

MAINE STATE LEGISLATURE

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House of Representatives
One Hundred and Twenty-Sixth Legislature
State of Maine

Daily Edition

First Regular Session

December 5, 2012 – July 10, 2013

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ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE
FIRST REGULAR SESSION
63rd Legislative Day
Tuesday, June 18, 2013

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

Prayer by Reverend Brad Hirst, Second Christian Congregational United Church of Christ, Kittery.

National Anthem by Honorable Mary P. Nelson, Falmouth.

Pledge of Allegiance.

Doctor of the day, Honorable Ann E. Dorney, M.D., Norridgewock.

The Journal of yesterday was read and approved.

SENATE PAPERS
Non-Concurrent Matter

Bill "An Act To Make Post-conviction Possession of Animals a Criminal Offense"

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

Majority (9) **OUGHT NOT TO PASS** Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY READ** and **ACCEPTED** in the House on June 17, 2013.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Minority (4) **OUGHT TO PASS AS AMENDED** Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-283)** in **NON-CONCURRENCE**.

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

COMMUNICATIONS

The Following Communication: (H.C. 210)

STATE OF MAINE
SUPREME JUDICIAL COURT

June 13, 2013

Honorable Justin L. Alford

President of the Senate

3 State House Station

Augusta, Maine 04333

Honorable Mark W. Eves

Speaker of the House

2 State House Station

Augusta, Maine 04333

Re: 2013 Arrangement of the Maine Constitution

Dear President Alford and Speaker Eves:

It is my honor to present the 2013 arrangement of the Maine Constitution.

Pursuant to the requirements of Article X, section 6 of the Maine Constitution, it is the responsibility of the Chief Justice of the Supreme Judicial Court to "arrange the Constitution, as amended, under appropriate titles and in proper articles, parts and sections, omitting all sections, clauses and words not in force and making no other changes in the provisions or language thereof." Section 6 requires the Chief Justice to submit the arrangement to the Legislature "in 1973 and every 10 years thereafter."

Along with the arranged Constitution, I have developed and enclosed an addendum summarizing the recent history of

changes to the Constitution and the one minor change that has been made in this decade's arrangement.

Upon receipt by the Legislature of the arrangement, the Constitution requires that "the draft and arrangement, when approved by the Legislature, shall be enrolled on parchment and deposited in the office of the Secretary of State; and printed copies thereof shall be prefixed to the books containing the Revised Statutes of the State."

As always, "the Constitution, with the amendments made thereto, in accordance with the provisions thereof, shall be the supreme law of the State."

I have enclosed both the written version and an electronic version of the 2013 arrangement. It has been my honor to provide this arrangement.

All the best,

S/Leigh I. Saufley

Chief Justice

READ and with accompanying papers **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 item:

In Memory of:

Ralph H. Johnston, of Windham, a United States Navy veteran of World War II and avid environmental activist. Mr. Johnston was born in Fort Fairfield and enlisted in the Navy soon after graduating from Fort Fairfield High School. After the war he settled in the Highland Lake area of Windham, where he lived for 60 years. Mr. Johnston primarily worked as a salesman and later became involved in designing and selling vehicles for drivers with physical handicaps. He was active in getting the Highland Lake area property owners to improve the lake's water quality by installing septic systems. Mr. Johnston worked tirelessly to clean up and protect the lake and was active in community causes and organizations. He was a member of the American Legion and the Veterans of Foreign Wars and an active and reliable member and volunteer of the Windham Veterans Association. Mr. Johnston ran three times for the Maine Legislature, twice as a Republican and once, at the age of 92, as a Democrat. Mr. Johnston will be greatly missed and long remembered by his family and friends;

(HLS 461)

Presented by Representative HARLOW of Portland.

Cosponsored by Senator PLUMMER of Cumberland, Representative TYLER of Windham, Representative PRINGLE of Windham.

On **OBJECTION** of Representative HARLOW of Portland, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

CONSENT CALENDAR

First Day

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

(S.P. 155) (L.D. 375) Bill "An Act To Require the State To Enforce Spousal Support Obligations in the Same Manner as

Child Support Obligations" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-294)**

(S.P. 246) (L.D. 697) Bill "An Act To Increase Maine's Energy Competitiveness" Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-292)**

(S.P. 322) (L.D. 944) Resolve, To Review the Impact of Unfunded Education Mandates and Evaluate the Efficacy of Education Laws (EMERGENCY) Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-295)**

(S.P. 563) (L.D. 1505) Bill "An Act Regarding Insured Value Factor Payments for Public Tuition Students Attending a Private School" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-293)**

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

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

(S.P. 390) (L.D. 1129) Bill "An Act To Promote Innovation in Public Schools" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-291)**

On motion of Representative BERRY of Bowdoinham, was **REMOVED** from the First Day Consent Calendar.

The Unanimous Committee Report was **READ**.

On further motion of the same Representative, **TABLED** pending **ACCEPTANCE** of the Committee Report and later today assigned.

(H.P. 161) (L.D. 200) Bill "An Act To Expand Turkey Hunting Opportunities for Young Hunters" Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-542)**

On motion of Representative SHAW of Standish, was **REMOVED** from the First Day Consent Calendar.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-542)** was **READ** by the Clerk.

Representative SHAW of Standish **PRESENTED** **House Amendment "A" (H-547)** to **Committee Amendment "A" (H-542)**, which was **READ** by the Clerk.

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. This is just a technical change to the unanimous bill out of the Committee on Inland Fisheries and Wildlife. It changes the title, it changes an implementation date and eliminates a fiscal note. Thank you very much, Mr. Speaker.

Subsequently, **House Amendment "A" (H-547)** to **Committee Amendment "A" (H-542)** was **ADOPTED**.

Committee Amendment "A" (H-542) as Amended by **House Amendment "A" (H-547)** 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-542) as Amended by House Amendment "A" (H-547) thereto and sent for concurrence. **ORDERED SENT FORTHWITH**.

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

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

UNFINISHED BUSINESS

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

SENATE DIVIDED REPORT - Report "A" (10) Ought to Pass as Amended by Committee Amendment "A" (S-86) - Report "B" (2) Ought Not to Pass - Report "C" (1) Ought to Pass as Amended by Committee Amendment "B" (S-88) - Committee on AGRICULTURE, CONSERVATION AND FORESTRY on Bill "An Act To Provide Economic Development in Aroostook County through Expanded Sale and Lease of State-owned Land"

(S.P. 186) (L.D. 493) - In Senate, Report "A" **OUGHT TO PASS AS AMENDED READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-86)**.

TABLED - May 20, 2013 (Till Later Today) by Representative DILL of Old Town.

PENDING - Motion of same Representative to ACCEPT Report "A" OUGHT TO PASS AS AMENDED.

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

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

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

Representative **DILL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. What basically this bill does is on Eagle Lake in Aroostook County, there is a campground there, Eagle Lake Sporting Camps, and it's a long-term lease. It's 15 years at a time. The folks that lease this property, it's about 125 acres, they requested to purchase this and our committee thought that was too much. They have a six acre developed area and so what we decided to do was to sell them, or at least this bill would allow the Department to sell them, these six acres, plus four acres surrounding it. The reason they need the sale of the land is that they are trying to upgrade the property. It's falling into disrepair over time and, at least it was brought to us, that they are having a difficult time getting financing where it's a 15-year lease, and this basically sells that to them so that they can get financing to upgrade the property. Thank you, Mr. Speaker.

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

Representative **JONES**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise in opposition to the current motion. This amended bill is a resolve and what it would do is direct the state to sell 10 acres in a four-mile right-of-way in the middle of the Eagle Lake public land unit to a private party for commercial use. It's a bad idea for four reasons. First, this sets a bad precedent of selling off public lands for private purposes and, consequently, it would increase the likelihood that the approximately 10 other commercial sporting camps that operate on leased public lands would also ask to buy the lands

on which their camps were located. The second thing, this sale would create an inholding in public reserve lands and that is a partial, entirely privately owned within the confines of a parcel that is entirely public reserved lands, and this has the potential of adversely affecting the ability of the state to manage these surrounding lands. The third reason that I think this is a bad idea or a bad bill is the Eagle Lake Public Reserve Land unit is one of the consolidated public land units that were created in the '70s from all the original scattered public lots in northern Maine and the stated purpose of creating this public reserve land unit was to maintain forever the lands for public multiple uses, including timber recreation and wildlife habitat. Finally, this is a bad bill, for the fourth reason, because, you know what, a lease really is a better option. The camp owner currently has a lease on the property that is easily renewable. A long-term 15-year lease with the opportunity to renew for an additional 15-year would certainly provide adequate demonstration of the capacity for a lending unit, such as a bank, to allow them access to funds for further development. Thank you, Mr. Speaker.

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

Representative **WILLETTE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. The northern Maine economy thrives on our outdoor heritage and this bill, I stand in support of the current motion because this will allow the owner of this campground to invest and he's got some major sponsors that will help funnel more people to northern Maine and help the northern Maine and rural Maine economies. I urge you to please support the pending motion.

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've been thinking about this bill and I just want to tell a little bit about a story, my experience. I leased a building for 29 years from our local hospital and we wanted to do updates over the years, and we actually came up with a solution to the problem, which did not involve buying the building. I think this would be a mistake to sell land that belongs to the state, but I think there are actually ways that the state, the people leasing the buildings and the state can agree on what the upgrades can be, and then the state, who is I'm actually assuming getting rent from these people, could just increase the rent to pay for the upgrades and not have to go through a bank. This worked very well for our business and it allowed us not to have to buy our building, and I would vote against this motion, but I will be happy to work on drafting this legislation starting in January, just trying to solve this problem, because it sounds like it is a problem that has to be solved. Thank you.

The SPEAKER: The Chair recognizes the Representative from the Houlton Band of Maliseet Indians, Representative Bear.

Representative **BEAR**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to this motion. I think it's bad policy. This is the commons that we're talking about. I also understand that the local people are opposed to this and we should defer it to their sentiment, and I think that it's always bad to sell land, especially public land. Thank you.

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

Representative **NADEAU**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I think that bad policy is for the State of Maine to retain all these properties to itself and to control all the holdings on these properties. I think we block economic opportunities, I think we hinder operations,

and I think it's time that we reevaluate what we do with our properties, if not for public use and for public development, then what are we doing it for? We have so many places that are underdeveloped and we stopped it because of our laws. Are we going to continue to acquire property to the place where no more development is going to be allowed, or are we going to sell some properties for the good of the communities and of this state? Thank you.

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

Representative **RUSSELL**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I grew up in rural Maine myself and can certainly appreciate the need for space. I wasn't planning to speak today on this particular issue, but it just strikes me that our land isn't just about development. Our land is about being preserved for future generations and when I think about the lakes and the brooks that I was able to swim and the mountains that I was able to hike in, those were preserved for my generation and I would feel terrible if I didn't preserve that for the next generation so that future kids can bike through the backwoods, so that they can explore the brooks, so that they can do the types of things that I was able to do with my childhood friends. I just think that we should be very cautious when we are selling state owned land because what that means is that we are permanently losing the rights, not just for ourselves but for our children, our grandchildren and their grandchildren. Thank you, Mr. Speaker.

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

ROLL CALL NO. 344

YEA - Ayotte, Beaulieu, Bennett, Black, Campbell R, Chase, Clark, Crafts, Cray, Crockett, Davis, Dunphy, Duprey, Fitzpatrick, Fowle, Fredette, Gifford, Gillway, Grant, Guerin, Harvell, Hayes, Jackson, Johnson D, Johnson P, Kinney, Knight, Libby A, Lockman, Long, MacDonald S, Maker, Malaby, McClellan, McElwee, Moriarty, Nadeau A, Newendyke, Parry, Peoples, Pouliot, Pringle, Reed, Sanborn, Sanderson, Saucier, Short, Sirocki, Theriault, Timberlake, Turner, Tyler, Wallace, Weaver, Willette, Wilson, Winchenbach, Winsor, Wood.

NAY - Beavers, Beck, Berry, Briggs, Brooks, Campbell J, Carey, Casavant, Cassidy, Chapman, Chenette, Chipman, Cooper, Cotta, Daughtry, DeChant, Devin, Dill, Dorney, Espling, Evangelos, Farnsworth, Frey, Gattine, Gideon, Gilbert, Goode, Graham, Hamann, Harlow, Herbig, Hickman, Hobbins, Hubbell, Jones, Jorgensen, Kaenrath, Keschl, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby N, Longstaff, Luchini, MacDonald W, Marean, Marks, Mastraccio, McCabe, McGowan, McLean, Monaghan-Derrig, Moonen, Morrison, Nadeau C, Nelson, Noon, Nutting, Pease, Peavey Haskell, Plante, Powers, Priest, Rankin, Rochelo, Rotundo, Russell, Rykerson, Saxton, Schneck, Shaw, Stanley, Stuckey, Tipping-Spitz, Treat, Verow, Villa, Volk, Welsh, Mr. Speaker.

ABSENT - Beaudoin, Boland, Bolduc, Dickerson, Dion, Doak, Kent, Mason, Peterson, Werts.

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

59 having voted in the affirmative and 82 voted in the negative, with 10 being absent, and accordingly Report "A" Ought to Pass as Amended was **NOT ACCEPTED**.

Subsequently, on motion of Representative DILL of Old Town, Report "B" Ought Not to Pass was **ACCEPTED in NON-CONCURRENCE** and sent for concurrence.

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

TABLED - June 17, 2013 (Till Later Today) by Representative FREDETTE of Newport.

PENDING - **PASSAGE TO BE ENACTED.**

Subsequently, the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

HOUSE DIVIDED REPORT - Report "A" (7) **Ought to Pass as Amended by Committee Amendment "A" (H-507)** - Report "B" (5) **Ought to Pass as Amended by Committee Amendment "B" (H-508)** - Report "C" (1) **Ought to Pass as Amended by Committee Amendment "C" (H-509)** - Committee on **EDUCATION AND CULTURAL AFFAIRS** 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)

TABLED - June 17, 2013 (Till Later Today) by Representative McCABE of Skowhegan.

PENDING - **ACCEPTANCE OF ANY REPORT.**

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

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

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

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

ROLL CALL NO. 345

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

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

ABSENT - Beaudoin, Boland, Bolduc, Dickerson, Dion, Doak, Kent, Mason, Peterson, 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 Report "A" **Ought to Pass as Amended** was **ACCEPTED.**

The Resolve was **READ ONCE.** **Committee Amendment "A" (H-507)** was **READ** by the Clerk.

Representative MacDONALD of Boothbay **PRESENTED** House Amendment "A" (H-546) to **Committee Amendment "A" (H-507)**, which was **READ** by the Clerk and **ADOPTED.**

Committee Amendment "A" (H-507) as Amended by House Amendment "A" (H-546) thereto was **ADOPTED.**

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

Under further suspension of the rules the Resolve was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (H-507)** as Amended by House Amendment "A" (H-546) thereto and sent for concurrence.

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

HOUSE DIVIDED REPORT - Majority (8) **Ought to Pass as Amended by Committee Amendment "A" (H-539)** - Minority (1) **Ought Not to Pass** - Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Amend the Laws Governing Secession from a Municipality" (EMERGENCY)

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

TABLED - June 17, 2013 (Till Later Today) by Representative GRAHAM of North Yarmouth.

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

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

The Bill was **READ ONCE.** **Committee Amendment "A" (H-539)** 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-539)** and sent for concurrence.

COMMUNICATIONS

The Following Communication: (H.C. 211)

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

June 17, 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 146, "Resolve, Directing the Bureau of Insurance To Study Issues Related to Long-term Care Insurance."

The original version of this bill sought to increase long-term care insurance rates in Maine by establishing in law that men and women cannot be treated differently. As Maine's Superintendent of Insurance testified, that would lead to increased costs for all customers. The committee removed that portion of the bill, but left the unfunded study in place.

As the Legislature knows, I have serious objections to unfunded mandates being placed on the Executive branch. While each one may not be significant by itself, taken together they create a significant drain on valuable state resources. This is especially so when the substance of the work is already being done and the Resolve merely adds layers of workgroups and reporting on top. With this particular Resolve, our Superintendent is already working with his peers in other states to address this market in a comprehensive, consistent manner. When that work is done, the Bureau will come forward with its recommended proposals for the Legislature to consider.

For these reasons, I return LD 146 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 Bureau of Insurance To Study Issues Related to Long-term Care Insurance (H.P. 121) (L.D. 146) (C. "A" H-211)

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. We have before us a veto of one of the bills that came out of the Insurance and Financial Services Committee. It was a Unanimous Committee Report. I'm going to tell you a little bit about it and ask you to join with me in voting in favor of Reconsideration of the veto and against sustaining this veto. It doesn't take a rocket scientist, or for that matter a PhD from the University of Maine, which I am not, to understand that we currently have an unsustainable business model in the long-term care insurance market. Insurance carriers are now charging women 40 to 50 percent more for a product that is already very expensive and basically unaffordable to many. When the primary consumer for a product, older women, can't afford that product, then this is something that is not only bad for those women who will have to rely on Medicaid as their only option, but also for the insurance industry itself. Obviously, again, this is an unsustainable business model, not to mention the drain on state and federal resources as the baby boomers age and rely more and more on Medicaid to pay for long-term care. This is really about women, as well as about the sustainability of an important industry in our state.

As we all know, women are caregivers for their husbands in many cases. On average, their husbands die before they do and they are left single, elderly and poor. Women receive substantially lower Social Security benefits than men – \$11,000, on average, compared to \$15,000 for men – and are more likely to rely on those benefits as their sole income. According to AARP, 60 percent of women, age 75 or older, are at or below 250 percent of the poverty level and 11.2 percent are at the poverty level. Maine has recently, once again, been confirmed as the oldest state in the nation. Though we have also lead the country in purchasing long-term care insurance, that's not going to continue if policies are priced out of reach. While we can agree that the problem is thus easy to identify, the solution is not. LD 146, as amended by the committee, would provide the opportunity to look at the problem and craft solutions before we are in a crisis situation. It is not, as the veto message asserts, an unfunded study. When the Department itself comes to a committee and suggests a study and says that it is within available resources, that is not an unfunded mandate. Further, I do not accept the idea that it is sufficient for the Superintendent to "work with his peers," which is what the veto message says. It

says the Superintendent is going to work with his peers about this. Who are those peers? Those peers are superintendents or commissioners of insurance in other states. To do so is to say that Maine stakeholders, such as AARP representing older people, such as the Maine Women's Lobby representing women, and even including members of the Insurance and Financial Services Committee, as well as Maine insurance companies, have no place at the table and have nothing to contribute to a solution. I don't accept that. I urge your vote to overturn the veto and vote green on Reconsideration. Thank you.

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

Representative **PRINGLE**: Thank you, Mr. Speaker. Mr. Speaker, Women and Men of the House. I rise to support Reconsideration of this veto. I speak from my experience as a medical director at Unum for six years where I participated in underwriting and claims for long-term care insurance. I also speak from personal experience of my mother fortunately obtaining long-term care insurance and then having to use it, as she needed to go to the Maine Veterans Home for her last year of life for care of her Alzheimer's disease. Also, my mother-in-law, out in Pennsylvania, had purchased a policy a number of years ago and it was very helpful to her to be able to remain in her own home in the last year of her life.

I saw many creative things going on at Unum and, unfortunately, not all of them came to fruition. One was to try, as you know, Unum is the world's largest group disability insurer, and they had a very creative group of people when I was there in the '90s, and they were looking at ways of turning your disability insurance into lifelong disability protection. Long-term care insurance, you know, is a form of disability insurance. It means that you now have impairments that prevent you from caring for yourself independently and so one of the creative things that Unum was looking at was enabling us. I had a disability policy that I kept for the last 30 years, which, once I reached 65, terminated. I would love to have been able to take all my payment of premiums, I'm grateful I never had to use that insurance, but wouldn't that have been great if I could have turned that into long-term care insurance? My husband and I purchased some probably 10 years ago and I hope we never have to use it, but having seen what we're all dealing with, with our aging population. You know, long-term care is expensive. My mother's bill at the Maine Veterans Home in the Alzheimer's unit was \$98,000 a year and I'm glad that she had the \$36,000 a year from her long-term care insurance to help. We know the incredible cost to MaineCare because MaineCare is not just health insurance, it's long-term care insurance for our low-income people and I believe, as the good Representative from Hallowell stated, we really need to bring the expertise of all the people in our state who have knowledge and skill in this area to help solve this problem. I strongly encourage you to support a vote to reconsider this. Thank you for listening.

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

Representative **FITZPATRICK**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise to oppose, to ask you to sustain this veto and I'd like to share a few words that the Superintendent of Insurance shared with us at testimony in our committee. The bill started out as "An Act to Prohibit Unfair Discrimination in Long-Term Care" and long-term care insurance rates have been typically unisex in the past. The reason being is that experience shows that female insured represent 58 percent of the exposure, 67 percent of the claims and 69 percent of the benefit dollars.

"A significant variation in risk between two groups creates what is known as 'adverse selection.' If men and women have different costs to insure, but pay the same premium, one group will have to pay more than they cost, while the other group will be able to pay less. The group that is undercharged will have a strong incentive to buy, while the group that is overcharged will be discouraged. If the difference in cost is significant, and insurers are prohibited from taking that difference into account in their rates, the only way they can expect to break even is to charge the males a higher rate. In the case of long-term care insurance, now that the market is reflecting the differences in claim experience between men and women, those insurers not adopting gender-based rating are simply raising rates across the board."

"Annual sales of individual long-term care insurance have been declining since 2002 and many carriers have left the market. The National Association of Insurance Commissioners ... has a working group charged with evaluating evolving long-term care insurance product design, rating, suitability and other related factors. The working group also reviews NAIC's existing Long-Term Care Model Act and Regulation to determine their flexibility to remain compatible with the evolving delivery of long-term care services and with the evolving long-term care insurance marketplace. Long-term care insurance is an extremely fragile and problematic market both in Maine and nationwide and innovative solutions will be necessary to keep the market viable."

He asked us to consider these points. I know the committee voted unanimously for the study, but I urge you to sustain the veto at this time.

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

Representative PEOPLES: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Through the Speaker, I ask you to look to your right and look to your left. Everybody you look at, including yourself, at one point or another, is going to experience one of two things. You are either going to die or you are going to need long-term care. There are no alternatives. Now, I believe that it would make some sense that we take some time now before the pig in the python gets too much farther along – by that, I mean the baby boom – and figure out how we are going to address this issue. As you know, I am long-term care for my husband. I am wondering who the heck is going to be long-term care for me. Now, I would think any commonsense person would realize that we have a problem and we better figure out how to solve it and we better start now. Thank you.

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

Representative COOPER: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. As the previous speaker just alluded, most of us here are baby boomers. I'm at the high end of that group, or low end, depending on how you measure it. The bill before you, the motion before you seeks to find part of the solution of what will become of us through the private market. I would think that this would be a solution that would be embraced by those who are defenders of the ability of the private market to find solutions. We cannot afford to put all the onus on public programs, such as MaineCare, to support our frail and elderly seniors as they grow unable to care for themselves. There must be another support. Women are in the paradox of living longer and having fewer assets, so by the time they reach this stage, they are truly in a desperate situation often. If we can make long-term disability insurance affordable for them, we would spread the risk to those who have the foresight to purchase it. Right now, that product is truly not available to most

people because it is unaffordable. The whole purpose of this study is to find ways to make it more broadly available so that the public does not have to fund the care of such people as they grow older. Thank you.

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

The Clerk READ the Committee Report in its entirety.

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. 346V

YEA - Beavers, Beck, Berry, Briggs, Brooks, Campbell J, Carey, Casavant, Cassidy, Chapman, Chenette, Chipman, Cooper, Daughtry, DeChant, Devin, Dill, 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, Mastraccio, McCabe, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, Nelson, Noon, Peoples, Plante, Pouliot, Powers, Priest, Pringle, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Saucier, Saxton, Schneck, Shaw, Short, Stanley, Stuckey, Theriault, Tipping-Spitz, Treat, Verow, Villa, Welsh, Wilson, 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, Libby A, Lockman, Long, MacDonald S, Maker, Malaby, Marean, McClellan, McElwee, Nadeau A, Newendyke, Nutting, Parry, Pease, Peavey Haskell, Reed, Sanderson, Sirocki, Timberlake, Turner, Tyler, Volk, Wallace, Weaver, Willette, Winchenbach, Winsor, Wood.

ABSENT - Beaudoin, Boland, Bolduc, Dickerson, Dion, Doak, Mason, Peterson, Werts.

Yes, 87; No, 55; Absent, 9; Excused, 0.

87 having voted in the affirmative and 55 voted in the negative, with 9 being absent, and accordingly the Veto was SUSTAINED.

COMMUNICATIONS

The Following Communication: (H.C. 212)

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

June 17, 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 1066, "An Act To Increase Access to Health Coverage and Qualify Maine for Federal Funding."

In the early 2000s, Maine began a massive increase in welfare expansion. The goal was to provide health care for those without insurance through government - sponsored care. This was very

well-meaning, tugging at the heart-strings of people across the political spectrum. Unfortunately, it did not work.

The story is one we all know well: Maine ran up massive debts to our hospitals as the system outgrew the taxpayers' ability to pay. At the same time, the uninsured population remained almost the same — 136,000 in 2001 to 133,000 in 2011. The only change was thousands upon thousands of Mainers leaving the commercial market for "free" health care, expanding the welfare rolls from nearly 200,000 to 338,000.

Now we stand at a crossroad. The federal government promises they will shoulder nearly all of the cost over the next decade. Proponents argue that the cost to Maine people will be minor and that we are somehow protected by statutory language if Washington goes back on its promise. We have heard that before.

When we expanded in the 2000s, we were promised we could reduce eligibility if the goals were not met. Now the federal government has tried to change the rules and lock our earlier generosity in place. Nothing prevents them from attempting to do the same with this new expansion envisioned in this bill.

Now is not the time to push forward on expansion. Maine must negotiate with Washington to ensure that our citizens and taxpayers are protected. We need flexibility in our program to improve delivery and root out fraud and abuse. We deserve recognition for our earlier generosity. Quite simply, Maine can do better.

For these reasons, I return LD 1066 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 An Act To Increase Access to Health Coverage and Qualify Maine for Federal Funding

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

(S. "A" S-221 to C. "A" H-286)

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

CONSENT CALENDAR

First Day

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

(S.P. 297) (L.D. 872) Bill "An Act To Improve the Quality of Guardian ad Litem Services for the Children and Families of Maine" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-297)**

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.

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought Not to Pass** on Bill "An Act To Promote Sustainable Food Policies"

(S.P. 283) (L.D. 745)

Signed:

Senator:

SHERMAN of Aroostook

Representatives:

BLACK of Wilton

CRAY of Palmyra

HICKMAN of Winthrop

KENT of Woolwich

MAREAN of Hollis

NOON of Sanford

SAUCIER of Presque Isle

TIMBERLAKE of Turner

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-136)** on same Bill.

Signed:

Senators:

JACKSON of Aroostook

BOYLE of Cumberland

Representatives:

DILL of Old Town

JONES of Freedom

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-136) AS AMENDED BY SENATE AMENDMENT "A" (S-298)** thereto.

READ.

Representative DILL of Old Town 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 Winthrop, Representative Hickman.

Representative **HICKMAN**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I am on the Majority Ought Not to Pass Report on this bill; however, since I have changed my mind, I wanted the body to know that and I urge you to vote for the Minority Report as pending. Thank you very much.

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

ROLL CALL NO. 347

YEA - Beavers, Beck, Berry, Briggs, Brooks, Campbell J, Carey, Casavant, Cassidy, Chapman, Chenette, Chipman, Cooper, Daughtry, DeChant, Devin, Dill, 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 S, MacDonald W, Marks, Mastraccio, McCabe, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, Nelson, Noon, Peoples, Plante, Powers, Priest, Pringle, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Saucier, Saxton, Schneck, Shaw, Short, Stanley, Stuckey, Theriault, Tipping-Spitz, Treat, Verow, Villa, Welsh, 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, Libby A,

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, Wilson, Winchenbach, Winsor, Wood.

ABSENT - Beaudoin, Boland, Bolduc, Dickerson, Dion, Doak, Mason, Peterson, Werts.

Yes, 86; No, 56; Absent, 9; Excused, 0.

86 having voted in the affirmative and 56 voted in the negative, with 9 being absent, and accordingly the Minority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-136)** was **READ** by the Clerk.

Senate Amendment "A" (S-298) to **Committee Amendment "A" (S-136)** was **READ** by the Clerk and **ADOPTED**.

Committee Amendment "A" (S-136) as Amended by Senate Amendment "A" (S-298) 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-136) as Amended by Senate Amendment "A" (S-298)** thereto in concurrence.

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

Representative **WOOD**: A question to the Speaker. Why aren't we working the ones we tabled this morning? I mean, we've got work that we can do.

The **SPEAKER**: For a variety of different reasons – waiting for amendments, waiting for sponsors of those bills to be here. There are legitimate reasons why we are waiting. If it were your bill, I'm sure that you would want to be here in your seat to take it up. So there are legitimate reasons why we are waiting to make sure that we have amendments and members in their seat who have worked all session on bills they care about.

The House recessed until 1:00 p.m.

(After Recess)

The House was called to order by the Speaker.

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

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

SENATE REPORT - Ought to Pass as Amended by Committee Amendment "A" (S-291) - Committee on EDUCATION AND CULTURAL AFFAIRS on Bill "An Act To Promote Innovation in Public Schools"

(S.P. 390) (L.D. 1129)

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

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-291)** was **READ** by the Clerk.

Representative MacDONALD of Boothbay **PRESENTED House Amendment "A" (H-548)** to **Committee Amendment "A" (S-291)**, which was **READ** by the Clerk and **ADOPTED**.

Committee Amendment "A" (S-291) as Amended by House Amendment "A" (H-548) 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-291) as Amended by House Amendment "A" (H-548)** thereto in **NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH**.

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

SENATE PAPERS

The following Joint Resolution: (S.P. 605)
JOINT RESOLUTION OF GREETING TO THE DAIL EIREANN, THE PARLIAMENT OF THE REPUBLIC OF IRELAND, AND IN RECOGNITION OF THE IRISH CONTRIBUTION TO THE STATE OF MAINE AND TO THE UNITED STATES

WHEREAS, Ireland has a long history of democratic practices, going back to its first elected Parliament in the 1200s; and

WHEREAS, the Dail Eireann is the democratically elected body representing the people of the Republic of Ireland; and

WHEREAS, millions of Irish people emigrated from Ireland in the 1800s to escape brutal poverty and starvation due to the Irish potato famine, and most of those people came to America to start new lives and to embrace and contribute to a new land; and

WHEREAS, tens of thousands of Irish immigrants arrived in New England and many came to Maine, and the Irish have been and remain an important part of Maine's culture, history and society; and

WHEREAS, within a few years of their arrival in the United States and in Maine, these Irish immigrants became part of the American cultural landscape while preserving the best of their native culture, and they dedicated themselves to helping build this State and Nation; and

WHEREAS, 4 signers of the Declaration of Independence were Irish-born and 9 signers were of Irish ancestry and 19 Presidents of the United States have proudly claimed Irish heritage, including George Washington, the father of our country; John Fitzgerald Kennedy; Ronald Reagan; and Barack H. Obama; and

WHEREAS, the 44,000,000 Americans of Irish ancestry, like their forebears, continue to enrich all aspects of life in the United States, in science, education, art, agriculture, business, industry, literature, music, athletics, entertainment, and military and government service; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-sixth Legislature now assembled in the First Regular Session, on behalf of the people we represent, take this opportunity to send greetings to the Parliament of the Republic of Ireland, recognizing the valuable contribution to our State and to our Nation of all Irish-American citizens; and be it further

RESOLVED: That We join the citizens of the State of Maine in celebrating the integrity and richness of the Irish culture and in

expressing our appreciation to the Republic of Ireland for our close state and national ties; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Dail Eireann, the Parliament of the Republic of Ireland, with our best wishes.

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

Pursuant to the Constitution

Chief Justice of the Supreme Judicial Court

Report of the **Chief Justice of the Supreme Judicial Court** pursuant to the Constitution of Maine, Article X, Section 6 asks leave to report out the accompanying Resolve, Approving the 2013 Draft and Arrangement of the Constitution of Maine Made by the Chief Justice of the Supreme Judicial Court and Providing for Its Publication and Distribution (EMERGENCY)

(S.P. 607) (L.D. 1564)

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

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

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

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

CONSENT CALENDAR

First Day

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

(H.P. 677) (L.D. 963) Bill "An Act To Expand Access to Early Postsecondary Education" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-545)**

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

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-544)** on Bill "An Act To Allow a Person Who Is 21 Years of Age or Older To Expunge Certain Criminal Convictions"

(H.P. 368) (L.D. 549)

Signed:

Senators:

VALENTINO of York

TUTTLE of York

Representatives:

PRIEST of Brunswick

BEAULIEU of Auburn

CROCKETT of Bethel

DeCHANT of Bath

GUERIN of Glenburn

MONAGHAN-DERRIG of Cape Elizabeth

MOONEN of Portland

MORIARTY of Cumberland

PEAVEY HASKELL of Milford
VILLA of Harrison

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

Signed:

Senator:

BURNS of Washington

READ.

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

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

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

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 Bethel, Representative Crockett.

Representative **CROCKETT**: Thank you, Mr. Speaker. Mr. Speaker, Distinguished Members of the House. I will speak only briefly. This was a great idea that took a lot of work to get this bill drafted in the form that was acceptable to most parties. Basically, when you look at your youth, you've all made mistakes and for minor infractions, we're looking at a little bit of a redemption for those people under 21. So that's why the bill came forward, it was carefully crafted and I feel safe supporting the pending motion. 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. 348

YEA - Ayotte, Beaulieu, Beavers, Beck, Bennett, Berry, Black, Bolduc, Briggs, Brooks, Campbell J, Campbell R, Carey, Casavant, Cassidy, Chapman, Chenette, Chipman, Cooper, Cotta, Crafts, Cray, Crockett, Daughtry, Davis, Devin, Dill, Dorney, Espling, Evangelos, Farnsworth, Fitzpatrick, Frey, Gattine, Gideon, Gifford, Gilbert, Goode, Graham, Grant, Hamann, Harlow, Harvell, Hayes, Herbig, Hubbell, Jones, Jorgensen, Kaenrath, Kent, 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, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Sanderson, Saucier, Schneck, Shaw, Short, Sirocki, Stanley, Stuckey, Theriault, Timberlake, Tipping-Spitz, Treat, Tyler, Verow, Villa, Volk, Wallace, Weaver, Welsh, Wilson, Winchenbach, Winsor, Wood, Mr. Speaker.

NAY - Chase, Clark, DeChant, Dunphy, Duprey, Fowle, Fredette, Gillway, Guerin, Jackson, Johnson D, Johnson P, Keschl, Kinney, Libby A, Reed, Turner, Willette.

ABSENT - Beaudoin, Boland, Dickerson, Dion, Doak, Hickman, Hobbins, Peterson, Saxton, Werts.

Yes, 123; No, 18; Absent, 10; Excused, 0.

123 having voted in the affirmative and 18 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-544)** 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-544)** and sent for concurrence.

ENACTORS

Emergency Measure

An Act To Simplify and Encourage the Sale of Hunting and Fishing Licenses and Permits

(H.P. 190) (L.D. 229)
(C. "A" H-523)

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

Emergency Measure

An Act To Protect Newborn Infants from Critical Congenital Heart Disease

(H.P. 310) (L.D. 460)
(H. "A" H-535 to C. "A" H-515)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 135 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act To Ensure the Integrity of Maine's Medical Marijuana Program

(H.P. 1000) (L.D. 1404)
(C. "A" H-514)

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. 117 voted in favor of the same and 16 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act To Create an Educational Collaborative Partnership To Implement a Program That Enables Career and Technical Education Students To Earn College Credits while Attending High School

(S.P. 506) (L.D. 1412)
(C. "A" S-286)

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

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

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

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

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

ROLL CALL NO. 349

YEA - Ayotte, Beaulieu, Beavers, Beck, Bennett, Berry, Black, Bolduc, Briggs, Brooks, Campbell J, Campbell R, Carey, Casavant, Cassidy, Chapman, Chase, Chenette, Chipman, Clark, Cooper, Cotta, Crafts, Cray, Crockett, Daughtry, Davis, DeChant, Devin, Dill, Dorney, Dunphy, Duprey, Espling, Evangelos, Farnsworth, Fitzpatrick, Fowle, Fredette, Frey, Gattine, Gideon, Gilbert, Gillway, Goode, Graham, Grant, Guerin, Hamann, Harlow, Harvell, Hayes, Herbig, Hickman, Hubbell, Jackson, Johnson P, Jones, Jorgensen, Kaenrath, Kent, Keschl, Kinney, Knight, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby A, Libby N, Lockman, Long, Longstaff, Luchini, MacDonald S, MacDonald W, Maker, Malaby, Marean, Marks, Mason, Mastraccio, McCabe, McClellan, McElwee, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau A, Nadeau C, Nelson, Newendyke, Noon, Nutting, Parry, Peavey Haskell, Peoples, Plante, Pouliot, Powers, Priest, Pringle, Rankin, Reed, Rotundo, Russell, Rykerson, 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 - Gifford, Johnson D, Pease.

ABSENT - Beaudoin, Boland, Dickerson, Dion, Doak, Hobbins, Peterson, Rochelo, Saxton, Werts.

Yes, 138; No, 3; Absent, 10; Excused, 0.

138 having voted in the affirmative and 3 voted in the negative, with 10 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act To Amend the Charter of the Alfred Water District

(S.P. 601) (L.D. 1562)
(C. "A" S-289)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 124 voted in favor of the same and 1 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, To Extend the Deadline for the Department of Health and Human Services To Submit a Report on Persons with Intellectual Disabilities or Autism

(H.P. 552) (L.D. 801)

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. 129 voted in favor of the same and 2 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, Regarding Implementation of Cost-of-living Increases for Nursing Facilities

(H.P. 833) (L.D. 1189)
(C. "A" H-513)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 133 voted in favor of the same and 0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Acts

An Act To Restrict a Health Insurance Carrier to Rating on the Basis of One Geographic Area

(H.P. 136) (L.D. 161)
(C. "A" H-288)

An Act To Restore Consumer Rate Review for Health Insurance Plans in the Individual Market

(H.P. 186) (L.D. 225)
(C. "A" H-314)

An Act To Establish Fees under the Maine Medical Use of Marijuana Act

(H.P. 330) (L.D. 480)
(C. "A" H-512)

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)
(C. "A" H-516)

An Act To Improve Preventive Dental Health Care and Reduce Costs in the MaineCare Program

(H.P. 555) (L.D. 804)
(C. "A" H-517)

An Act To Permit a School Administrative Unit Discretion Concerning Participation of Students from Charter Schools in School Extracurricular and Interscholastic Activities

(H.P. 630) (L.D. 906)
(C. "A" H-524)

An Act Related to Public Funding of Charter Schools

(H.P. 750) (L.D. 1057)
(C. "A" H-529)

An Act To Increase Consumption of Maine Foods in All State Institutions

(H.P. 888) (L.D. 1254)
(C. "A" H-510)

An Act To Update the Polygraph Examiner Licensing Laws

(S.P. 480) (L.D. 1373)
(S. "A" S-290 to C. "A" S-287)

An Act To Protect Cellular Telephone Privacy

(S.P. 484) (L.D. 1377)
(C. "A" S-278)

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

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

An Act To Improve Wind Energy Development Permitting

(H.P. 260) (L.D. 385)
(C. "A" H-521)

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

On motion of Representative JONES of Freedom, was **SET ASIDE**.

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

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

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

ROLL CALL NO. 350

YEA - Beavers, Beck, Berry, Bolduc, Brooks, Carey, Casavant, Cassidy, Chapman, Chenette, Chipman, Cooper, Daughtry, DeChant, Devin, Dill, Dorney, Farnsworth, Fowle, Frey, Gattine, Gideon, Gilbert, Goode, Graham, Grant, Hamann, Harlow, Hayes, Herbig, Hickman, Hobbins, Hubbell, Jorgensen, Kent, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby N, Longstaff, Luchini, MacDonald W, Maker, Marks, Mason, Mastraccio, McCabe, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, Nelson, Noon, Peoples, Plante, Powers, Priest, Pringle, Rankin, Rochelo, Rotundo, Russell, Rykerson, 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, Espling, Evangelos, Fitzpatrick, Fredette, Gifford, Gillway, Guerin, Harvell, Jackson, Johnson D, Johnson P, Jones, Kaenrath, Keschl, Kinney, Knight, Libby A, Lockman, Long, MacDonald S, Malaby, Marean, McClellan, McElwee, Nadeau A, Newendyke, Nutting, Parry, Pease, Peavey Haskell, Pouliot, Reed, Sanderson, Sirocki, Stanley, Timberlake, Turner, Tyler, Volk, Wallace, Weaver, Willette, Wilson, Winchenbach, Winsor, Wood.

ABSENT - Beaudoin, Boland, Campbell J, Dickerson, Dion, Doak, Peterson, Saxton, Werts.

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

81 having voted in the affirmative and 61 voted in the negative, with 9 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

An Act To Establish a Stewardship Program for Architectural Paint

(S.P. 451) (L.D. 1308)

(S. "A" S-296 to C. "A" S-270)

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

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

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

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

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

ROLL CALL NO. 351

YEA - Beaulieu, Beavers, Beck, Berry, Black, Bolduc, Briggs, Brooks, Campbell J, Casavant, Cassidy, Chapman, Chenette, Chipman, Clark, Cooper, Crockett, Daughtry, DeChant, Devin, Dill, Dorney, Evangelos, Farnsworth, Fowle, Frey, Gattine, Gideon, Gilbert, Gillway, Goode, Graham, Grant, Hamann,

Harlow, Harvell, Hayes, Herbig, Hickman, Hobbins, Hubbell, Jones, Jorgensen, Kaenrath, Kent, Keschl, Kinney, Knight, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby N, Longstaff, Luchini, MacDonald W, Marean, Marks, Mason, Mastraccio, McCabe, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, Nelson, Noon, Peoples, Plante, Powers, Priest, Pringle, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Saucier, Schneck, Shaw, Short, Stanley, Stuckey, Theriault, Tipping-Spitz, Treat, Tyler, Verow, Villa, Welsh, Wilson, Mr. Speaker.

NAY - Ayotte, Bennett, Campbell R, Chase, Cotta, Crafts, Cray, Davis, Dunphy, Duprey, Espling, Fitzpatrick, Fredette, Gifford, Guerin, Jackson, Johnson D, Johnson P, Libby A, Lockman, Long, MacDonald S, 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, Boland, Carey, Dickerson, Dion, Doak, Peterson, Saxton, Werts.

Yes, 97; No, 45; Absent, 9; Excused, 0.

97 having voted in the affirmative and 45 voted in the negative, with 9 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

UNFINISHED BUSINESS

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

HOUSE DIVIDED REPORT - Majority (7) **Ought to Pass as Amended by Committee Amendment "A" (H-531)** - Minority (6) **Ought to Pass as Amended by Committee Amendment "B" (H-532)** - Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Improve Access to Oral Health Care"

(H.P. 870) (L.D. 1230)

TABLED - June 17, 2013 (Till Later Today) by Representative McCABE of Skowhegan.

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 Sanford, Representative Mastraccio.

Representative **MASTRACCIO**: Thank you, Mr. Speaker. Mr. Speaker, Women and Men of the House. As a retired dental hygienist and proud graduate of the Forsyth School for Dental Hygienists, I rise in support of LD 1230. A great deal of intense lobbying against this bill has been centered around testimony by dentists, that graduate level dental hygienists, even with an additional two years of training and 1,000 hours of supervised clinical practice, are not capable of providing limited scope restorative dental care, at least as good as an experienced general dentist. I will try to address that particular issue today. In an attempt to be brief but informative, I would like to share with you an excerpt from the 2006 keynote address delivered by Christel Koppel, RDH, at the 75th anniversary celebration of the Forsyth School for Dental Hygienists. This was included as part of her testimony in favor of a similar bill before the Connecticut

General Assembly in March of 2013. Ms. Koppel was a participant in the Forsyth Rotunda Project, the only research project of its kind in this country in which dental hygienists were trained to perform all phases of restorative dentistry. I quote:

"Access to care, and the problem of too many people, too many cavities, and not enough dentists was a problem before I was born. Forsyth recognized the problem and offered a solution. In 1949 a law was passed enabling dental hygiene students at the Forsyth School for Dental Hygienists to be trained to prepare and restore children's teeth. Twelve dental hygiene students who entered Forsyth in the fall of 1949 were to receive training in restorative dentistry as well as the basic dental hygiene curriculum. The training period for the restorative dentistry was to be two years, followed by three years of clinical practice under the supervision of a dentist. This project received national publicity, but the House of Delegates of the American Dental Association passed a resolution disapproving this training. There were heated debates between those who believed the project was completely justified by the high rate of untreated [decay] in the children of Massachusetts, and the dentists who opposed the project as socialistic and dangerous. After only one year, the Board of Trustees of Forsyth was forced to terminate the project, despite the fact that the twelve hygienists had become very proficient in the preparation and restoration of decayed teeth.

"By the mid 1960's the decay rate was rising and many people had no access to dental care. Producing more dentists was not a viable answer to the immediate need The Forsyth Administration and Board of Trustees felt it was time to revisit the possibility of an expanded role for the dental hygienist and proposed that dental hygienists be trained in all phases of restorative dentistry. [T]he Massachusetts Dental Society, and the House of Delegates voted 134 in favor, to 5 opposed, to approve and accept this research project. Members of the Massachusetts Dental Society were appointed as a liaison between Forsyth and the Dental Society Ten registered dental hygienists ... were selected to participate in the Forsyth project. The project began in March, 1972.

"In order to teach restorative dentistry techniques, from cutting tooth structure and removing decay to packing, finishing, and polishing restorations, specific procedures and techniques were developed, with terminal performance objectives and intermediate objectives and goals. Procedures were broken down step by step and explained and taught sequentially. Because the dental hygiene curriculum is rigorous and thorough we had a solid body of knowledge on which to build and add the new skills of restorative dentistry.

"We were taught to administer local anesthesia We prepared and restored Class I through Class V cavity preparations, and even learned to place stainless steel pins in large cavity preparations. Throughout our training all phases of each procedure were completely evaluated by the hygienist who performed the task, by a second hygienist, and by a staff dentist We performed the initial exam and preventive care, and took an active role in the diagnosis and treatment planning. We were partners with the staff dentists in the treatment and management of our patients.

"Learning how to remove tooth decay and prepare a tooth for a permanent restoration was not any more difficult than learning the techniques for scaling and rootplaning, or for the placement of a local antibiotic agent into a periodontal pocket. [T]he dental hygiene curriculum is intense, and we had learned much more than we were able to use in the daily practice of dental hygiene. We were highly educated and underutilized. By learning additional techniques and skills of restorative dentistry, we were better utilized

"Three blind evaluations were conducted to assess the quality of the restorations performed by the advanced skills hygienists. It is important and interesting to note that in previous American studies, the work of expanded duties dental auxiliaries was compared with that of senior dental students. In the Forsyth Rotunda Project the clinical goal was that the advanced skills hygienists should be able to perform cavity preparations and restorations at least as well as an experienced practicing dentist. In all of the blind evaluations, the work performed by the advanced skills hygienists was determined to be as good, and in some cases, superior, to that of experienced practicing dentists.

"In October, 1973, a group of dentists, never identified, convinced the Board of Dental Examiners to conduct a hearing to justify the Forsyth Rotunda project. At this hearing testimony favorable to the research project was presented by officers of the Massachusetts Dental Society as well as representatives of Forsyth. The only negative testimony challenging the project came [from] a spokesman [from] the protesting group of dentists.

"[A] short time later the Board reversed itself and the members voted unanimously that the drilling of teeth by hygienists was a direct violation of the Dental Practice Act of the Commonwealth of Massachusetts.

"With this ruling, Forsyth was faced with two choices—to fight the ruling in court and try to keep the research going through legal maneuvers, or to seek a compromise in which Forsyth would agree to suspend its study of expanded duties [at the end of the phase] in June 1974, and not attempt any further clinical research until the Practice Act was amended. In return, the attorney general would allow the experiment to continue through June without taking ... legal action. Forsyth chose this compromise.

"The problem of inadequate access to dental care existed in 1949. The solution to this problem was to expand the scope of practice for the dental hygienist. This same problem persisted in 1972. The solution to this problem was to expand the scope of practice for the dental hygienist It is now 2013, and we are still fighting the same problem of inadequate access to dental care. The solution to this remains to expand the scope of practice for the dental hygienist. We have faced this same problem for the past 64 years. We have the solution—expand the scope of practice for the dental hygienist. It is time for action. People have been waiting for 64 years for increased access to dental care. They must not wait any longer."

Thank you, Mr. Speaker, for presenting this bill, and I urge you to follow my light. Thank you.

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

Representative **SIROCKI**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise today as a sponsor and strong supporter of the pending motion to establish a mid-level dental provider. With 41 cosponsors from both sides of the aisle, this is a wonderful example of legislators working together to address this serious problem. We have a dental shortage. Some believe this and others don't. I will share a few facts, you decide. One, Maine has 680 dentists to serve 1.3 million people. Two, this translates to about 2,000 patients per dentist. Three, there are fewer dentists per capita in rural Maine and 15 out of 16 counties have federally designated shortage areas. Sagadahoc County is the exception. Some areas of Maine have ratios closer to 4,000 people per dentist. In 2012, Maine had a net gain of four dentists. Maine will lose anywhere from 14 to 24 percent of her dentists in the next five years, depending on which report you read. That is 20 to 30 dentists per year. Why are so many retiring? They are old. We have the oldest average dentists in the country. The report I studied

indicated that dental offices in rural Maine could surprisingly make more money than those in urban areas. Why? Because they are busier. For months now, the lobbying has been intense, almost annoyingly so. The energy focused on this bill has been compared to a similar bill, a bill that was introduced a number of years ago. That bill boldly introduced a new type of mid-level medical provider, the nurse practitioner. The resistance came from the physicians with the same arguments – substandard care, not enough training, no need for them, etcetera. Most of us made our minds up long ago regarding this proposal, but I know some of you are still on the fence. I acknowledge that a good many, but not all, dentists have been resistant to this bill. This idea is not meant, however, to be adversarial. It is meant to be an adjunct to the dental profession, a partnership. Therapists will be a valuable addition to the dental team, much as nurse practitioners and physician assistants are now welcomed and valued medical office team members. For those of you who are still on the fence, I hope that you will take this moment to step back and consider the pros.

I grew up poor in rural Maine, southern Maine, York County. I saw high school classmates suffer with serious dental infections, their jaws swollen with large abscesses and teeth blackened by large carious lesions commonly known as cavities. Poor oral health occurs throughout our state, not just in remote wilderness areas. I have worked as a dental hygienist for over 30 years. I know that many people in Maine, especially rural Maine, are struggling with access to care. Preventative care is important and restorative care is also important. Again, this is a partnership. Are there stories of dental offices with openings and a lack of patients? Yes, but the reason one office is busy while another isn't often involves many factors, overall economy, quality of a staff, number of dentists in the area, reputation of the office, cost of services, etcetera. As a legislator, I know that in order to solve this serious issue, we need to give careful, respectful consideration of all ideas. To address the need, many Maine dentists have stepped up to the plate in a variety of ways, including volunteering their time by offering a free care day once a year, accepting MaineCare, offering in-office payment plans, donating charity care and working in rural areas. Even so, the numbers are concerning. The average of Maine's 668 dentists is more than 52 years old and almost 1 in 4 dentists plan to retire within the next five years, and many offices are now working with reduced hours. Androscoggin, Knox, Oxford and Somerset Counties have dentists still working who have passed their 80th birthdays. Many dental offices in rural Maine have been for sale for five, six, seven and even eight years. I personally know of one office not far from here in Oakland, brand new. The dentist hurt his back. He was young, only in his late 40s, and tried to sell his practice but couldn't. He had to close his doors and liquidate, and every time a dentist closes an office, the staff needs to find new employment. Currently, Maine has about 1,300 hygienists, which is good news. The bad news is that many are underemployed or unemployed. All dental hygienists must be affiliated with a dentist, thus when a dentist retired, they have no one to work for. Some say, "We don't really have an access problem now because we have a new dental school on the way soon. Let's wait and see." It is true that the voters of this state were convinced by the dental community that it was imperative that we approve a \$5 million bond to build Maine's first dental school, because we were told we have a dental crisis. Well, do we have a crisis or not? Were we tricked? The first dental students step onto UNE's campus this fall. They won't graduate for a few years. How many of these new dentists will stay and work in Maine? I am not sure. I do know that I had an email communication from a dental student from Washington County

and he admitted that he probably won't return to Washington County after he graduates.

I would like to share with you one of the many accounts of support I have had for this bill. The dental hygienist who wrote this letter works with me. She is from Aroostook County, but now lives and works in Cumberland County.

"My name is Stella Collin, I live in Falmouth and I am a registered dental hygienist. I grew in up Madawaska and I still have many family members who reside there.

"The Dental Hygiene Therapist Bill is very personal to me. My nephew who is in his mid twenties, and lives in that area had received some dental care that included fluoride until he was 18. He developed a medical condition that he feels contributed to the 'crumbling of his teeth.' He spent thousands of dollars early on in Canada, to restore some teeth, but they did not hold up very well so he did not want to return there. Shortly thereafter, he got a job doing long-haul trucking and that is when he developed more serious dental problems. He tried to get into dental offices and was willing to travel up to 2 hours away, but no one had openings for 4-6 months, and no one was willing to accommodate his conflicting schedule. All the offices he contacted would ask if he had insurance first before they even looked at their schedule. He would always offer to completely pay the service in cash, but still, they had no openings or were accepting any new patients. As time passed, he started to develop severe dental infections. They were so bad that he went to the emergency room at the Fort Kent hospital one day to seek treatment. The hospital never examined his mouth. They immediately gave him a prescription of oxycodone and told him to find a dentist. He pleaded with them to help him find treatment, but they just wanted him out. I made phone calls to dental offices in Aroostook County myself, but no dentist wanted a non-insured new patient.

"There are some dentists who are against this bill and say there is no shortage of dental care providers. If these dentists feel comfortable enough to refuse a cash paying patient, that alone tells me there are plenty of patients to go around. It is very upsetting to me that a dentist gets to pick and choose who they will treat and feel no guilt about leaving people in discomfort.

"Because of the delayed treatment, his teeth are non-restorable and will have to be extracted. He has to take time off from work every month to have 1-2 teeth extracted. We have the dental knowledge to treat patients like my nephew, but we are ignoring the access portion.

"I strongly feel that the Dental Hygiene Therapist Bill is necessary and would increase access to many Maine residents."

These newly licensed mid-level dental hygiene therapists will be similar to other providers, such as nurse practitioners and physician's assistants, who now routinely work in doctors' offices. I firmly support this forward-looking proposal, which will help provide much needed access to safe, quality dental care, provide jobs, and help build stronger dental office teams. Again, this is a partnership. Many states are considering similar legislation, and I strongly believe that Maine should join Alaska, Minnesota and the 54 countries worldwide, including Canada, Great Britain and New Zealand, in welcoming a mid-level oral health provider into the dental field to help address our dental needs.

In response to some of the concerns expressed, dental hygiene therapists receive on average a total of 4½ to 5 years of college training. That includes their training as a dental hygienist and then as their extended training. The average dental school is 4 years of training in the field of dentistry. The therapists will not be allowed to prescribe, they will only be allowed to extract baby teeth and very loose adult teeth, and they will need 1,000 hours of direct supervision after they graduate from their program, prior to being allowed to work in remote settings. The dental office will

also need to have at least 50 percent of its patients enrolled in MaineCare to serve the very needy. There is no one single solution to address our dental needs. And many good efforts are underway and are being employed. The addition of a mid-level dental hygiene therapist is a free market, pro small business, safe, effective and solid step in the effort to improve the oral health of Maine people. Thank you, Mr. Speaker.

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

Representative **JOHNSON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I think it's important to remember why we are here having this debate. A study funded by many groups, including the Maine Dental Association, showed that a lot of people in our state are having trouble getting the proper dental care that they need. That's the bottom line and this bill will help to repair that. What's more, we've got a good bill in front of us that would expand the dental teams' reach, and it's based on solid evidence and work already being done in other states. Look at what they are doing in Minnesota, we just heard a moment ago, another state with a lot of rural areas, just like Maine has. A nonprofit group out there called Apple Tree Dental has created a mobile dental unit, well, several mobile dental units, which they can bring on-site care to nursing homes and group homes, Head Start center schools and assisted living facilities. If they can do something like that for care for so many different types of people there, like seniors, kids and the disabled who need dental care, I know that we can do it here in Maine. So I'd ask you to follow my light. Thank you.

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

Representative **GUERIN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. We have in front of us a bill that is backed by 80 percent of Mainers, 30 plus organizations and a whole bundle of newspaper editorial boards. When you get that kind of support for something that cuts across party lines and every other line, it seems that you must have a very good reason to vote against it. Unfortunately, those that are pushing against the bipartisan LD 1230 haven't come up with any good reasons backed by evidence. Over 1,100 studies show dental hygiene therapists provide quality care, and more evidence shows they are cost effective. Opponents haven't come up with anything close to an alternative to help solve the problem of people not being able to get dental care. Lack of dental care is the problem that was laid out by the study we commissioned and that was funded by the Maine Dental Association and others. That is what we are here to help fix today by passing this bill. Thank you, Mr. Speaker.

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

Representative **DEVIN**: Thank you very much, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Go to the rural areas and meet the many Mainers who have lost their teeth. Once you lose your teeth, your quality of life goes down, chronic disease goes up, health care costs go up. LD 1230 will increase access to dental care, particularly in our rural areas. LD 1230 will save Maine money in not only dental care through prevention, but also health care. I urge you to support it. 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 rise in support of the pending motion and, first, I'd like to thank the leadership of the good Representative from Scarborough, Representative Sirocki, and also the leadership of the Representative from Sanford, Representative Mastraccio, on this issue, and for being leaders

for what is right for all of Maine. This issue before us is very important to those of us living in rural Maine and will improve the overall health of those folks. I find it pretty ironic that the people that lobbied against this bill are the same people that when my family and I were looking for a dentist, said that they weren't actually looking for new patients. So upon calling, they said they weren't accepting anyone, and now that this bill is before us, those are the same folks who say there isn't a shortage. So I hope you will join me in supporting the pending motion. Thank you, Mr. Speaker.

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

Representative **CAMPBELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. We taught children and taught children and taught children, and that's what this thing was all about, about poor children, some of their families doesn't have the money to buy gasoline at \$4 a gallon, to take them to a dentist, if they had the money to take them. There has been a lot of focus in the debate on kids and for good reason, but there is another group that would really benefit from the legislation that not as many are talking about, our seniors. As you all know, we have the largest population of seniors in the country. Right now, 21 percent of Mainers over 65 have lost all of their natural teeth. What's worse for those who haven't, Medicare doesn't cover dental care. Most people don't know that and some of us might not have even realized that, but what are our seniors supposed to do? As state legislators, we don't have any control over the Medicare coverage, but we can make it easier for the dental world to provide affordable routine care. By passing LD 1230, a strongly bipartisan bill, we can get out of the way and allow there to be more hands on deck, more hands that are cost effective and provide quality care, including for Maine's grandparents. That's why I am supporting this bill and I hope all of you will too. Thank you, Mr. Speaker.

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

Representative **SANDERSON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. It's not every day you can get up and support a bill that is truly bipartisan and that has good arguments that appeal to both sides. It's even more rare when one of those things actually helped solve a really big problem in this state. This morning, we had some folks come before our caucus and speak, and they shared that we don't have a shortage of dental providers. But expanding the dental team to dental hygiene therapists makes a lot of sense for Maine because even if we didn't have a shortage of dental providers, which most of the reports say we do, we aren't necessarily expanding the number of people in the dental field, but offering an avenue for them to hone their craft, expand their skills and offer quality dental care to more Maine people. We all know because the reports have said, the dentists here, we've got a shortage of dentists in 15 to 16 of our counties. We heard Representative Sirocki say that 1 in 4 dentists are going to retire in the next five years; another 16 percent will reduce their hours. How is that going to improve access to dental care in Maine? Most people here know I'm pretty conservative and I think hygiene therapists are a way to let the free market operate. They will help with affordability for dental care and they certainly will help with access for dental care. If dentists don't want to hire one, they don't have to. But those that do, they can certainly help us get more Maine people into the care that they need. Thank you.

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

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

The SPEAKER: The Representative may pose her question.

Representative **DORNEY**: That is, where is this training now available and who decides whether the training meets the requirements needed?

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

Representative **SIROCKI**: Thank you, Mr. Speaker, and I would like to answer the question. My understanding is there are training programs in Minnesota and it is a new profession being established, similar to when nurse practitioners and physician's assistants first came into being, nationwide standards needed to be set at some point. We are at the ground level. It is working effectively in Alaska and Minnesota. So training would definitely take place out of state, similar to dentists who are, just this year, being able to receive their training here in the State of Maine. Prior to this, all dentists that practiced in the State of Maine received their training outside of the State of Maine. Thank you.

The SPEAKER: The Chair recognizes the Representative from Jay, Representative Gilbert.

Representative **GILBERT**: Thank you, Mr. Speaker. Mr. Speaker and Fellow Legislators. We need dental help in rural areas, such as Franklin, Somerset, northern Androscoggin and northern Oxford Counties, where there is a severe shortage of practicing dentists. Those entering the profession are locating in more urban areas over rural areas. As a result, my dentist is the youngest practitioner in the region and he is 59 years old. It is not unusual to hear of people traveling 60 to 140 miles, round trips, for dental appointments. I'm sure that many rural residents are finding themselves in similar situations. I'm asking you to support our neighbors who live in these rural areas of the state and for your vote in favor of the motion before us. It will help rural Maine residents to solve their dental access issues. Please follow my light and support LD 1230. It is a good bill.

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

Representative **LOCKMAN**: Thank you, Mr. Speaker. As a member of the Labor, Commerce, Research and Economic Development Committee, I stand today to voice my strong opposition to the Majority Report on LD 1230. Before we vote to authorize another dental provider type in this state, with more dental provider states than any other state in the Union, let's take a hard look at the facts. The truth is that Maine doesn't have an access problem. We have a personal and parental responsibility problem. The rate of no shows and cancelled dental appointments for MaineCare patients is somewhere around 40 percent, and why is that? May I suggest to you that the reason for the 40 percent no show rate is because the care is free? It's free today. It will be free tomorrow. It will be free next week when it might be more convenient. Surely, it is not the dentist's fault that the patient didn't show up and decided instead, when the pain got bad enough, to go to the emergency room. And it's not the dentist's fault that the parent didn't bother to bring their child to the appointment. Again, we don't have an access problem. We have a personal and parental responsibility problem. Dr. Timothy Oh practices dentistry in Ellsworth. For the past three years, he has operated free dental clinics twice a year in the Washington County town of Machias. Dr. Oh rents a gymnasium so that he and his professional staff of 40 people can provide free care to whoever shows up. A recent clinic closed earlier in the day than expected, when the clinic ran out of people seeking care. I say that we need to figure out why people aren't

going to the dentist, instead of blaming the dentist because people aren't going. My district spans two of Maine's most rural and financially challenged counties. I know there are dentists accepting new patients and I know they take MaineCare. If we're going to invest in increasing access, let's fix what's wrong instead of authorizing a model that only two states have adopted. Keep in mind, in Alaska, dental therapists can only practice in remote tribal areas, mostly inaccessible except by aircraft or boat. These practitioners are not governed by the State of Alaska, but instead are funded and overseen by the Indian Health Service. Last I knew, Maine had no remaining frontier areas.

I should add, in closing, that we have all been bombarded with a lot of information on this bill, and frankly, a lot of it questionable. I would say that the most egregious is the claim that 65 percent of MaineCare kids don't have access to a dentist. Supporters of the Majority Report tell us that this statistic comes from a form that Maine submits to the Federal Government. What they're not telling us is that none of the visits by MaineCare kids to the 18 federally qualified health care dental clinics is reported on that form. For your information, Maine is only one of six states that doesn't report children's FQHC dental visits. In fact, there were more than 90,000 patient care visits to these 18 clinics in Maine, in 2011, and I would venture to guess that a lot of those patients were kids. I urge you to vote against the Majority Report on LD 1230. Mr. Speaker, may I pose a question through the Chair to whoever cares to answer?

The SPEAKER: The Representative may proceed.

Representative **LOCKMAN**: If MaineCare patients don't show up about 40 percent of the time for dental appointments, why would anyone think the percentage will be higher if the appointment is with a dental hygienist rather than a dentist?

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

Representative **DUPREY**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise today in opposition to the Majority Report on LD 1230, a partisan Majority Report, and request you to move on to a bipartisan Minority Report with all of the House Republicans, which are on it. As a member of the committee of oversight, I listened to hours of testimony, hours, long hours of testimony, read the testimony of people who could not come to the hearing. I've heard from dentists, from hygienists, from constituents, and I've read numerous articles and opinion pieces regarding the bill. In Maine, we have more dental provider categories than any other state. In 2009, we passed legislation for an Independent Practice Dental Hygienist, which is an IPDH. These practitioners have the skills and the license that allowed them to practice preventive services, the services that our kids need. They can educate on proper oral health, they can do cleanings, take x-rays, place sealants and temporary fillings, and refer to a dentist for invasive procedures such as drilling and extracting teeth. Today in Maine, there are 57 licensed Independent Practice Dental Hygienists, but only 20 have chosen to actually practice independently. We've heard that the dental hygiene therapist will go to areas in states where the dentist will not go, and if anybody can answer where those areas are, since 97 percent of Maine's population lives within 15 miles of a dentist's office. How is a dental hygiene therapist a low-cost alternative? I've heard a lot of that today about saving money to what a dentist provides. The bill specifically states that these mid-level providers will be paid at the same rate as a dentist by MaineCare and private health insurance carriers. There is just not savings there to be had. Where are these dental hygiene therapists going to be educated?

That's something that still hasn't been answered yet. There is not such a program in Maine and, to my knowledge, no one is even talking about starting one. Although the proponents of this bill might be coming back to us next year and ask for bond amendments to start a dental hygiene therapy school for the same arguments they had with the dental school many years ago. Maybe we're going to recruit dental therapists from Minnesota or Alaska, putting our own hygienists and other dental auxiliaries out of work.

I'd like to close with some facts on Maine children's oral health. In 2011, third graders in Maine had the second lowest rate of untreated teeth decay in the nation at 14.6 percent. The Pew Foundation gave Maine an A for how well the state is protecting kids from tooth decay in its 2012 report on dental sealants, and Maine also earned an A from Pew's 2001 assessment of children's dental health programs and services. Maine is only one of two states to receive a high mark from Pew for two years in a row, so we must be doing some things right. Of course, we can always strive to do better, but another provider type, in my opinion, will not solve this problem. Please vote no on the Majority Report. Thank you, Mr. Speaker.

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

Representative **VOLK**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I'm sure we all agree that everyone in our state should have access to quality dental care, especially our children and I wish to compliment you, Mr. Speaker, and your allies, for bringing this bill and this issue forward. Unfortunately, the Majority Report does not address the issue of access for people in our state in a timely way. Maine already has more dental provider categories than any other state in the nation. The Majority Report does nothing more than create another type of provider, a dental hygiene therapist, and it goes too far in the scope of practice given to the dental hygiene therapists. It will allow them to perform irreversible procedures on children and adults, letting them drill teeth, fill cavities, extract teeth and do suturing. Now the bill calls, for some of these procedures, simple, but from the dental professionals I've talked with, there is no such thing as a simple procedure. What appears to be an easy extraction can turn out to be a complicated issue. The Majority Report also will let dental hygiene therapists manage urgent dental trauma, give anesthesia and dispense medications. These procedures and responsibilities will be allowed after only 1,000 hours of clinical training. That's about 25 weeks. Is that really enough time for someone to become competent using a high-speed drill in a child's mouth? The dental hygiene therapist will work under the general supervision of a dentist, which, by state rule, means that the dentist does not have to be in the office or, for that matter, even in the state, just licensed in Maine. Additionally, the supervising dentist is only required to review patient records once a year.

Only two states, as we've heard, have this type of dental provider, Alaska and Minnesota. The Representative from Amherst did a great job talking about the issues in Alaska, but the program in Minnesota is more narrow than the scope of practice proposed here and it has not panned out as its supporters envisioned. The dental therapist, or DT, works largely under indirect supervision of a dentist, which means the dentist must be in the facility. In fact, the Minnesota DT functions much the same as our expanded function dental assistants. The advanced dental therapists, or ADT, requires a master's degree and only after 2,000 hours of clinical training under a supervising dentist is the ADT in Minnesota allowed to practice under general supervision. Further, you should all know that there are currently no accredited educational standards for a dental hygiene

therapist in the country and no accreditation standards, only draft standards. It is unlikely there will be accreditation standards until sometime next year and hopefully that answers the Representative from Norridgewock's question.

Currently, there is no program to train dental hygiene therapists in Maine. We don't know what the timeline will be to create such a program and let's not forget again the first class of dental students at UNE's College of Dental Medicine enters this fall. Of the 63 students, 25 are from 22 Maine communities representing 11 Maine counties. That's more than double the number of Mainers enrolled in dental school anywhere for academic 2011-2012. Beginning in fall of 2013, fourth year students will spend the majority of their time providing comprehensive oral health services to adults and children throughout Maine. It's estimated that students will provide 12,000 to 15,000 patient care visits annually. The fourth year dental student interns will provide an additional 20,000 to 25,000 visits annually throughout rural Maine under the close supervision of adjunct faculty. This first class will graduate in May 2017.

I urge you to vote against the Majority Report and instead support the Minority Report, just as six members of LCRED did. The Minority Report, which was bipartisan, makes reasonable changes to the scope of practice for registered dental hygienists with public health status, independent practice dental hygienists, and expanded function dental assistants. It allows hygienists with training to perform a traumatic restorative treatment prior to placement of a temporary filling. This procedure is done with hand instruments only, no drills. It is documented evidence-based care for decayed teeth relieves pain and, in most cases, prevents extractions. The Minority Report also increases the scope of practice for expanded function dental assistants. They would be allowed to take final impressions and cement permanent crowns under the direct supervision of a dentist. This frees up the dentists' time to see more patients. With the appropriate training and accreditation, these providers will be able to offer expanded dental services to Maine children and adults almost immediately, and that's what's key here. Please join me in voting against the Majority Report and really take action to improve access to dental care in the State of Maine. Thank you.

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

Representative **HAMANN**: Thank you, Mr. Speaker. Mr. Speaker, Women and Men of the House. I think every single person in this body came here because they wanted to make a difference. Today is one of those days where all of us, regardless of party, can feel good about what we're doing by supporting the pending motion. We all know lots of our constituents have a hard time getting dental care, from rural Maine to the unorganized territories, to downtown Portland and Bangor. Dental care is the most common unmet health need for kids, four times more than asthma, and only 17 percent of MaineCare kids got a dental treatment in 2011. Only 17 percent. That's less than 1 in 5. What's more, MaineCare spent \$6.6 million on visits to emergency rooms for avoidable dental problems in 2009. So making sure more people get routine care so we can avoid preventable problems only makes sense, for our kids' health and for our state's finances. I'm guessing each of us can think of things that we'd rather have our state spend our money on. So how then can we even consider sitting on our hands when we have an opportunity to make a real difference to increase access to dental care for this underserved population? Everyone has heard these statistics by now. We know MaineCare customers face significant barriers trying to get an

appointment with a dentist, but sometimes numbers dilute the human impact. So I'd like to share a quick story from my family.

As a foster parent, I took a four-year-old into my home last year and for those who don't know, foster kids are provided with MaineCare. When he was placed into state custody, he already had a mouthful of cavities. His Head Start school administrators were strong advocates for this dental health. They had hygienists come into his school to do cleanings, but when they identified cavities that were beyond the scope of a hygienist's practice, they told him that he had to go and find a dentist. These dedicated Head Start administrators gave us a list of dentists in the area where MaineCare is accepted, which included a handful of dentists in the Portland area and we called the next day. None of the dentists were accepting MaineCare at that time, so we called the next day and the next and the next and the next, for about a month. Still nothing. Now, we live in Cumberland County where we have the highest number of dentists per capita of anywhere in the state and we couldn't get this kid an appointment to address the cavities that were rotting his teeth every day. I work for myself and can literally make an appointment in a moment's notice, but we couldn't get the kid an appointment to address the cavities that were rotting his teeth. Transportation? We have two cars in our family and dozens of dentists were within a short drive, but we couldn't get an appointment to get a kid on MaineCare an appointment to address the cavities that were rotting his teeth. So the problem is not that MaineCare customers are somehow too irresponsible to make their appointment, as was suggested by the Representative from Amherst. The problem is that dentists aren't accepting MaineCare, and that's a fact. I've experienced it in my family. We should be very careful not to blame the victim and instead focus on the solution. Lowering the barriers to these routine procedures is crucial to improving dental care for our MaineCare recipients, keeping costs down for the system overall, reducing emergency room costs to MaineCare, which was \$6.6 million last year, and most importantly, improving the quality of life for kids all across Maine. It doesn't take a rocket scientist to figure out that when a kid has pain in his teeth, he isn't going to perform well or be able to pay attention in school. When someone has bad teeth, they are going to have a tough time getting a job. The medical field, long ago, added more professionals, nurse practitioners, EMTs and many more, to help it meet the needs of its patients. Minnesota and Alaska have shown that this works for dental too. It's time we did the same thing for everyone in Maine, so that they can get their teeth fixed. It's one of those times that we can do the same here, do the right thing and make a real difference. Thank you, Mr. Speaker.

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

Representative **HERBIG**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. Access to dental care in Maine is a problem. There is an overwhelming amount of evidence that backs this up and I am pretty confident that everyone in this room knows this. This problem is so serious that it needs to be addressed now, but it has not always been clear how we would do that. In full disclosure, I was adamantly opposed to an expanded mid-level position last session because it was poorly structured, but more importantly, I wasn't convinced that it would actually increase access to dental care. Some of you in this room still may be having that concern. LD 1230, as it was originally written, perhaps wouldn't necessarily have addressed the effort. If we were going to do this, those of us that were talking, we were going to do this right and we were going to make sure that it was going to work. A lot of hard work went into this bill. We took into account all concerns that were expressed

in the public hearing from all parties and we truly addressed them. There were concerns over education. We increased it. We increased the number of training hours. There was concern over the permanent effects of procedures. We addressed that. We are pulling primary teeth. We are pulling baby teeth. There are concerns over that the scope of practice was too broad. We trimmed it back. We truly responded to every concern that was expressed. Okay, so will it really work? LD 1230 will increase access to dental care in Maine by establishing a mid-level dental therapist that can practice independently. I kind of think of it as a dental hygienist with a satellite capacity. To get into our most rural areas, this dental therapist will be required to serve a minimum amount of MaineCare patients. This bill will ensure we get in to our rural areas and to our low-income kids. Because of this process, because of the time we took, because of the thoughtfulness, because of the bipartisan collaborative effort on 1230, this is a great bill. It is a well-crafted bill that ensures increased access to dental care in Maine, particularly to young Mainers in rural areas. I am truly more proud of our work on this bill than anything else I've done on this building. I'm sure I'm not the only one. We will all look back on this with incredible pride because this bill will truly make a difference in making sure that more Mainers are healthy because of this. More Mainers will have the access to dental care they deserve.

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. 352

YEA - Ayotte, Beavers, Bennett, Berry, Bolduc, Briggs, Brooks, Campbell J, Campbell R, Cassidy, Chapman, Chenette, Chipman, Clark, Cooper, Crockett, Daughtry, DeChant, Devin, Dill, Dunphy, Espling, Evangelos, Farnsworth, Fowle, Frey, Gattine, Gideon, Gifford, Gilbert, Goode, Grant, Guerin, Hamann, Harlow, Herbig, Hobbins, Hubbell, Jackson, Johnson D, Jones, Jorgensen, Kent, Keschl, Kinney, Knight, Kornfield, Kumiega, Kusiak, Libby A, Libby N, Longstaff, Luchini, MacDonald S, MacDonald W, Maker, Malaby, Marks, Mason, Mastraccio, McCabe, McElwee, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Newendyke, Noon, Pease, Plante, Powers, Priest, Rankin, Reed, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Sanderson, Schneck, Shaw, Sirocki, Stanley, Stuckey, Theriault, Tipping-Spitz, Treat, Turner, Villa, Welsh, Winchenbach, Mr. Speaker.

NAY - Beaulieu, Beck, Black, Carey, Casavant, Chase, Crafts, Cray, Davis, Dorney, Duprey, Fitzpatrick, Fredette, Gillway, Graham, Harvell, Hayes, Johnson P, Kaenrath, Kruger, Lajoie, Lockman, Long, Marean, McClellan, Nadeau A, Nadeau C, Nelson, Nutting, Parry, Peavey Haskell, Peoples, Pouliot, Pringle, Saucier, Short, Timberlake, Tyler, Verow, Volk, Weaver, Willette, Wilson, Winsor, Wood.

ABSENT - Beaudoin, Boland, Cotta, Dickerson, Dion, Doak, Hickman, Peterson, Saxton, Wallace, Werts.

Yes, 95; No, 45; Absent, 11; Excused, 0.

95 having voted in the affirmative and 45 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-531)** 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**.

Representative **SIROCKI** of Scarborough **PRESENTED House Amendment "A" (H-541)**, which was **READ** by the Clerk.

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

Representative **SIROCKI**: Thank you, Mr. Speaker. I just would like to speak briefly on this amendment. This amendment is designed to help encourage the dental hygiene therapists to work in the rural areas of Maine and poorer areas by requiring an extension from the original 25 percent of a dental practice involved with this type of profession to be 50 percent. So 50 percent of the practice would be required to be MaineCare related. Thank you.

Subsequently, **House Amendment "A" (H-541)** was **ADOPTED**.

Subsequently, under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-531)** and **House Amendment "A" (H-541)** and sent for concurrence.

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

Representative **JONES**: Thank you, Mr. Speaker. This amendment fundamentally changes the intent of the bill. With all due respect, I think we should backtrack, if possible, and consider the implications of this amendment before passing...

The **SPEAKER**: Will the Representative defer? The amendment is no longer before us, having been adopted and it has been passed to be engrossed.

BILLS RECALLED FROM GOVERNOR

(Pursuant to Joint Order - House Paper 1133)

An Act To Regulate Dealers in Secondhand Precious Metals
(H.P. 64) (L.D. 71)
(C. "A" H-392)

- In House, **PASSED TO BE ENACTED** on June 10, 2013.

- In Senate, **PASSED TO BE ENACTED** on June 11, 2013.

On motion of Representative **FOWLE** of Vassalboro, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION**.

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

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

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

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

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-392)** was **ADOPTED**.

The same Representative **PRESENTED House Amendment "A" (H-551)** to **Committee Amendment "A" (H-392)** which was **READ** by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative from Vassalboro, Representative **Fowle**.

Representative **FOWLE**: Thank you, Mr. Speaker. Mr. Speaker, Members of the House. This amendment makes three changes to the bill to address some concerns that have come out since the bill was sent out to the Chief Executive. First, the amendment makes clear that this legislation does not apply to licensed auctioneers. It was never the intent to include them in the legislation. They are governed by a separate board and sale of stolen jewelry has not been a problem. Second, the amendment clarifies that digital photograph counts as acceptable

records. We did not intend to force dealers to print photos and the original bill did not make that clear. Third, it shortens the length of time a dealer who is actively participating in law enforcement through database from 10 days to 5 business days. This, we believe, provides more flexibility to dealers while allowing time for law enforcement to investigate jewelry theft cases. These minor changes, I believe, strengthens the bill, makes it easier for dealers and preserves the main intent of the legislation, which is to ensure that stolen merchandise is not immediately shipped out of state or melted down before law enforcement has time to investigate. I thank you and ask for your support in the amendment.

Representative WOOD of Sabattus **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-551) to Committee Amendment "A" (H-392)**.

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

On motion of Representative FREDETTE of Newport, **TABLED** pending **ADOPTION of House Amendment "A" (H-551) to Committee Amendment "A" (H-392)** and later today assigned. (Roll Call Ordered)

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-306)** on Bill "An Act To Fix and Improve the System Used To Evaluate or Rate Public Schools in Maine"

(S.P. 585) (L.D. 1540)

Signed:

Senators:

MILLETT of Cumberland
JOHNSON of Lincoln

Representatives:

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

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

Signed:

Senator:

LANGLEY of Hancock

Representatives:

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

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-306)**.

READ.

Representative MacDONALD of Boothbay 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: The Chair recognizes the Representative from Brooksville, Representative Chapman.

Representative **CHAPMAN**: Thank you, Mr. Speaker. Mr. Speaker, Friends and Colleagues of the House. This bill is an inappropriate solution to a relatively minor problem. We know that grading students is of questionable value and A, B, C, D doesn't really work for students. It doesn't really work for schools either. The grading system used for the schools, at best, was a misstep on the part of the Commissioner of Education and the resulting public outcry came from parents, school administrators, school communities and the state's major newspapers. As flawed as the grading system was, it did provide an opportunity for citizens to understand that there is a correlation between educational outcomes and affluence. I stand ready to work with anyone inside or outside of this chamber to work on solving this substantive problem of improving educational outcomes within our poorer communities, but attempting to legislatively micromanage the executive branch to avoid missteps is as unwise as it is ineffective. If this were simply another "feel-good, do nothing" bill, I would not take the time to discuss it, but this bill does harm in three ways. First, it suggests the details of executive branch management are more important than the related substantive problem. It is trying to fix the message system rather than respond to the content of the message. Second, it applies the wrong solution to the problem. It is much easier to affect this problem through departmental personnel changes. Of course, this is an embarrassment, especially to my friends on this side of the aisle, since it recalls to mind the gross missteps of previous commissioners. Third, this bill interferes with the well working, bipartisan efforts we have had for a number of years within the Education Committee and others working on educational issues. Finally, since my recommendation to move the Minority Report and be done with this under the hammer have not been taken, I urge rejection of the pending motion to keep the embarrassment to a minimum. Thank you, Mr. Speaker.

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

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

The House recessed until 4:00 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:

CONSENT CALENDAR

First Day

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

(S.P. 580) (L.D. 1533) Bill "An Act To Amend the Maine Online Learning Program" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-302)**

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

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

(H.P. 651) (L.D. 927) Bill "An Act To Further Energy Independence for the State" Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-554)**

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

The Unanimous Committee Report was **READ**.

On further motion of the same Representative, **TABLED** pending **ACCEPTANCE** of the Committee Report and later today assigned.

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act To Promote the Safe Use and Sale of Firearms"

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

Majority (8) **OUGHT TO PASS AS AMENDED** Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-450)** in the House on June 13, 2013.

Came from the Senate with the Minority (5) **OUGHT TO PASS AS AMENDED** Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-451)** in **NON-CONCURRENCE**.

Representative DION of Portland moved that the House **INSIST**.

Representative BERRY of Bowdoinham **REQUESTED** a roll call on the motion to **INSIST**.

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 Yarmouth, Representative Cooper.

Representative **COOPER**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise today in support of LD 1240 and the motion to Insist. There is something about this measure and bills in general pertaining to gun issues that has an air of fatalism to it. That is, people object to it either because it's too small, it won't prevent Newtown happening in Maine; or it's too big, it interferes with Second Amendment rights. These arguments are made with respect to the same measure. Well, it can't be both. This is not a big bill. It's a very incremental bill. It has only to do with civil penalties for failure to obtain background checks. It is a small bill and I make no promises that it will prevent the death of anyone, let alone 5 and 6 year olds. But I want to speak to you today for a short while about what I

think the rule of law is in matters such as this, matters that are highly fraught with emotion and highly important to our society and in which there is a great division of opinion. Laws can both reflect and shape community values. You've all heard that Mainers in several polls have indicated their strong support for measures such as this, indeed for stronger measures. So the numbers are there to protect you. I know this is a difficult vote for many of you in many districts, but the numbers are there, although those voices may not be as loud as people on the other side. But more importantly, people want changes like this because they have lost their trust in government to respond to their concerns. Time after time, in Congress, we have seen absolute paralysis when it comes to these issues and it's not because people in their home districts don't want these laws. It's because special interests who have enormous resources at their command have frightened legislators into doing what they want them to do. People need a signal. People of Maine need a signal that we are listening to them and this bill is such a vehicle.

Secondly, laws not only reflect current values but they can work to change them, to shape them. When I was in high school, black Americans were denied the right to vote. Black Americans suffered the indignity of not being able to eat at a public lunch counter. Women looking for jobs looked at advertisements in the *New York Times* that segregated them by sex. My ambition, at that time, was to be a nurse. There is nothing wrong with being a nurse. I don't mean to imply that. But my father said to me, "Why don't you think about being a doctor?" Well, I was as much a part of the times and the mores of that time as anyone and it had never occurred to me...

The **SPEAKER**: Will the Representative defer? For what purpose does the Representative rise?

Representative **WEAVER**: I want to check the germaneness of the conversation right now. She is wandering from the bill.

On **POINT OF ORDER**, Representative WEAVER of York asked the Chair if the remarks of Representative COOPER of Yarmouth were germane to the pending question.

The **SPEAKER**: The Chair would just remind all members to make sure that your comments are germane to the bill in front of us, to Insist on our prior actions.

The Chair reminded all members to stay as close as possible to the pending question.

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

Representative **COOPER**: Thank you, Mr. Speaker. I believe that 1240 has the capacity to shape values, that those people who fear that their Second Amendment rights are going to be inalterably constrained, if they see that we have the courage to move forward, at least with this small step, that we can bring those people to understand that that is a false fear. They need not fear. The Second Amendment is alive and well in this country, but we must get a handle on the gun violence which is destroying our society. Thank you, Mr. Speaker.

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

Representative **DION**: Mr. Speaker, and I will take some direction from the good gentleman from York County and attempt to remain on point. First, let me report out this fact. The committee did hard work on this bill. I extend my respect to my colleagues on the other side of the aisle. Our discussions on this issue were reasonable, vigorous, but not always in consensus. I believe we did good work and reasonable men and women addressing a hard issue should and can express reasonable differences around policy. Unfortunately, that policy today has to do with background checks. I can't tell you the hours that we spent on this, but here is where we divide. I, and this caucus,

believe that background checks should occur and the responsibility of a responsible gun sale falls on the sellers and if by chance the decision to sell transfers that firearm to a prohibited individual, we feel that that seller should be subject to a civil violation. In layman's language, a fine, a civil fine. My good colleagues from across the aisle would rather see that transfer to a prohibited person dealt with as a crime, as a Class D misdemeanor and the bar that's set in order to secure a conviction is far greater than what we have proposed. Insofar as they have elected that path does not make them wrong, but makes their opinion of this policy in opposition to the one that we have proposed. Unfortunately, the bar that's set in the Minority Report is core to the idea among many on both sides of this question, when they raise their voice and say, "Why don't we enforce the laws we have on the books?" because the laws are drafted to get the result that we find ourselves confronting today, which is no prosecution at all.

Forty percent of all the guns that are sold in this state are done as private transactions. I make no apology that this bill was intended as an intervention in those transactions to secure the public good. I hope, as we move forward, that reasonable differences between both sides of the aisle can reconcile themselves to a growing sentiment among the community that background checks have to occur. When I feel that we're on the verge of defeat, I often read the opinions of a dissenting judge in a Supreme Court case. It doesn't make any difference. I pick that dissenting judge because he, and in the future, she, outlines what is going to occur. If the other body and this body fail to address the issue of background checks, it's not over. Maybe it's over for the inflammatory rhetoric, the loose connections of facts to propaganda, those days will come to an end and a growing public sentiment will demand that we do something. So I'm not naïve. On the day that this bill was presented, I took your signal when there was no debate. I am no fool. I understood what was being said. Whatever we accomplish in this body may meet its demise on another floor, but it doesn't make the position any less right as far as a great majority of our citizens are concerned. If not today, soon background checks will pass. We may not see it as members of this body, but this body, with future members, will come to that conclusion. Patience always wins and I am a patient person and I will close with this. I thank my colleagues from the other side of the aisle for their input, their perspective and their willingness to maintain a position. But make no mistake, our resolve on our position has not faltered in spite of that process. Thank you, Mr. Speaker. On that note, we Insist.

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

Representative **CAMPBELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just heard "across the aisle" two or three times. Well, I'm over here. I'm on this side of the aisle and I stand here because I'm speaking against this gun bill, and when I look at the summary, 8. and 9., increase the fine from \$50 to \$1,000; 10., 11., increase the minimum age to obtain a concealed handgun permit from 18 to 21 years of age. We had a bill a couple of weeks ago, Mr. Speaker, that we voted on that and I got up and spoke against that. I said what happens to a 14-year-old when his father buys him a shotgun and a rifle and takes him hunting, and when he's 16, he buys a pickup truck and puts them guns in the back window and when he is 18, he says to his dad, "I want to get a permit to carry concealed. I want to buy a handgun." His father says, "You can't do that anymore. You've got to be 21." So the kid says, "I'm going to do it anyway." What have we created? He got caught. We created a criminal. Twelve and 13., included in the definition of "firearm dealer" a private seller, including a

private seller at a gun show. If we turn around and tie the hands of people who sell guns at gun shows in the State of Maine, all they have to do is get on a bicycle and go to New Hampshire and you only got to be 16 over there if you want to carry a concealed weapon, but you can get in the car and go to Vermont where you can buy a gun, carry it, concealed or open, and as I said so many times in this House of Representatives, that Howard Dean, a physician, the former Governor of Vermont, the former leader of the Democratic Party in the United States and a candidate for the presidency of the United States said to Tim Russert one Sunday morning, when Tim said to him, "Is it really true that you have no gun laws in Vermont?" The answer was, from the Governor, "That's correct and we intend to keep it that way." Fourteen, 15. and 16., requiring a firearm dealer to require a buyer to present certification of completion of a firearm safety course...

The SPEAKER: Would the Representative defer? The Chair recognizes the Representative from Berwick, Representative Plante, and inquires the purpose for which the Representative rises.

Representative **PLANTE**: That is no longer the bill. The bill has been formally amended to not be that. That has all been stricken. The bill is simply amended version A versus amended version B. All that has been taken out of the legislation. So we understood those concerns from the good Representative from Newfield and we took them out and turned the bill into something that was more concentrated. So that is actually not part of the bill that currently we are looking to Insist upon. Thank you.

The SPEAKER: The Chair would remind all members to make sure that their comments are restricted to what is before us and that is the amended version of the bill.

Representative **CAMPBELL**: Well, I just went and got this bill, Mr. Speaker. That's what I'm going on.

The SPEAKER: It's been amended, so you have to make sure that your comments...

Representative **CAMPBELL**: What I've been reading, what's been amended? All of it?

The SPEAKER: What is before the House right now is Committee Amendment "A" (H-450). The Representative may proceed on Committee Amendment "A" (H-450).

Representative **CAMPBELL**: Thank you. Thank you, Mr. Speaker. I don't know about 19., and 20., making a violation of certain requirements for a firearm dealer a civil violation for the first offense and a Class C crime for the second offense. So I won't read anymore from the bill, but I do want to say that I've got a lot of compliments in this House for my compassion for the elderly, the poor and disabled, and I am by no means a person that would do any harm or speak against, speak for guns, if I thought I was doing the wrong thing. I hope you all reject this bill because, as I said, you can go to New Hampshire and Vermont and what we're going to do is just criminalize some of our own people when it comes to guns. Thank you, Mr. Speaker.

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

Representative **GIDEON**: Thank you, Mr. Speaker. Mr. Speaker, Women and Men of the House. There is this saying. Guns don't kill people, people kill people. After a tragedy, it tends to be repeated more often and louder. But what if people kill people and they do it with a gun? As lawmakers, we can make Maine safer by requiring that a simple instant background check can be completed before any gun is sold to a person. That background check would not change the rights of gun owners. It would simply enforce the existing law, ensuring that those who legally purchase firearms are law-abiding, mentally healthy and responsible gun owners. If you are a purchaser of a new firearm, it takes one page and one pen for you to complete your portion of

the background check form. The questions are simple and straightforward. Beside your name and address, you answer a series of yes or no questions, such as "Are you a fugitive from justice?" "Have you ever been adjudicated mentally defective?" or "Are you subject to a court order restraining you from harassing, stalking or threatening your child or an intimate partner or child of such partner?" Just for kicks, I filled out that form myself. It took me 1 minute and 5 seconds. The seller's page of the form is even simpler, because there are no taxing questions about your criminal history. Ladies and gentlemen, I have just a simple request for you. Imagine for a moment that you are having a conversation with someone that you love. Imagine looking them in the eye and telling them that this simple act, this simple act of filling out a background form check isn't worth their safety or even their life. In this chamber, I know because we've all talked about it many times, we are grandparents and parents, we are husbands and wives, we are brothers and sisters. For me, I am a mother first. Once I became a mother, it will be that way forever and I tell you that because it's my two sons, who are 10 and 8, who I imagine having that conversation with. Did you know that throughout Maine today our children practice a new kind of drill in their schools? They've done it since last December. In a code yellow drill, the teacher closes the door, then continues to teach the children. In a code red drill, the children must actually hide behind a locked door of a classroom in case of a shooting rampage or something similar is going on. So just to get this straight, my daughter, who is 5 years old, hides in her preschool classroom. She practices hiding from a person with a gun, but we debate requiring an instant background check for safe gun ownership? Background checks keep dangerous killing weapons out of the hands of convicted felons, those who have a serious mental health history or those who have been convicted of a misdemeanor count of domestic violence. There are some of us who might question if a law like this will be effective. I'm telling you it will be. In fact, in the 11 states, plus Washington, D.C., that all have enhanced background check laws, 38 percent fewer women were murdered. Ladies and gentlemen, this is a bill that preserves the Second Amendment. This is a bill that protects the rights of gun owners. This is a bill that will make Maine safer for everyone. I ask you personally as your fellow legislator and as a parent, like many of you here, to please join me and support the pending motion. Thank you.

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

Representative **GRANT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of the motion to Insist on LD 1240 as Amended by Amendment "A" (H-450). I want to thank the Criminal Justice Committee majority for the work that they did on this bill and the leadership that they took dealing with issues that were the most incendiary issues to face us in this session. They took all of that testimony for all of us and I want to say my thanks to them. Somewhere between the unchecked libertarian chaos of every man for himself and the regulation of breathing, there is a place I like to call common sense. Carefully crafted background check rules like the one before us for firearms are common sense measures to ensure public safety. To the extent they might inconvenience some, so be it. As a mother, my heart went out to those parents who buried their children in Newtown. Many of the people in my community have implored me, even responsible gun owners, hunters, law enforcement folks, people who support the Second Amendment as I do myself, asked me to please support common sense measures to keep guns out of the hands of people who shouldn't have them. I ask you to please follow my light on this

bill and regardless of where it lands, please support common sense background checks for firearms. The mothers of Maine are watching us. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative Wilson.

Representative **WILSON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise today for a couple of reasons, but one is because I didn't want the good Representative from Portland, Representative Dion, to think that his bill went undebated. So knowing that, I did want to take a moment to rise and acknowledge the Representative from Portland's efforts. He really put an awful lot of work into this bill and I know that he firmly believes in the bill and I can definitely have a great appreciation for that. He effectively negotiated on this bill for quite some time in committee and though we were not quite able to get where I was comfortable with supporting it, I do seriously want to acknowledge his efforts in this because I definitely do appreciate it. His willingness to negotiate is something that is certainly commendable, I will say that. The couple of problems that I had or really one of the big problems that I had with the bill was the strict liability clause. I was not comfortable with making something illegal without somebody having knowingly committed a crime. That was the big hang-up, but I definitely have a great appreciation, as I said, for his efforts and I just didn't want this bill to simply end without acknowledging his efforts and the efforts of many others on the committee. Thank you, Mr. Speaker.

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

Representative **McGOWAN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Background checks are the one thing that 80 percent of the voters who sent us here asked us to definitely do, so, for me, I personally look forward to about a year from now and going back to the voters to talk about what they wanted and what they got.

The SPEAKER: The Chair recognizes the Representative from Sabattus, Representative Wood.

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

The SPEAKER: The Representative may pose his question.

Representative **WOOD**: First of all, how many people in this House truly believe that a background check will stop someone that is going to do something illegally obtain a firearm?

The SPEAKER: The Representative from Sabattus, Representative Wood, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Deer Isle, Representative Kumiega.

Representative **KUMIEGA**: Thank you, Mr. Speaker. I don't necessarily believe that background checks will stop it, but if it makes it harder for a convicted felon to get a gun, then I think it's worth doing. The way the laws are now, somebody can walk out of a county jail, pick up an Uncle Henry's, find a willing seller, go to that seller's home. All he has to do is lie on that piece of paper that he has to sign that says he is not a felon and he can buy a gun. There is no penalty to that seller for selling this person a gun. I don't see that as right. We deal with strict liability crimes in the Marine Resources Committee all the time and either you're right or you're wrong. Either a lobster is legal or it's too small. I think, in this case, either somebody can buy a gun legally or they can't, and we need to put that liability on people to make sure that that's the right case, if they are selling guns to people, only to people who legally can buy them. Thank you, Mr. Speaker.

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

Representative **PEASE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise to answer the question. No, I don't think it will bother the convicts at all and the felons because they're doing it now. They are filling out forms, they are going to department stores filling out forms, lying on them and then seven days later, they try to catch them but they've given false identifications and they can't even catch up with these people, and this is through an agency called the ATF. And remember, the ATF is the one that sold weapons across the border that killed Americans. Thank you.

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

Representative **GIDEON**: Mr. Speaker, I rise to answer the Representative's question as best I can. I believe the statistic is currently that about 300 people per year, approximately, fail a background check when it's done through a seller that's required to do a background check right now. But what they can do is just go to a private seller or someone from Uncle Henry's to purchase that gun without a background check, so I do indeed believe that it would make a difference.

The SPEAKER: The Chair recognizes the Representative from Berwick, Representative Plante.

Representative **PLANTE**: Thank you, Mr. Speaker. I know that in Washington, it wasn't long ago, we heard that our representatives in the Senate were unable to put together a filibuster proof majority to support a universal background check system. I know that some will say that, state by state, putting together any kind of gun reform for registration is bad and putting together any uniform system to do a background check system is bad because it's state by state, and I understand the obvious dilemma brought forth, as the good Representative from Newfield pointed out, that indeed Maine would have this system if we passed this law but New Hampshire wouldn't. Well, let me pose the question here rhetorically. If you don't do a background check on a particular sale of a gun you make privately, that person who ends up to be prohibited, as they had been before that sale occurred, they take that gun and they use it and they commit a crime and they kill someone or four people or 10 people, whatever the number may be, do you believe that currently the way the law is that doesn't exist where there is no penalty, there is no liability, no responsibility for you to even do a background check, do you believe that is right? This simply gives you the option to choose to do it or not, and if you do it, you will be protected from any possible fine. That's all it does. There is a liability in selling a gun. It is different than selling an appliance. It is different than selling a piece of food. It is different than all of those things. We know that. It is a constitutionally protected thing. We know that. We're not really on a disagreeing level here about that issue, but let me bring this forth. Eighty-nine percent of people in a Johns Hopkins study said that they supported universal background checks. Seventy-five percent of those members who supported it were also NRA. Pew has gone forward and found the same results in studies similar, just like Gallup. These are accredited groups who do these studies and they do everything in their possibility to get rid of any bias in every study they do. I trust that. It is important that we understand that there is a crying out for us to do something about making the system more universal so we can make it, yes, harder for people to get a gun and also deny more sales to those who should not get them. We do not disagree on that. This is the right thing to do. I know it's challenging. I know it's difficult. There is a lot of lobbying, believe me. Our committee faced it more than any other on this bill. But this is the right thing to do. It will happen eventually; as the good Representative from

Portland pointed forward, it's a matter of time. I would like for you to join us in Insisting on the motion. Thank you.

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

Representative **HARVELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. It's interesting that we can be discussing a poll and constitutional rights. Speaking of polls, the American public has repeatedly thought we were incompetent as well. They may have been right upon that. Having bought guns in both Maine and in New Hampshire, I can tell you anybody who buys a gun outside of a private sale to their relatives or their Uncle Bob has to fill out a form. I went to Kittery Trading Post about two years ago and I had to fill out the form, and they made the call and it was near a Friday evening, and guess what? They couldn't verify who I was. I had to drive all the way back home. The guy, of course, found out I was in the State House and basically thought it humorous that fools like me would pass laws now had to go back and live with what he had been living with for a number of years. This is the state of what this is. You go to New Hampshire. It's a form. It's a form. You fill it out. If you have ever bought a gun, you filled out this form. It's already in law and this is unnecessary.

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

Representative **CAMPBELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Let me put this a different way. We call ourselves the United States of America. Well, that we are not. We are America, but we are not united. We sent them people down to Congress. The House and the Senate down there rejected a background check, which would have served the people of the whole country, all 50 states. We would all have to abide by it. Passing this law in the State of Maine isn't going to make the people of Maine any safer when the other states do not have background checks, and that was my point. We're not going to save this country by passing our own background check when Washington should have done the right thing, if it's the right thing, and passed a background check down there for all of us. Thank you.

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

Representative **DAUGHTRY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of Insisting on LD 1240. Briefly, I just want to repeat that during the debate on LD 345, we heard time and time again that we needed to pass this measure in order to protect victims of domestic violence. Where is that argument now? Victims of domestic violence would be protected by this measure by ensuring that their perpetrators are unable to get a firearm. I don't feel that this bill inflicts or impacts our Second Amendment rights by any means. Law-abiding gun owners will not be put out of their way. This just simply ensures that folks that are going to go out and do something horrific don't get these dangerous firearms and they can't carry out those crimes. So I ask everyone, what are you afraid of and where is the argument about protecting victims now? I urge you to Insist on LD 1240.

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

ROLL CALL NO. 353

YEA - Beavers, Beck, Berry, Bolduc, Briggs, Brooks, Carey, Casavant, Cassidy, Chapman, Chenette, Chipman, Cooper, Daughtry, DeChant, Devin, Dion, Dorney, Farnsworth, Fowle, Frey, Gattine, Gideon, Gilbert, Goode, Graham, Grant, Hamann, Harlow, 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, Rykerson, Sanborn, Schneck, Short, Stuckey, Theriault, Tipping-Spitz, Treat, Villa, Welsh, Mr. Speaker.

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

ABSENT - Beaudoin, Bennett, Boland, Chase, Dickerson, Doak, Peterson, Saxton, Werts.

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

78 having voted in the affirmative and 64 voted in the negative, with 9 being absent, and accordingly the House voted to **INSIST**.

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

Bill "An Act To Make Post-conviction Possession of Animals a Criminal Offense"

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

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

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

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

UNFINISHED BUSINESS

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

SENATE DIVIDED REPORT - Majority (7) **Ought to Pass as Amended by Committee Amendment "A" (S-79)** - Minority (6) **Ought Not to Pass** - Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act Regarding the Sale of Firearms at Gun Shows"

(S.P. 100) (L.D. 267)

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

TABLED - May 31, 2013 (Till Later Today) by Representative BERRY of Bowdoinham.

PENDING - ACCEPTANCE OF EITHER REPORT.

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

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

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

The **SPEAKER**: 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. 354

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

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

ABSENT - Beaudoin, Bennett, Boland, Chase, Dickerson, Doak, Peterson, Saxton, Werts.

Yes, 69; No, 73; Absent, 9; Excused, 0.

69 having voted in the affirmative and 73 voted in the negative, with 9 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **NOT ACCEPTED**.

Subsequently, on motion of Representative DION of Portland, the Minority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

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

An Act To Regulate Dealers in Secondhand Precious Metals
(H.P. 64) (L.D. 71)
(C. "A" H-392)

Which was **TABLED** by Representative FREDETTE of Newport pending **ADOPTION** of House Amendment "A" (H-551) to **Committee Amendment "A" (H-392)**. (Roll Call Ordered).

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 appreciate the opportunity to clarify. This was a unanimous bill out of the LCRED Committee. I worked with Representative Fowle on the bill. After it made its way to the Governor's desk, we found that there was an omission that we needed to deal with. We pulled it back. We've made some changes. We've run those changes by other folks including the Governor's office, so I am hoping you can vote in support of this floor amendment and subsequently in favor of the amended bill. Thank you.

Subsequently, Representative WOOD of Sabattus **WITHDREW** his **REQUEST** for a roll call.

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

Representative **AYOTTE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. First of all, I would like to compliment Representative Fowle for submitting this bill. The reason I was so supportive of this bill is because there has been a number of homes in Aroostook County that were broken into and valuable jewelry stolen. Heirlooms from certain

families, wedding rings, other jewelry that came down through the family. What was happening was that the person breaking into these homes was taking this jewelry to a particular place in Presque Isle and it was being melted down immediately. Therefore, when the State Police were called in to investigate the crime, there was no evidence. They would go to the local shop where the gold or jewelry was being melted down and it would be disposed of in the same day, therefore erasing all evidence so no one could go, the person whose house was broken into could not identify the jewelry; it did not exist anymore. That's why and I spoke to the State Police in Houlton. They explained to me what was happening. It was a particular place that seemed to be in collusion with people breaking into homes, and, of course, anyone could tell that if you walk in off the street into a shop with valuable heirlooms or valuable gold jewelry, it's quite obvious that they just didn't decide unplanned to get rid of the family heirlooms. This seemed to be a problem and the investigation was stopped short because the evidence had been melted down. This is why I'm so happy about the bill. I'm supportive of the bill. I wish it was longer than five days. The investigators have to work much faster when the State Police visit these places in order to get the evidence, take pictures of jewelry and have the people whose home has been broken into come in and investigate the crime, but five days is better than nothing. Therefore, I fully support the bill. I think it would reduce the amount of crimes and will give the State Police and the detectives an opportunity to identify the stolen jewelry and probably give the people an opportunity to identify their personal jewelry. I think it's a very, very good bill, I'm glad that it was introduced, and, again, I fully support it. Thank you, Mr. Speaker.

Subsequently, **House Amendment "A" (H-551) to Committee Amendment "A" (H-392) was ADOPTED.**

Committee Amendment "A" (H-392) as Amended by House Amendment "A" (H-551) thereto was ADOPTED.

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-392) as Amended by House Amendment "A" (H-551) thereto in NON-CONCURRENCE** and sent for concurrence.

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

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-281)** on Bill "An Act To Protect the Privacy of Citizens from Domestic Unmanned Aerial Vehicle Use" (S.P. 72) (L.D. 236)

Signed:

Senators:

VALENTINO of York
 BURNS of Washington
 TUTTLE of York

Representatives:

PRIEST of Brunswick
 BEAULIEU of Auburn
 CROCKETT of Bethel

PEAVEY HASKELL of Milford

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-282)** on same Bill.

Signed:

Representatives:

DeCHANT of Bath
 GUERIN of Glenburn
 MONAGHAN-DERRIG of Cape Elizabeth
 MOONEN of Portland
 MORIARTY of Cumberland
 VILLA of Harrison

Representative MITCHELL of the Penobscot Nation - of the House - supports the Minority **Ought to Pass as Amended by Committee Amendment "B" (S-282)** Report.

Came from the Senate with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-282) AS AMENDED BY SENATE AMENDMENT "A" (S-285)** thereto.

READ.

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

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

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

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

Representative **EVANGELOS**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise today in opposition to the pending motion and in support of the Minority Report. At the close of the Constitutional Convention in 1787, Benjamin Franklin was asked, "What have we got, Dr. Franklin, a republic or a monarchy?" Franklin replied, "A republic, if you can keep it." Today, we are faced with an unprecedented assault on our Bill of Rights and civil liberties. The pending motion calls for a study. The Minority Report calls for action to protect our Fourth Amendment rights by requiring a warrant when police utilize an unmanned aerial drone for investigation purposes. Anyone who thinks we have time for a study to establish standards on this important issue, please take the following into consideration. In just the last year, the following events have occurred: Peace activists and those protesting the imbalances of our economy had their rights to peaceably assemble violated by law enforcement agencies across the country. The IRS has violated the rights of conservative groups. The Justice Department tapped into the phones and email records of dozens of Associated Press reporters without a warrant. Now, just in the last two weeks, the NSA, the National Security Agency, has been forced to admit that it has tapped into the phones and internet records of millions of innocent Americans, again without a warrant. This is what Aldous Huxley feared in *Brave New World*. It's what George Orwell warned us about in his classic *1984*. What did Benjamin Franklin mean when he said if you can keep it? He meant when we have the opportunity to protect our freedoms, we must act. I am asking you today to support the First and Fourth Amendments to the Constitution. This means no use of drones by law enforcement agencies for surveillance without a particularized warrant. It happens to be the law of the land. Please vote no on the pending motion and support the Minority

Report, Ought to Pass as Amended by Committee Amendment "B." Thank you for your consideration and I ask for a roll call, if it hasn't been asked for. Thank you.

The **SPEAKER**: A roll call is in order. The Chair recognizes the Representative from Brunswick, Representative Priest.

Representative **PRIEST**: Thank you, Mr. Speaker. It might be useful for the House to understand what the Majority Report actually does, so fellow Representatives, let me go ahead and tell you that. There are two reports; both deal only with law enforcement use of drones. Civilian use was too complicated with too many unknowns, so both bills dropped any regulation on the civilian uses of drones. The Majority Report, recognizing the newness of law enforcement use of drones, as well as the many unknowns, puts a moratorium on law enforcement use of drones until July 1, 2014. The report allows emergency use for emergency search and rescue. It also allows for uses other than criminal investigation, such as damage assessment, traffic accident assessment, flood assessment, and wildfire assessment during the moratorium. As well, the Majority Report prohibits use of a weaponized drone by law enforcement. The Majority Report requires the trustees of the Criminal Justice Academy to report to the Judiciary Committee by December 31, 2013, on three items: Minimum standards for written policies for use of drones by law enforcement agencies; recommendations to ensure that individuals' reasonable expectations of privacy are protected; and recommendations for the appropriate collection and reporting of information on the use of drones. The committee will then report out a bill to the Second Regular Session on these issues.

The Trustees of the Criminal Justice Academy working with the Attorney General will establish written standards for the law enforcement use of drones. The standards must include at a minimum: Training and certification requirements for a person who operates a drone. Requirements for prior authorization by the head of the law enforcement agency for use of a drone. The Attorney General's or chief prosecuting attorney's approval for the appropriate jurisdiction for use of a drone for criminal investigation purposes. Restrictions on the use of night vision technology, high-powered zoom lenses, video analysis, facial recognition technology, thermal imaging and similar technology. Recommended minimum altitudes and speeds for drones to minimize invasion of privacy of 3rd parties not under surveillance. Procedures to minimize intrusions into the private spaces of 3rd parties. Procedures to minimize the inadvertent audio or visual recording of private spaces of 3rd parties. Procedures for destroying any unnecessary audio or video recordings without further duplication or dissemination. Methods for tracking and recording the flight of each drone. Methods to minimize the number of drones deployed at any one time in any one area or at any one event. Procedures to avoid hazards to people and property on land or in the air due to the operation of drones. Requirements for documenting the flight, locations, purpose and result of the deployment of a drone. Requirements for the regular statistical reporting of all drone uses by law enforcement. And accountability of a law enforcement agency for any mistake in deployment or misuse of a drone.

Now, the Majority Report does not initially require a warrant, as there is a moratorium on drone use by law enforcement. You can't get a warrant because you can't use a drone for law enforcement purposes. Many of the policy recommendations of the Trustees will be necessary to prepare a warrant for drone use. For example, does the warrant have to cover all the land over which a drone will fly, or just the area of ultimate surveillance? What is the use of a drone if a suspect flees to land other than that named in the warrant, and what are the warrant restrictions if you are using a drone to try to track

someone on a highway? Can you peer into each car, or do you have to list specific cars which you think the suspect is in? What if there's a carjacking? A lot of these questions will be answered in the report of the Trustees of the Criminal Justice Academy. As well, the Judiciary Committee will be considering the opinions of others who will testify before us before the Second Regular Session on drone use and warrants.

The alternative to this procedure is to begin to file warrants immediately, with the warrants drafted as best as the Attorney General can, and then each warrant will surely go up to the Law Court for approval or disapproval. That's an expensive and time-consuming process. I would also say that warrants themselves are not the only way of controlling drone use by law enforcement. The policies recommended by the Trustees of the Criminal Justice Academy are also necessary to control drone use. The Majority Report will provide those policies, the Minority Report will not. You can't have overreliance on warrants to answer all the questions. Warrants may be necessary but they are not sufficient. We have to have a very careful study of this and the Majority Report offers that study with the ultimate likelihood of policies for establishing warrants. The Minority Report does none of these things. I urge you to support the Majority Report.

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

Representative **HICKMAN**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise in opposition to the pending motion. I had something prepared to say, but the good Representative from Friendship, who I am happy to call a friend, took the words right out of my mouth. Please vote against the pending motion. Thank you very much.

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

Representative **CHIPMAN**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. Unrestricted surveillance violates our Fourth Amendment rights to privacy. Mainers should not have to live questioning whether drones are hovering in our backyards watching us or our families. Drone technology is very powerful and may have some proper uses, such as searching for lost people in the woods or remote areas, but law enforcement should not be allowed to conduct mass indiscriminate surveillance on our citizens without a warrant. Probable cause, rather than reasonable suspicion, or worse yet, observation merely for the sake of observation, should be the standard by which we measure our propriety of allowing surveillance of our citizens. You may hear some compare drone surveillance to helicopter surveillance, saying there is no difference between flying a helicopter and flying a drone over one's house or property. This is untrue. If there were a helicopter flying over one's house or following one's car for days at a time, someone would be alerted to its presence. If that helicopter were equipped with sophisticated technologies, such as thermal imaging, a warrant would be needed. Drones, however, are different. They are essentially flying cameras. The technology for which they are equipped is becoming ever more sophisticated, precise and invasive, and as with most new technologies, the price is rapidly dropping. Mr. Speaker, Men and Women of the House, last week, this body voted to require law enforcement to obtain a warrant before installing a camera on private property. As a legislator, we should apply the same rules that govern camera use to cameras that fly in the sky. Mr. Speaker, let me be clear. The Majority Report does not set limits on government drone use. It merely, and I might add inadequately, asks the Criminal Justice Academy, a body made up of law enforcement, to come up with guidelines. Mr. Speaker, guidelines are not laws and it is up to us as Representatives of

the Legislature and the citizens we serve to enact laws that set reasonable limits on drone surveillance to protect the Fourth Amendment rights of all people of the state. Mr. Speaker, I ask that you join me in voting against the pending motion. Thank you.

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

Representative **DeCHANT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to the Majority Ought Not to Pass. I am a member of the Judiciary Committee and we spent a lot of time learning about drones. I found it intriguing, as well as somewhat disturbing. I learned that we need a system of rules to ensure that we can enjoy the benefits of this new technology without bringing us closer to a surveillance society in which everyone's move is monitored, tracked, recorded or scrutinized by authorities. I also learned that the rules for such powerful and new technology are properly formed by this body and not by the Criminal Justice Academy, as the Majority Report requires. There must be a system of checks and balances to ensure that we safeguard our privacy and our privacy rights. Mainers deserve transparency and accountability. Our privacy laws, right now, are not strong enough to ensure that this new technology will be used responsibly and consistently with our democratic values. Courts are still wrestling with the constitutionality of the use of this technology. We have had much discussion around the privacy rights of Mainers over the past few weeks and I am proud that we have taken a strong stance on balancing our right to privacy with the law enforcement's obligation to preserve public safety. I'd like to underscore that Maine has a proud history of protecting privacy. When wiretapping was cutting-edge technology, our Legislature acted to ban the practice altogether. Now, we must act again to set reasonable limits on government surveillance. The Majority Report does not set any limits at all, but rather it directs the Criminal Justice Academy to come up with the guidelines for government drone use. In my opinion, I think that it's kind of asking the police to police themselves. I encourage you to vote against the Ought Not to Pass motion so we can move the Minority Report, because we have a responsibility to enact laws that protect the rights of Mainers to be free from unwarranted government surveillance. Thank you.

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

Representative **VILLA**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to the Majority Report and I am also a member of the Judiciary Committee. Maine needs legislation, making it clear that law enforcement cannot use drones without a warrant, except in emergency situations. People have a reasonable expectation of privacy against this form of surveillance. Using a drone to peer into one's home without a warrant is unconstitutional. The Fourth Amendment states that "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized." This amendment has served us well since 1791 and with rapidly changing technology, we need to implement the requirement for warrants to ensure that our constitutional right to privacy is upheld, and we need to do this sooner rather than later. The use of drones is expected to skyrocket when the FAA meets a congressionally mandated deadline to integrate them into U.S. airspace. In an article regarding the FAA and drone privacy, many stakeholders at a meeting said that privacy is primarily a

legislative issue and it's the state's responsibility to address that issue. I don't think it's up to the Criminal Justice Academy to make that recommendation for us. I would like to urge the Men and Women of the House to vote Ought Not to Pass on the Majority Report, pass the Minority Report and I would also like to ask that the Clerk read the Committee Report. Thank you.

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 Portland, Representative Russell.

Representative **RUSSELL**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. A couple hundred years ago, someone said, "They who can give up essential liberty to obtain a little temporary safety deserve neither liberty nor safety." That was also Ben Franklin, and we have spent the last couple hundred years trying to balance public safety with the interests of liberty, the interests of privacy, and over the years, we've discovered that if law enforcement wants to knock on your door and search your home, that you can require them to procure a warrant before they do so. Why should that standard be any different when they are surveying you by air? The Majority Report, the report before us, asks the police, the law enforcement professionals, to write the rules by which they would be held accountable. That would be inconsistent with citizen oversight and that citizen oversight is our job. Our job is to make sure that everyday people, reasonable people have rules and have laws where they can have a reasonable sense of privacy.

So why is this issue before us in the first place? Right now, the FAA tightly regulates domestic drone use, UAVs, but that's about to change. Soon, law enforcement folks in states will be able to use high-powered technology for surveillance. It's up to our Legislature to ensure that we have strong privacy protections in place, that we have strong Fourth Amendment search and seizure protections in place before, not after, but before this becomes common police practice. We should make sure that we are limiting the role of government in surveillance. We talk a lot about the role of government – more government, less government. This ensures that average everyday people, that individuals have unalienable rights to privacy, to not be surveyed, that Big Brother does not descend on our state. We also hear the word "Dirigo" thrown around and I think there may be many opportunities for us to take a leadership role, but this would be one of the most foundational, fundamental reasons to do so. So I ask the question today, if people are willing to give up essential liberty to obtain a little temporary safety, because if we do, if we do that for the people of Maine, if we give up our liberties, we may neither get liberty nor will we get safety, and I would argue we would be setting a dangerous precedent for our children and their children. So I hope that we will do what we have always done in this great country and err on the side of the individual rights to privacy and let the law enforcement do what they are supposed to do, and that is to abide by the laws that the citizens create. Thank you, Mr. Speaker.

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

Representative **CROCKETT**: Thank you, Mr. Speaker. Mr. Speaker, Distinguished Members of the House. I love what we're talking about here. We're talking about civil liberties and limited government. This is a great conversation to have. In fact, it's one that the Majority Report embraced because the Majority Report and Majority Report alone placed a moratorium on drones used by law enforcement in the state. Now, that is the motion before us, so let me just clarify that because I notice in the debate we seem to be straying a little bit from this. There is a

moratorium in the Majority Report. I believe the good House Chair mentioned that. Now, we want to protect the Fourth Amendment so we brought that forward. Now, why is the Criminal Justice Academy working on these rules? Well, here's the problem. The State of Maine has one drone. It's a \$249 prototype. We actually don't have a big drone problem in the State of Maine because we just don't have drones, so we need to develop a way to use them. We have no real knowledge base as far as how to implement drones, how to ensure civil liberties are protected, so we put a moratorium until we could develop these rules because if you had a warrant requirement for a drone, how would you plead particularity and probable cause. Probable cause would be easy because you would go to look at a certain thing, because those are the two requirements for a warrant, back to I know some of the teachers in here will remember what warrant requirements are. So particularity. You're flying a drone 15 to 20 miles to where you are going to be searching for marijuana plants in the middle of the woods. Well, that means that when you fly that drone, you have a camera because that's the only way you can fly an unmanned aerial vehicle and you're flying over a whole bunch of woods between wherever you took off from and where those marijuana plants are suspected. So does that mean you have to have your entire route planned for that drone as your particularity? Is that your location that you have the warrant for? If we were searching your house, we'd have 152 Smith Road and we're looking for illegal guns or marijuana, but how do you do it for a drone? It's not known. The Attorney General didn't know how to do it. That came out in testimony at the committee. So we want to implement rules so that we can further protect citizens and their privacy rights.

Now, while we are doing that, there is also an industry that is coming to northern Maine, the old Loring Redevelopment Authority. We have a company that would like to test fly or research and development and also manufacturing testing of drones, so we wanted to create a law that was also conducive to that because Aroostook County needs jobs. So the Majority Report, again, came up with some clever crafting to make sure we didn't adversely affect those investors in that growing business, because Maine doesn't have enough growing businesses. So we are sitting here trying to put together the Majority Report, a combination of privacy protection while trying to meet the needs of law enforcement, but law enforcement really said we don't have a big use for drones right now. You may be creating a problem that doesn't exist right now because we just don't have that technology available to us. So I think sometimes we have esoteric debates here. We tilt at windmills. We develop new speed limits for the Bat Mobile, even though we don't own the Bat Mobile. That's the equivalent of what we're doing, so I would urge you to support the pending motion out of just practicality, because we are going to stand here and we are going to debate the greatness of the Fourth Amendment, a question that none of us have. We all agree with the Fourth Amendment and the privacy pieces involved in that and the limitation on police powers, but how do we achieve that. This motion and the Majority Report does that, so I would urge you all to support the Majority Report. Thank you.

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

Representative **MORIARTY**: Thank you, Mr. Speaker. Good evening, Fellow Members of the House. I rise as a member of the Minority on this LD and I urge opposition to the pending motion. Before commenting further, I want to express my admiration for the insight and analysis by my good colleague, Representative Priest, who serves as the House Co-Chair. However, as often is the case, reasonable people can disagree

on the same issue. It seems to me in my brief five to six-month tenure here as a member of the House that privacy this session has emerged as a recurrent theme. We saw it first in March and April when we were discussing something that didn't impact the Fourth Amendment as such, but still impacted our concept of privacy and that was the right of a concealed handgun permit, to have his or her name not kept or maintained as part of a public record. In the weeks since that time, some of the issues with which we have dealt have focused in more narrowly on the traditional or garden-variety type constitutional issues regarding the Fourth Amendment and the protection against unwarranted searches and seizures. The consistent theme has been that technology has evolved rapidly, something with which I think we could all agree, and that traditional concepts and notions of privacy have been compromised as a result and need more than ever to be protected.

The good Representative from Bethel has just commented that we don't have a drone problem now because we by and large don't have any drones. That's a point with which I would agree to an extent. But our job, when it comes to maintaining our oaths and our duties, is to stay ahead of the curve. We should not wait for a problem to emerge before we respond. We can be and should be proactive when it comes to preservation of constitutional rights. It would probably have been unthinkable a year ago to have envisioned this thing we call a drone hovering around our backyards and in the close vicinity of our homes, and we all probably would have recoiled in horror at the very thought that that could happen, but such is the pace of change in technology. It now can happen and in some areas is happening and the research and development continues, virtually guaranteeing that it will happen more often and more frequently than ever before. It is true that the pending legislation deals with the law enforcement use of drones only, thereby leaving open the door to the various exceptions that are allowed for responses to public emergencies and things of that nature. But when we focus upon the potential law enforcement use of drones, we have to keep a firm eye on the ball which is the preservation of our fundamental constitutional rights. A warrant for the use of a drone, in my view, ought to be the starting point for our discussion, as opposed to merely one of many recommendations at the conclusion of an analysis. We, as a body, ought to make a firm legal constitutional determination that if and when drones become used on a widespread basis in law enforcement that a warrant is a requirement, and having made that statement at the outset, we can then proceed to study some of the related issues that have been articulated in the time that will be available to us. But there ought not to be any confusion about what our beginning point is, and it is that. A warrant is required for intrusion of this type. Look at what we've done just in recent weeks. We've required a warrant for cell phone tracking. We've required a warrant for the placement of a camera on one's property without the owner's knowledge and consent, and just yesterday, we voted to require a warrant for the disclosure of cell phone content. Having done all of that in just a matter of 10 days or two weeks, how could we conceivably not require a warrant for the use of a drone? I urge rejection of the motion so that the report of the Minority may be considered. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from China, Representative Cotta.

Representative **COTTA**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. A couple of little quick points. First of all, I look at this as a moment to take a deep breath because the focus on the motion before us is, first, it has a moratorium. Second, it outlines the management aspect and clearly mentions in the legislation that when they develop the

plan, they have to look at the Fourth Amendment and the question that's been inferred, that the Criminal Justice Academy is doing it and the police are regulating the police and whatnot. That source was selected because of the fiscal note. You have subject matter experts that are on staff, but more importantly, what hasn't been said here today, is that when those recommendations are done, and again there is a moratorium. Currently, it is July of 2014. When those recommendations are done, they will be returned to the committee that is authorized to submit legislation. So saying that we're making rules where we need laws, we're making laws after a review. I think that that only seems prudent to do it that way. The idea of a warrant on an aircraft that doesn't exist in a program that hasn't even been started, I just think it's Chicken Little. I think that we are challenged in this committee to move methodically, to weigh things, to protect our rights, and I believe in all of our constitutional rights. But the bill, we thought how it's going to be done, who is going to review it, how the legislation will be done, so before we distract the conversation to a "Chicken Little, the sky is falling" and it's all about warrants. It's about process, it's about organization and moving forward. I would recommend and I do support the Majority Ought to Pass as Amended. Thank you.

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

Representative **COOPER**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to the Majority Report for two reasons. First of all, since the birth of this great nation, it has been the role of the courts to determine whether and how a search and seizure shall be conducted. That is a decision as to whether or not probable cause exists and the means by which that search and seizure shall be conducted. There is no reason to delegate that responsibility to some advisory board. The court system is well versed in the factors that have to be considered and there is no reason to distrust their judgment about such matters. The second point, I'd say, is that drones, although I take it they are not in wide use in this state yet, are, in my mind, a form of legal Peeping Tom. They cannot be contained in the sense of what that device sees. I foresee a time in the not distant future where they not only are a roving camera, but have the capability to record sound, can be used at night using night vision, and other technological advances that will make them even more intrusive into the most private parts of our lives, not only the private parts of an intended suspected suspect's activities but everybody around. I feel that that is just a step we would certainly not want taken. Thank you.

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

Representative **MOONEN**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise as a member of the Minority Report in opposition to the pending motion and this is the fourth of four privacy bills that the committee has dealt with this session, and I want to remind everybody the last time we debated one of these bills, we talked about *United States v. Jones*, which was a unanimous U.S. Supreme Court opinion that said that law enforcement could not put a GPS on your car without a warrant. In that same decision, that unanimous decision, the court said that they felt that they had a lack of clarity from Congress and from State Legislatures on whether or not the Fourth Amendment applies to new technology. Well, in our first three privacy bills this session, we have given them that clarity. We have sided every time with warrants stating clearly that the Fourth Amendment does apply to new technology. We did that with cell phone location tracking, cell phone content and with cameras, and I think the cameras bill is especially important

because we said warrants are necessary for installing cameras. Drones are just flying cameras, so this should be treated exactly the same way. Flying cameras should require a warrant just like nonflying cameras should.

The Representative from Bethel mentioned the business and the manufacturers that are interested in working on this in Aroostook County and the Chief Executive's office was very clear when we were working on these bills that he wanted that business to succeed, to be able to do the research, the design necessary for that business and made it also very clear that a veto would come if there were not exceptions for that business. Both the Majority and the Minority Report actually include research and design exceptions for that business, so that business can go forward. That's not really an issue that you need to consider when choosing between these reports because that exception for business is in both. I would remind everybody that the Representative from Portland, Representative Dion, said that he never had trouble getting a warrant when he was a sheriff and that gives me the peace of mind that I need to know that a warrant is not an insurmountable burden. If law enforcement needs to get a warrant, most of the time they probably can. So I think, given all of that, we should have the consistency with what we have said so far, which is that the Fourth Amendment should apply to new technology. Finally, I would say that the Representative from China said that we could go through a process and we could have the Criminal Justice Academy weigh in and bring a bill back next session, and I can promise you next session we will be debating whether or not we should have warrants on drones. Nothing will change about this debate between now and a year from now, so I say we settle the debate now. Thank you very much, Mr. Speaker.

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

Representative **GUERIN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise today as a member of the Judiciary Committee in opposition to the motion before us. Could our founding fathers ever, in their wildest dreams, have thought that 24-hour, 365 days a year live feed audio and video government surveillance through the use of drones would be possible when the Fourth Amendment was written? If they did, it would have been in the context of science fiction. Some will argue that Open Fields Doctrine from the case back in 1924 would allow drone use. Again, the authors of Open Fields Doctrine would never have thought that surveillance being possible 24-7, 365 days a year through unmanned drones that could be as small as a dragonfly. A law enforcement officer walking through an open field or forest or staking out an area for a few days or hours is a far cry from around the clock, year in, year out, regardless of the weather, drone surveillance available for as little as \$295 online. Today, we are left yet again as we were with cell phone tracking, cell phone content and other privacy bills with guidance from the words of Thomas Jefferson: "The price of liberty is eternal vigilance." Requiring a search warrant for the use of a drone armed with a surveillance camera and sound equipment is our protection for liberty in the digital age. If you are operating a drone with a search warrant, you can remotely turn the camera on when you reach your search destination, making the question of miles of unintended surveillance that was mentioned earlier in the debate a moot point. The Minority Report that I support is an alternative to the current motion. It applies only to law enforcement and not private use of hobbyists or businesses. Maine drone company business interests are protected under section 4502, subsection 3, which states an unarmed aerial vehicle may not employ the use of facial recognition technology or be equipped with a weapon, except for

research and development. That is the protection for business, that we purposely put in the report. In the Minority Report that is very clear. Please vote red with me in support of personal privacy from government surveillance and support of the Fourth Amendment. Thank you.

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

Representative **AYOTTE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I want to thank Representative Priest for submitting this bill and also for supporting it. I just want to give a different slant on drones. I know that we tend to associate them with war, terrorism, Afghanistan, spying, etcetera. However, I do want to remind you that a number of instruments of war down through the ages have become instruments of peace, which I will cover directly. As it is written, we will note the swords and the plowshares, and so it can be with drones, they can be used for peaceful purposes. Sometimes opportunities only present themselves once. It has presented itself. For the people of Aroostook County, it's an opportunity and I will talk to that directly. It's for us, the Maine State Legislature, to seize the day and commend that opportunity. That's why it's very important in this age of terrorism, both domestic and foreign, that we are prepared and well trained in the use of drone technology. Aroostook County offers this opportunity. It's a relatively remote area of Maine. It's an ideal site for experimental research and refining and studying drone technology. Remember in 1951, Aroostook County, on the Canadian border, was chosen for the strategic air command base at Loring Air Force Base, Limestone? I remember its inception in 1951. It was a very positive thing that happened to Aroostook County, provided jobs, built a fantastic high school, we met students from all over the world, and this can be accomplished again with this drone technology. It's a safe area. The people of southern Maine wouldn't even know it exists. Before I could support or before I decided to support this program in Aroostook County, I did some questioning and research on my own and I did discover that Attorney General Mills is in full support of this LD and has submitted an amendment that requires a report back to the Judiciary Committee from the Criminal Justice Academy. I think Representative Cotta mentioned this as to why they chose this route. On the privacy issues before any further legislation notion can be taken, I think Representative Crockett did address that issue where it's quite complicated. We want a moratorium on there so we could study it more and come up with rules and regulations that were appropriate for using drones over various areas of the country. I also want to emphasize that the Attorney General has set specific parameters for the police guidelines for what can and cannot be done. As I mentioned, the moratorium has been established for a criminal investigation. That is no criminal investigation. There is a one-year moratorium on it. I want to make that perfectly clear. They are absolutely barred from using drones for surveillance, peaceful picketing and in similar cases.

I also want to speak of the importance of economic development aspects of the diverse beneficial social use of the vehicle. Drone technology can be used for weather purposes, such as predicting hurricanes, tornados and of course global changes in weather or patterns, to mention only a few. I spoke to a number of people about how drone technology could be used in a peaceful manner. They talked about firefighting, search and rescue. In case a child was lost or anyone was lost, a drone could be used for search and rescue, could be used for a survey of animals and wildlife counts, wildlife population. It could be used for crop inspections. Insects moving in from various areas of the country. They could predict and therefore come up with

ways to offset the effect of the locusts or the insects coming in because of drone technology. It can be used, of course, in many ways in agriculture and forestry. There are many ways that drone technology can be used in a peaceful manner and that's why it's important. The more you experiment with a technology, the more you study it, the more you do research, the better able you are to use this technology in a positive manner, and that's why we are asking you to support the Majority Report, because we believe we can improve, we can actually improve the use of drone technology so that we can better use it for peaceful means. We won't always be using it for destruction or war. We can use it for peaceful means and, believe me, Aroostook County is a remote area. It's very accustomed to aerial planes. I remember the B-36, the Sabre jets of the 1950s. The B-52 bombers were over all the time. One person complained about it and I remember someone said it's a lot better to have the B-52 bombers and the Sabre jets over us than enemy bombers and enemy jets. That's absolutely true. The same with drone technology. I can be used and will be used for peaceful means, if we can do research and develop the technology. Thank you, Mr. Speaker.

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

Representative **PRIEST**: Thank you, Mr. Speaker, Fellow Representatives. Let me just deal with a few of the objections that have been made to the Majority Report. On the one hand, a drone is merely a flying camera. We heard that. On the other hand, it's a new item, a brand new item which could stay aloft indefinitely, which can operate at night and which can peer into our houses. On the one hand, we should just rely on warrants. On the other hand, we give judges no guidance whatsoever on how to decide whether a warrant application is valid. I would remind this House, again, that warrants themselves are not sufficient. If they are so easy to get that the good Representative from Portland, Representative Dion has never had one turned down, then what kind of protection are they? On the other hand, if warrants were that useful, take a look now at what's going on nationally with the NSA, which we found out got warrants from the terrorism court to be able to take a look at all of the phone numbers in the entire country on a daily basis. Warrants by themselves are not sufficient. We have to give guidelines to the judges for deciding on warrants. The Majority Report will end up doing that. The Minority Report gives no guidance whatsoever. Thank you.

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

Representative **MOONEN**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. Real quickly, I just wanted to address some of the comments from Representative Ayotte. As I said before, there is an exception for research and design, so when you're talking about things like predicting hurricanes, when you're talking about land surveyors, the Judiciary Committee actually spent time talking to land surveyors and this report does not affect them at all. It also has exceptions for emergencies, so the good Representative mentioned search and rescue. There is a search and rescue exception in this bill, so law enforcement, if somebody is lost on a skiing mountain or lost anywhere, if they want to perform a search and rescue and they want to use a drone to fly somewhere and look for somebody, they can do that. That is allowed. So in terms of emergency exceptions, in terms of individual use, in terms of land surveyor use, none of that is addressed in this bill. This bill is only about law enforcement using drones for investigations and whether or not a warrant should happen in that case. So everything else is just a distraction and let's focus on what this bill

is actually talking about, whether or not a warrant is necessary for an investigation. Thank you, Mr. Speaker.

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

Representative **CROCKETT**: Thank you, Mr. Speaker, and I apologize for droning on, but there are a couple of points of clarification. The industry that supports the research and development wants the Majority Report. They do not want the Minority Report. That has been made abundantly clear through communications with the Attorney General that they are all subject to FOIA. That has been made abundantly clear. Anything to the contrary is not accurate. That's one. Two is I think I'm actually the only person in this building or in this chamber who has used a drone in battle. I have used it in surveillance. When you set up Ops on enemy hills or close to the Pakistan border, we always used drones as our night guard with hellfire missiles attached to them and they gave you a great sense of security and they have to be guided by cameras. That goes back to your warrant requirement. That's why it's so important that you have to note with particularity what you are putting in your warrant, if that entire flight plan is going in your warrant or not, and if me, someone who is an attorney, who has actually used a drone in battle, doesn't know how to plead with particularity in a warrant on a drone, then I'm not sure. It kind of explains why the Attorney General said they're not sure how to do it yet either. We need to develop more thorough rules and that's all we're asking for. Place a moratorium on every drone in the State of Maine for law enforcement, including the \$249 one that exists now. That's why the Majority Report is so important. Give us time. Let us come up with a good law. Thank you, Mr. Speaker.

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

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

The SPEAKER: The Representative may pose his question.

Representative **EVANGELOS**: Thank you. I understand that it's the Board of Trustees of the Maine Criminal Justice Academy that will be undertaking the study and adopting the standards, and why weren't there any civil liberties groups included in the development of the standards? Thank you.

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

Representative **PRIEST**: The quick answer is we had to have somebody who could do it without a cost. There will be obviously plenty of time for civil liberties people to talk to us when the Judiciary Committee is considering those reports in coming up with a bill. We would expect that we would have a full input from the Maine Civil Liberties Union and from the American Civil Liberties Union.

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

Representative **EVANGELOS**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. Honestly, a fiscal note means we have to sacrifice our civil liberties. Honest to God.

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. 355

YEA - Ayotte, Beaulieu, Beck, Black, Bolduc, Casavant, Clark, Cotta, Crafts, Crockett, Dion, Farnsworth, Fitzpatrick, Fowle, Gifford, Graham, Grant, Harvell, Hobbins, Hubbell,

Jackson, Johnson P, Knight, Kumiega, Lajoie, Long, Luchini, MacDonald S, Maker, Marean, Marks, Mastraccio, McCabe, McElwee, Nadeau A, Nutting, Parry, Pease, Pouliot, Priest, Rankin, Rochelo, Sanborn, Saucier, Short, Theriault, Timberlake, Volk, Wallace, Weaver, Welsh, Willette, Wilson, Winsor, Wood, Mr. Speaker.

NAY - Beavers, Berry, Briggs, Brooks, Campbell J, Carey, Cassidy, Chapman, Chenette, Chipman, Cooper, Daughtry, Davis, DeChant, Devin, Dill, Dorney, Dunphy, Duprey, Espling, Evangelos, Fredette, Frey, Gattine, Gideon, Gilbert, Goode, Guerin, Hamann, Harlow, Hayes, Herbig, Hickman, Johnson D, Jones, Jorgensen, Kaenrath, Kent, Keschl, Kinney, Kornfield, Kruger, Kusiak, Libby A, Libby N, Lockman, Longstaff, MacDonald W, Malaby, Mason, McClellan, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, Nelson, Newendyke, Noon, Peavey Haskell, Peoples, Plante, Powers, Pringle, Reed, Rotundo, Russell, Rykerson, Sanderson, Schneck, Shaw, Sirocki, Stanley, Stuckey, Tipping-Spitz, Treat, Turner, Tyler, Verow, Villa, Winchenbach.

ABSENT - Beaudoin, Bennett, Boland, Campbell R, Chase, Cray, Dickerson, Doak, Gillway, Peterson, Saxton, Werts.

Yes, 56; No, 83; Absent, 12; Excused, 0.

56 having voted in the affirmative and 83 voted in the negative, with 12 being absent, and accordingly the Majority **Ought to Pass as Amended Report was NOT ACCEPTED.**

Subsequently, on motion of Representative **PRIEST** of Brunswick, the Minority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "B" (S-282) was READ** by the Clerk.

On motion of Representative **BERRY** of Bowdoinham, **TABLED** pending **ADOPTION of Committee Amendment "B" (S-282)** and later today assigned.

ENACTORS

Emergency Measure

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)

(C. "B" H-506)

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. 84 voted in favor of the same and 47 against, and accordingly the Bill **FAILED of PASSAGE TO BE ENACTED**, and was sent to the Senate.

Emergency Measure

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

(H.P. 1061) (L.D. 1480)

(C. "A" H-536)

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

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

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

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

Representative **THERIAULT**: Thank you, Mr. Speaker. As the Chair of Transportation, I ask you, I urge you, the members of this body, to support this unanimous report out of committee, Ought to Pass on Committee Amendment "A." It is a balanced budget and we have worked hard to get there. I want to thank the members of the Transportation Committee on both sides of the aisle for all their work and dedication and so, at this point, I'd like to see some green lights on. Thank you, sir.

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

Representative **PARRY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I wanted to just concur with my good friend, the Chair from Madawaska. I feel like I'm one of the luckiest people in the chamber where my two committees, Transportation and Marine Resources, we don't do partisan and it's really good that, I think, we had one 9-4 bill all year and even in Marine, the bills that were divided weren't divided Republican/Democrat. They were divided areas/locations and stuff like that. As my good friend, the chair, said, we worked really hard on this budget. We came to consensus on the entire budget and this will get a lot of our roads and bridges done over the next two years. Thank you very much.

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

Representative **McLEAN**: Thank you, Mr. Speaker. Mr. Speaker, Women and Men of the House. I rise today in support of the pending motion on the passage of the highway fund budget. If the thought of bridge decking, culvert thawers and light capital paving doesn't conjure up warm, cozy feelings I wouldn't be surprised, but our transportation infrastructure has come a long way since the horse and buggy and on the dirt road. In the middle part of last century, we built thousands of miles of roads across this country. These roads literally laid the foundation for the economic expansion that has fueled the growth in our economy that we benefit from today. In this century, we are now faced with a different challenge, one of maintaining our transportation infrastructure. The highway fund budget, funded primarily through federal and state gas taxes and driver exam fees, is the lifeline of our state. Without it, we wouldn't have the roads, bridges, rail, air and ferry service that undergird our economy. Many of us take for granted the safety and general good repair of our roads and bridges in Maine; however, our winters and the total number of road miles in Maine create a constant challenge to ensure they are safe and well kept. We often only see the condition of the pavement, but much of what we don't see and what costs money lies below, the repair and maintenance lies below. For example, the girders on the bridge and the foundation of the road. As cars' fuel efficiency increases, we burn less fuel and subsequently take in less gas tax. This has created a dramatic reduction in funding for our roads and bridges. The DOT's three-year work plan is underfunded by \$110 million. This means that our state is \$110 million short of adequately funding the repair and ongoing maintenance of our roads and bridges, and the current funding model is not sufficient to support the repair. We can't continue to significantly underfund our infrastructure in our state. Bad roads cost us all money in car repairs and lost time. We rely on good roads to get to work and to school, our firefighters and police need good roads to respond on when we need help, and our businesses rely on good roads to move their goods to market safely, quickly and efficiently. And given the increasing fuel efficiency of vehicles and the growing ineffectiveness of our gas tax, we need to seriously think about overhauling the way we pay for our roads and bridges in a fair, equitable and modern way. In the meantime, this budget makes some cuts to the repairs of our aging infrastructure, but they were

made strategically to reduce the number of cuts and maximize the number of roads that were repaired. As a first year legislator, I want to thank the chair of our committee, the good Representative from Madawaska, who has demonstrated great leadership on our committee. I also want to thank my colleagues from across the aisle for a spirited discussion on how to maintain our transportation infrastructure, given our available resources. But I especially want to thank my seatmate, the good Representative from Westbrook, Representative Peoples, who maintains a wealth of knowledge on transportation issues. She has also given many years of service to her community and the transportation field. I thank her for her service and being a resource for so many on the Transportation Committee. I am very proud of the work that our Transportation Committee has done given our available resources, and I urge you to support our unanimous budget. Thank you, Mr. Speaker.

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

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

ROLL CALL NO. 356

YEA - Ayotte, Beaulieu, Beavers, Beck, Berry, Black, Bolduc, Briggs, Brooks, Campbell J, Carey, Casavant, Cassidy, Chapman, Chenette, Chipman, Clark, Cooper, Cotta, Crafts, Crockett, Daughtry, Davis, DeChant, Devin, Dill, Dion, Dorney, Dunphy, Duprey, Espling, Evangelos, Farnsworth, Fitzpatrick, Fowle, Fredette, Frey, Gattine, Gideon, Gifford, Gilbert, Goode, Graham, Grant, Guerin, Hamann, Harlow, Harvell, Hayes, Herbig, Hickman, Hobbins, Hubbell, Jackson, Johnson D, Johnson P, Jones, Jorgensen, Kaenrath, Kent, Keschl, Kinney, Knight, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby A, Libby N, Lockman, Long, Longstaff, Luchini, MacDonald S, MacDonald W, Maker, Malaby, Marean, Marks, Mason, Mastraccio, McCabe, McClellan, McElwee, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau A, Nadeau C, Nelson, Newendyke, Noon, Nutting, Parry, Pease, Peavey Haskell, Peoples, Plante, Pouliot, Priest, Pringle, Rankin, Reed, Rochelo, Rotundo, Russell, Rykerson, 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 - NONE.

ABSENT - Beaudoin, Bennett, Boland, Campbell R, Chase, Cray, Dickerson, Doak, Gillway, Peterson, Powers, Saxton, Werts.

Yes, 138; No, 0; Absent, 13; Excused, 0.

138 having voted in the affirmative and 0 voted in the negative, with 13 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, To Establish the Study Committee on Alternative Methods of Enforcement of Spousal Support

(S.P. 155) (L.D. 375)

(C. "A" S-294)

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. 109 voted in favor of the same and

19 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, Approving the 2013 Draft and Arrangement of the Constitution of Maine Made by the Chief Justice of the Supreme Judicial Court and Providing for Its Publication and Distribution
(S.P. 607) (L.D. 1564)

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. 130 voted in favor of the same and 1 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Acts

An Act To Increase Maine's Energy Competitiveness
(S.P. 246) (L.D. 697)
(C. "A" S-292)

An Act To Promote Sustainable Food Policies
(S.P. 283) (L.D. 745)
(S. "A" S-298 to C. "A" S-136)

An Act To Improve the Quality of Guardian ad Litem Services for the Children and Families of Maine
(S.P. 297) (L.D. 872)
(C. "A" S-297)

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)
(C. "A" H-533)

An Act To Amend the Maine Medical Use of Marijuana Act with Regard to Excess Prepared Marijuana
(H.P. 1011) (L.D. 1423)
(C. "A" H-537)

An Act Regarding Insured Value Factor Payments for Public Tuition Students Attending a Private School
(S.P. 563) (L.D. 1505)
(C. "A" S-293)

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, Regarding Legislative Review of Portions of Chapter 3: Maine Clean Election Act and Related Provisions, a Late-filed Major Substantive Rule of the Commission on Governmental Ethics and Election Practices
(H.P. 1110) (L.D. 1543)
(H. "A" H-538)

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** with the exception of matters being held.

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

SENATE DIVIDED REPORT - Majority (8) **Ought to Pass as Amended by Committee Amendment "A" (S-306)** - Minority (5) **Ought Not to Pass** - Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Fix and Improve the System Used To Evaluate or Rate Public Schools in Maine"
(S.P. 585) (L.D. 1540)

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

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

Representative **MacDONALD**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. This bill deals with the issue of evaluating our public schools, our K-12 schools. You may remember that not long ago, the Chief Executive and the Department of Education initiated a program of grading Maine's K-12 schools by a single letter grade based on student scores on standardized tests in English language arts and mathematics. As you know, this program was met with widespread concern and, in many cases, distained by parents, school committees, school faculties and staff. When the Education Committee asked the Commissioner of Education what was the basis in law for such a program, we were directed to Chapter 222 in our laws that have to do with standards of student performance. Nowhere in those sections of law does it talk specifically or even generally about a system of grading public schools by a single letter. In fact, those sections of law upon which this was based really look at student achievement. The legislative findings said that students must be prepared for success in life and in commerce and in further education, that we need to determine what each student knows and is able to demonstrate. We need to be able to provide school officials with information to assess the quality and effectiveness and appropriateness of educational materials and methods and curriculum and enrichment in their schools. That section of law that was used as a basis for these school grading systems says that the section existed to provide school staffs with information about the individual students that may be used with other information to meet individual educational needs of the student. The statewide assessment program may not be the only criterion for judging student performance. Mr. Speaker, the section of law upon which this grading system rests really is directed at student achievement and providing school staffs and parents with information about student achievement on an individualized basis and says nothing and never did anticipate, I believe, the use of that system for individualized single grades for whole schools. That said I do believe that this administration and perhaps future administrations will perhaps use this section of law to continue this system of grading our public schools with a single letter grade. Remember that this letter grade was based upon student results on standardized tests in English and in mathematics. These are not comprehensive school wide assessments of any kind, but rather individual student assessments in a couple of curriculum areas. Nonetheless, they were used as a basis for these school grades.

Mr. Speaker, the majority of the Education Committee believed upon seeing how this had been rolled out and how the law was being used, felt that an alternative process needed to be used. We do agree that it is worthwhile for us, necessary for us to evaluate our public schools and to have a robust public discussion about the quality of our public schools, but we do not think that the method based upon current law and going forward, if that's the way it's going to go, we do not believe that that is an adequate method. So the bill before you, LD 1540, would direct the Department of Education to convene a stakeholder group this

coming summer and fall, and that stakeholder group would consist of the Department of Education, the State Board of Education, teachers, parents, administrators, students and the Maine Education and Policy Research Group, working together as a community, if you will, a community board that would begin to look at a more robust, widespread and more useful way of evaluating our schools. This task force would meet throughout the fall and the bill would require it to come back with a report to the Education Committee this coming January and the Education Committee would have the opportunity, at that point, to report out a bill to the Second Session of this Legislature that would improve the whole method of school assessment. The bill would also place a temporary moratorium on using any other method of assessment until this task force had met and made its report to the Education Committee. Mr. Speaker, I would say that the majority of the committee on the report on this bill felt that indeed the opportunity is here for a strong public discussion about the quality of our schools and the effectiveness of our schools, but we believe that a more comprehensive inclusive approach instead of the top down approach that was used, a more inclusive approach other than the single standardized test that was used, a more inclusive approach is needed in order to get us where we need to be to have an adequate discussion about the effectiveness of our public schools. So based upon that, Mr. Speaker, I ask the Men and Women of the House to support the Majority Ought to Pass as Amended Report. I thank you, Mr. Speaker.

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

Representative **McCLELLAN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am standing in opposition to the motion at hand and this year, when we talk about the Education and Cultural Affairs Committee, when you hear we and the majority of the committee, be clear that the committee very often was split. Many of the votes, you'll see this year from the committee, were 9-5. So we met on one side as opposed to the other. Now, to me, LD 1540 was a kneejerk response to the Chief Executive and the Department of Education creating a local school system report card classification, as I think everybody is aware of, and I can be honest with you. I wasn't a big fan when that came out and tonight I'm very clearly not a big fan of this bill as well. I think the Chief Executive's idea was to shake things up and I recall seeing in the days following the scorecards coming out, that I think things were shook up, that a lot of communities bonded together. You saw people, parents come to their schools and say "We're not a D. We're not a C. We're better than this." I don't know if that has continued, but at least in the short-term, it seemed to work in that respect again, although I wasn't a fan of it. Now, Mr. Speaker, earlier today, the good Representative from Brooksville, I think, spoke well about the quality of this bill. I could never do as well a job as he had done. But I think more importantly, the good Representative from Brooksville offered to be involved in child centered efforts to improve schools and I think too often some of us here in this room are more concerned when we talk about education, in terms of funding, and I think other people here, when we talk about education, are more concerned with following the union. So I would say today, let's defeat LD 1540 and let's go to work on areas that would positively affect our children and our educators. Thank you, Mr. Speaker.

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

Representative **JOHNSON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I stand in opposition to this bill. I don't believe it's required. I believe the

Executive had the authority and the responsibility, I say the responsibility, to proceed with the issue at hand. I do think that his plan can be improved and I plan to offer suggestions on how to do that, but really, what we need now is an effective system of accountability and improvement. We need to, you know, the issue of standardized tests has been with us for a long time and that's how our state is graded and that's how the Federal Government grades our school systems, so standardized tests are a fact of reality, so incorporating them is a useful thing to do. Other things can be done too, but we really need to get on with the work of improving all our schools. Thank you very much.

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

Representative **DAUGHTRY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of the pending motion. When the Commissioner of Education and Chief Executive unveiled their school grading system, they stated that they wanted to start a public dialogue. Well, they most certainly did. While I am not opposed to having a universal evaluation system for our schools, something in which I think most of the Education Committee agreed about, I am opposed to the truly simplistic matter used in our current system. Instead of empowering our communities to improve our schools, this system chains them. Using the A through F system is a cruel way to evaluate our schools. We have created a scarlet letter and turned each of our schools into Hester Prynne. It didn't work in Florida and it won't work here, but other states do have evaluation systems that have worked and are far more detailed and informative. New Jersey, for example, has a great model that rates schools on a wide variety of subjects on a scale of 1 through 100. It also doesn't base its evaluation solely on two standardized tests and reading and math like our current system does. The bill before you will keep the ball rolling that was started by the initial effort of grading our schools, but instead of using a simplistic system which has created a system of shame and doesn't give a full portrait, why don't we empower our communities and parents with a better evaluation system which shows a full picture of your school, which as a parent or a student or a community member you can look at that report and say, "Wow, my school has an excellent theatre program. They are doing pretty well in math. But in critical thinking and reading, they really need some support, so what can we do to rally around them, change their curriculum and make sure that our schools here in the State of Maine are the best for our students so we prepare the students of Maine to be the workforce of the 21st century?" I urge you to support LD 1540. It put together stakeholders to create a report and an evaluation system that will benefit all Mainers. 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. 357

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

NAY - Ayotte, Beaulieu, Beavers, Black, Chapman, Clark, Crafts, Davis, Dorney, Dunphy, Duprey, Espling, Fitzpatrick, Fredette, Gifford, Guerin, Harvell, Hayes, Hickman, Jackson, Johnson D, Johnson P, Keschl, Kinney, Knight, Libby A, Lockman, Long, MacDonald S, Maker, Malaby, Marean, McClellan, Nadeau A, Newendyke, Nutting, Parry, Pease, Peavey Haskell, Pouliot, Reed, Sanderson, Short, Sirocki, Timberlake, Turner, Tyler, Volk, Wallace, Weaver, Willette, Wilson, Winchenbach, Winsor, Wood.

ABSENT - Beaudoin, Bennett, Boland, Campbell R, Chase, Cotta, Cray, Crockett, Dickerson, Doak, Gillway, Peterson, Powers, Saxton, Theriault, Werts.

Yes, 80; No, 55; Absent, 16; Excused, 0.

80 having voted in the affirmative and 55 voted in the negative, with 16 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-306)** 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-306)** in concurrence.

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

SENATE PAPERS
Non-Concurrent Matter

Bill "An Act To Provide Economic Development in Aroostook County through Expanded Sale and Lease of State-owned Land" (S.P. 186) (L.D. 493)

Report "B" (2) **OUGHT NOT TO PASS** of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY READ** and **ACCEPTED** in the House on June 18, 2013.

Came from the Senate with that Body having **INSISTED** on its former action whereby Report "A" (10) **OUGHT TO PASS AS AMENDED** of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-86)** in **NON-CONCURRENCE**.

Representative EVES of North Berwick moved that the House **INSIST**.

Representative WILLETTE of Mapleton **REQUESTED** a roll call on the motion to **INSIST**.

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 **Insist**. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 358

YEA - Beavers, Beck, Berry, 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, 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, Pease, Peoples, Plante, Priest, Pringle, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn,

Saucier, Schneck, Shaw, Stuckey, Tipping-Spitz, Treat, Verow, Villa, Welsh, Mr. Speaker.

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

ABSENT - Beaudoin, Bennett, Boland, Campbell R, Chase, Cotta, Cray, Crockett, Dickerson, Doak, Gillway, Peterson, Powers, Saxton, Werts.

Yes, 83; No, 53; Absent, 15; Excused, 0.

83 having voted in the affirmative and 53 voted in the negative, with 15 being absent, and accordingly the House voted to **INSIST**.

REPORTS OF COMMITTEE
Divided Report

Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-305)** on Bill "An Act To Promote the Northern Maine Economy and Support Maine's Sporting Camp Tradition"

(S.P. 276) (L.D. 738)

Signed:

Senators:

DUTREMBLE of York
BURNS of Washington

Representatives:

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

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

Signed:

Senator:

HASKELL of Cumberland

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-305)**.

READ.

Representative SHAW of Standish 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 same Representative **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. 359

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

NAY - Carey, Daughtry, Dill, Farnsworth, Hubbell, Johnson P, Kruger, Stuckey, Tyler, Wood.

ABSENT - Beaudoin, Bennett, Boland, Campbell R, Chase, Cray, DeChant, Dickerson, Doak, Gillway, Peterson, Powers, Saxton, Werts.

Yes, 127; No, 10; Absent, 14; Excused, 0.

127 having voted in the affirmative and 10 voted in the negative, with 14 being absent, and accordingly the Majority Ought to Pass as Amended Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-305)** 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-305)** in concurrence.

ORDERS

On motion of Representative McCABE of Skowhegan, the following Joint Resolution: (H.P. 1134) (Cosponsored by Senator MAZUREK of Knox and Representatives: CASSIDY of Lubec, WELSH of Rockport)

JOINT RESOLUTION CONCERNING A PROPOSED EAST-WEST HIGHWAY

WHEREAS, We, the Members of the One Hundred and Twenty-sixth Legislature, find that the scope and scale of the proposed east-west highway, which would be the longest private road construction project in the State's history, warrant full legislative and administrative oversight; and

WHEREAS, over 175 small businesses on existing east-west routes are opposed to the proposed highway because of irreparable economic damage that would occur from the "bypass" effect due to rerouted traffic; and

WHEREAS, the State's fisheries, wildlife and recreational assets are central to the State's economy and a 220-mile highway bisecting the State would have an inevitable negative impact on habitat, recreational areas and the north-south movement of people and of animals; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-sixth Legislature now assembled in the First Regular Session, on behalf of the people we represent, want to protect the public interest with regard to this private road proposal and be certain the negative impacts are as minimal as possible; and be it further

RESOLVED: That we also want to ensure there is ongoing legislative oversight for any proposal that comes forward and to require an in-depth agency review of all potential impacts to the State's environment, small communities and existing economies along any proposed route.

READ.

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 present this Joint Resolution as a way to ensure the citizens of Maine that the Legislature will stand behind citizens across the state in making sure that the impact of a proposed east-west highway is looked at by this body and by the Legislature. Thank you very much.

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

Representative **SHAW**: Thank you very much, Mr. Speaker. Mr. Speaker, Men and Women of the House. I have a couple of questions about the east-west highway. Based on the current proposal and by watershed, what would the number of acres of land that would be converted to road, road corridor and associated development be? The proposal, proposed corridor designated to go from Calais to Coburn Gore, what's the estimated trout stream and river crossings that would need to be built and where? What will the impact be to fish migration and breeding? What are the endangered, threatened, special concern species, federal and state, located in the region on the mapped corridor? Does it overlap with Canadian lynx, Atlantic salmon, critical habitat? How many deeryards are present or border this proposed corridor? How will this highway, as proposed, impact animal and bird migration of species, such as whitetail deer, moose, black bear, marten, mink, coyote, beaver and bobcat? What are the estimated annual losses from road kill of mammal, amphibian and bird species? What protected lands or waterways, private or land trusts, local, state or federal will the propose corridor pass near or through? Will this proposed corridor come near or cross through Native American lands? How will the highway across northern Maine block traditional access to areas where family camps and traditional hunting, fishing, trapping, ATV riding and snowmobiling take place? What documentation is available of the effectiveness of tunnels, bridges or other manmade passages in order for animals to cross highways? Are there any bald eagle nests located near the proposed corridor? What are the numbers in acreage and type of significant wildlife habitat intersecting the road corridor and within one mile of the corridor? There are a lot of questions to be had about the east-west highway and I would certainly hope that we move to adopt the Joint Resolution. Thank you, Mr. Speaker.

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

Representative **DUNPHY**: Thank you, Mr. Speaker. Rivers, brooks, fish, deer, eagles, acres being required to be cut, may I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative **DUNPHY**: What would be required to include wind development in this bill as well?

The SPEAKER: The Representative from Embden, Representative Dunphy, has posed a question through the Chair to anyone who may care to respond. Seeing none, is it now the

pleasure of the House that this Joint Resolution be Adopted? It's a vote. It will be sent for concurrence.

Subsequently, the Joint Resolution was **ADOPTED**.
Sent for concurrence.

CONSENT CALENDAR

First Day

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

(S.P. 540) (L.D. 1466) Bill "An Act To Amend the Law Governing Provider Contracts with Insurance Companies" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-284)**

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

The Committee Report was **READ**.

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

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

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

ROLL CALL NO. 360

YEA - Beaulieu, Beavers, Beck, Berry, Black, Bolduc, Briggs, Brooks, Campbell J, Carey, Casavant, Cassidy, Chapman, Chenette, Chipman, Clark, Cooper, Cotta, Crockett, Daughtry, Davis, DeChant, Devin, Dill, Dion, Dorney, Espling, Evangelos, Farnsworth, Fitzpatrick, Fowle, Frey, Gattine, Gideon, Gilbert, Goode, Graham, Grant, Guerin, Hamann, Harlow, Harvell, Hayes, Herbig, Hickman, Hobbins, Hubbell, Jones, Jorgensen, Kaenrath, Kent, Keschl, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby N, Longstaff, Luchini, MacDonald W, Maker, Malaby, Marean, Marks, Mason, Mastraccio, McCabe, McClellan, McElwee, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, Nelson, Newendyke, Noon, Nutting, Parry, Peoples, Plante, Pouliot, Priest, Pringle, Rankin, Reed, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Sanderson, Saucier, Schneck, Shaw, Short, Sirocki, Stanley, Stuckey, Theriault, Tipping-Spitz, Treat, Tyler, Verow, Villa, Volk, Wallace, Welsh, Willette, Wilson, Winchenbach, Wood, Mr. Speaker.

NAY - Ayotte, Crafts, Dunphy, Duprey, Fredette, Gifford, Jackson, Johnson D, Johnson P, Kinney, Knight, Libby A, Lockman, Long, MacDonald S, Nadeau A, Pease, Peavey Haskell, Timberlake, Turner, Weaver, Winsor.

ABSENT - Beaudoin, Bennett, Boland, Campbell R, Chase, Cray, Dickerson, Doak, Gillway, Peterson, Powers, Saxton, Werts.

Yes, 116; No, 22; Absent, 13; Excused, 0.

116 having voted in the affirmative and 22 voted in the negative, with 13 being absent, and accordingly the **Unanimous Ought to Pass as Amended Report** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-284)** was **READ** by the Clerk.

Representative FREDETTE of Newport moved that the Bill be **TABLED** until later in today's session pending **ADOPTION** of **Committee Amendment "A" (S-284)**.

Representative BERRY of Bowdoinham **REQUESTED** a roll call on the motion to **TABLE** until later in today's session pending **ADOPTION** of **Committee Amendment "A" (S-284)**.

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

The **SPEAKER**: A roll call has been ordered. The pending question before the House is to Table until later in today's session pending Adoption of Committee Amendment "A" (S-284). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 361

YEA - Ayotte, Beaulieu, Black, Clark, Cotta, Crafts, Crockett, Davis, Dunphy, Duprey, Espling, Fitzpatrick, Fredette, Gifford, Guerin, Harvell, Jackson, Johnson D, Johnson P, Jones, Keschl, Kinney, Knight, Libby A, Lockman, Long, MacDonald S, Maker, Malaby, Marean, McClellan, McElwee, Nadeau A, Nelson, Newendyke, Nutting, Parry, Pease, Pouliot, Reed, Sanderson, Sirocki, Timberlake, Turner, Tyler, Volk, Weaver, Willette, Wilson, Winchenbach, Winsor.

NAY - Beavers, Beck, Berry, 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, Herbig, Hickman, Hobbins, Hubbell, Jorgensen, Kaenrath, Kent, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby N, Longstaff, Luchini, MacDonald W, Marks, Mason, Mastraccio, McCabe, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, Noon, Peavey Haskell, Peoples, Plante, Priest, Pringle, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Saucier, Schneck, Shaw, Short, Stanley, Stuckey, Theriault, Tipping-Spitz, Treat, Verow, Villa, Wallace, Welsh, Wood, Mr. Speaker.

ABSENT - Beaudoin, Bennett, Boland, Campbell R, Chase, Cray, Dickerson, Doak, Gillway, Peterson, Powers, Saxton, Werts.

Yes, 51; No, 87; Absent, 13; Excused, 0.

51 having voted in the affirmative and 87 voted in the negative, with 13 being absent, and accordingly the motion to **TABLE** until later in today's session pending **ADOPTION** of **Committee Amendment "A" (S-284)** **FAILED**.

Subsequently, **Committee Amendment "A" (S-284)** 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-284)** in concurrence.

SENATE PAPERS

Non-Concurrent Matter

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

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

House **INSISTED** on its former action whereby the Majority (8) **OUGHT TO PASS AS AMENDED** Report of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-304)** in the House on June 7, 2013.

Came from the Senate with the Minority (4) **OUGHT TO PASS AS AMENDED** Report of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-305) AS AMENDED BY SENATE AMENDMENT "A" (S-307)** thereto in **NON-CONCURRENCE**.

Representative EVES of North Berwick moved that the House **INSIST**.

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

Representative **McCABE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise in support of Insisting on this bill and I appreciate the support from this body and we'll leave it at that.

Representative WILLETTE of Mapleton **REQUESTED** a roll call on the motion to **INSIST**.

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

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

Representative **McCABE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I thank you all for the opportunity to rise and draw this out a little bit longer. I rise today to thank everyone for their previous actions and remind folks that we are doing this in a manner of protecting water quality for future generations and I remind folks of the strong bipartisan support that this bill had in our last vote. Thank you, Mr. Speaker.

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

ROLL CALL NO. 362

YEA - Beavers, Beck, Berry, Black, Bolduc, Briggs, Brooks, Campbell J, Carey, Casavant, Cassidy, Chapman, Chenette, Chipman, Cooper, Cotta, Crockett, Daughtry, Davis, DeChant, Devin, Dill, Dion, Dorney, Dunphy, Espling, Evangelos, Farnsworth, Fowle, Frey, Gattine, Gideon, Gilbert, Goode, Graham, Grant, Hamann, Harlow, Harvell, Hayes, Herbig, Hickman, Hobbins, Hubbell, Jones, Jorgensen, Kaenrath, Kent, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby N, Longstaff, Luchini, MacDonald W, Malaby, Marean, Marks, Mason, Mastraccio, McCabe, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, Nelson, Noon, Nutting, Parry, Peoples, Plante, Priest, Pringle, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Sanderson, Schneck, Shaw, Stuckey, Tipping-Spitz, Treat, Tyler, Verow, Villa, Welsh, Wilson, Wood, Mr. Speaker.

NAY - Ayotte, Beaulieu, Clark, Crafts, Duprey, Fitzpatrick, Fredette, Gifford, Guerin, Jackson, Johnson D, Johnson P, Keschl, Kinney, Knight, Libby A, Lockman, Long, MacDonald S, Maker, McClellan, McElwee, Nadeau A, Newendyke, Pease, Peavey Haskell, Reed, Saucier, Short, Sirocki, Stanley, Theriault, Timberlake, Turner, Volk, Wallace, Weaver, Willette, Winchenbach, Winsor.

ABSENT - Beaudoin, Bennett, Boland, Campbell R, Chase, Cray, Dickerson, Doak, Gillway, Peterson, Pouliot, Powers, 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 House voted to **INSIST**.

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-559)** on Bill "An Act To Repeal the 2-year Limit on Methadone and Suboxone Treatments under MaineCare"

(H.P. 664) (L.D. 951)

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 "B" (H-560)** 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 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 Lubec, Representative Cassidy.

Representative **CASSIDY**: Thank you, Mr. Speaker. Mr. Speaker, Women and Men of the House. I rise today in support of the pending motion. This was originally my bill. It has gone through considerable work and discussion and now comes to the floor with a significant Committee Amendment. As a body, we already have had two extensive debates around substance abuse. Under this amended bill, a person recovering from addiction would be able to continue receiving coverage for methadone or Suboxone treatments if that person is pregnant, has serious or persistent mental illness, or if he or she lives with a child three years old or younger and is that child's primary caregiver. The amended bill also allows for those who have tapered down to low doses, also known as maintenance doses, to continue coverage. The new title of the bill would be "An Act to Amend the Prior Authorization Process for Methadone and Suboxone Treatments under MaineCare." This bill is a lifeline to the most vulnerable people who are making an honest effort to end their dependence on opiates. The goal of this legislation is not to foster dependence on government. It is not to spend money for its own sake. It is not to coddle anyone. No. Please disabuse yourselves of those notions. This legislation will reduce the number of drug addicts in our state and allow more people to become and remain productive members of society. It will reduce costly visits to the emergency room. It will reduce drug related crime. The two-year coverage limit currently in place was created with good intentions, but that number, unfortunately, was arbitrary. The unfortunate truth about addiction is that it can take a great deal longer to overcome. The tapering process is

different for everyone. Here is the bottom line: If Maine can have more people successfully transition away from drug addiction by using gradually decreasing dosages of methadone or Suboxone, we are doing ourselves a favor. We are saving the taxpayers money over the long run, we are saving lives and we are keeping families together. An addict is always a moment away from losing everything. It is in our interest to strengthen the fragile recovery process and make it permanent. It is not in our interest to tear it down. Maine needs more breadwinners and fewer addicts. Please help make that happen by supporting the Majority Ought to Pass as Amended Report. Thank you, Mr. Speaker.

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

Representative **SANDERSON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to the motion before us. There is a lot we don't necessarily know at this time about what's going on in our methadone clinics. We don't know the number of clients at the clinics. Well, this information, I'll back up just a little bit. This information is kind of encapsulated and delivered to our Substance Abuse Services Commission. This isn't information that the Legislature often hears. This isn't information that's often brought forward to us to make sure we're making the right decisions on this. We don't know the number of clients at the clinics. We don't know the number of clients who are receiving take-home doses of methadone. We don't know the average doses of methadone, although from all reports from folks who work there and from folks who help to try and counsel and treat folks who are utilizing methadone clinics, it seems as though there is never a tapering of methadone. It's always an increase of methadone as the body builds up a resistance to it. We don't know the incidence of tapering. We don't know the frequency of drug use in the past 30 days by clients in the clinics. We don't know the number of arrests in the past 30 days of clients at the clinics. We don't know the number of clients discharged and reasons for those discharged. And we don't know the number of deaths of these clients due to drug addiction. Yet what we want to do is we want to keep extending methadone forever and ever, amen, the end, and also we're going to raise the reimbursement which is going to create a fiscal note of over \$1 million. Before we do this, I say we find the answers to the questions that I put before you. I hope you will join me, vote down the Majority Ought to Pass Report, and then we can move to the Minority Report, which will ask to have those questions answered. Thank you.

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. There was a great deal of testimony during the course of the day in which we heard this bill and some other related bills. There is one piece of testimony I'd like to present to you, although I will not read it. It was from a doctor, Dr. Steven Weisberger, who practices in Jonesport, which is in Washington County. He has a full panel, which is to say he is approved by the DEA for 100 Suboxone patients. He usually handles in the order of 80 to 85. I delivered his testimony handwritten to the committee and I want to hit some highlights for you. He said, prior to 2013, in January of that year, when the law went into effect for a two-year limit on Suboxone, he had very little methodology by which he could sway his patients to buy into the concept of tapering. Then, when the law was enacted, he said, fully 40 to 50 percent of those patients began to taper and they have a goal in mind and what they are doing is sharing in the decision-making to seek a cure, to seek recovery. They are not prolonging substance abuse, which is

what we are doing when we enable people to stay on methadone forever or Suboxone forever. Now, Dr. Weisberger was pretty adamant in his letter that the two-year limit is a good thing, but he recognized that there are multiple pathways and he stated that he does not want to repeal the two-year limit, and he further stated that what he does want to do is allow for a liberal use of prior authorizations which enable patients to stay on this as long as they are buying into that decision, because if they buy into the decision, then they are going to get well over time. They are going to improve. They are going to get healthy. They are not going to sustain a lifetime of addiction. They are going to move to lessen their dependence on drugs. Dr. Weisberger was further exceptionally complimentary of the Department for how they designed the prior authorization process. If you should look up the testimony for 951, in his testimony, Dr. Steven Weisberger, you will see that page 3 and 4 are indeed the prior authorization process and the questions that doctors are asked to ask of their patients, what they address is those behavioral things that contribute to addiction about their personal life, about their work life, about those triggers that lead to this kind of activity. You know, Dr. Weisberger was not the only person who testified in favor, or should I say against, this bill. The Department, Dr. Kenneth Flannigan testified. Indeed, we have a member who was a prescriber on that committee who said there was some efficacy to not limiting this two-year thing and to allowing this to stay as it is. So I ask you, as you think about this, if you have not been touched by it, or if you have, the people who have gotten off drugs have gotten off drugs because they made a commitment to get off drugs. If we, as a state, are just going to allow them to continue to stay on this forever, well, then I guess you have to vote for the Majority Report. Thank you.

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

Representative **DORNEY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. In response to the Representative from Hancock, Dr. Flannigan actually spoke to me the day after we came up with this amendment and really liked the amendment. I think that we have learned a lot from the process where we did limits on Suboxone, and I think this is just a way of encouraging that. I just wanted to make one other statement in that the reason for the fiscal note on this bill has to do with the fact that in the last legislative session, they reduced the payments to methadone clinics from \$80 a week per patient to \$60, and the problem with that is that it then changed the amount of counseling that patients were able to get. There is now a ratio of 150 patients per 1 social worker. If we are really going to be limiting treatment with methadone, we need to get the actual treatment which is the counseling. If you cannot get counseling or adequate counseling, you are not going to be able to wean off your methadone or reduce your dose. So I just wanted to clarify that. Thanks very much. I hope you support this amendment.

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

Representative **GRAHAM**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. We are honored to have many wise professionals in this chamber and in the other body. Several of these wise individuals are physicians who have experience in care of patients with drug addiction. Why are we not listening to the professionals who are caring for these patients? Ladies and gentlemen, I respectfully request that we stop legislating health care and leave health care to professionals. Thank you.

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

Representative **SANDERSON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. There is an opportunity for counseling for a lot of these folks. In Rockland, they don't have a methadone clinic, but what they do have is Narcotics Anonymous. They have a very active Narcotics Anonymous group, it's free, and guess what? These people are sober. They're not going to a methadone clinic every day and getting their daily dose. These people are sober. No more methadone. Now, going to Narcotics Anonymous doesn't give 100 percent recovery rate, but it's a heck of a lot better than what's going on in our methadone clinics. They have the support groups they need. That's what they need to do. We need to embrace our Narcotics Anonymous groups, just like we have our Alcoholics Anonymous groups. I mean my goodness. What do we do with alcoholics? Do we open a tab at the bar and say, "Here you go. The drink's on us?" No, we detox them. We get them into support groups like Alcoholics Anonymous so they have the ability to support their peers and themselves, people who know exactly what they're doing. We don't just continually give them a drink and we shouldn't be doing that with methadone either. Now, some folks say you shouldn't be comparing apples to oranges. After the public hearing and the work session on this bill, I spent one day talking to three people for quite some time who were there, and these are the folks who are sober and they are saying that saying you can't compare alcoholism to an opioid addiction is ridiculous. They say an addiction is an addiction, because one of them battles with both. I repeat, these people are sober and they like being that way, and it wasn't easy, but they did it and they are so proud of themselves, and why aren't we pushing more people to try and get that kind of recovery? Thank you.

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

Representative **DORNEY**: Thank you, Mr. Speaker. I just want to remind people I think we have testified about this before, although some of this was in committee so it's hard to remember. MRI studies, people with opiate addiction have shown permanent brain changes which are not reversible, sort of like people with smoking who develop emphysema, have permanent changes in their lungs which are not reversible. The success rate for abstinence with opiate addiction is 5 percent. That means 95 percent will return to their opiate addiction if they are not treated. Thank you very much.

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

Representative **MALABY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I wanted to follow up on the good Representative from Norridgewock and say that the success rate for withdrawal from opiates for those in recovery is 100 percent.

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. 363

YEA - Beavers, Beck, Berry, 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, Herbig, Hobbins, Hubbell, Jones, 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, Priest, Pringle, Rankin, Rochelo, Rotundo, Russell,

Rykerson, Sanborn, Saucier, Schneck, Shaw, Short, Stanley, Stuckey, Theriault, Tipping-Spitz, Treat, Verow, Welsh, Mr. Speaker.

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

ABSENT - Beaudoin, Bennett, Boland, Campbell R, Chase, Cray, Dickerson, Doak, Gillway, Kent, Peterson, Powers, Saxton, Werts.

Yes, 80; No, 57; Absent, 14; Excused, 0.

80 having voted in the affirmative and 57 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-559) 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-559)** and sent for concurrence.

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

On motion of Representative PRINGLE of Windham, the House adjourned at 7:47 p.m., until 9:00 a.m., Wednesday, June 19, 2013 in honor and lasting tribute to Ralph H. Johnston, of Windham and Donald Allen Chandler, of Canaan.