail Administrators Association;

D. Two sheriffs, one of whom is appointed by the President of the Senate and one of whom is appointed by the Speaker of the House of Representatives from a list of 4 sheriffs submitted by the Maine Sheriffs Association; and

E. A member of the public, appointed jointly by the President of the Senate and the Speaker of the House of Representatives.

The President of the Senate and the Speaker of the House of Representatives shall invite the Commissioner of Corrections, or

the commissioner's designee, and the chair of the State Board of Corrections to participate as members.

2. Chair. The public member appointed pursuant to subsection 1, paragraph F serves as chair of the commission.

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

4. Duties. The commission shall:

A. Review the current structure of the county jail corrections system, including but not limited to its source of revenues, the predictability of costs and revenues and strengths and weaknesses of the current system, in order to determine methods for long-term sustainability of funding, best practices and necessary processes;

B. Review and propose revisions, if necessary, to the mission and authority of the State Board of Corrections; and

C. Clarify the structure and authority of the unified system of corrections and the State Board of Corrections and develop recommendations to strengthen centralization of the system and control and coordination of operations.

5. Staff assistance. The Legislative Council may seek the provision of staffing services from a nonlegislative entity, including the Maine County Commissioners Association. The Legislative Council may not incur any costs for staffing services provided pursuant to this subsection.

6. Outside funding. The commission shall seek funding contributions to fully fund the costs of the study. All funding is subject to approval by the Legislative Council in accordance with its policies. If sufficient contributions to fund the study have not been received within 30 days after the passage of this order, no meetings are authorized and no expenses of any kind may be incurred or reimbursed.

7. Report. No later than December 4, 2013, the commission shall submit a report that includes its findings and recommendations, including suggested legislation, to the Joint Standing Committee on Criminal Justice and Public Safety.

READ and PASSED.

Sent for concurrence.

HAMANN of South Portland
LOCKMAN of Amherst
MASON of Topsham
MASTRACCIO of Sanford
VOLK of Scarborough
WINCHENBACH of Waldoboro

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

Signed:
Senator:
CUSHING of Penobscot

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-287) AS AMENDED BY SENATE AMENDMENT "A" (S-290)** thereto.

READ.

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

The Bill was **READ ONCE. Committee Amendment "A" (S-287)** was **READ** by the Clerk.

Senate Amendment "A" (S-290) to **Committee Amendment "A" (S-287)** was **READ** by the Clerk and **ADOPTED.**

Committee Amendment "A" (S-287) as Amended by Senate Amendment "A" (S-290) thereto was **ADOPTED.**

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-287) as Amended by Senate Amendment "A" (S-290)** thereto in concurrence.

Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on Bill "An Act To Connect the Citizens of the State to the State's Natural Resources by Establishing Standards for Relief from Regulatory Burdens"

(S.P. 532) (L.D. 1450)

Signed:
Senators:
VALENTINO of York
TUTTLE of York

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-280)** on same Bill.

Signed:
Senator:
BURNS of Washington

Representatives:
CROCKETT of Bethel

REPORTS OF COMMITTEE

Divided Reports

Majority Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-287)** on Bill "An Act To Update the Polygraph Examiner Licensing Laws"

(S.P. 480) (L.D. 1373)

Signed:
Senators:
PATRICK of Oxford
CLEVELAND of Androscoggin

Representatives:
HERBIG of Belfast
CAMPBELL of Newfield
DUPREY of Hampden
GILBERT of Jay

GUERIN of Glenburn
PEAVEY HASKELL of Milford

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

READ.

Representative **PRIEST** of Brunswick moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

Representative **PRIEST**: Thank you, Mr. Speaker. This is "An Act To Connect the Citizens of the State to the State's Natural Resources by Establishing Standards for Relief from Regulatory Burdens." To a certain extent, you might call it a retreat of a bill that was put in, in the last Legislature, and was defeated. The persons who testified in support were the sponsor, Senator Collins, and the Maine Association of Realtors. The persons who testified in opposition were Attorney General Mills, Nancy Smith of GrowSmart, the Nature Conservancy, Maine Coast Heritage Trust, Maine Municipal Association, Maine Conservation Voters, Maine Audubon, the Natural Resources Council of Maine, the Sierra Club, the Maine Association of Planners, the Conservation Law Foundation, Maine Preservation, and Jeff Pidot, who is a former AG and for 17 years was the chief of the Natural Resources Division of the Maine AG.

The bill itself says that when a newly enacted law or regulation diminishes the market value of an entire parcel of land by 50 percent or more, a landowner can sue the state within three years of the cause of action. There is a period of mandatory mediation between the landowner and the state which doesn't count towards the three years. The state can settle by swapping real property; by accepting mitigation, presumably by not applying the law or regulation; by accepting development on the least sensitive portion of the property; or by purchasing the real property. If the state and landowner don't settle, the landowner notifies the Attorney General, who then in turn notifies a legislative committee set up to review effectiveness and fairness of land use laws and regulations. The property owner can then sue the state and may get attorney's fees. The problem with this bill is that it is a solution for what is in fact a nonexistent problem. Over 98 percent of land use permits are granted in the State of Maine and the vast majority of the remaining 2 percent are worked out between the state and the landowner. This bill would lead to costly litigation or if the state Department couldn't afford the litigation, couldn't take the chance that it might be forced to pay for the diminishment of the land out of its own budget, it would lead to variances from environmental laws or regulations, which in turn would lead to a patchwork set of environmental standards. Those landowners who could afford to hire the lawyers and appraisers would have a great advantage over those who could not. This bill favors rich landowners over the vast majority of landowners in the state with fewer means. The bill also guarantees jury trials, which require, as we all know, a lot of judicial resources. The fiscal note says there would be cost increases to the General Fund, Special Revenue Funds and to the Highway Fund, as well as to the Judicial Department and the Attorney General's office. In sum, the bill will probably be very expensive or will have the tendency to bring environmental legislation in this state to a halt. In any case, I urge you to support the Ought Not to Pass Report. Thank you.

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

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

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

Representative **CROCKETT**: Thank you, Mr. Speaker. Mr. Speaker, Distinguished Members of the House. As always, the esteemed Representative from Brunswick gives a very compelling argument; however, as usually, I fall on the other side of that. The situation you run into and why this bill was brought forward is protection of property rights. Imagine this: You have a farm and the State of Maine passes a regulation. The DEP says, hey, we're going to limit the length of grass that you can grow on your farm and hence take some value out of your hayfields. Well, okay, you've had the diminished value. Now, the question that arose between a couple of different bills in our committee this year were what threshold before that regulatory taking triggers a taking? Now, currently, under federal law, there are takings. It's not a clear threshold, but if you make 90 percent of the value of someone's land, I think it was a case out of North Carolina that did something like that, then the property owner has redress. Well, this sets a threshold of 50 percent value. I believe it was 50 percent last year. There was another bill that put it down to any diminished value. Well, this is a reasonable compromise between the two. This came very close to passage in previous Legislatures. It makes a lot of sense because if you take the value of someone's land, in a case of a farm, that is the only value. That is the only asset that person may have. That may be their retirement. The sale of that farm would ultimately result in whatever funds they are going to have for the rest of their lives. So the diminished value, that's why we're here. It's a regulatory taking. If you believe in property rights, you'll vote against the pending motion and instead vote for the Minority Report.

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. 336

YEA - Beaulieu, Beavers, Beck, Boland, Bolduc, Briggs, Brooks, Campbell J, Carey, Casavant, Cassidy, Chapman, Chenette, Chipman, Cooper, Cotta, Daughtry, DeChant, Devin, 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, 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, Nutting, Peoples, Plante, Powers, Priest, Pringle, Rankin, Rochelo, Rotundo, Russell, Sanborn, Saucier, Schneck, Shaw, Short, Stanley, Stuckey, Theriault, Tipping-Spitz, Treat, Verow, Villa, Welsh, Mr. Speaker.

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

ABSENT - Beaudoin, Berry, Dickerson, Doak, Fredette, Gifford, Libby A, Peterson, Pouliot, Rykerson, Saxton, Werts.

Yes, 90; No, 49; Absent, 12; Excused, 0.

90 having voted in the affirmative and 49 voted in the negative, with 12 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

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

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-278)** on Bill "An Act To Protect Cellular Telephone Privacy" (S.P. 484) (L.D. 1377)

Signed:

Senators:

VALENTINO of York
BURNS of Washington
TUTTLE of York

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-279)** on same Bill.

Signed:

Representatives:

DeCHANT of Bath
MOONEN of Portland

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-278)**.

READ.

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

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

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

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

ROLL CALL NO. 337

YEA - Ayotte, Beaulieu, Beavers, Beck, Bennett, Black, Boland, Bolduc, Briggs, Brooks, Campbell J, Campbell R, Carey, Cassidy, Chapman, Chase, Chenette, Chipman, Clark, Cooper, Cotta, Crafts, Cray, Crockett, Daughtry, Davis, Devin, Dill, Dion, Dorney, Dunphy, Duprey, Espling, Evangelos, Farnsworth, Fitzpatrick, Fowle, Frey, Gattine, Gideon, Gilbert, Gillway, Goode, Graham, Grant, Guerin, Hamann, Harlow, Harvell, Hayes, Herbig, Hickman, Hobbins, Hubbell, Jackson, Johnson D, Johnson P, Jones, Kaenrath, Kent, Kinney, Knight, 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, Newendyke, Noon, Nutting, Parry, Pease, Peavey Haskell, Peoples, Plante, Pouliot, Powers, Priest, Pringle, Rankin, Reed, Rochelo,

Rotundo, Russell, Sanborn, Sanderson, Saucier, Schneck, Shaw, Short, Sirocki, Stanley, Stuckey, Theriault, Timberlake, Tipping-Spitz, Treat, Turner, Tyler, Verow, Villa, Volk, Wallace, Weaver, Welsh, Willette, Wilson, Winchenbach, Winsor, Wood, Mr. Speaker.

NAY - Casavant, DeChant, Keschl.

ABSENT - Beaudoin, Berry, Dickerson, Doak, Fredette, Gifford, Jorgensen, Libby A, Peterson, Rykerson, Saxton, Werts. Yes, 136; No, 3; Absent, 12; Excused, 0.

136 having voted in the affirmative and 3 voted in the negative, with 12 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-278)** 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-278)** in concurrence.

Majority Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-531)** on Bill "An Act To Improve Access to Oral Health Care" (H.P. 870) (L.D. 1230)

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 to Pass as Amended by Committee Amendment "B" (H-532)** on same Bill.

Signed:

Senators:

CLEVELAND of Androscoggin
CUSHING of Penobscot

Representatives:

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

READ.

Representative McCABE of Skowhegan 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 **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by**

Committee Amendment "A" (H-529) on Bill "An Act Related to Public Funding of Charter Schools"

(H.P. 750) (L.D. 1057)

Signed:

Senators:

MILLETT of Cumberland
JOHNSON of Lincoln

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-530)** on same Bill.

Signed:

Senator:

LANGLEY of Hancock

Representatives:

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

Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (H-529)** Report.

READ.

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

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

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

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

ROLL CALL NO. 338

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

NAY - Ayotte, Beaulieu, Bennett, Black, Campbell R, Casavant, Chase, Clark, Cotta, Crafts, Cray, Crockett, Davis, Dunphy, Duprey, Espling, Fitzpatrick, Gillway, Guerin, Harvell, Jackson, Johnson D, Johnson P, Keschl, Kinney, Knight, Lockman, Long, MacDonald S, Maker, Malaby, Marean,

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

ABSENT - Beaudoin, Berry, Dickerson, Doak, Fredette, Gifford, Libby A, Peterson, Rykerson, Saxton, Werts.

Yes, 85; No, 55; Absent, 11; Excused, 0.

85 having voted in the affirmative and 55 voted in the negative, with 11 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-529)** 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-529)** and sent for concurrence.

Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-533)** on Bill "An Act To Increase Funding for the Snowmobile Trail Fund and Adjust the Sales Tax Relating to Snowmobiles and Trail-grooming Equipment"

(H.P. 902) (L.D. 1263)

Signed:

Senators:

DUTREMBLE of York
HASKELL of Cumberland

Representatives:

SHAW of Standish
BRIGGS of Mexico
EVANGELOS of Friendship
KUSIAK of Fairfield
MARKS of Pittston
SHORT of Pittsfield
WOOD of Sabattus

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-534)** on same Bill.

Signed:

Senator:

BURNS of Washington

Representatives:

CRAFTS of Lisbon
DAVIS of Sangerville
ESPLING of New Gloucester

READ.

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

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

Representative **SHAW**: Thank you very much, Mr. Speaker. Mr. Speaker, Men and Women of the House. Snowmobiling in Maine. It's a \$450 million economic activity. This does raise the fee for a snowmobile registration for a resident by \$5. The \$5 is dedicated to the Snowmobile Trail Fund. The Trail Fund currently is only repaying the clubs about 60 percent of their costs. These costs are very expensive. Generally, one of the biggest expenses, for my club anyways, is the fuel needed to run

the grooming machines. If we don't groom these trails, people will not come here. You have to have nicely groomed trails in order to have an economy of \$450 million for our Snowmobile Trail Fund. Basically, folks, snowmobiling has peaked. We have the best trails definitely in the east. There is no doubt about that. These clubs are all volunteer and we just can't find the volunteers. We can't ask the volunteers to also, in addition to volunteering their time, a lot of times 12 hours at a time out grooming trails, you can't ask them to pay the difference between what the Trail Fund will pay back the clubs and what the club actually spends. Right now, we're only at about 60 percent, as I said. If a club, and some of these clubs have some big expenses, such as Greenville. Greenville's expense for snowmobiling is somewhere in the vicinity of \$80,000 a year, so if you take only 60 percent of that, to ask that club and the volunteers that are running these machines to come up with the \$30,000 extra that it takes is kind of ridiculous. It's just not happening. In fact, in Greenville, the grooming contract was canceled, one of the best snowmobiling areas in our state. We need to increase the funding to the Snowmobile Trail Fund, folks. Like I said, the snowmobile industry has peaked and, unfortunately, it will decline if we can't get some more money into the fund. I do not see this as a tax increase, since we dedicated all the money to the Trail Fund. It's a user fee, and I've gotten dozens and dozens of emails requesting that fee increase. Since we are dedicating the money to the Trail Fund, people are very confident that the \$5 will be used well. Over the years, the Trail Fund has had success rates of repayment to the clubs of almost up to 80 percent sometimes, and because of the extra cost for fuel, maintenance and parts, we are down to 60 percent. It's an economic engine, folks. You've got a lot of jobs, especially in rural Maine, that count on snowmobiling. I strongly – think about the jobs – strongly urge you to support the Majority Report. Thank you very much, Mr. Speaker.

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

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

On further motion of the same Representative, **TABLED** pending the motion of Representative SHAW of Standish to **ACCEPT** the Majority **Ought to Pass as Amended** Report and later today assigned. (Roll Call Ordered)

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:

Resolve, Regarding Legislative Review of Portions of Chapter 3: Maine Clean Election Act and Related Provisions, a Late-filed Major Substantive Rule of the Commission on Governmental Ethics and Election Practices (EMERGENCY)

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

Which was **TABLED** by Representative BERRY of Bowdoinham pending **FURTHER CONSIDERATION**.

On motion of Representative LUCHINI of Ellsworth, the House voted to **RECEDE**.

The same Representative **PRESENTED** House Amendment "**A**" (H-538), which was **READ** by the Clerk and **ADOPTED**.

Subsequently, the Bill was **PASSED TO BE ENGROSSED as Amended** by House Amendment "**A**" (H-538) in **NON-**

CONCURRENCE and sent for concurrence. **ORDERED SENT FORTHWITH**.

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. 601) (L.D. 1562) Bill "An Act To Amend the Charter of the Alfred Water District" (EMERGENCY) Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-289)**

(H.P. 1061) (L.D. 1480) Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, Highway 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) Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-536)**

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

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

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

HOUSE DIVIDED REPORT - Majority (9) **Ought to Pass as Amended by Committee Amendment "A" (H-533)** - Minority (4) **Ought to Pass as Amended by Committee Amendment "B" (H-534)** - Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Increase Funding for the Snowmobile Trail Fund and Adjust the Sales Tax Relating to Snowmobiles and Trail-grooming Equipment"

(H.P. 902) (L.D. 1263)

Which was **TABLED** by Representative McCABE of Skowhegan pending the motion of Representative SHAW of Standish to **ACCEPT** the Majority **Ought to Pass as Amended** Report. (Roll Call Ordered).

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

Representative **STANLEY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. To tax or not to tax, to raise a fee or not to raise a fee. That was the question that was asked in front of this body over 50 years ago, when they dealt with the registration of snowmobiles. Back 45 years ago, I was just a young fellow, and my father went up to Canada and bought two snowmobiles for \$1,500, for two sleds. All you had on it was a speed thing and a brake thing. That's all you had. He paid, like I said, \$1,500 for two snowmobiles at the time. He came back, registered them and never said nothing about how much it cost, and back then, when I went to work in the mill, about three years later, I was making \$2.13 an hour, and when you hauled it home, you didn't have a \$7,000 or \$8,000 or \$10,000 trailer. You put it on the back of trucks and you moved it back. You came across the border. You came back into Maine with it. Today, when you buy a sled today, you go and you look at do I want a speedometer? Do I want hand warmers? Do I want this? Do I want that extra? Yes, you do, and what do you do? You pay for it and you think nothing of it. Back when I was a

young fellow and was riding snowmobiles, what did you put on? A pair of long johns, a warm coat, pair of mittens, a hat and pair of gum rubbers. That's what you wore to go snowmobiling. Today, you can buy a suit anywhere from \$400 to \$1,000, can buy a helmet from \$150 to \$300, can buy a pair of boots for \$200 or \$300 and think nothing of it. Times have changed.

Right now, we're looking to increase the snowmobile registration from \$40 to \$45 and that will go in the Trail Fund so that people can ride the trails. I happen to know of two people here in Augusta that ride the trail. A gentleman from Quimby who goes up to his mother's house with his laundry every weekend, drops it off and jumps in the sled and he goes for a ride. Where does he ride? He rides the trails. I think of another woman who works here. Her and her husband have two sleds and they get in a sled, they go up to the Millinocket area, stay in a hotel, buy food and everything else that accompanies a good weekend of sledding. The other day, Representative Brooks and I were down in the cafeteria and Mike Brennan, the mayor of Portland, was there talking about the four new hotels that have gone up or are going up in the Portland area, and the amount of people that was going to be employed by them. Also, he talked about the 700 restaurants in the greater Portland area that are all doing well and are surviving. Now, I think of myself up in the North Maine Woods and I say, boy, I'd like to have four new hotels going up, 700 restaurants and everything like that. I say, boy, these are jobs, and I mean jobs put people to work. Why do they go to work? Because we have tourists coming in. They're not coming in to go along the ocean. They're not going up in the middle of the woods to go for a hike. They're going snowmobiling and when they go snowmobiling, what they like to do is go on a trail. It's not like when I was doing it 45 years ago, when you are going up over little bumps just like that. Where our restaurant was, you stopped on the side of the trail, you built a fire and you put the tea in some water and you put hotdogs on a stick. That was our restaurant back 45 years ago, and it used to be 25, 30, 40 of us doing it. And today, what do we do today? We go two or three hours as fast as we can on a smooth trail to get to a restaurant and we all sit down, we all go in and have something to eat. What I find is really amazing though is, today, these people that come on sleds and go to restaurants and they come into the restaurant and the trail and also the gas station. You always see them in the gas station, eight, nine, twelve, twenty sleds going in and out getting gas, and I will tell you it's quite a sight how remarkable, how coordinated that is letting the snowmobiles in and out of the yard and fill them up with gas. But they all get there on a groomed trail. Every trail that goes to these little businesses in the rural areas are all on a groomed trail.

So here we are, 45, 50 years later. I live up in the northern part of Maine. I'd like to have the jobs that Mike Brennan spoke about up in the Millinocket area or the Sherman area, the Houlton area or Presque Isle area, or wherever, but the thing I really want to connect and emphasize here is the jobs. Groomed trails provide jobs and they save jobs. That's the name of the game. In the neck of the woods that we live in, four seasons, we've tried to become more a four season resort by the four-wheelers and by the sleds and by the hunters and the fishermen, and being able to keep the restaurants and the hotels open, because I'll tell you what. This is the economics of the areas. So, to me, going from \$40 to \$45 to be used for groomed trails – not for anything else, not for anybody's fortune, but to be used to groom the trails so that people can go out and enjoy an afternoon or a weekend – is a good investment in this industry. And I call it an industry because it's no different than Bath Iron Works, a paper company or anything else that's an industry. I think that we have to put the time and the effort into doing it. What we ought to be really doing

is looking at a tax policy, that we can accomplish this without having to raise the fees. This is what I understand is the first time the fees have been raised in eight or nine years, and since then, snowmobiling has become quite a little sport. It's been a sport before, but it's a good sport now. The other thing is, what's going on right now in some of these clubs, part of this trail, this interstate system trail of sleds is not going to be groomed this coming year because they cannot afford to groom the trails, and by not grooming the trails, what's going to happen is some of these businesses will slow up, go out of business and everything else. And what happens then? We lose jobs in the rural parts of this state, and I'll tell you what, that's sad. You heard the numbers I said here a couple of weeks ago. What's going to happen in the Millinocket area? We're going to lose 3,000 people. You know something, people? It's going to happen a lot in your districts out here. The same numbers, if you live in a rural area, it's going to happen to you. But one thing I do know though, we, as legislators, have 15 years to turn this around and I mean turn this around. We can do it. But it's going to take an effort of everybody sitting in this chamber, right here, to be able to do that, because what you've got to have is the jobs. Every time you lose a job, you lose people away from the area, you lose your population, and the other thing that you lose, you lose your tax base. I know all about it. I come from the Millinocket area. Three or 400 houses up there vacant or abandoned because people have left and there is nothing there no more, and it's going to come to the other places too.

I wish I was like Mike Brennan and be able to sit there and talk like Mike talked the other day about Portland. Portland, a lot of good things have happened in Portland. Then I read an article about Ogunquit. They're having a hard time finding people to fill their jobs in the hotel business down in Ogunquit. Too bad, we couldn't move people back and forth on a train and put them to work, because that don't work when you're about 300 miles away, 200 miles away. But one thing I do have, though, I have a trail system that is providing an economic boost for these areas and, to me, \$5, and like I said previously, when you go out and order a suit for snowmobiling, you don't care if it's \$400, \$500, \$600. You buy what you want. That \$5, you don't even think about that \$5. Then when you want to haul your sled, you want it enclosed. You don't want to throw it in back of a truck like my father used to. You know, you want a nice trailer and it's going to cost you \$5,000 \$6,000 \$7,000 \$8,000 \$9,000, \$10,000, and does that bother you, the \$5? Five dollars, you're not even thinking about the \$5. All you're looking for then is where can I get the deal for my money. That's all you're looking at. So with that, I'd like to see everybody support this motion because I think this is one of the things that we can do to help save the population in these rural areas, because it's very important that we do that, because I don't think we need everybody living in the Portland area or Augusta area. I think we need people in the rural areas because, I'll tell you what, that's where I was born and brought up, that's where I want to live and that's where a lot of people want to live. They don't want to have to be forced to move out of their homes or out of their thing because you can't afford the taxes, because there is nobody there to pay the taxes. And I'll tell you what. I think we, as a Legislature, should start taking a good hard look at what's going on in this state on the economic side of it, because, I'll tell you, a job to me in Medway, Maine, is just as important as a job in Portland, Maine. We often get the people in Portland, but I'll tell you what. This, right here, is our industry, your industry. What you have on the coast, the tourism industry. Of course, the businesses, and our businesses are leaving and we have an opportunity in the other body to be able to turn that around, and thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Sherman, Representative Long.

Representative **LONG**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I'm one of these people that groom the trails. I want to thank the Representative from Medway, Representative Stanley, for bringing that up that the people out here are riding in these fancy snow sleds. They've got fancy snow sled trailers. I want to talk about another group of people that we're not hearing about. The young couples out here, just married, that have a bunch of kids. They are registering old snow mobiles that are clunkers, as we call them. They fix them up enough to go on one or two rides a year. They are taking money that they really can't afford to put into the sled so they pull their kids on a toboggan. These people, I've talked to many of them. They said they can't afford another \$5 increase. Yes, we need the jobs. Our club is a small club. We groom 82 miles of trail. We get roughly \$11,400 a year to groom these trails. Last year, we spent a little over \$19,000 to do this. The difference being, we had volunteers step forward to do the work. A lot of these clubs are paying the people to do the work. That's the difference. We're a nonprofit group. We do this for the sake of the sport. In saying this, there are many people out here that cannot afford it. There are groups that come in from outside that have more money than they can spend, and we appreciate all of it. This time, there is no way I can support a tax increase or a fee increase, however you want to say this, until we address the working poor. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Madawaska, Representative Theriault.

Representative **THERIAULT**: Thank you, Mr. Speaker. As one that's an officer of one of the snowmobile clubs up north, we know that the best riding is up north. One of the things that people need to know is how many volunteers there are that are working there and not getting paid, people who are using fuel to go and help. We are safety conscious. We're putting up signs. We're doing all this stuff, simply because we're bringing money into the state, the tax money and so forth. If we can't afford to raise \$5, let's just shut it down. I think it's time for us to pony up and pay the \$5 increase. Thank you.

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. A couple of things that I forgot to mention on this bill. It does also create a seven-day nonresident registration. The lodges where people stay came in and asked us to create that because, right now, we only have a three-day or a season pass for them. The three-day, generally, they are spending two nights at these lodges. They think with the seven-day, that they might be able to get people to spend three or four or five nights. So this is good for the industry of the lodges, the hotels, mostly up in the rural areas. Grooming is not free folks. This costs thousands and thousands of dollars across the state for every single club. Grooming is definitely not free. The cost for fuel has tripled just in the last few years. One of my favorite areas to ride is up in the Kokadjo and east and west area, and north of there, some of the best trails, I think, are around called the ragged rider's club trails and they are done. They groomed last year and they will not be grooming again because they just can't raise enough money through the volunteers. We're losing it, folks. Snowmobiling is now on its way down in Maine, and it's unfortunate because it's a fantastic way to get out and see the whole state, things that you'd never see, generally, out hiking or whatnot. I got an email recently that talked about the ATV trails. I saw an article about this in New Hampshire. It says, "New Hampshire officials open ATV trail with

1,000 unbroken miles." Here they are investing in ATVs and snowmobiling, and we're kind of sitting on the fence over here in Maine. Right now, Maine has far better trails than New Hampshire, but they are declining. It's unfortunate. Every email that I got about this was positive. They are all for it. I got emails from dozens of snowmobile clubs. I didn't hear one naysayer. I guess I will close with, if not now, folks, when?

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

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

The SPEAKER: The Representative may pose his question.

Representative **McCABE**: Thank you, Mr. Speaker. The question is in regards to having a sled in your dooryard. Say, you have a sled that the kids ride around in the backfield they never take on the trail; they never take off the property. Does that sled need to be registered?

The SPEAKER: The Representative from Skowhegan, Representative McCabe, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Standish, Representative Shaw.

Representative **SHAW**: They would not have to register if they stay on their own land.

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

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

The SPEAKER: The Representative may pose his question.

Representative **CAMPBELL**: Thank you, Mr. Speaker. In our town meeting, every year we have a snowmobile club in Newfield and Limerick, and they ask the people of the town if it's okay to give their registration money to the club for grooming. So if the towns are doing that, why do we need a tax on it? Thank you.

The SPEAKER: The Representative from Newfield, Representative Campbell, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Standish, Representative Shaw.

Representative **SHAW**: Thank you very much, Mr. Speaker. Out of the registration, \$6.24 goes to the municipalities. This was a deal brokered long before I ever came up here, 20 some odd years ago. Right now, excise taxes are not imposed on snowmobiles from the towns. This was in lieu of the excise tax, so the town is certainly free, as Standish does. Standish gives all the \$6.24 per snowmobile to the club. Most municipalities do, but the reality is the pot of money, the Trail Fund, only is repaying 60 percent of the cost for the clubs, even with the \$6.24, so it's very, very hard for volunteers to raise the rest of the money, nearly impossible, and that's why it's declining at this time. Most of the municipalities do give the \$6.24 over to the clubs though. Thank you.

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 don't know that anybody likes new fees or taxes, but this is, in my opinion, a user fee and from the area of the state that I represent, it is a significant economic condition that we need to support. I will be voting for this bill.

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

Representative **SANDERSON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. It's my understanding that there is going to be an effort, ongoing, through the coming months and coming back before us in the

second half of the session, to take a look at the disparity between the rates of reimbursement per mile for a lot of our clubs. I would be more inclined to vote for an increase in the registration after we have that. My family, we do a lot of snowmobiling and in speaking to several folks who do groom trails up north, it led me to do a little research after we came home one time, and I think we need to answer the question about why some of these snowmobile clubs gets reimbursed anywhere from \$150 to \$180 a mile to groom and the State of Maine gets reimbursed almost \$1,000 before we raise the taxes or fees on the general public. Thank you very much. I will be voting against the motion.

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. Look, we all have a long history of using public funds and fees to develop infrastructure to support commerce and personal transportation. Look at our highways. Look at our airports. Quite frankly, if it weren't for the Rural Electrification Act, we might not have electricity in my town. That said, okay, as my dear friend from Medway pointed out, this is an investment in a commercial development enterprise, much as airports and roads that we all pay through excise tax and user fees and our gasoline tax. This is nothing more than that. Quite frankly, if you object to the fee, I would politely request that you do not register and ride your snowmobile.

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

Representative **SHAW**: Thank you very much, Mr. Speaker. Just to answer a question posed, if I may. The question was about the disparity between grooming some trails as opposed to other trails and the study, or whatnot, from the good Representative from Chelsea. That is true. That was a bill before Ag and they are going to take a look at how the funds are distributed, but the reality is there is just not enough funds. Thank you very much.

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

Representative **VILLA**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Snowmobiling makes an important contribution to the economy in Maine. Much of the growth in snowmobile registrations has occurred among nonresident snowmobilers who traditionally spend more money during their snowmobile excursion than residents. Nonresidents spend more for lodging, food and other goods and services. They also often purchase, maintain and store their snowmobiles in Maine. Over all, it is estimated that snowmobiling currently contributes about \$350 million to the Maine economy during years of adequate snowfall. A large part of this economic activity takes place in rural areas of Maine, thus providing an important source of economic activity in areas with little or limited economic development opportunities. Construction and maintenance of snowmobile trails is an expensive and time-consuming activity. The work associated with construction and maintenance of trails during the off-season and during the snowmobiling season is performed by 290 organized snowmobile clubs located in communities throughout the state and by 115 municipalities. The future of snowmobiling in Maine is directly linked to the snowmobile clubs and municipalities that develop and maintain an excellent trail system.

There is a letter from the president of the Jo Mary Riders Snowmobile Club and he talks about the number of members which are 134 and about five can be counted as worker bees, and he also says that they have three large Bombardier groomers and one single big garage where they perform

maintenance on the machines. The garage is actually a donated facility. He also talks about the mortgage payments in regards to the groomers and that the annual revenue that they receive in fees and from the state is not enough to cover the cost of their groomers, and so they may have to ask their lending institution to either refinance their machines or to give them a one-year grace period and add interest onto the note. He writes, "I have provided this information to you simply as an example of what clubs all across Maine are facing as operating costs and potential incomes. Fuel costs are hurting all of us ... at \$4.26 for a gallon of off-road diesel (including a \$0.25/gallon sales tax) it is almost impossible to provide quality riding at the current rate of reimbursement. And remember this, the way the program is currently set up, for every dollar that we actually spend, we only get \$0.70 reimbursed. Where are we supposed to come up with the other 30% ? Especially if a club does not have a club house or fundraisers to help offset expenses."

I think we need to look at the big picture when it comes to snowmobiling and the importance that it has on Maine's economic development and our future. I would move that we support the Majority Ought to Pass as Amended Report. Thank you.

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

ROLL CALL NO. 339

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

NAY - Ayotte, Beaulieu, Bennett, Black, Campbell J, Chase, Clark, Crafts, Cray, Crockett, Davis, Duprey, Espling, Fitzpatrick, Gillway, Guerin, Harvell, Jackson, Johnson D, Lockman, Long, Malaby, McClellan, Nadeau A, Nutting, Parry, Pease, Peavey Haskell, Reed, Sanderson, Sirocki, Timberlake, Turner, Volk, Wallace, Weaver, Willette, Wilson, Winchenbach, Winsor.

ABSENT - Beaudoin, Berry, Dickerson, Doak, Fredette, Gifford, Herbig, Keschl, Libby A, MacDonald S, Peterson, Rykerson, Saxton, Werts.

Yes, 97; No, 40; Absent, 14; Excused, 0.

97 having voted in the affirmative and 40 voted in the negative, with 14 being absent, and accordingly the Majority Ought to Pass as Amended Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-533)** 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-533)** and sent for concurrence.

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

REPORTS OF COMMITTEE
Divided Reports

Nine Members of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (H-527)** on Bill "An Act To Amend the Expedited Permitting Area for Wind Energy Development under the Jurisdiction of the Maine Land Use Planning Commission"

(H.P. 435) (L.D. 616)

Signed:

Senator:

YOUNGBLOOD of Penobscot

Representatives:

BEAVERS of South Berwick

DUNPHY of Embden

HARVELL of Farmington

LIBBY of Waterboro

NEWENDYKE of Litchfield

RUSSELL of Portland

RYKERSON of Kittery

TIPPING-SPITZ of Orono

Two Members of the same Committee report in Report "B" **Ought to Pass as Amended by Committee Amendment "B" (H-528)** on same Bill.

Signed:

Representatives:

HOBBINS of Saco

GIDEON of Freeport

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

Signed:

Senators:

CLEVELAND of Androscoggin

JACKSON of Aroostook

READ.

Representative HOBBINS of Saco moved that the House **ACCEPT** Report "B" **Ought to Pass as Amended.**

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

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

The **SPEAKER:** 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 and happen to serve on the Energy Committee and am on the other report. If we were to defeat this motion, we'd have a bill before us that would create an opportunity for people who have ended up in the comprehensive expedited wind territory to actually have a constructive means out, and while I am a big supporter of the expedited wind area, I do believe that some of these folks got into it without any means to be able to withdraw themselves. This alternative proposal, if we could get to it, would provide a means for us to let them out but also to maintain predictability in the marketplace for the wind industry. So I will sit for a moment and hear what others have to say, but I do hope that folks will vote in opposition to this report

so that we can actually get to a report that has a majority on it, and I would ask that the Clerk read the Committee Report.

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

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

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

Representative **DUNPHY:** Thank you, Mr. Speaker. Mr. Speaker, this bill is not about wind power. This bill is about rights. It's about community rights, it's about rights that were taken by this Legislature in 2008 from about 1 percent of the people in Maine. The amendment, as written, in my humble opinion, is a bit disingenuous and it was written by two organizations that have a lot vested in wind but were less than truthful. Part of the Amendment "B" is the geographic area and that geographic area is designed specifically to disallow removal from the expedited areas by any UT that does not about a UT area already outside the EPA. Not only does that mean that a large number of the UTs would be automatically disqualified no matter what residents wanted, but specifically three-fifths of the communities that specifically applied through the Legislature would be exempt. There is no way that this wasn't a targeted outcome and I find that very disturbing.

Some comments, I understand, were made about the signatures required for the petition and I'd like to clarify those if I may. Petition collects a number of signatures from registered voters, registered voters within that township or plantation supporting the removal from the expedited permitting areas. I hope that dispels that myth. The Minority Report causes/creates a process that effectively restricts the opportunity to petition for removal by only those communities chosen by the Natural Resources Council of Maine. They are the ones that basically wrote the amendment. The Minority Report is a decoy, it's a lure, and I hope legislators don't get taken in by that lure. The Minority Report contains a poison pill provision that, one, prohibits as many as two-thirds of the affected UTs from participating, including three of the five communities that are responsible for bringing this bill to the Legislature, and it could potentially prohibit any community from participating due to its section 3404, in referencing limitations, which the removal can't compromise state goals. The five UT communities in 616 are not asking for special treatment, they are asking for equal treatment. Again, this is not about wind. This is about people's rights, people's rights that were removed by this body in 2008, people who have no way to get out of these expedited areas. There is a method to get them in, there is a method to utilize the mountaintops, but there is absolutely no way to be removed from these expedited areas. I find it absolutely astounding, Mr. Speaker, that this body would even be taking this issue up. We took the rights from about 1 percent of the residents in the State of Maine without any dialogue, with a minimal amount of debate on the House and Senate floor, by unanimous vote, with no input from the communities. This, Mr. Speaker, is a violation, it is a horrible violation of community rights and I ask you please vote against Report "B" as amended and we'll try to correct it and restore the rights that every single one of us have in this body and give it to the 1 percent, or allow them to regain, that 1 percent, the rights that we took from them. Thank you, Mr. Speaker.

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

Representative **NEWENDYKE:** Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. It's been five years since the enactment of Maine's expedited permitting process for wind development. Most everyone acknowledges that the process needs to be reformed. More importantly, for five

years, the residents and property owners in the expedited portion of the unorganized territories have been without the same rights that most everyone else in Maine has, the right to have some say in how or if wind power is sited in their communities. That's five years too long. Ladies and Gentlemen of the House, if you will join me in opposing the pending motion, we can then move the Majority Report and vote to give the people living in the unorganized territories the same rights that all other Maine citizens have. Thank you.

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

Representative **GIDEON**: Thank you, Mr. Speaker. Mr. Speaker, Women and Men of the House. I rise in support of the pending motion. We are imperfect people, I think we can all agree to that, and sometimes, even with the best intentions for our state, we make policies that have room for improvement. The expedited permitting area created by the 2008 Wind Energy Task Force is one of those that has room for improvement. As all of us consider how to vote on this issue, there are a few things we should keep in mind. Are we protecting the rights of Maine residents? Are we promoting our state goals for developing and encouraging renewable energy? And what are the economic ramifications for Maine and Maine people? The Minority Report here, which is the pending motion, absolutely does seek to protect the rights of residents. We recognize that one of those imperfect situations has been created, and we seek to rectify it in a way that continues to allow for responsible wind development and that preserves our encouragement of any industry, not just wind, that wants to do business in our state.

As the Energy Committee worked this bill, two reports emerged. Here is what is similar about these reports. Both seek to address the rights of residents in the expedited permitting area of the unorganized territory and both allow for the LUPC to create major substantive rules to create a process for townships to remove themselves from the expedited area. So then what is different? The pending report provides specific criteria for the LUPC to use in developing their rules and making determinations about removal of areas, including that any petition for removal must demonstrate issues or concerns that cannot be addressed unless an area is removed. The other major difference is that the pending report puts all townships in the expedited permitting area of unorganized territories on equal footing regarding withdrawal from the expedited permitting area. The competing report gives preference to just five townships, allowing an 18-month moratorium on wind to be established by a single petitioner, provided he or she gets the majority of registered voters to sign the petition within 60 days, but only if you are from one of these five townships. Women and Men of the House, we do have a responsibility to our citizens and residents. We must preserve their rights. I agree with the good Representative from Emden. We must also encourage, though, the use of Maine-grown renewable energies that will lower our carbon footprint, and we must encourage the growth of economic development and clean energy jobs that position our state for the future. Please join me in voting for the pending motion.

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

Representative **BEAVERS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I oppose the motion on the floor. I support wind development, but I support justice more. First, I would like to correct some inaccuracies that have been floating around. People who choose to live in unorganized territories have not forfeited their First Amendment rights. Some UT communities have been designated in the expedited permitting area, some have not. Some UTs have

permanent residents, some do not. But we cannot continue this discrimination where some are in this designated area and some are not. It has been stated that one company has spent at least a million dollars investigating wind development in the expedited wind area, implying that it was in the five UT communities that have requested withdrawal from this area. Currently, there are no applications in any of these five UT territories. It was also stated that the Majority Report does not require the petition to be from registered voters. If you read the bill, it does.

Section 15 of Article I of the Constitution of Maine states that people have a right at all times in an orderly and peaceable manner to assemble to consult upon the common good, to give instruction to their representatives, and to request, of either body of the government by petition or remonstrance, redress of their wrongs and grievances. The people of these five UTs have petitioned us through their Representative in both the 125th and 126th Legislature. This request was taken into consideration in the preparation of the March 2012 report entitled "Maine Wind Energy Development Assessment" by the Governor's Office of Energy Independence and Security, and that resulted from 2011 legislation. This report recommends amending the law to remove certain areas from the expedited area. The bipartisan Majority Report does just that.

While supporting creating a process by which residents can petition for removal from the expedited permitting area, the Minority Report seems to simultaneously make it unlikely that many, if not most, locations could ever be removed, regardless of the interests of the residents living there.

Specifically, the Minority Report limits the removal of locations to townships or plantations: "That are adjacent to other locations that are not within the expedited permitting area; and" two, "That can be removed from the expedited permitting area without compromising fulfillment of the State's policy regarding wind energy pursuant to section 3404, subsection 1." The adjacency limitation appears to make approximately two-thirds, as was stated before, of the affected UT locations ineligible for removal from the outset, including three of the five communities that brought this bill to the Legislature. The section 3404 limitation (fulfillment of state goals), if strictly interpreted, could potentially prevent just about any location from being removed.

The Minority Report of 2, unlike the bipartisan Majority Report of 9, would likely place significant restriction on the removal process proposed in that version of the bill. The Majority Report responds to the people of five UT communities that abided by the Maine Constitution and it also requests LUPC develop a process for other UT communities to request withdrawal from the expedited permitting area, if they so choose, during a relatively small window of opportunity. Please support the fairness of Mainers living in the UTs by opposing the Minority Report on the floor so that we can go on to pass the Majority Report. Thank you.

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

Representative **HOBBS**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. As you can see from my fellow colleagues of the Energy, Utilities and Technology Committee, this bill and this issue had much debate and has many emotions. To the sponsor of this bill, my good colleague from Emden, Representative Dunphy, and my seatmate, the voters of his district are very fortunate to have someone with such compassion and such enthusiasm about trying to, in his mind, right a wrong, and for that, I commend him. My motion to Accept the Minority Report was not a sign of disrespect to my colleagues in my committee because, all of us, whether you support one of the two positions, know that their purposes were

just and that their ideas about how to arrive at the end result differ somewhat. Our committee, as you know, heard numerous concerned citizens, most of them from the area that Representative Dunphy represents, but others throughout the state who are concerned with the whole issue of land/wind. The creation of the so-called expedited permitting area for wind farms was the major focus of the discussion and after the public hearings and our work sessions, numerous work sessions on this issue, it was apparent to me that we needed to create a process which areas of the state currently zoned as expedited can petition to be removed. Report "B," which I moved and signed along with the Representative from Freeport, Representative Gideon, does just that. It provides the Land Use Planning Commission with necessary guidance to develop this petition process to be removed from the expedited zone, which allows communities, such as the five that have requested of their legislator to put this bill in, and for we, as legislators, to consider.

The biggest different between these two reports, the Report "A" and Report "B," which Representative Gideon and I have signed on to, is that our report does not contain a moratorium. You may hear others refer to it as a safe harbor provision, but this is just the fancy way of repackaging what is really a moratorium on the wind industry for certain areas of the state. Regretfully, because of this moratorium provision, I chose not to join with my majority members of my committee to support their report, because I believe that a moratorium sends a damaging business signal to investors about whether Maine is truly open for business. Whatever your belief is about this industry, that is a critical issue for me of sending the wrong message. As many of you know, the wind industry has invested over a billion dollars in Maine in the past decade and according to Dr. Charlie Colgan of the University of Southern Maine, it has created and retained an average of 240 jobs per year. Over 700 Maine businesses located in every county of this state have benefited from the growth and development of this clean energy industry. Further, it now pays more than \$6 million annually in property taxes to Maine communities and many of those projects are the largest property taxpayers in many of the host communities. We're also seeing a vital environmental and energy independence benefit with this clean, pollution-free electricity that is produced. I encourage you to get beyond a very good story that was articulated by many passionate individuals about five communities that want to opt out, five unorganized territories that want to opt out of the process. I believe that they should have that opportunity to opt out, but we should create a mechanism to allow that process to take place without having de facto legislation occur every session to try to peel away, on an individual basis, what is a good overall law in expediting projects in areas that can meet all the other environmental criteria that were outlined in the Wind Energy Act. So I urge you to support the Report "B," the motion I made, and I would appreciate your consideration and know that everyone in our committee was sympathetic of the arguments raised by those courageous individuals who came forward to talk about their issues. The problem is that they live in an area which there is no local zoning. They do not have local control rights because of where they live, so this bill will allow them to go before an unbiased board in a process to be able to remove themselves if they meet the criteria as established. Thank you very much, 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. It's rarely that I get to speak passionately, so on this bill I will speak passionately. This body knows how committed I am to proper process and

procedure. I think we saw that the first vote of the session. The expedited Wind Powers Act in 2008 was enacted by a suspension of the rules every step of the way. A major, major piece of legislation was moved through this body in 15 days without public hearing, without proper committee vetting and it went straight to the floor, and now we are reaping what we sow. I will tell you, first of all, with all due respect to the good Representatives from Saco and Freeport, they do not have 480 foot tall windmills in their community like I do, and trust me, the citizens who have those windmills in their community really should have the right to say whether they want them or not, okay? This bill is about whether we want citizens to have control over what happens in, call me a NIMB, in their backyard, or whether we want the Legislature working with the LUPC to create some global energy policy that we don't need. Quite frankly, Men and Women of the House, Maine produces more than twice as much clean electricity as it uses now. It's a myth to think that we need to destroy our mountaintops and put windmills in our backyards to meet our needs. Do you know where the power from those windmills goes? It goes down to Massachusetts to light a 5 acre used parking lot at three in the morning in Boston. Those of us around here who turn our lights out when we go from room to room, we're not the problem. The problem is the excessive energy use of entities outside of the State of Maine. This is not a state issue. This is a local control issue and I would ask anyone of this esteemed body, if you are so in favor of this legislation, brothers and sisters, put a 484-foot windmill in your backyard and see how long you last. Thank you, Mr. Speaker.

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

Representative DUNPHY: Thank you, Mr. Speaker, for allowing me to speak a second time. Renewable energy. This bill does not – does not – prevent wind from being developed in these communities. As a matter of fact, over 55 percent, 236 megawatts of Maine's current operating wind capacity was permitted prior to 2008. That's a hoax. It's not going to stop wind. Protect rights, how is it protecting rights? Ninety-nine percent of the people in the State of Maine already have those rights. This body took those rights. Whose rights are we protecting? The wind developer, perhaps? The Natural Resources Council of Maine, perhaps? I don't know whose rights, but it's not my constituents' rights and my constituents had rights until we took them. Somebody tell me, what gives us the right to do that? I don't know. Restrictive, no, it's not restrictive. Moratorium, moratorium and a safe haven provision. It is not a moratorium. These people in these five communities have been trying through the process that didn't exist to be removed from expedited wind. Nobody would help them, nobody would work with them, because most of the people who were here prior to a couple of years ago were involved in this goat roping. This is a mess. This is a mess. Nobody would help them because they were part of it. It passed unanimously in this body, it passed unanimously in the other body and not one person talked to somebody in the unorganized territories. We just took it. We just took it. Let me ask you, Mr. Speaker, if I may, do multinational companies take precedent over individual rights? Does Iberdrola, does First Wind, does Natural Resources Council of Maine, do they take priority? Do wind companies have any priority over the citizens of the State of Maine? I think not. We gave them priority a few years ago for some unforeseen reason, but do they have that right? No, I don't believe they do. They are a multinational company, they are a for-profit company. They are taking our tax dollars and they are taking our citizens' rights. Get beyond the story? What kind of a comment is that, Mr. Speaker? Get beyond the story. It is not a story. These five communities

have been trying to get out for four years. The story is we have failed them. We took their rights, we didn't provide them a mechanism to get those rights back, and my god, we're calling it a story? It's not a story. This is tough. Shame on us if we don't pass this. If we don't kill this and pass the following amendment, shame on every single one of us, because every single one of us in here have the rights that we took from these communities. Thank you, Mr. Speaker.

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 just want to start by giving a thank you to the citizens of Lexington and the other townships that were considered by this bill. They came in and they gave great testimony. They were very respectful and they've been very cooperative through the whole process. You'll find my name on the Majority Report and this was an attempt at a compromise between doing nothing and doing what the bill originally did, which was to remove these five townships, plantations and territories with just a sweep of our hand. I've learned a lot about wind and the unorganized territories this year and most of the major points have already been said. I think we've had almost every member of the committee speak at this point, so I just want to say one last thing. If we don't address this issue, it will come back in the next Legislature and the next Legislature after that. This bill will be brought up again and again and again, until we create a good process through which people can have their voices heard and, most importantly, they feel like they've had a fair shake. They can go through it and come out the other end, even if they lose, knowing that the process was set up correctly and that they feel like they participated fully. With that, I'll sit down. Thanks.

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

Representative **HAYES**: Thank you, Mr. Speaker. Mr. Speaker, Women and Men of the House. I will make this brief because I really don't want to repeat what other speakers have said, but I would urge you to vote against the pending motion so that we have the opportunity to vote in favor of the Majority Report. Frankly, I'm a bit apologetic because I'm part of the reason why we even have to have this conversation, because I voted for this legislation in 2008, so I apologize for that. I thank you for perseverance in listening and trying to understand parts of the problems that were created with that prior legislation. We do not do our best work when we worry and when we don't respect our own processes, and this is a component of that bill that we have to take some responsibility for and we have an opportunity to fix it here today. It's not a permanent fix, it's not even necessarily the best fix, but it is a compromise fix and it does address the concern that's been raised. We won't do that if we adopt this motion, if you vote for this motion. We can only do that if you, in fact, have the opportunity to vote in favor of the Majority Report. I often tell people that good policy withstands good process, because I really believe that, and I think the same is true in these communities and other communities within the UT. I want to give them the opportunity to have the same process around industrial wind projects that I, where I live, and that many of us have, as others have pointed out. So I urge you to vote against the pending motion, again giving us the opportunity to correct an error and if we can get the Majority Report. 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. I wasn't going to

rise today and speak on this issue, but listening very diligently to all the conversations taking place, with the good Representative from Emden, I support everything that he has said, and also the Representative from Buckfield. I, too, was here in 2008 and voted for it and very sorry that I did, for where we are today, for bringing us to where we are today. We have been dealing with this issue in western Maine for a number of years now and we have the wind towers in the next town over, and, for me, in the town that I live in, not living in the other town, I have to look at these wind towers every day of my life and I had no say in it at all. I really feel that it's important that we slow this process down and we let all the people's voices be heard, and act on them properly and accordingly and give them the respect that is so deserved. Thank you, Mr. Speaker.

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 apologize for rising a second time, but I've traveled the state talking to Mainers about the importance of renewable energy, including wind. I've toured an empty turbine, presented a forum in Baileyville, and I presented in Machias. I've watched turbines erected on the mountains very close to my home. I do not believe we are blowing up mountaintops. That would be the coal industry. I also do not share the level of passion that we've heard today from some people; however, I do believe we have an obligation to answer to the people who have been swept into the wind territory. I want to have wind in our state, but I'd like us to feel good about it and I don't fundamentally believe that that happens if we don't address their concerns, the real concerns of citizens, once and for all. So I want to speak to a couple of things that I heard today. One, I'd like to say that this would be a real compromise and certainly not an easy one. When you have the good Representative from Emden and myself on the same report, you know you have to think twice about what's being said. We are already sending a mixed message to the industry and I have to say that we are already sending a mixed message right now and we are sending an unpredictable message. The reason for that is that we have a small but very vocal group who are upset. Some of those concerns, I believe, are valid. Some are a little overstated. But we've done very little, I think, to actually address those concerns and if we give an opportunity to do that, maybe we can actually get beyond some of that vocal frustration. If we can move beyond on this report, which, as we've said, there is two people on that report, we'd be in a position to be able to actually create a real means to remove people from the expedited wind territory, but we do that by doing it with a sunset so that we're actually creating a little space for folks to come out of the wind territory. But once that's done, that's done, and so that actually allows us to create some predictability in the market because we would have created that opportunity for people to extricate themselves in a very small period of time, and once they've had that opportunity, I think the Legislature, going forward, can honestly look people in the eye and say you've had your chance, you chose not to do it, we need to move forward. But right now, we don't have that opportunity and it's frustrating for someone like me that really, really likes wind power.

The other final thing I'd like to add because someone spoke to the fact that there is a carve out for these five communities, these five communities, as the good Representative from Berwick has said, have come to us before and they came to us in the 125th and now the 126th. There is actually a chance of development between now and when this process is set up in the current motion. So now I've been assured that there would be no new development, but I think it would provide those five

communities some rest, frankly, for lack of a better word, if we were able to provide them an opportunity to know that if they went through a particular process, that they would not have to be subjected to development that they did not want. In the intervening time, between now and when the Land Use Planning Commission sets up that process by which communities can extricate themselves. Again, I just want to say this was not an easy compromise. It's not easy for me to get to a place where I am on this particular bill. But there was a lot of work that went into this. There was a lot of bipartisan work that went into this. This is a real compromise, which means that both sides give something up and I think that Maine is going to be better for it in the long run. I have some pain over this, but I think this is a good decision and I would hope that you would follow my light and go red so that we can get to the Majority Report. Thank you, Mr. Speaker.

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

Representative BEAVERS: Thank you, Mr. Speaker, for allowing me to speak a second time. I just wanted to respond to a comment about the fact that the UT area does not have zoning opportunities, which is precisely why they followed the Constitution of Maine and filed their petition with us through their Representative in the 125th and the 126th, and if we don't do this, we're in trouble. Thank you.

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

ROLL CALL NO. 340

YEA - Beck, Brooks, Carey, Cassidy, Chenette, Cooper, DeChant, Dill, Dion, Dorney, Farnsworth, Fowle, Frey, Gattine, Gideon, Goode, Graham, Grant, Hamann, Hobbins, Hubbell, Jorgensen, Kornfield, Kruger, Kumiega, Lajoie, Libby N, Longstaff, Luchini, MacDonald W, Mason, Mastraccio, McCabe, McGowan, McLean, Monaghan-Derrig, Moonen, Nelson, Noon, Plante, Powers, Priest, Rankin, Rochelo, Rotundo, Sanborn, Theriault, Welsh, Mr. Speaker.

NAY - Ayotte, Beaulieu, Beavers, Bennett, Black, Boland, Bolduc, Briggs, Campbell J, Campbell R, Casavant, Chapman, Chase, Chipman, Clark, Cotta, Crafts, Cray, Crockett, Daughtry, Davis, Devin, Dunphy, Duprey, Espling, Evangelos, Fitzpatrick, Fredette, Gilbert, Gillway, Guerin, Harlow, Harvell, Hayes, Hickman, Jackson, Johnson D, Johnson P, Jones, Kaenrath, Kent, Keschl, Kinney, Knight, Kusiak, Lockman, Long, Maker, Malaby, Marean, Marks, McClellan, McElwee, Moriarty, Morrison, Nadeau A, Nadeau C, Newendyke, Nutting, Parry, Pease, Peavey Haskell, Pouliot, Pringle, Reed, Russell, Sanderson, Saucier, Schneck, Shaw, Short, Sirocki, Stanley, Stuckey, Timberlake, Tipping-Spitz, Treat, Turner, Tyler, Verow, Villa, Volk, Wallace, Weaver, Willette, Wilson, Winchenbach, Winsor, Wood.

ABSENT - Beaudoin, Berry, Dickerson, Doak, Gifford, Herbig, Libby A, MacDonald S, Peoples, Peterson, Rykerson, Saxton, Werts.

Yes, 49; No, 89; Absent, 13; Excused, 0.

49 having voted in the affirmative and 89 voted in the negative, with 13 being absent, and accordingly Report "B" **Ought to Pass as Amended was NOT ACCEPTED.**

Subsequently, on motion of Representative HOBBSINS of Saco, Report "A" **Ought to Pass as Amended was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (H-527) 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-527)** and sent for concurrence.

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

HOUSE DIVIDED REPORT - Majority (10) **Ought to Pass as Amended by Committee Amendment "A" (H-505)** - Minority (3) **Ought to Pass as Amended by Committee Amendment "B" (H-506)** - Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Exclude Certain State-funded Costs from the State Share of the Total Cost of Funding Public Education"

(H.P. 23) (L.D. 25)

Which was **TABLED** by Representative McCABE of Skowhegan pending **ACCEPTANCE** of either Report.

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

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

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

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

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

The SPEAKER: The Representative may pose his question.

Representative DEVIN: Mr. Speaker, I'm a bit confused because when I am looking online, it says that this is LD 25, that we're moving the Minority Report.

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

ROLL CALL NO. 341

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

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

ABSENT - Beaudoin, Berry, Dickerson, Doak, Gifford, Herbig, Libby A, MacDonald S, Peoples, Peterson, Rykerson, Saxton, Werts, Wilson.

Yes, 88; No, 49; Absent, 14; Excused, 0.

88 having voted in the affirmative and 49 voted in the negative, with 14 being absent, and accordingly the Minority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "B" (H-506)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "B" (H-506)** and sent for concurrence.

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

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

REPORTS OF COMMITTEE

Divided Reports

Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-526)** on Bill "An Act To Provide Tax Fairness to Maine's Middle Class and Working Families"

(H.P. 785) (L.D. 1113)

Signed:

Senators:

HASKELL of Cumberland
MILLETT of Cumberland

Representatives:

GOODE of Bangor
BROOKS of Winterport
LIBBY of Lewiston
MAREAN of Hollis
MOONEN of Portland
STANLEY of Medway
TIPPING-SPITZ of Orono

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

Signed:

Senator:

THOMAS of Somerset

Representatives:

BENNETT of Kennebunk
JACKSON of Oxford

READ.

Representative McCABE of Skowhegan 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 **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by**

Committee Amendment "A" (H-537) on Bill "An Act To Amend the Medical Marijuana Law Regarding Excess Harvested Marijuana"

(H.P. 1011) (L.D. 1423)

Signed:

Senators:

CRAVEN of Androscoggin
HAMPER of Oxford
LACHOWICZ of Kennebec

Representatives:

CASSIDY of Lubec
GATTINE of Westbrook
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 Bill.

Signed:

Representatives:

FARNSWORTH of Portland
DORNEY of Norridgewock
PRINGLE of Windham

Representative BEAR of the Houlton Band of Maliseet Indians - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (H-537)** Report.

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-537)** 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-537)** and sent for concurrence.

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-539)** on Bill "An Act To Amend the Laws Governing Secession from a Municipality" (EMERGENCY)

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

Signed:

Senator:

LACHOWICZ of Kennebec

Representatives:

GRAHAM of North Yarmouth
BOLAND of Sanford
BOLDUC of Auburn
CHENETTE of Saco
COTTA of China
NADEAU of Fort Kent
NADEAU of Winslow

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

Signed:
Representative:
PEASE of Morrill

READ.

Representative GRAHAM of North Yarmouth 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.

COMMUNICATIONS

The Following Communication: (S.C. 481)

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

June 17, 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 Taxation on Bill "An Act To Promote Tourism and Foster Economic Development" (H.P. 1005) (L.D. 1409), in non-concurrence.

Best Regards,

S/Darek M. Grant

Secretary of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.C. 482)

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

June 17, 2013

Honorable Millicent M. MacFarland
Clerk of the House
2 State House Station
Augusta, Maine 04333

Dear Clerk MacFarland:

Senate Paper 184, Legislative Document 491, "An Act Regarding Timber Harvesting on Land Managed by the Division of Parks and Public Lands," 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?"

18 voted in favor and 17 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. 483)

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

June 17, 2013

Honorable Millicent M. MacFarland
Clerk of the House

2 State House Station

Augusta, Maine 04333

Dear Clerk MacFarland:

Senate Paper 443, Legislative Document 1281, "Resolve, Directing the Department of Professional and Financial Regulation To Conduct a Sunrise Review Regarding the Proposal To License Recreational Therapists," 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?"

18 voted in favor and 17 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. 484)

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

June 17, 2013

Honorable Millicent M. MacFarland
Clerk of the House

2 State House Station

Augusta, Maine 04333

Dear Clerk MacFarland:

Senate Paper 375, Legislative Document 1093, "An Act To Clarify the Criteria of the Health Professions Loan Program as It Affects Physicians Practicing Neurology-psychiatry," 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.

**ENACTORS
Emergency Measure**

An Act To Increase the Availability of Mental Health Services
(H.P. 1087) (L.D. 1515)
(H. "A" H-495 to C. "A" H-490)

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

Acts

- An Act To Enable the Town of Livermore Falls To Withdraw from Androscoggin County and Join Franklin County
(H.P. 25) (L.D. 27)
(C. "A" H-503)
- An Act To Promote Small-scale Poultry Farming
(H.P. 179) (L.D. 218)
(H. "A" H-497 to C. "A" H-476)
- An Act To Amend the Maine Workers' Compensation Act of 1992 To Provide Benefits to Seriously Injured Workers
(S.P. 175) (L.D. 443)
(S. "A" S-265 to C. "A" S-250)
- An Act To Provide for the Effective Marketing and Promotion of Maine Lobster
(H.P. 336) (L.D. 486)
(C. "A" H-491)
- An Act To Clarify Transparency of Medical Provider Profiling Programs Used by Insurance Companies and Other Providers of Health Insurance
(H.P. 704) (L.D. 1006)
(C. "A" H-502)
- An Act Providing for the Prescribing and Administering of Naloxone
(H.P. 737) (L.D. 1046)
(S. "A" S-266 to C. "A" H-436)
- An Act To Strengthen the Maine Clean Election Act
(S.P. 452) (L.D. 1309)
(C. "A" S-156)
- An Act Regarding the Cancellation of Subscription Services
(H.P. 993) (L.D. 1390)
(C. "A" H-498)
- An Act To Amend Certain Provisions of the Fish and Wildlife Laws
(H.P. 1024) (L.D. 1435)
(C. "A" H-500)
- Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Resolves

- Resolve, Directing the Department of Health and Human Services To Amend Its Rules of Reimbursement under the MaineCare Program for Audiology and Speech-language Pathology Services
(H.P. 832) (L.D. 1188)
(C. "A" H-494)
- Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

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

REPORTS OF COMMITTEE

Divided Reports

Majority Report of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-270)** on Bill "An Act To Establish a Stewardship Program for Architectural Paint"
(S.P. 451) (L.D. 1308)

Signed:

Senators:

BOYLE of Cumberland
GRATWICK of Penobscot
SAVIELLO of Franklin

Representatives:

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

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

Signed:

Representatives:

AYOTTE of Caswell
CAMPBELL of Orrington
LONG of Sherman
REED of Carmel

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-270) AS AMENDED BY SENATE AMENDMENT "A" (S-296)** thereto.

READ.

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

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

Representative **AYOTTE**: Thank you, Mr. Speaker. I just wanted to clarify a couple of things, items, on this paint stewardship program. The fee is added immediately upon purchasing the paint. Thirty-five cents for a pint or a quart, \$0.75 for a gallon, and \$1.50 for five gallons. What I wanted to point out in this particular case is there are a number of states that do have this program and what I gleaned from the committee was that the operations in other states, because of the fee imposed on the paint when you purchase it, it did turn into a profitmaking scheme and the paint still ends up at landfills, but it's done in a more formal way. I just want the House to realize that this is a fee added to the price of the paint and I would ask for a roll call, Mr. Speaker.

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

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

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

Representative **WELSH**: Thank you, Mr. Speaker. Mr. Speaker, Women and Men of the House. When this bill came to our committee for a public hearing, I was really pleased to see that it had the support of the paint industry, environmental organizations and municipal officials. Lead testimony for the bill was provided by the American Coatings Association, who described why the paint industry believes this bill will be beneficial for Maine, for the industry, for retailers, for municipalities and for our environment. Most of us probably have cans of unwanted leftover household paint in our basements, garages and closets. This bill will create a program that provides an easy and inexpensive way for us to get that used paint

collected for recycling. At present, leftover latex paint is not collected for recycling anywhere in Maine and options for oil-based paints, which are hazardous, are not much better. Residents can take paint to periodic collection events in their town transfer station, but these events are few and far between and they often charge a fee. Our committee heard from municipal solid waste managers that disposing of paint is a real problem for them and that it's expensive for all of our town budgets. On average, about half the cost of municipal hazardous waste collection events goes towards dealing with leftover paint. We also heard from the paint industry, who explained why paint retail stores like this program. It's because customers who return their paint containers for recycling often end up making additional purchases at the store while they are there. The program that would be created by the Majority Report has been proven to work elsewhere. We know that it results in a huge increase in recycling and reuse of leftover paint and we know that it saves money for towns. Also, we do have fees on lots of items. We pay fees on our used tires that need recycling. We pay a fee on CFLs, the compact florescent lights that we use. It makes sense that a user is paying a fee for the things that we use as users, that then take care of what goes back. I ask you to please help reduce, reuse and recycle by voting yes on this bill. 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. 342

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

NAY - Ayotte, Bennett, Black, Campbell R, Chase, Clark, Cotta, Crafts, Cray, Davis, Dunphy, Duprey, Espling, Fitzpatrick, Fredette, Guerin, Jackson, Johnson D, Johnson P, Lockman, Long, Maker, Malaby, McClellan, McElwee, Nadeau A, Newendyke, Nutting, Parry, Pease, Peavey Haskell, Pouliot, Reed, Sanderson, Sirocki, Timberlake, Turner, Volk, Wallace, Weaver, Willette, Winchenbach, Winsor, Wood.

ABSENT - Beaudoin, Berry, Dickerson, Doak, Gifford, Herbig, Libby A, Libby N, MacDonald S, Peoples, Peterson, Rykerson, Saxton, Werts, Wilson.

Yes, 92; No, 44; Absent, 15; Excused, 0.

92 having voted in the affirmative and 44 voted in the negative, with 15 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (S-270) was READ** by the Clerk.

Senate Amendment "A" (S-296) to Committee Amendment "A" (S-270) was READ by the Clerk and **ADOPTED.**

Committee Amendment "A" (S-270) as Amended by Senate Amendment "A" (S-296) thereto was ADOPTED.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-270) as Amended by Senate Amendment "A" (S-296)** thereto in concurrence.

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought Not to Pass** on Bill "An Act Regarding Municipal General Assistance"

(S.P. 313) (L.D. 892)

Signed:

Senators:

CRAVEN of Androscoggin
LACHOWICZ of Kennebec

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-288)** on same Bill.

Signed:

Senator:

HAMPER of Oxford

Representatives:

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

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

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

READ.

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

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

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

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

Representative **SANDERSON:** Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Once again, this is a common sense bill and asking folks to be accountable. This bill seeks to, if someone is terminated from TANF, either from noncompliance or because they meet their 60-month window, that they cannot automatically transition to GA assistance. Somebody who has extenuating circumstances, extenuating hardship events, they will be able to remain on TANF assistance. If they're just not trying, if they just can't get it together on themselves, why are we going to cut them off from TANF and

push them down onto the municipality? What was interesting is Sue, from the social services department in the Town of Lewiston; they came to support this bill because they are seeing folks who have either been sanctioned or have been terminated because they're not taking an effort to improve themselves and they are transitioning to GA because it seems to be their secondary safety net. I urge you to vote against the pending motion and support the Ought to Pass as Amended motion. Let's be responsible with our taxpayers' money, both at the state and at the municipal level. Thank you.

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative Gattine.

Representative **GATTINE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This bill really doesn't make any sense and serves no public purpose. This policy runs counter to the fundamental purpose of General Assistance program, which is intended to provide a safety net for families in the most dire need. This would impose an arbitrary limit, no matter how harsh the circumstance the family is facing. General Assistance is the very bottom, the last resort in the safety net. It provides housing, food, medical and other assistance to people who have no other means and no other place to turn. The people who would be most hurt by this measure are the people who really have no other place to go for help. Families that are currently timing off of the TANF program after 60 months are often households headed by single mothers raising young children on their own. These are families that face serious obstacles to work. The vast majority, nearly 90 percent, are coping with disabilities and many lack the education needed to gain gainful employment. We should be doing a better job to prepare these families for self-sufficiency rather than taking away the help that separates them from hunger and homelessness. Now, this was one of the measures that was actually proposed in the biennial budget and was unanimously rejected by the AFA Committee. It was rejected by the GA workgroup convened by the 125th Legislature. It was presented to this Legislature two years ago and rejected. It was included and rejected in last year's supplemental budget. It was a bad idea then and it's a bad idea still. It does nothing to help families in need get back on their feet, but is simply an arbitrary cutoff that will do nothing but harm. The Maine Municipal Association opposed this at the public hearing and testified limitations of any type do nothing to eliminate that need and often shift the burdens onto other social service providers and programs. Municipal officials are concerned that if the limit imposed by this is enacted without addressing on met needs, municipalities will be left to provide supplemental assistance without the benefit of state reimbursement. Maine towns will not turn their backs on poor families and children. Instead, they will have to bear the cost of their support alone. Ladies and Gentlemen of the House, I hope that you will reject this and support the Majority Ought Not to Pass Report. Thank you, Mr. Speaker.

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

ROLL CALL NO. 343

YEA - Beavers, Beck, Boland, Bolduc, Briggs, Brooks, Campbell J, Carey, Cassidy, Chapman, Chenette, Chipman, Cooper, Daughtry, DeChant, Devin, Dill, Dion, Dorney, Farnsworth, Fowle, Frey, Gattine, Gideon, Gilbert, Goode, Graham, Grant, Hamann, Harlow, Hayes, Hobbins, Hubbell, Jones, Jorgensen, 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, Plante, Powers, Priest, Pringle, Rankin, Rochelo, Rotundo, Russell, Sanborn, Saucier, Schneck, Shaw, Short, Stanley, Stuckey, Theriault, Tipping-Spitz, Treat, Verow, Villa, Welsh, Mr. Speaker.

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

ABSENT - Beaudoin, Berry, Dickerson, Doak, Dunphy, Gifford, Guerin, Herbig, Hickman, Libby A, MacDonald S, Peoples, Peterson, Rykerson, Saxton, Werts, Wilson.

Yes, 80; No, 54; Absent, 17; Excused, 0.

80 having voted in the affirmative and 54 voted in the negative, with 17 being absent, and accordingly the Majority **Ought Not to Pass Report was ACCEPTED** in concurrence.

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

On motion of Representative COOPER of Yarmouth, the House adjourned at 5:52 p.m., until 9:00 a.m., Tuesday, June 18, 2013 in honor and lasting tribute to Rebecca Schaffer, of Yarmouth and Marie Valente Villaci Maiorino, of Portland.