

MAINE STATE LEGISLATURE

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

Daily Edition

First Regular Session

December 5, 2012 – July 10, 2013

pages H-1 – H-1282

ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE
FIRST REGULAR SESSION
64th Legislative Day
Wednesday, June 19, 2013

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

Prayer by Pastor Gayle Holden, Cox Memorial United Baptist Church, Hallowell.

National Anthem by Honorable Gay M. Grant, Gardiner.

Pledge of Allegiance.

Doctor of the day, Honorable Linda F. Sanborn. M.D., Gorham.

The Journal of yesterday was read and approved.

COMMUNICATIONS

The Following Communication: (H.C. 215)

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

June 18, 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 670, "Resolve, To Encourage the Use of Career Interest and Aptitude Tests in Higher Education."

Aptitude tests help students find areas where they have natural abilities, as well as match educational and career choices to those abilities. That is why access to these tests is crucial throughout a students' education career. For example, the Armed Services Vocational Aptitude Battery (ASVAB) test could be provided to every student in Maine at no charge. It would allow students to explore their interest and aptitude in a variety of areas, including business, education, law, and military service.

Unfortunately, while substantive bills providing access to these tests cannot pass the Legislature, Resolves directing studies of the issue do reach my desk. Asking the leaders of public education in our state to study this issue when there is no appetite to pass good legislation is the definition of a wasted effort. When we are ready to stand up and provide our students with options for these tests, I trust we will be able to move forward together. Until then, the Education Coordinating Committee should focus on efforts that may actually bear fruit.

For these reasons, I return LD 670 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage

Governor

READ and ORDERED PLACED ON FILE.

The accompanying item Resolve, To Encourage the Use of Career Interest and Aptitude Tests in Higher Education

(H.P. 462) (L.D. 670)

(C. "A" H-244)

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. 364V

YEA - Beavers, Beck, Berry, Boland, Briggs, Brooks, Campbell J, Carey, Casavant, Cassidy, Chapman, Chenette, Chipman, Cooper, Daughtry, DeChant, Dill, Dion, Dorney, Evangelos, Farnsworth, Fowle, Frey, Gattine, Gideon, Gilbert, Goode, Graham, Grant, Hamann, Harlow, Hayes, Herbig, Hickman, Hobbins, Hubbell, Jorgensen, 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, Pouliot, Powers, Priest, Pringle, Rankin, Rochelo, Rotundo, Rykerson, Sanborn, Saucier, Saxton, Schneck, Shaw, Short, Stanley, Stuckey, Theriault, Tipping-Spitz, Treat, 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, McClellan, McElwee, Nadeau A, Newendyke, Nutting, Parry, Pease, Peavey Haskell, Reed, Sanderson, Sirocki, Timberlake, Turner, Tyler, Verow, Volk, Wallace, Weaver, Willette, Winchenbach, Winsor, Wood.

ABSENT - Beaudoin, Bolduc, Devin, Dickerson, Doak, Jones, Kaenrath, Kent, Peterson, Russell, Werts.

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

85 having voted in the affirmative and 55 voted in the negative, with 11 being absent, and accordingly the Veto was **SUSTAINED**.

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

The Following Communication: (H.C. 216)

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

June 18, 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 671, "An Act To Protect Charter Schools by Requiring Them To Be Operated as Nonprofit Organizations."

It is sad to see bills focused on depriving students of educational choice land on my desk. Current law already requires charter school applicants to be nonprofit, nonreligious entities and those changes included in this bill add nothing. However, this bill goes further and adds new constraints to public charter schools, constraints beyond what traditional public schools face. Why should public charter schools not have the same access to education service providers that other schools have?

Unfortunately, I believe we know the answer. This bill – like many others – is part of a coordinated effort to maintain the educational status quo and prevent students from options that fit their needs. Rather than follow the lead of other states and accept public charter schools as an option, some are focused on preventing their establishment. The way to fix education is not by throwing more money at the problem or by letting students' ZIP

Codes determine their destiny. The solution is providing each student the individual approach they need, the approach that works for them. This bill will work directly against that.

For these reasons, I return LD 671 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 Protect Charter Schools by Requiring Them To Be Operated as Nonprofit Organizations

(H.P. 463) (L.D. 671)
(C. "A" H-245)

Representative McCABE of Skowhegan moved that the Bill be **TABLED** until later in today's session pending **RECONSIDERATION**.

Representative FREDETTE of Newport **REQUESTED** a roll call on the motion to **TABLE** until later in today's session pending **RECONSIDERATION**.

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 Reconsideration. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 365

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

NAY - Ayotte, Beaulieu, Bennett, Black, Campbell R, Carey, 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, Morrison, Nadeau A, Newendyke, Nutting, Parry, Pease, Peavey Haskell, Reed, Sanderson, Sirocki, Timberlake, Turner, Tyler, Volk, Wallace, Weaver, Willette, Wilson, Winsor, Wood.

ABSENT - Beaudoin, Bolduc, Devin, Dickerson, Doak, Kaenrath, Kent, Peterson, Russell, Sanborn, Werts.

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

83 having voted in the affirmative and 57 voted in the negative, with 11 being absent, and accordingly the Bill was **TABLED** pending **RECONSIDERATION** and later today assigned.

The Following Communication: (H.C. 217)

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

June 18, 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 1144, "An Act To Further Ensure Effective Teaching and School Leadership."

Ensuring effective teaching and school leadership begins with information. That is why it is so concerning to see the Legislature try and reduce the amount of data collected by the Department of Education. Programs can only be managed if we have information on their effectiveness. This alone is reason enough to return this bill unsigned.

The remainder of this bill is redundant in light of changes made in the 125th Legislature, as well as budget initiatives put forward by my administration that were subsequently rejected. We have tried time and again to secure funds to work with local schools to increase performance and accountability. While this bill confirms that the Department may provide grants "if funds are available," the Legislature has cut our budget proposals so that funds are not available.

For these reasons, I return LD 1144 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 Further Ensure Effective Teaching and School Leadership

(H.P. 809) (L.D. 1144)
(C. "A" H-254)

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

Representative **KUSIAK**: Mr. Speaker, thank you. Women and Men of the House, I rise to urge us to overturn this veto. It was very disappointing for me to hear that this bill was vetoed. The legislation on teacher and principal evaluation recognizes, the legislation that I put in and was passed by the committee and passed by this House and the other body. It recognizes that the process of evaluating teachers and principals is complex and cannot be completed inexpensively. The bill requires the commissioner to report the actual cost to school districts for completing fair and thorough evaluations of educators. In other words, my bill aimed to address an unfunded mandate that was placed on schools last term. Maine educators deserve careful and fair evaluations, and school districts deserve to have state officials recognize the professionalism that is required for teacher evaluations. Many of us in this chamber have been educators, have been school administrators. We have evaluated teachers. We know it's not simplistic activity. It cannot be reduced to students' test scores for evaluation. Without funding for the systematic evaluation of educators, this is what will happen. We will rely on very simplistic methods. I urge you to overturn this veto. Thank you.

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

Representative **JOHNSON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise to ask you to support sustaining the Governor's veto and I'd ask the Clerk to read the Committee Report.

The same Representative **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 Bill 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 Bill become a law notwithstanding the objections of the Governor?' All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 366V

YEA - Beavers, Beck, Berry, Boland, 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, Jones, Jorgensen, Kent, Kornfield, Kruger, Kumięga, 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, Saucier, Saxton, Schneck, Shaw, Short, Stanley, Stuckey, Theriault, Tipping-Spitz, Treat, Villa, Welsh, Winchenbach, Mr. Speaker.

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

ABSENT - Beaudoin, Bolduc, Dickerson, Doak, Kaenrath, Peterson, Sanborn, Werts.

Yes, 86; No, 57; Absent, 8; Excused, 0.

86 having voted in the affirmative and 57 voted in the negative, with 8 being absent, and accordingly the Veto was **SUSTAINED**.

The Following Communication: (S.P. 606)

Town of Hermon Resolution

Whereas, Governor LePage has required the Department of Health and Human Services to request a waiver from the United States Department of Agriculture to allow Maine to prohibit the use of federal Supplemental Nutrition Assistance Program benefits for the purchase of certain food items; and

Whereas, it is the opinion of the members of the Town Council that SNAP benefits should only be used to purchase foods that are healthy and nutritional and the purchase of any other foods should not be permitted;

Be it resolved by the Hermon Town Council in town council assembled that the 126 Maine Legislature during the first regular session adopt Legislative Document 1411 to require the Department of Health and Human Services to request a waiver to prohibit the use of food supplement benefits for the purchase of taxable food items and that the Governor of the State of Maine sign the bill upon approval of the Legislature.

Be it further resolved that copies of this resolution be forwarded to Governor Paul LePage, Representative Roger Reed and Senator Geoff Gratwick by the Town Clerk for the Town of Hermon.

SIGNED this June 6, 2013 by the Hermon Town Council:

S/Anthony Reynolds
S/Timothy McCluskey
S/Anne Freeman
S/Donald Pelletier
S/Douglas Sinclair, Sr.
S/William Scott

Attest Original: S/Ruth A. Nickerson

Came from the Senate, **READ** and **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**.

READ and **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** in concurrence.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Laura Johns, of Brooksville, a teacher at Brooksville Elementary School, for the success of her 2-year collaboration between the National Park Service and teachers at her school. This collaborative effort resulted in a school field trip, the first in the nation, for a 2-night, 3-day educational expedition to Grand Canyon National Park. The students traveled from the rim of the canyon down to the river and back. Although Grand Canyon National Park hosts educational tours for student groups from more than 200 schools each year, most of the tours last between 2 and 5 hours and are conducted mostly on the rim of the canyon. The National Park Service emphasized that the preparation by Brooksville Elementary School, led by Ms. Johns, was instrumental to the success of this pilot project, and this success will allow other students across the country to have a similar opportunity. We extend our appreciation to Ms. Johns for her commitment to education and to leading this collaborative effort, the results of which will benefit so many people;

(HLS 477)

Presented by Representative CHAPMAN of Brooksville.

Cosponsored by Senator LANGLEY of Hancock.

On **OBJECTION** of Representative CHAPMAN of Brooksville, was **REMOVED** from the Special Sentiment Calendar.

READ.

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. We know that teachers are the unsung heroes of our communities. Ms. Johns goes well beyond being an extraordinary teacher. She is also an inspiration to us all. Most people would be dissuaded by a proposal to take a group of middle school students on a 5,000-mile round trip, including a three-day hike in the Grand Canyon. One remarkable aspect of this trip is that it provided the National Park Service an opportunity to experiment with this type of expedition to make it available to other school groups around the country. I am proud to represent a district whose schoolteacher provided this level of national leadership. Finally, I cannot thank Ms. Johns enough for giving her students an experience memorable through their lifetimes. Thank you, Mr. Speaker.

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

In Memory of:

Troy Pappas, of Eliot, a freshman at Bates College studying premed and a valued member of the Bates College football team. Troy was a 2012 graduate of Marshwood High School, one of the top ten students in his graduating class. He played 4 years of varsity baseball and football during high school and was named captain of the baseball team his junior and senior years. He played varsity basketball for 2 years and won the Coach's Award his senior year. He was a member of student government and the school's award-winning math team. Known as genuinely smart, fun, compassionate and creative, Troy was loved by all who knew him. He lives on through his donated lungs, kidneys, liver, pancreas, tissue and hand and through the wonderful memories he created with his family and friends and those whose lives he touched. The Troy Pappas Memorial Fund will provide scholarships for other students. He will be greatly missed and long remembered by his loving family and many friends;

(HLS 483)

Presented by Representative BEAVERS of South Berwick. Cosponsored by Senator HILL of York, Speaker EVES of North Berwick, Senator CRAVEN of Androscoggin, Senator CLEVELAND of Androscoggin, Representative CAREY of Lewiston, Representative LAJOIE of Lewiston, Representative LIBBY of Lewiston, Representative ROTUNDO of Lewiston, Representative WERTS of Auburn, Representative GUERIN of Glenburn.

On **OBJECTION** of Representative BEAVERS of South Berwick, was **REMOVED** from the Special Sentiment Calendar.

READ and **ADOPTED** and sent for concurrence.

In Memory of:

Julie Marie Verow O'Connor, of Brewer and Virginia Beach, Virginia, a veteran of the United States Navy. Ms. O'Connor was born and raised in Brewer and was a 1983 graduate of John Bapst High School in Bangor. After receiving her Bachelor of Science degree in nursing from Husson College in 1987, she went on to serve in the United States Navy for 6 years as a nurse. Ms. O'Connor completed her Master of Science degree in nursing at Old Dominion University and became a family nurse practitioner. Among the places she worked were Harvard University, Central Maine Medical Center and Faulkner Hospital in Boston. She will be greatly missed and long remembered by her family and friends;

(HLS 485)

Presented by Representative VEROW of Brewer. Cosponsored by Senator YOUNGBLOOD of Penobscot, Representative JOHNSON of Eddington.

On **OBJECTION** of Representative VEROW of Brewer, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **VEROW**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I was pleased to be able to introduce this memorial sentiment and appreciate the consideration by the good members of the House. In addition to her career in the U.S. Navy and her nursing degree, our daughter was also involved with politics at an early age and when she was in high school, she volunteered for the Baldacci campaign. When she was in Virginia Beach, she volunteered for the Lieutenant Colonel Oliver Ollie North Campaign when he ran as a U.S. Representative. In addition to that, she was supportive of my campaign when I started my political career in the City Council of the City of Brewer. I'd like to think that perhaps she's sitting up in

the gallery now and watching, following my light. Thank you, Mr. Speaker.

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

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

UNFINISHED BUSINESS

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

Expression of Legislative Sentiment Recognizing Robert Peter Barlow, of Hanover

(HLS 438)

TABLED - June 12, 2013 (Till Later Today) by Representative BRIGGS of Mexico.

PENDING - PASSAGE.

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

Representative **BRIGGS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise today to recognize an amazing teacher, Peter Barlow, of Hanover. Peter is the instructor of the Metal Trades I and II programs at the Region 9 School of Applied Technology in Mexico. He has taught at Region 9 for 22 years. His program includes instruction in both precision machining and welding. Students from Dirigo, Mountain Valley and Telstar high schools, as well as home-schooled students participate in the Metal Trades program.

As a Region 9 staff member, Peter has experienced many significant accomplishments for career and technical education. Peter understands the importance and benefits of career and technical education, and he also understands the barriers between high schools and CTE programs. He is dedicated to CTE and demonstrates his passion for the fields through his work each day.

Since 1991, 22 of Peter's students have received the Maine Machine Products Company's Quality and Precision with Pride Scholarship. Peter's outstanding teaching combined with the experiences he affords his students prepares them for becoming outstanding candidates for this scholarship.

Since 1999, Peter's commitment to Skills USA as an advisor supports career and technical education by fostering leadership skills in our students. He enhances the CTE experience of our Skills students as a positive role model in the field.

Since 1991, Peter's membership in T.I.M.E., as well as the willingness to hold the office of President twice and Vice President once demonstrates how he is willing to go beyond the school day to support career and technical education across the state.

Another accomplishment for CTE is Peter's willingness to share his knowledge with not only high school students but with adult education students as well. He teaches adult education welding classes in the evenings at Region 9. His dedication to sharing his knowledge with others has led to many becoming prepared to go on to other schooling opportunities, as well as to obtain employment. In fact, yesterday in this body, we Passed to be Enacted LD 1412, An Act to Create an Educational Collaborative To Implement a Program That Enables Career and Technical Education Students to earn College Credits while Attending High School. I think Peter will like this bill.

Peter also works hard to foster a professional relationship with academic middle and high school teachers in order to help them understand the world of career and technical education and

how academics are intertwined within the CTE curriculum. His resume goes on. Peter's position at Region 9 is a combination of two of his passions, teaching and the field of metal trades. He strives to enhance the CTE experience for each of his students through his caring, compassionate and respectful interactions with them. He has always put his students first. Peter, congratulations on being selected the 2012 Maine Career and Technical Education Teacher of the Year award. Thank you, Mr. Speaker.

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

Expression of Legislative Sentiment in Memory of Ralph H. Johnston, of Windham

(HLS 461)

TABLED - June 18, 2013 (Till Later Today) by Representative HARLOW of Portland.

PENDING - **ADOPTION**.

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

Representative **HARLOW**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. We all know how difficult it is to run for office. Imagine being 91 years old and running for the Legislature. Imagine running for the Legislature and being one of the highest doorknockers throughout the state for Democrats. Ralph Johnston didn't do anything halfway. I remember talking to him at the beginning of the campaign about running and I can't even remember what I asked him, but his response to why he was running and working hard was "I figure if I'm going to do this, I may as well give it my best shot."

I met Ralph Johnston thanks to the former Representative from Windham, Representative Bryant, on Memorial Day weekend of last year. I had agreed to drive him once in a while because Mark had been so kind to me when he was here. I felt like it was a good way to pay him back. One day a week grew to a couple days a week and before I knew it, I was spending probably a lot of time with Ralph. People would ask me why I was spending so much time, putting so much time into someone's campaign who was as old as he was when it didn't appear that he would probably win, and I remember thinking "They just don't know Ralph." He is always positive, always optimistic. The summer of 90-degree heat, I never heard him say a bad word about anyone and the only time he couldn't or didn't knock on doors was when he had something scheduled for the evening. Sadly, it was always when he did; I didn't have anything scheduled. He had meetings with Kiwanis, with the American Legion, the Windham Post Veterans of Foreign Wars, Highland Lake, Windham Dems, and the list could go on and on. He always helped others, even if it meant spending his last dollar helping someone else, which he did. He actually had a family member living with him at his death and the person who was living with him was living there because he needed a place to live, not because Ralph needed the help. He was very proud of his work, his environmental work. Since I didn't know him as a younger person, I didn't realize until I spoke to his son that he had been very active, he was very interested in solar power back in the '60s and '70s. He was very active in the High Lake Association testing the water quality, which he did all summer and into the fall. I would always drive my scooter up to his house in Windham and he would often, I remember the first time he asked me if he could watch me drive away and I think he really wanted to ride it, but it made a lot more sense to me once his son told me how active he had been environmentally back when he was younger. He was a runner until he was in his mid-80s and

then he started to walk a lot. He swam out to his buoy out behind his house. He actually ran races in Florida in his 60s. He had quite a call for a younger life and I won't go into the details, but he has a very good friend, Keith Williams, whose wife, Sally Green, wrote his life story a couple of years ago and Keith's quote was "It would really make you blush."

When I go to his house to do doors, you'd assume that a man who was 91, almost 92, would have rested during the day and that was never ever the case. The first weekend is Memorial Day weekend. I went on a Saturday afternoon. He had been at Wal-Mart handing out copies all morning. He had been at a parade. He had been at a high school dedication and it was a very warm day. That was a pretty typical day for Ralph. There was never a day that I remember when he had just sat at home, relaxed and waited to go out. He was either raking his beach, swimming. He had recently stopped raking the pine needles off of his roof. He had stopped doing that the year before. He was just an amazing person. He was constantly reading, constantly educating himself. There were always clippings from magazines, books all over the place. He actually, when he died, his family had to cancel his 25 magazine subscriptions. I remember last summer him telling me about tar sands and the tar sands moratorium so that when it came before the committee I serve on, I was pretty well versed thanks to him. I was also pretty sad that he wasn't on the committee with me. The good Representative from Windham, Representative Tyler, and I have joked that I may not have been very happy to see Representative Tyler here. He actually is sitting in my old seat in the irony of that as well, and Ralph, of course, would say, "Well, just go up there and do your best. He's a good person." I've never heard him say a bad word. He was just a calm person, very proud of paving the roads by his house. There are a lot of dirt roads in Windham as I found out, but his road, he worked very hard to get his road paved.

Just a couple of quick stories from campaign. I was driving his vehicle and may not be the best driver, because I'm not the best driver, and so we backed down driveways and he'd always check one side and I'd be looking down mine, and he's say, "Turn right or left." Well, one day I hit a tree with his vehicle and I didn't see it, so I hit it, not hard but fairly hard, and I remember just saying, "I'm so sorry. I'm really sorry." He said, "Well, don't worry about it. I have strong bumpers." So we just kept going. I said, "Do you want to get out and look?" and he said, "No, let's just go to the next door." So we went to the next door and I got out and looked, and he was right, he had strong bumpers.

The other one I will tell is we were going around near Sebago Lake, it was Little Sebago Lake, and the driveway was a gravel driveway and was pretty steep and I tend to drive actually fairly slow, and we were headed out the driveway and he looked at me and said, "You're going to have to gun it if you want to make it." So he was just a wonderful person and he really died the way he lived. He was only in the hospital for a week and you'd go in and visit him and be sad before you went in, and you just couldn't be sad because he was just still smiling, wanted to hug you. The last thing I will say is I think it was really remarkable to go in and he has a big family so there were family members there, but he always had three or four people there most of the time who were not family members and most of them were younger. There was even a staff person from here who went and visited him, and we may have shed some tears. He lived a very good long life, he was a wonderful caring man and he will be missed greatly. Thank you, Mr. Speaker.

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

Representative **TYLER**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in the fact

that I too think I have lost a friend with Ralph Johnston. Ralph pushed me to be a better campaigner. My wife, at the time, during the campaign season, was an office manager for a local oil company and almost every day she would come home and say, "Have you been out campaigning today?" "Well, I did a few houses, why?" "Well, so and so was in and said Ralph was there." The next day, the same thing. "Well, Ralph was over here, Ralph was over there." He pushed me to get out and get going and really do my work and do the job of a good campaign. Ralph and I became friends during the campaign. All of our conversations were wonderful conversations. You know, we didn't agree on everything, but that's the way the campaign goes. I just want to say that I truly miss him and I think Windham has lost a good friend and the environmental people have lost a good friend. He was a consummate campaigner and he did his job well. Ralph, we miss you.

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

Representative **GRAHAM**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I also, too, had the honor to know Ralph Johnston. He shared, or would have maybe shared, part of Gray with me. The good Representative from Windham, Representative Tyler, is holding that seat and I have to say, I have to echo everything that Denise and Tom said. We stood at the polls during the primary, as well as the general election, and I stayed in Gray all day because that's where I had to really, really, really, really work, and Ralph was there and people would come up and say, "Wow, does he need a seat? Does he need to sit down?" No, Ralph didn't need to sit down. I needed to sit down. A little less than 40 years younger and he would offer me a seat. But with that, I have to say that the good Representative from Portland, Representative Harlow, was there for him every minute, and she deserves a huge amount of gratitude for caring and honestly loving this very, very honorable, kind, gentle man that would have filled a seat here with honor and distinction. We will miss him.

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. If Mr. Johnston leaves us nothing other than this, the value of our relationships with each other, not just those who sit in this room but those who aspire to, we will go away enriched and I hope that's what we take from the opportunity to recognize Mr. Johnston and what he's done for all of us. I take that with me from this chamber. Thank you.

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

Representative **MOONEN**: Thank you, Mr. Speaker, and I apologize for jumping in late, but I just wanted to say, before I was elected here, I recruited people to come up here and talk to their legislators about how they should vote on various issues, and Ralph being in his late 80s and early 90s, he always said, "Yes" and he always came up here and talked to the folks here about the issues that he cared about. For that reason, he was a hero to me. I knew he was a hero to Denise and other folks in this room. I just feel very lucky that I had the opportunity to attend his memorial because there were hundreds of people there and they sat around for three hours just telling stories about Ralph, and it was really great to see that he was a hero to a lot of people besides those of us who spoke in this room. I just want to say also that I will miss him as well.

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

REPORTS OF COMMITTEE

Ought to Pass as Amended

Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act Regarding School Construction"

(S.P. 429) (L.D. 1235)

Reporting **Ought to Pass as Amended by Committee Amendment "A" (S-239)**.

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-239) AS AMENDED BY SENATE AMENDMENT "A" (S-312)** thereto.

Report was **READ**.

Representative WILLETTE of Mapleton **REQUESTED** a roll call on the motion to **ACCEPT** the **Ought to Pass as Amended by Committee Amendment "A" (S-239)** 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 Ought to Pass as Amended by Committee Amendment "A" (S-239). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 367

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

NAY - Ayotte, Beaulieu, Bennett, Black, 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, Verow, Volk, Wallace, Weaver, Willette, Wilson, Winchenbach, Winsor, Wood.

ABSENT - Beaudoin, Bolduc, DeChant, Doak, Peterson, Sanborn, Werts.

Yes, 88; No, 56; Absent, 7; Excused, 0.

88 having voted in the affirmative and 56 voted in the negative, with 7 being absent, and accordingly the **Ought to Pass as Amended by Committee Amendment "A" (S-239)** Report was **ACCEPTED**.

The Bill **READ ONCE**.

Committee Amendment "A" (S-239) was **READ** by the Clerk.

Senate Amendment "A" (S-312) to Committee Amendment "A" (S-239) was **READ** by the Clerk and **ADOPTED**.

Committee Amendment "A" (S-239) as Amended By Senate Amendment "A" (S-312) 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-239) as Amended By Senate Amendment "A" (S-312)** thereto in concurrence.

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

Divided Report

Majority Report of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-253)** on Bill "An Act To Establish the High-efficiency Biomass Pellet Boiler Rebate Program and the Home Heating Conversion Fund" (S.P. 542) (L.D. 1468)

Signed:

Senators:

CLEVELAND of Androscoggin
JACKSON of Aroostook
YOUNGBLOOD of Penobscot

Representatives:

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

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

Signed:

Representatives:

BEAVERS of South Berwick
RUSSELL of Portland

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-301).**

READ.

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

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

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

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

Representative **BEAVERS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Thanks to the amendment from the other body, I now support this. If you'll notice, I was on the Minority Report originally and I supported the project but not the original funding source. Thank you.

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

Representative **McCABE**: Thank you, Mr. Speaker. I rise in support of the pending motion and I encourage folks to enjoy this proactive approach to homegrown energy. Here is an

opportunity to help people statewide and I hope people will support this bill. Thank you, Mr. Speaker.

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

Representative **RYKERSON**: Thank you, Mr. Speaker. I rise in support of this motion. Ladies and Gentlemen of the House, whenever we use homegrown energy in Maine rather than imported fossil fuels, we benefit our residents with lower costs, we create jobs in the local industry that produces that energy, and we increase our nation's security and we help protect our earth's climate. I urge you to support this bill. Thank you, Mr. Speaker.

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

Representative **HARVELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. My father told me a story from when he grew up in East Dixfield, when oil fired burners began to become very common because the price of oil was literally cheaper than insulation and the East Dixfield Church was going to put in an oil burner and they had a meeting at the church to decide to do this and take a vote. Merle Thompson, who delivered firewood to the church, said he didn't know why they should get anything from Texas that they could grow right here in Maine. Well, that was many years ago, but that principle remains true today. The reality is that with our dependency upon foreign oil, there are sections in this state that cannot reap the advantages that are coming with natural gas and, because of our aging state, are becoming far less likely to be able to handle firewood. Let's not pretend for a moment that the energy industry in this state is anything like a free market. If it was, these issues may or may not become relevant, but oil subsidies are rampant and even natural gas subsidies, to some extent, as well as electricity. At least if you lived in Saudi Arabia and were a Saudi citizen, you could take advantage of what their natural resource is and you would receive government help to do so. In this state, we have vast resources of wood that are being converted to pellets. In fact, the pellet industry, for a number of years, a large section from North America was going to Europe to be used in their burners, merely to meet the Kyoto Protocol. These high-efficiency boilers already have the infrastructure in place, in terms of what you're heating with, with your baseboard heat, etcetera. They would really require the placement of a high-efficiency boiler. The people that work on boilers, whether they are oil, natural gas, or pellet or wood, the fundamentals are all the same and they are licensed and required to do so. While certainly I have opposition to spending it as well, I say that we do not leave the citizens in very rural areas of the state that are aged without some ability to take advantage of lower heating costs, and I urge you to support the pending motion.

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

Representative **DUNPHY**: Thank you, Mr. Speaker. Mr. Speaker, originally I had supported this bill. It was going to be funded by harvesting timber on Maine's land, since they are going to be increasing harvest demands anyway. I rise in opposition to this. I think a \$10 million bond is a bit excessive. My understanding is that there are three companies who currently do this. I would agree with Representative Harvell that we do have homegrown energy. Fortunately, we used to compare ourselves with Massachusetts and New Hampshire, and now I'm hearing it's Saudi Arabia. I think that's kind of a stretch. But, nonetheless, Efficiency Maine currently has programs for pellet stoves and we're not excluding anyone. I just think to carve out a niche for three boiler companies, if my information is

correct, is a bit extreme. As I said, I originally supported this bill, but I will not support a \$10 million bond. 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 apologize for laughing, but I was about to rise to explain that I was now supporting the bill for the precise reasons that the good Representative from Embden said that he is now not supporting the bill, because I was on the Minority Ought Not to Pass Report for the exact reasons outlined by the good Representative, but I probably should have shut off my light at this point. I wanted to just clarify and state for the record that we are no longer using Trust for Public Land's money and that is precisely why I think this should move forward. 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 will be very short. I have a 2,600 square foot home and I heated my house last year and for the four consecutive years prior using wood pellets. I am very proud of that. I only buy Maine pellets. I am also proud of that. I did it last year. I heated my house for less than \$750. I don't know anybody who did that, but I assure you, and my significant other will attest to this, the temperature in the house never fell below 70, probably closer to 75 because she likes it warm. We're never cold. We heat using Maine pellets. I support this bill. I believe that it's the right way to go. It will help consumers in the State of Maine. It will help manufacturers. It's good for business. It's good for all of us. Thank you.

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

Representative **HOBBINS**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. This bill came before our committee and I think the committee members who were on the committee were impressed with the caliber of the presentation by the advocates from the pellet industry, and from those who have investments and made strong investments here in Maine to manufacture these wood pellet boilers here in the state, as well as the different plants that manufacturer the pellets. The original bill was a \$20 million revenue bond. The source of the funds to pay off the bonds were going to come from a proposal to take and harvest timber from public lands, public trust lands. Because of the controversy that surrounded that particular approach, both from a policy and from a legal standpoint, the proponents from the bill attempted to find other sources of revenue in order to jumpstart this particular industry which is, I think, very important. The original bill called for up to a \$6,000 rebate for the purchase and installation of a boiler. I think that it was meritorious on the part of those and sincere on the part of those who proposed it. The State of New Hampshire has a program that is similar in nature, but unfortunately, because of the issues involving policy and the issues involving constitutional law, it was thought that this would be a better avenue. So the present bill comes from an amendment from the other body, which replaces the original bill with this particular bond issue. I think it's important. It's a matter, I think, a symbolic gesture. We don't know the destiny of the bond issue at the present time, but I think based upon policy and based upon the fact that we need to look at alternative energy sources, particularly in the rural areas. The bill that we overwhelmingly passed, the omnibus energy bill, addressed issues such as extension of natural gas and fuel switching. This, to me, is an adjunct to that fuel switching idea that I think is very important and I urge you for the economy of the state and for the philosophy of switching to efficiency

sources. These high-energy boilers is a good example of how we can do that, and we really need to jumpstart that industry so I would appreciate your support of the Majority Report. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative **PARRY**: Since this is going to be a bond issue and I heard there was a lot of bond issues in Appropriations already, what would this bring the total number of bonds up to?

The SPEAKER: The Representative from Arundel, Representative Parry, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Lewiston, Representative Rotundo.

Representative **ROTUNDO**: Thank you. I believe it would be 36.

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 did want to speak for a moment, just to address some of the concerns that were raised. There was a question by the good Representative from Arundel, in regards to the total number of bonds. I would say, at this point in time, there might be 36 bond proposals, but as many of us realize, at the end of the day, that number will be whittled down to a few, to say the least. In regards to the comments from the Representative from Embden, Representative Dunphy, I will say that I agree. I think originally when I signed on to this idea and worked on this bill, I was interested in the potential as far as the expansion of timber harvesting on state lands because our state lands are actually underutilized when it relates to harvesting. The issue that we ran into with this bill and that we're finding out now is really the constitutionality of tying those harvests and that revenue to a specific funding source, such as a rebate for pellet heating systems. So I rise today to sort of pledge to the Representative from Embden, Representative Dunphy, that I will continue to work on that issue around harvesting to see that there is an offset and that that revenue goes into offset something that legally and constitutionally it can. I think that we have a great opportunity here with this bill. We have a great opportunity in a bill that I hope will move forward, maybe as an emergency piece of legislation, to look at addressing the amount that we are harvesting, and look to increase that number to bring in more revenues to the State of Maine. Thank you, Mr. Speaker.

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

Representative **BEAVERS**: Thank you, Mr. Speaker. I apologize for rising a second time and I'm not sure I've heard anybody say that this is one of the most significant potential job increase bills that we've considered this term, so I hope you will support it. Thank you.

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

ROLL CALL NO. 368

YEA - Beavers, Beck, Berry, Black, Boland, Briggs, Brooks, Campbell J, Carey, Casavant, Cassidy, Chapman, Chenette, Chipman, Clark, Cooper, Crockett, Daughtry, DeChant, Devin, Dickerson, Dill, Dion, Farnsworth, Fowle, Frey, Gattine, Gideon, Gilbert, Goode, Graham, Grant, Hamann, Harlow, Harvell, Hayes, Herbig, Hickman, Hobbins, Hubbell, Jones, Jorgensen, Kaenrath, Kent, Kornfield, Kruger, Kumiaga, Kusiak, Lajoie, Libby N, Longstaff, Luchini, MacDonald W, Marks, Mason,

Mastraccio, McCabe, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, 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, Volk, Welsh, Willette, Wilson, Mr. Speaker.

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

ABSENT - Beaudoin, Bolduc, Doak, Peterson, Werts.

Yes, 94; No, 52; Absent, 5; Excused, 0.

94 having voted in the affirmative and 52 voted in the negative, with 5 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-253)** was **READ** by the Clerk.

On motion of Representative HOBBS of Saco **Committee Amendment "A" (S-253)** was **INDEFINITELY POSTPONED**.

Senate Amendment "A" (S-301) was **READ** by the Clerk.

Representative CRAY of Palmyra **REQUESTED** a roll call on **ADOPTION of Senate Amendment "A" (S-301)**.

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

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Adoption of Senate Amendment "A" (S-301). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 369

YEA - Beavers, Beck, Berry, Black, Boland, Briggs, Brooks, Campbell J, Carey, Casavant, Cassidy, Chapman, Chenette, Chipman, Cooper, Crockett, Daughtry, DeChant, Devin, Dickerson, Dill, Dion, Dorney, 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, Marks, Mason, Mastraccio, McCabe, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, 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, Volk, Welsh, Wilson, Mr. Speaker.

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

ABSENT - Beaudoin, Bolduc, Doak, Peterson, Werts.

Yes, 93; No, 53; Absent, 5; Excused, 0.

93 having voted in the affirmative and 53 voted in the negative, with 5 being absent, and accordingly **Senate Amendment "A" (S-301)** 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 Senate Amendment "A" (S-301)** in concurrence.

Majority Report of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-310)** on Bill "An Act To Further Strengthen the Protection of Pregnant Women and Children from Toxic Chemicals"

(S.P. 418) (L.D. 1181)

Signed:

Senators:

BOYLE of Cumberland
GRATWICK of Penobscot

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-311)** on same Bill.

Signed:

Senator:

SAVIELLO of Franklin

Representatives:

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

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-310)**.

READ.

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

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

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

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

Representative **McGOWAN**: Thank you, Mr. Speaker. Mr. Speaker, parents, grandparents, aunts and uncles, godmothers and godfathers of the House and others. The core idea in this bill is simple but powerful. This bill will require the producers of packaged goods and products for children that contain chemicals of concern would have to notify the Maine Department of Environmental Protection. This information will then be made available to consumers. My seatmate, the good Representative from Carmel, in the Environment and Natural Resources Committee, often said to me, "This bill is about the mommies and babies," who he wanted to take care of. So here is a moment of opportunity to do that. I lost track of the number of mothers who came to testify at our hearing on this bill. They had taken a day off from work, arranged child care, driven hours to ask us one

simple thing. "Give us the information we need to make the best choice we can for the health of our children. Our daughters and sons want to know what chemicals of concern are in the food that they buy for their children, our grandchildren, nieces and nephews. They want to know what chemicals of concern are in the toys, clothing and bedding they buy for them." This is a moment when we need to set aside our political parties. Together, the parents, grandparents, aunts and uncles, godparents and others in this House can do this by voting for this bill. We can make a difference, give parents the information they need to make the best decisions they can about the health of their children, our grandchildren, nieces, nephews and neighbors. Thank you, Mr. Speaker.

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 Majority Report of the Committee on Environment and Natural Resources on LD 1181. Our committee worked very hard on this bill and the amended version before you was the result of much intense effort on the part of the sponsor, Senator Goodall, and a Republican member of our committee to find a bipartisan way to move forward with the Kid Safe Products Act of 2008. The bill before you came close, but I ask all of you, on both sides of the aisle today, to consider carefully how you will vote on this bill and the message that it will send for the people of Maine. Maine's landmark bipartisan Kid Safe Products Act of 2008 has accomplished much since it was passed in these chambers. In 2011, Maine required BPA-free baby bottles and sippy cups when it became clear to all that exposure to this toxic chemical was extremely dangerous for our youngest children. The market is slowly moving toward BPA-free packaging for all food, but we need to send the industry a message through policy to speed this transition. Toxic is toxic and whether children are exposed to this dangerous chemical through items designed especially for them or through eating adult food from cans and jars that contain BPA, it is clear that we must continue to make progress as soon as possible.

In 2011, 365 chemicals were listed as chemicals of concern, out of more than 2,000 contenders for this illustrious title. For those of us who aren't chemists, I like to think of this toxic chart as something of a toxic American Idol, if you will. We started with a couple thousand really nasty substances and the inclusion criteria is as follows: chemicals with developmental or reproductive toxicity; chemicals that cause cancer, genetic damage or reproductive harm; chemicals that disrupt the endocrine system; chemicals with systemic toxicity; chemicals that are persistent, bioaccumulative and toxic. That's what you had to be in order to get on the list of the toxic American Idol. Then, to be winnowed down further into 476 numbers, these were chemicals with both toxicity and exposure evidence of special concern to children. Then we winnowed it down and voted out of the American Idol of toxicity, down to 184. Pretty soon we ended up with 49, 49 chemicals of high concern, so just to put that a little bit in perspective. In 2012, those 49 chemicals of high concern were published. Two priority chemicals, BPA and NPE, which is, and I practiced this, nonylphenol ethoxylates, were named priority chemicals. In 2012, rules were adopted to implement the 2011 changes to the law and we, in this chamber, were part of that.

Now, the Kid Safe Products Act is in neutral, as it were. We must now provide impetus to continue this vital work to rid our food of this dangerous chemical as well as to make progress in addressing the remaining priority chemical, NPE. Children and pregnant women are especially vulnerable to the hazards of BPA.

Parents have a right to know what is in their food that they feed their children and the toys with which they play should be safe. Pregnant women feel hyper responsible to ensure that they do not expose their developing children to toxics they can neither see, taste or smell. This bill requires the largest manufacturers of food and other items to report the extent to which these products, their products, contain the 49 chemicals of high concern. It focuses on the businesses with more than \$1 billion in gross annual sales, because these businesses produce 71 percent of the beverages and 31 percent of the packaged food on the shelves of Maine stores. If these giants move away from BPA, others will follow. Many manufacturers are already replacing BPA in cans and jar lids with safer alternatives, which do exist. The law only requires industry to substitute if safe and economical alternatives exist.

Again, there are 49 nasty chemicals I can't even pronounce the names of on this list of chemicals of high concern. We have only begun to scratch the surface of two of them. We cannot say that we don't have the means to do this work. We cannot tell the people of Maine that we lack the resources to keep them safe. What we will show we lack, if we don't enact this law, is not money but the will to safeguard our people, at least insofar as giving them information. This bill gives Maine citizens information about where these 49 chemicals are now with special emphasis on the two priority chemicals so they can, as far as possible, avoid them. We are not allowed by federal law to label items that contain BPA, but at least we can give people the truth, the information that is the basis of sound decisions. That is what the citizens who testified in the hundreds, either in person or via email, begged us to do. Give them the information they have the right to know. We, in this Legislature, have a law in place with these additions in LD 1181 to provide the means for the DEP to collect and make information vital to their wellbeing and make it public where it belongs. I urge you to support this bill. Continue Maine's progress towards safe food and products for all our families and vote to further safeguard our most precious natural resource, our children. Thank you, Mr. Speaker, and Esteemed Colleagues of the House.

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. I want to remind you when we voted on LD 902, we voted 144-0 that BPA was the nastiest of the nasties. I want you to keep that in mind when you vote on this bill. Thank you.

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. As a pediatric nurse practitioner and a mom of three sons, protecting the children of Maine is of fundamental importance to me. I have worked to help children and their families cope with asthma, learning and developmental disabilities, childhood obesity and countless other conditions, and know the personal cost of those families and the economic cost to our society from unhealthy kids all too well. I worked for six years in pediatric neurology caring for children with epilepsy, autism spectrum disorder and developmental delay. Often a parent would ask, "What caused my child's problem? Why my child?" Nine times out of 10, I had to say, "I don't know." I must say that it was one of the most difficult parts of my job. If I knew the cause, maybe I could help. At its most basic, I support LD 1181 because it's true, an ounce of prevention is worth a pound of cure. This bill before you today is common sense legislation needed to help protect our children from toxic chemicals. Unless you pass this bill, no more actions

are required under the current law and it would be wrong to let the opportunity we have to reduce children's exposure to harmful chemicals go unmet. We have to work together to establish the next steps. I was proud as a freshman legislator, in 2011, to be able to join an overwhelming consensus of my colleagues cutting across all party lines and demographics in support of the revisions of the Kid Safe Products law then and my hope is that we can reach that same level of bipartisan agreement around the next needed steps. I 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. This particular bill was thoroughly gone over last session. I supported it. I thought everyone was settled until it came back this year. It's "An Act To Further Strengthen the Protection of Pregnant Women and Children from Toxic Chemicals." It is a very good bill in many ways. We had settled it last year. It's a very coveted bill to submit, promote, support and condone because of the title. Just about every politician, aspiring or seasoned, wants to be associated with this bill because of the noble and high-minded title. Who in their right mind would not want to advance this and support such a worthy cause to save and protect pregnant women, to protect innocent children from poisonous chemicals? According to policymakers at the Maine DEP, the DEP has been on top of this issue for a number of years and has the appropriate plan of action already at their disposal. To enumerate some specifics in reference to this bill, the fiscal note for this amendment is \$375,000, added to an already overburdened budget. The amendment also mandates the use of existing resources. That existing resource, actually, is a total of one person whose duty will include notifying a manufacturer or distributor of a children's product, if that product contains a chemical of high concern. We had designated every chemical of high concern last year, but they wanted more. Considering the amount of chemicals of high concern and a one-person resource, it may cause a backlog of work.

In several sections of the amendment, the language is altered in such a manner that it no longer becomes an option but rather a mandate on the DEP, that is from "may" to "shall." This amendment also places an unbelievable heavy burden on small neighborhood mom-and-pop stores because if a store is doing business with a distributor or a manufacturer of children's products that offer food or beverages that contain a priority chemical in a very small amount, and that distributor has over a billion dollars' worth of business, then it will become incumbent upon that store to submit a written notice to the DEP identifying that food or beverage product container or packaging containing that priority chemical, the number of units sold or distributed. This places an undue or an unnecessary burden on small businesses and places them at a competitive disadvantage. Many stores have opted out of the program. It's a bill with good intentions; however, I believe that it has been sufficiently covered, sufficiently addressed. Thank you, Mr. Speaker.

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

Representative **COOPER**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. One of the reasons that have been put forward for Maine not taking action is that we should look to the federal government, since this is clearly a national problem. But the federal government does have a law on the books that is sufficient to preempt us from requiring labeling, but it is a law without any teeth, without any resources, and, frankly, any will in the Congress to make significant changes. During our spring break, I went to

Washington and I spoke to the environmental staffers for our Senators and although both Senators do favor such changes, they assured me that there was not a chance that such a bill would be passed in this session. So Maine has the responsibility to lead on this as well as in other areas where our federal government is paralyzed.

One of the most compelling stories I heard during the committee hearings was a mother who had been super careful about everything she ate and drank during her pregnancy. Like many of her generation, she takes this obligation to make sure her child is born as healthy as possible very seriously. Only after she gave birth did she find that the new couch that she sat on that whole nine months was treated with a fire retardant which is known to cause cancer. We are not just talking about food and food containers. We are talking about household items where people are exposed to these highly toxic substances. Indeed, one of the most susceptible groups in our society to these chemicals are firefighters who inhale these brominated fire retardants in house fires and is suspected as the reason for why firefighters have such a high rate of cancer, and that's true in Maine as well as elsewhere. So it's important to consider that we're really talking about the whole population as being susceptible to the dangers of these toxic substances. We know they are toxic. It's just a question of what we're going to do about it.

The DEP, in response to criticisms that they're not doing enough, responds that they lack the resources. Well, resources are questions of priorities. We all have limited resources in whatever we're doing and we have to set priorities. In one case, for example, the new commissioner came into office with all the work done on this fire retardant chemical and that study was buried. They had as much information about that toxin as about BPA and yet absolutely nothing has been done. We are putting our firefighters at risk, we are putting pregnant women at risk, we are putting every Mainer at risk by not doing anything about this. But all this bill does is ask that consumers have a place to go, a website put up by the DEP to find out which products contain these chemicals of high concern. That's really not too much to ask. I think most people assume that as chemicals come on to the market, that there is some sort of testing done to make sure they are safe, just like is the case with drugs. Wrong. There is nothing, nothing done, unless the industry itself decides to do it and even there, we can't trust the independence of judgment in such studies. But, by and large, no safety studies are conducted, so we are exposed to tens of thousands of new chemicals every year with no government testing being done whatsoever. I urge you to pass this report as amended and help Maine people find out what's safe and what isn't. Thank you.

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

Representative **WELSH**: Thank you, Mr. Speaker. Mr. Speaker, Women and Men of the House. I would just like to respectfully make a correction that the good Representative from Caswell mentioned. The small stores in Maine do not have to report the chemicals. It's the manufacturers who have to report it and the reason that we included manufacturers with over a billion dollars in sales was realizing that our small food manufacturers in Maine don't already have the capabilities to do the reporting that we feel the larger ones do, and that this would be a good beginning to start with the really large manufacturers nationally. Thank you.

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

Representative **TIPPING-SPITZ**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I wanted to

respond to the comments from the Representative from Caswell, Representative Ayotte. I think it's important to make sure that we're not just doing the bare minimum that's already set out in law. The DEP already has the authority to go after more priority chemicals and they are not. This bill, when it was urgently passed, was almost unanimous. This is one of the few things that over the past six years, I've been able to look at my State House and say, hey, they're doing something right and they're doing it together. I think it's important that we make sure this program continues in a strong way. I hope we can all work together to make sure that this process continues. I also want to say I've had a lot of conversations with small businesses about this issue and they are in the exact same places as the mothers and children are in this state. They want to know what is in these products as well. I hope you support the pending motion and we can make sure that we move forward to help protect women and children in the state.

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

Representative **LOCKMAN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to the pending motion. I would note the title on the original bill, "An Act To Further Strengthen the Protection of Pregnant Women and Children from Toxic Chemicals." Well, who could possibly be against something like that? Then the bill was amended. The original bill was five pages long. I would note that the amendment says amend the bill by striking out everything after the enacting clause and before the summary and inserting the following. It's seven pages long. The summary is an entire page long. There is a fiscal note of over \$300,000. I submit to you that this bill can't be as simple and straightforward as we're hearing, if it takes seven pages to describe what it's going to accomplish. We have no idea what the compliance costs are going to be and, frankly, Mr. Speaker, I'm getting tired of the emotional bullying that's going on in this chamber in order to get the votes to pass it. Thank you.

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

Representative **CAMPBELL**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. It's interesting, being on the outside and listening and having some perspective of what goes on, on the inside, so I listened with intrigue as we heard about BPA and sippy cups. Then when I got here, I was appointed to the Natural Resources Committee and it came up again. Being new here, I think that will be the last time I will say that, I didn't really know what had occurred just one year, two years, earlier. But I sat through the hearings and we had an ocean of wonderful young mothers talk to us about the concerns. It went on for some time. In our committee, we have the proponents first, so it went on for some time, some time, some time, and then we got to the opponents and standing behind the column in our committee was one of us, a member of the other body, who had chaired that committee in the previous year. Apparently, what went on, was this was an important issue that the committee made up of a majority opposite from now, could have basically decided this issue is going to be the way we want it to be, but they didn't. They brought two parties together, winnowed down to two people, two lobbyists who beat it back and forth and came to the very middle. From what I am hearing, because I wasn't there, they developed this issue into something so significant that it advanced the cause and accomplished a lot. We got through the proponents and got to the opponents, and the opponent who came from behind the column got to the mic and was seeing red. He was so appalled that basically one lobbyist had decided that they got as much as they could and more in the

previous session and decided to come back and get the rest. Now, that's a bit of a flashback from when I used to be here. Unfortunately, or fortunately, I wasn't here at the worst, the shutdown, where politics were "eat them up and spit them out." This, to get an opportunity to work together, two people, two sides of an issue and get to a conclusion satisfactory to both, to a point where it gets almost a unanimous vote and then for one lobbyist to come back here and say, "I want it all now," and parade those fine families in before us and pull on the emotions to a point where is this the way we want to do business, politics of the past? I think we've accomplished a lot where the leader of my fine committee said, "Maybe we shouldn't have brought it back at this point, maybe we should have let it go a little bit further." Well, I agree with that. I, for one, am appalled at the politics of the past, so I think it's important to support the motion Ought Not to Pass and move past the politics that we all are so discouraged about, the politics of lobbyists running us. Thank you, Mr. Speaker.

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

ROLL CALL NO. 370

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

NAY - Ayotte, Bennett, Black, Campbell R, Chase, Clark, Crafts, Cray, Dunphy, Duprey, Fitzpatrick, Gifford, Gillway, Guerin, Jackson, Johnson D, Johnson P, Knight, Libby A, Lockman, Long, Malaby, McClellan, Nadeau A, Newendyke, Nutting, Parry, Pease, Reed, Sanderson, Sirocki, Timberlake, Wallace, Weaver, Willette, Winchenbach, Winsor.

ABSENT - Beaudoin, Bolduc, Dion, Doak, MacDonald S, Peterson.

Yes, 108; No, 37; Absent, 6; Excused, 0.

108 having voted in the affirmative and 37 voted in the negative, with 6 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (S-310) 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-310) in concurrence.**

Majority Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-303)** on Bill "An Act To Buy American-made Products"

(S.P. 311) (L.D. 890)

Signed:

Senators:

PATRICK of Oxford
CLEVELAND of Androscoggin
CUSHING of Penobscot

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-304)** on same Bill.

Signed:

Representatives:

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

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-303)**.

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-303)** was **READ** by the Clerk.

Representative HERBIG of Belfast **PRESENTED House Amendment "A" (H-557)** to **Committee Amendment "A" (S-303)**, which was **READ** by the Clerk.

The same Representative **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-557)** to **Committee Amendment "A" (S-303)**.

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

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

Representative **VOLK**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. LD 890 is one of those bills that sounds good. I drive an American car, my husband drives an American car, but could Chevrolet or Ford actually document what percentage of my American made car is made from American made materials, components, subcomponents? They are a pretty big company, but I am guessing that they would be hard pressed to come up with the exact percentage that my Chevy Traverse is made that has been sourced from the United States. So what does this bill do? It forces DAFS to establish an arbitrary threshold for percentage of American sourced materials, components and subcomponents. This is a task they don't want to do. This is a task that is going to cost the state and therefore the taxpayers of the State of Maine money. So here is how this could affect Maine businesses. Say the state wants to purchase new chairs for the committee rooms, for Legislative Council, for Appropriations, wherever, and they

were hoping to purchase those from Hussey Seating. I'm sure Hussey Seating in Berwick would be very interested in bidding on that contract. How would Hussey Seating go about determining what percentage of one of their chairs is made from U.S. sourced materials? If they don't meet whatever that threshold is, which hasn't been determined, they would need to document why. This represents an awful lot of hoops that we are going to be forcing our American manufacturers to go through. The Minority Report on this bill still encourages the purchase of American manufactured products, but it recognizes and respects that local manufacturers source the best materials they can find so that they can stay competitive in a global marketplace, keeping their costs low so that they can keep their jobs in the United States. The Minority Report eliminates the hoops and recognizes that what's important is the final product. I ask that you would oppose the pending motion. Thank you.

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

Representative **CAMPBELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Talk about keeping prices low on that, the American people, when some of the big companies have clothes made in places like Bangladesh and lock the doors and let their own women burn to death, and then the other case in Bangladesh to save the American people money was the building that collapsed and the owner of the building to flee and the government to get him and bring him to trial. That's what that's all about, Mr. Speaker, and that's what about being made in America is all about. Thank you.

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. I spent 32 years cutting my hair for the United States Navy. I am appalled that anyone would speak against American made products. Thank you.

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

Representative **HERBIG**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. LD 890 is about leading by example. Our state should buy American in every realistic opportunity. With American manufacturing still fighting to come back, one of the greatest efforts we can make is to ensure when government money is spent, it goes right back into our economy. We can not just retain but create good jobs by maximizing domestic content in our infrastructure investments. This has the potential to jumpstart Maine manufacturing and improve the overall health of our economy. Maine should no longer subsidize jobs in Beijing or Bangalore. Maine should reward American companies. We should reward Maine companies. Let's institutionalize common sense and fairness. Let's put our money where our mouth is. I urge you to support LD 890 because it's the right thing to do.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Adoption of House Amendment "A" (H-557) to Committee Amendment "A" (S-303). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 371

YEA - Beaulieu, Beavers, Beck, Bennett, Berry, Black, Boland, Briggs, Brooks, Campbell J, Carey, Casavant, Cassidy, Chapman, Chase, Chenette, Chipman, Clark, Cooper, Cotta, Crafts, Cray, Crockett, Daughtry, Davis, DeChant, Devin, Dickerson, Dill, Dion, Dorney, Dunphy, Duprey, Espling, Evangelos, Farnsworth, Fitzpatrick, Fowle, Fredette, Frey, Gattine, Gideon, Gifford, Gilbert, Gillway, Goode, Graham, Grant, Guerin, Hamann, Harlow, Harvell, Hayes, Herbig, Hickman,

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

NAY - Libby A.

ABSENT - Ayotte, Beaudoin, Bolduc, Campbell R, Doak, MacDonald S, Peterson, Winsor.

Yes, 142; No, 1; Absent, 8; Excused, 0.

142 having voted in the affirmative and 1 voted in the negative, with 8 being absent, and accordingly **House Amendment "A" (H-557) to Committee Amendment "A" (S-303)** was **ADOPTED**.

Committee Amendment "A" (S-303) as Amended by House Amendment "A" (H-557) 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-303) as Amended by House Amendment "A" (H-557)** thereto in **NON-CONCURRENCE** and sent for concurrence.

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-552)** on Bill "An Act To Change the Voting Requirements for the Withdrawal of a Municipality from a Regional School Unit" (EMERGENCY)

(H.P. 534) (L.D. 783)

Signed:

Senators:

MILLETT of Cumberland
LANGLEY of Hancock

Representatives:

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

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

Signed:

Senator:

JOHNSON of Lincoln

Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (H-552)** Report.

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-552)** was **READ** by the Clerk.

Representative MALABY of Hancock **PRESENTED House Amendment "A" (H-561) to Committee Amendment "A" (H-552)**, which was **READ** by the Clerk.

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

Representative **MALABY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This bill has two components. One is to permit those schools which seek to withdraw from an RSU to do so with a simple majority, at least that was the original part. The amended version says for a two-thirds vote. The other component would be to force, not force but if after 90 days an agreement can't be reached, a facilitator need be appointed. When it came back from OFPR, it had a fiscal note attached to it. I sought to minimize that fiscal note by including some unallocated language within this amendment that speaks to the fact that if an SAU or community wishes to withdraw from an RSU, there would be no increase in the state component of their appropriations for administration, no EPS increase in that component, and that helped minimize the fiscal note, and I thank you and I ask for your vote.

Subsequently, **House Amendment "A" (H-561) to Committee Amendment "A" (H-552)** was **ADOPTED**.

Committee Amendment "A" (H-552) as Amended by House Amendment "A" (H-561) 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-552) as Amended by House Amendment "A" (H-561)** thereto and sent for concurrence.

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Ensure Statewide School Accountability and Improvement"

(H.P. 1085) (L.D. 1510)

Signed:

Senators:

MILLETT of Cumberland
JOHNSON of Lincoln

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-558)** on same Bill.

Signed:

Senator:

LANGLEY of Hancock

Representatives:

JOHNSON of Greenville

MAKER of Calais
McCLELLAN of Raymond
POULIOT of Augusta

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

READ.

Representative MacDONALD of Boothbay moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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 is a bill that I see as the follow on to the grading system that was put in place by the Department of Education and the present administration, whereby schools were graded A through F. This bill would give the Commissioner power to essentially do a state takeover of failing schools. It expands the Commissioner's so-called failing schools. My worry is that the methods that will be used to designate schools as failing are really similar to or perhaps even exactly similar to the methods that were used to identify schools as failing schools in this past year when that system was put in place. This bill would seek to expand the power of the Commissioner to not only disapprove schools or designate schools are failing, not only Title I schools but all schools in the state would require a school improvement plan be put in place and if that school improvement plan was not working as deemed by the Commissioner, the Commissioner's power would be expanded to bring in a turnaround team, if you will, to the school which would include replacing principals, putting staff members under improvement plans or rather professional development plans that were put together, designed by the state Department of Education. It could redesign the school day. It could redesign school curriculum. It could even go into, the Commissioner and the Department of Education could even look into nonacademic issues, such as safety measures and discipline within the school. I see this as nothing but an extension of that A through F grading system that was flawed and I believe it represents an unwarranted potential takeover of local public schools by the state Department of Education. Mr. Speaker, we all want better schools, but this is a punitive law, as I see it, or bill that would propose to be a law, that would probably be most punishing to those school districts that have disadvantaged kids in them where education is hardest. I also would point out that anyone who supports this bill, it seems to me, is implicitly supporting the power of the state over local control. This bill seeks to provide a system by which the Commissioner of Education, the Department of Education can move in, take over a local school essentially, which they deem to be failing, and take it over from local control. To me, supporting this bill essentially says the state knows better than the localities as to what constitutes an adequate education at the local level. Mr. Speaker, for all of those reasons, I am standing in support of the Majority Ought Not to Pass and would ask that the rest of the House join me in supporting the Ought Not to Pass on this bill. Thank you, Mr. Speaker.

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

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

The **SPEAKER**: The Chair recognizes the Representative from Bangor, Representative Kornfield.

Representative **KORNFIELD**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I've been a public

school teacher all my life, so admittedly I am biased, but I happen to think that the public schools in Maine are pretty darn good. But let's be more specific. We represent the entire state and I want each of you to think about the public schools you represent. Are any of them so bad that the state should take them over, fire the principal and teachers, as well as let students leave to go to a private school or another public school at the town's expense? We all talk about local control and most of us believe in it. If there is a problem in a school, the place to start is the school board. You need to talk to the school board if there is a problem and you want change, or reelect the people who are on the school board. They are an elected body. Talk to them and then don't reelect them if there is really this much of a problem. So let's not talk about state takeover of our public schools. 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 disagree with almost all of what has been said here, with the exception of that we have many good schools in Maine. This bill is not designed to close schools and I think characterization of that is disingenuous at best. This is a bill that would allow a mechanism for the Department of Education to provide assistance to those schools that are struggling, and I would request that the Clerk read the report.

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

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

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

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

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

Representative **PEASE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I'd like to pose a question through the Speaker. Yesterday and today, we have been talking about school bills. We keep hearing about punitive law and punitive rules. I do not know that this has ever been to a court, so are we talking punitive by the court decision or by someone's opinion. Thank you.

The **SPEAKER**: The Representative from Morrill, Representative Pease, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Boothbay, Representative MacDonald.

Representative **MacDONALD**: Mr. Speaker, thank you and my attempt, my answer to that question will be that this bill in and of itself establishes what I would call punitive measures that will be put in place by the Department of Education. It does not involve court proceedings of any kind. While I am up, I might try to address what I think is a misinterpretation of my comments by my good friend, the Representative from Greenville, Representative Johnson. This bill does not call for the closing of any schools. That is not what this bill is about. It does call for and I can read to you from the bill. It does call where schools are deemed to be failing by the Commissioner, it does provide for replacing the current -- and I'm reading from the bill -- "replacing the current principal if that principal is not capable of leading turnaround efforts" It calls for "Ensuring that teachers are effective by reviewing, [at the state level], the quality of staff and retaining those determined to be effective" This is again the Commissioner and the state that are doing this. "Redesigning the school day, week or year to include additional time for student learning and teacher collaboration." It sounds great, but this is all based upon judgments that will be made by the Commissioner

and by the state Department of Education, essentially taking over the operation of the school that is deemed to be not approved or ineffective under this bill. Again, I refer you back to the failed grading system that was used by this administration and by the current Department of Education to label schools as failing. We all saw what happened there. We know that there was a problem with that whole system because it started to label schools, it did label schools with disadvantaged students as being primarily those schools. There were some exceptions, but that's where the target was, where the F's were. Schools that are having a hard time educating students, students with high levels of poverty. We want to help them. We don't want to blame them. We don't believe, I don't believe and I think the majority of the committee does not believe that the Commissioner of Education or the state Department has the solution to their problems. The solution to their problems lies in better local schools, accountable school boards, enough resources in those school districts so that those students can be adequately taught, not a state takeover of those schools. 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. As often happens, the Representative from Greenville has said much of what I would have said. I'll just add a few more points to the discussion. I heard the comment made a few times that this is a local versus state issue and I would beg to differ. I would say the theme of our committee this year was "institutions versus kids." This year, most of the bills I would say, or many of the bills, and I would say the budget, sought to just place no accountability on our school systems. One day in the hallway, I spoke with some of the leaders of the NEA, the local union, and I asked them if they thought the schools in Maine were good, and they said, "Excellent." I said, "Every school?" They said, "Yes, every school in Maine was excellent." Now, there is a local school in my area, it's not in my district but nearby, that, over time, with the Bush law on accrediting schools, had some very poor results and they were at risk of having their principal removed. A good man, I know him well and he made a choice to retire before he was removed, and it was a very painful thing for that community, but their achievements weren't very strong. And I just noticed in the paper, this year, after a three or four years difference, that school is being held up to some of their accomplishments now nationally. Yes, there are occasions when perhaps we do need to step in because the school board doesn't choose to spend the money the schools should have or for other reasons like that. Mr. Speaker, just in closing, again, on the committee, to me, this year, the theme was "institutions versus kids" and institutions are winning. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Naples, Representative Powers.

Representative **POWERS**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I just wanted to clarify what the good Representative from Raymond, Representative McClellan, said about Lake Region High School. With this law, Lake Region High School received a D after this improvement, and this D grade was received after the Commissioner had been at that high school two weeks prior and had said, "Wow, when the grades come out, we're going to hold this school up as a standard in how improving schools are working." Then the D grade came and that was based on a lot of misnomers, a lot of factors that were really taken out of context. I just want to make sure that we understand that there is a lot of danger here and it is a great high school, they are making great strides, but they would be taken over if this bill passed. Thank you.

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

Representative **MAKER**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would like to agree with a lot of what our good Representative from Raymond said. The federal government has put out a listing of poor performing schools for quite a while. I asked at the committee level and I will ask again now. I would like to see a comparison, see how those schools have improved. I was disappointed in this. I think you heard yesterday that there were some of us that didn't like the grading system, but in these particular bills, there was no discussion between the two. That's why that the majority passed most of these. There was no discussion to see if maybe we agreed with some of these statements they were saying. They were bound that these bills were not going to pass with no discussion and no hope. I mean, there are schools, and I have to say I have one in my area that needs improvement and I would welcome the help to get that. I don't know what that help would be, but I think by saying not to pass it, then they don't have to help them pass it. They don't have to help my school or any other school in the State of Maine because not all schools are great. There are a lot that are, but there are some that need some help. I will be voting in opposition to this. Thank you, Mr. Speaker.

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

ROLL CALL NO. 372

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

NAY - Ayotte, 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, Lockman, Long, Maker, Malaby, Marean, McClellan, McElwee, Nadeau A, Nadeau C, Newendyke, Nutting, Parry, Pease, Peavey Haskell, Pouliot, Reed, Sanderson, Sirocki, Timberlake, Turner, Tyler, Verow, Volk, Wallace, Weaver, Willette, Wilson, Winchenbach, Winsor, Wood.

ABSENT - Beaudoin, Bolduc, Doak, MacDonald S, Peterson.

Yes, 91; No, 55; Absent, 5; Excused, 0.

91 having voted in the affirmative and 55 voted in the negative, with 5 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

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

Majority Report of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** reporting **Refer to the Committee on Energy, Utilities and Technology** on Bill "An Act To Protect Maine's Scenic Character"

(H.P. 812) (L.D. 1147)

Signed:

Senators:

BOYLE of Cumberland
GRATWICK of Penobscot

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-550)** on same Bill.

Signed:

Senator:

SAVIELLO of Franklin

Representatives:

AYOTTE of Caswell
CAMPBELL of Orrington
HARLOW of Portland
LONG of Sherman

READ.

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

Majority Report of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** reporting **Refer to the Committee on Energy, Utilities and Technology** on Bill "An Act Regarding Wind Power Siting in the Unorganized Territory"

(H.P. 947) (L.D. 1323)

Signed:

Senators:

BOYLE of Cumberland
GRATWICK of Penobscot

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-549)** on same Bill.

Signed:

Senator:

SAVIELLO of Franklin

Representatives:

AYOTTE of Caswell
CAMPBELL of Orrington
HARLOW of Portland

LONG of Sherman

READ.

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

Nine Members of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (H-555)** on Bill "An Act To Restore Uniformity to the Maine Uniform Building and Energy Code"

(H.P. 691) (L.D. 977)

Signed:

Senators:

PATRICK of Oxford
CLEVELAND of Androscoggin

Representatives:

HERBIG of Belfast
CAMPBELL of Newfield
GILBERT of Jay
HAMANN of South Portland
MASON of Topsham
MASTRACCIO of Sanford
WINCHENBACH of Waldoboro

Three Members of the same Committee report in Report "B" **Ought to Pass as Amended by Committee Amendment "B" (H-556)** on same Bill.

Signed:

Senator:

CUSHING of Penobscot

Representatives:

DUPREY of Hampden
VOLK of Scarborough

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

Signed:

Representative:

LOCKMAN of Amherst

READ.

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

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. I rise today to speak in opposition of LD 977. The bill is named, "An Act To Restore Uniformity to the Maine Uniform Building and Energy Code," but in fact we already have uniformity in our building code here in Maine. No code may be adopted by any municipality anywhere in Maine that is not part of MUBEC. No BOCA Code, no International Code version that is not the version included in MUBEC. There is only one code.

Current law requires that all municipalities with more than 4,000 residents are subject to and must enforce the Maine Uniform Building and Energy Code in its entirety. Municipalities with fewer than 4,000 residents have the ability to choose which part of MUBEC they wish to adopt. They may adopt the Maine Uniform Building Code, or the Maine Uniform Energy Code, or

the Maine Uniform Building and Energy Code, or they may choose to adopt no code, like some of my communities have. Residents get to choose what is appropriate for their own community.

Passage of LD 977 would change that. Should this bill pass, all communities, no matter how small, would be subject to MUBEC. The Code would apply everywhere in Maine. Proponents of this bill will say that municipalities with fewer than 2,000 residents will not be charged with enforcement of MUBEC. However, if the Code applies, it must be enforced and occupancy permits must be issued. Most small towns will choose to require that third party inspectors conduct the many required inspections, rather than town officials. The TPI will provide the town with inspection certifications showing that the building is in compliance with MUBEC and the towns will issue occupancy permits.

This sounds reasonable until you realize that there is an insufficient supply and distribution of certified inspectors to complete the inspections, certainly not in a timely and cost effective manner. If you look at Aroostook County, there is less than five that do residential building inspections for the entire county. The chart on the back of my handout that's getting passed around, you received on your desk, shows you the number of third party inspectors certified to conduct inspections in each code section and each county in Maine. It clearly shows that there is far too few TPIs to adequately conduct the required inspections in many areas of our state.

The Maine Bankers Association has stated that in order to close on mortgage loans on new or substantially renovated residential or commercial projects, they must have certification that the project is in compliance with all applicable laws and that includes MUBEC, everywhere the code applies. The facts are clear. With no Occupancy Permit, there is no loan closing. The construction industry contributes significantly to Maine's economy. We cannot afford to slow down or jeopardize the recovery of this important industry and we must not put Maine citizens in an untenable and vulnerable position of not being able to finance their new homes and business buildings. Let's leave current law in place and ensure that there is no disruption in mortgage financing for new construction and major renovation. Please join me in opposing the pending motion and, Mr. Speaker, I request a roll call.

The same Representative **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 North Yarmouth, Representative Graham.

Representative **GRAHAM**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of this bill and of this motion. This bill merely restores the Maine Uniform Building and Energy Code to its original standard. As a member of the State and Local Government Committee, we passed LD 977, which rolled back the standard population of 2,000 – well, it rolled up, I should say – to 4,000. There was an immediate hue and cry for many communities that basically had no code. I agree with the good Representative from Mapleton that there is one code, but then there is no code. My community of North Yarmouth didn't know what to do. The code enforcement officer had no code to go by. She did have an electric code, a plumbing code, a separate code, but not standard unified building code to go by, and so we remedied that as quickly as we could. My other community that I represent, Pownal, had no code and they just figured this out on Monday. They had absolutely no code. I would point out that this code, this unified building code, does not affect communities under

2,000. This bill simply says that any community 2,000 or below would have this standard in place.

Why did Maine pass a unified building code in the first place? Well, it increases uniformity and predictability for builders, contractors and others, in order to make economic development easier. Look at the cost and affordability. The building and energy code is a minimum standard – minimum, minimum standard. It's based on the same code that is used in 40 other states. The building and energy code saves homeowners money starting on day one. Energy savings are doubled on a monthly basis. Statewide use of the code will save Mainers more than \$100 million on heating oil over the next 10 years. These numbers come from comprehensive Maine-based studies of cost savings for the code. Who supports this bill? Well, we had quite a few people supporting this bill, including the Maine Real Estate Development Association, the Association of General Contractors, Maine Contractors and Building Alliance. We had engineers supporting it. We had about 18 people support this piece of legislation. I have to say that that makes a big difference. You will see that this is costly. The fiscal note on this is "insignificant statewide." Banks and insurance companies support a statewide code because it helps protect investment in homes, and it even helps insurance rates go down. As of March 2011, a Critical Insights poll found that 80 percent of Maine people support having a statewide energy code. Support is strong across every demographic. Republicans, 69 percent; incomes under \$50,000, 78 percent of those people; and in northern Maine, 79 percent. The bottom line is what do we want? We want a uniform standard code. It is clear that that's something we want to have happen. That's why I brought this bill forward and I urge you to support the motion on the floor.

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

Representative **RYKERSON**: Thank you, Mr. Speaker. I rise in support of this motion. Men and Women of the House, I know, as a licensed Maine architect, that the reason we have building codes is for life safety. It's to protect the residents that live in these buildings. Building codes were originally developed because of fires and it extended to structural failures, but they are, in essence, to protect the people who use these buildings. I'm wondering why a community that has less than 4,000 people should have buildings that are less safe than communities that have more than 4,000 people. I'm wondering why if we have a code that's voluntary, is that really a code? I'm thinking that possibly we could have other voluntary regulations, such as car inspections or maybe a voluntary speed limit on our highways. I think that we should support more building codes that are protections for our citizens. Thank you, Mr. Speaker.

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

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

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

Representative **WILLETTE**: Mr. Speaker, is there any mandate language associated with this bill?

The **SPEAKER**: The Representative from Mapleton, Representative Willette, 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, yes, there is a mandate preamble on the Committee Amendment "A."

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

Representative **CAMPBELL**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I apologize for getting up on two different issues in one day, but about all I have to go on is history and the building codes were left to individual towns over the years because it was about local control. There is one universal code. It's the life safety code to protect the citizens as they build, as they move around in the community and commercial buildings. There is a life safety code that they all have to comply with. The Universal Building Code is another code that they elect to adopt or not. I represent two towns, one over 4,000, one under 4,000, and they abut each other, obviously. One town has to adopt it and the other doesn't. In one town, the cost of a home is \$7,000 more than in another town, so obviously people are searching to be in that town because it costs less. Now, if we move this down to 2,000, that smaller town is going to have to employ and train the code enforcement officers and they are looking to do that now because they are right on the edge of 4,000, so they know what it's going to cost. It's going to cost them \$100,000 a year more, just to go up into the population of more than 4,000. When we shift that down to 2,000, it's going to cost a lot of small towns a lot of money, when in fact the history of this issue before the Legislature is one of the Legislature wanting to license contractors. They tried and tried and tried and tried to license contractors, but they couldn't because they didn't have a universal code. So, as smart as we are, we say, well, let's step back and do it another way. Let's create a universal code. Then, later on, we can come back and license contractors. Well, licensing contractors is good for me. I can pass a license. But what about the citizens of Maine who can't get in line for that professional contractor, the people who have the teacher, the fireman, the neighbor, the farmer do their work for them? Are we going to ban the opportunities for people to improve their homes for less because we need to license contractors? That's another subject. I will come back to the code.

If we decide that we need to pass this bill and bring it down to towns with citizens of more than 2,000, talk about the impact on the local budgets. This is crazy. Actually, I had a bill to repeal the universal code. After going before the committee, they basically said, "Well, the good Representative has offered some good issues and thoughts, but we're going the other way." I said, "Really? Okay." So we're imposing more on these towns, when in fact we should be imposing less. The worst thing that I've seen as a passive solar, energy-efficient, green builder with these codes is that it blocks innovation. We have foundations now. We call them warm foundations, they are called monolithic slabs, they are called Canadian slabs, where you pour almost a garage slab and you insulate it. It's a warm foundation. I was working in Portland and basically wanted to put in a set of steps and they needed the piers four feet below. I said, "Well, gee, you know I've been building houses on insulated slabs, why can't we do that?" "Well, it's not in the code." "Well, the rest of the state is doing it." "Well, we can't do it." Worse than that, we've gone to insulation, we determine the value of insulation with R-factors. Well, R-factors are good, but generally, that's in terms of fiberglass, so with these codes we have to have a uniform cap which increases the height of the truss at the eaves so you can get the R-factor out over the edge of the wall. Maybe that's more than what you want to hear, but we've gone to sprayed urethane since 1971 and it does a lot more with a lot less. It adheres to the structure, it prevents infiltration and it takes less to accomplish more. No, we need the R-factors. There is a lot wrong with this, but the little bit wrong with this is imposing this on towns. We need to leave it at 4,000. This is a bad bill and, obviously, I recommend you oppose the motion. Thank you.

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

Representative **BROOKS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I couldn't agree more with my friend across the aisle. We don't need to do this. I did see somewhere about the percentage of folks who are in communities between 2,000 and 4,000, but I can tell you right now every community in my district is less than. The largest community is somewhere around 3,900 and that's Winterport. I have had many conversations with the town managers, with the councils, and with the folks in the District #42 and the answer is no to a person. Maine Municipal Association, as a member of the LPC we have voted on it and discussed it ad nauseum. The answer is no. We don't need it; it's another state mandate. In the Town of Winterport, we have chosen not to do a lot of things that I'm not quite sure is a good idea. We have no zoning, yet we live in a river community. I don't think that's such a good idea. But as the town manager pointed out, and I back him 100 percent, we're doing all right the way we are. If the 4,000 population communities can afford to do this and bring it in, so be it. But why reduce it down to 2,000? When you start sweeping in communities that don't have the money to be able to set up the enforcement, to hire somebody to go look at this, even if you can contract with a neighboring community, it's still going to cost my town a little bit of money. Of course, you've got to couple that with the fact that we are significantly reducing, at least by one-third, the revenue sharing that Winterport is going to get and all the other five towns and all the other costs that are being passed on to the municipalities. We're the little guys, folks. We're not people who are going to benefit greatly from local option tax breaks that some people might receive. We're the people who are going to pay those taxes, or pay those increased costs when we drive to Bangor or Belfast. We don't have the money. I'm going to vote against this bill. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Palmyra, Representative Cray.

Representative **CRAY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I happen to come from a rural community where I represent five towns. Three and maybe four, I don't know, one of them is right on the borderline, will be affected by this, so this is an expense to my towns. My question is, and I think Representative Willette asked it, the way I read this, this is a mandate on those small towns. My question is if this is a mandate, will this be a two-thirds vote?

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

Representative **GRAHAM**: Mr. Speaker, I'd like to answer the question from the good Representative from Mapleton. The fiscal note reads the required activities in this bill may represent a state mandate and that is only if it is 90 percent of "insignificant costs statewide." Mr. Speaker, may I proceed?

The SPEAKER: The Representative may proceed.

Representative **GRAHAM**: Thank you. I hear the concerns and I need to reassure you on some of these issues. I must point out that there were 18 individuals, builders, code enforcement individuals, people who were certainly not looking to increase their costs for their community. This restores MUBEC to a statewide code, which leaves enforcement optional in all towns under 2,000. Let me say that again. Under 2,000. In fact, we did have support to bring it all the way down to any house, because we think it's important that there is a uniform safe building code. It was overwhelmingly supported by builders, contractors, developers, insurance companies and others in the construction and development industry. It maintains multiple options for enforcement. It lowers heating and insurance costs

for new homeowners by simplifying development and returns Maine to being one of the 40 states with a statewide code, encouraging investment in the state, increasing predictability for builders across Maine. It was no coincidence that I had over 18 people standing behind me saying, "This is a good bill." People who are builders, people who really wanted consistency from town to town, to town. I hear the arguments and I hear the concerns, but I have to be very honest. This is an insignificant cost statewide. This will not cause significant problems for communities and communities are begging us to have a uniform code, a safe, energy-efficient common sense code statewide, just like 40 other states. How often do we hear the word "outlier"? We would be an outlier if we did not have this bill in place, this law in place. Thank you very much and I hope again you support the motion on the floor.

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

Representative **SHORT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to LD 977. Mr. Speaker, code enforcement officers and building contractors alike, in my district, oppose the passage of this bill. Code enforcement officers tell me it goes way over the top in many aspects, some of which we've already heard here this morning. Contractors tell me that its passage will place huge financial burdens on them. Contractors also tell me that the influx of doublewides from out-of-state already makes their survival very difficult. The codes placed on the doublewides are minimal in comparison to those codes placed on the contractors in the State of Maine already. The passage of this bill will only make it worse. I ask you, Ladies and Gentlemen of the House, please do not make a decision based on someone else's light, but to please do what's right and vote on the pending motion, opposed to the pending motion and for the people of the State of Maine. Thank you, Mr. Speaker.

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

Representative **KUMIEGA**: Thank you, Mr. Speaker. As a builder, my experience with houses that are not built to code is they frequently have problems with insulation, structural problems, moisture problems, sick building syndrome, mold growth. Houses built up to code are safer. They are more energy efficient. They last longer. They have better resale value. Ironically, all of the 10 towns in my district are too small to be affected by this either way, but Maine's housing stock, if it was built to code, our oil consumption would be down, our fuel consumption would be down and we'd have better housing. Thank you, Mr. Speaker.

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

Representative **WOOD**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Let's make it clear. The people of Maine did not vote this, and this body voted it in and crammed it down their throats. The people that have to do it, they don't like it. I know neither one of my towns liked this building code at all, so we need to fight for these other towns that are less than 4,000. We need to vote against this bill.

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

Representative **GILBERT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I stand in support of this bill to restore MUBEC to communities of 2,000 or more. This bill promotes predictability, practicality and clarity on laws through statewide codes. This bill would help to solve the problems caused by a variety of many municipal building regulations that have long been a source of frustration for

members of the building and design trades. It provides a level playing field with standard expectations for all in the building trades. It reduces greenhouse gasses. It provides consumer protections for their greatest investment, their home. Twenty people representing multiple groups testified on this bill before LCRED with an overwhelming number speaking in support of this positive change. I urge you to support the Majority Ought to Pass as Amended and vote for this good bill.

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 will be short. MMA opposes this bill. The Maine Association of REALTORS® opposes this bill. Maine Bankers Association opposes the bill. Those are the folks that are leading the charge right now with reviving Maine's economy. The real estate industry is starting to rebound in our state. I think we all will agree it's a positive thing and if they are coming out and telling us that this is a bad thing for the real estate industry, then we should take that very seriously. I feel pretty strongly that this bill will have unintended consequences and will harm that industry. To be completely honest, I have complete reservations with supporting this bill. I oppose the bill, and, with that being said, I would like to request permission to ask a question to the Chair.

The SPEAKER: The Representative may pose his question.

Representative **WILSON**: Thank you, Mr. Speaker. My question is, it's not completely clear to me if this is a mandate or not. Can the Speaker please answer if this does have a mandate attached to it or not?

The SPEAKER: The Chair would direct members to the fiscal note developed by OFPR which does indicate that it will be a mandate. On Enactment, it will require a two-thirds vote, if it's deemed to be a mandate.

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

Representative **RYKERSON**: Thank you, Mr. Speaker. I just have a couple of points of clarification. First, there is nothing about contractor licenses in this bill. A goat farmer or a tractor mechanic can build a house according to code. Second, if frost protected, shallow foundation is in fact in the code. So the code, if you build according to code, you are building the worst possible building that could be built legally. If we want to build buildings that are worse than that, less safe, then you can oppose this bill. Thank you.

The SPEAKER: The Chair recognizes the Representative from Woolwich, Representative Kent.

Representative **KENT**: Thank you, Mr. Speaker. I oppose the legislation before us. Of the five municipalities in my district, the one that would be impacted by this would have to hire a fulltime building inspector and perhaps another one and they are already being hit with the budget that's being passed. This is not the time for this bill. Thank you.

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. 373

YEA - Beavers, Berry, Boland, Campbell J, Cassidy, Chapman, Chenette, Chipman, Cooper, Daughtry, DeChant, Dickerson, Dill, Dion, Dorney, Farnsworth, Fowle, Frey, Gattine, Gideon, Gilbert, Goode, Graham, Grant, Hamann, Harlow, Hayes, Herbig, Hobbins, Hubbell, Jorgensen, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby N, Longstaff, Luchini, MacDonald W, Marks, Mason, Mastraccio, McCabe, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison,

Nadeau C, Nelson, Noon, Peoples, Plante, Powers, Priest, Pringle, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Saucier, Saxton, Schneck, Shaw, Stuckey, Theriault, Tipping-Spitz, Welsh, Werts, Mr. Speaker.

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

ABSENT - Beaudoin, Bolduc, Carey, Doak, MacDonald S, Peterson.

Yes, 74; No, 71; Absent, 6; Excused, 0.

74 having voted in the affirmative and 71 voted in the negative, with 6 being absent, and accordingly Report "A" **Ought to Pass as Amended** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-555)** 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-555)** and sent for concurrence.

ENACTORS

Emergency Measure

An Act To Amend the Laws Governing Secession from a Municipality

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

(C. "A" H-539)

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. 139 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 Review the Impact of Unfunded Education Mandates and Evaluate the Efficacy of Education Laws

(S.P. 322) (L.D. 944)

(C. "A" S-295)

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. 134 voted in favor of the same and 5 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, Regarding Legislative Review of Chapter 180: Performance Evaluation and Professional Growth Systems, a Late-filed Major Substantive Rule of the Department of Education

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

(H. "A" H-546 to C. "A" H-507)

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

Representative BERRY of Bowdoinham **REQUESTED** a roll call on **FINAL PASSAGE**.

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

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

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

ROLL CALL NO. 374

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

NAY - Ayotte, Beaulieu, Bennett, Black, Campbell R, Chase, 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, Bolduc, Carey, Doak, MacDonald S, Peterson.

Yes, 89; No, 56; Absent, 6; Excused, 0.

89 having voted in the affirmative and 56 voted in the negative, with 6 being absent, and accordingly the Resolve **FAILED** of **FINAL PASSAGE** and was sent to the Senate.

Acts

An Act To Expand Wild Turkey Hunting Opportunities

(H.P. 161) (L.D. 200)

(H. "A" H-547 to C. "A" H-542)

An Act To Provide for Special Restrictions on Dissemination and Use of Criminal History Record Information for Class E Crimes Committed by an Adult under 21 Years of Age

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

(C. "A" H-544)

An Act To Expand Access to Early Postsecondary Education

(H.P. 677) (L.D. 963)

(C. "A" H-545)

An Act To Promote Innovation in Public Schools

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

(H. "A" H-548 to C. "A" S-291)

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.

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

ENACTORS

Emergency Measure

An Act To Establish the Maine Online Learning Collaborative
(S.P. 580) (L.D. 1533)
(C. "A" S-302)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 140 voted in favor of the same and 1 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act To Fix and Improve the System Used To Evaluate or Rate Public Schools in Maine

(S.P. 585) (L.D. 1540)
(C. "A" S-306)

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

Representative McCABE of Skowhegan **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. 375

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

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

ABSENT - Beaudoin, Bolduc, Carey, Doak, MacDonald S, Nutting, Peterson.

Yes, 83; No, 61; Absent, 7; Excused, 0.

83 having voted in the affirmative and 61 voted in the negative, with 7 being absent, and the Bill **FAILED** of **PASSED TO BE ENACTED** and was sent to the Senate.

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

(S.P. 252) (L.D. 703)
(C. "A" S-283)

An Act To Promote the Maine Economy and Support Maine's Sporting Camp Tradition

(S.P. 276) (L.D. 738)
(C. "A" S-305)

An Act To Amend the Prior Authorization Process for Methadone and Suboxone Treatments under MaineCare

(H.P. 664) (L.D. 951)
(C. "A" H-559)

An Act To Amend the Law Governing Provider Contracts with Insurance Companies

(S.P. 540) (L.D. 1466)
(C. "A" S-284)

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.

COMMUNICATIONS

The Following Communication: (S.C. 488)

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

June 18, 2013

Honorable Millicent M. MacFarland

Clerk of the House

2 State House Station

Augusta, Maine 04333

Dear Clerk MacFarland:

Senate Paper 272, Legislative Document 734, "An Act Relating to the Sales Tax Exemption on Depreciable Equipment Used in Commercial Wood Harvesting," having been returned by the Governor, together with objections to the same, pursuant to Article IV, Part Third, Section 2 of the Constitution of the State of Maine, after reconsideration, the Senate proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objections of the Governor?"

20 voted in favor and 15 against, and accordingly it was the vote of the Senate that the Bill not become a law and the veto was sustained.

Best Regards,

S/Darek M. Grant

Secretary of the Senate

READ and ORDERED PLACED ON FILE.

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

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

Representative **HICKMAN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. It was on this day in 1865 that the Union soldiers, led by Major General Gordon Granger, landed at Galveston, Texas, with the news that the Civil War had ended and that the enslaved were now free. Note that this was two and a half years after President Lincoln's Emancipation Proclamation, which had become official January 1, 1863. The Emancipation Proclamation had little impact on the

Texans due to the minimal number of Union troops to enforce the new executive order there. However, with the surrender of General Lee in April of 1865, and the arrival of General Granger's regiment, the forces were finally strong enough to influence and overcome the resistance.

One of General Granger's first orders of business was to read to the people of Texas, General Order Number 3, which began most significantly with this:

"The people of Texas are informed that in accordance with a Proclamation from the Executive of the United States, all slaves are free. This involves an absolute equality of rights and rights of property between former masters and slaves, and the connection heretofore existing between them becomes that between employer and free laborer."

The reactions to this profound news ranged from pure shock to immediate jubilation.

Juneteenth Day, also known as Freedom Day or Emancipation Day, remains the oldest known celebration commemorating the ending of slavery in the United States of America. It is a day, a week, and in some areas a month marked with celebrations, parades, guest speakers, picnics and family gatherings. It is a time for reflection and rejoicing and good, good food. A time for assessment and self-improvement. A time for planning the future, emphasizing education and achievement.

Juneteenth Day's growing popularity signifies a level of maturity and dignity in America long overdue. In cities across the country, people of all races, nationalities and religions are joining hands to truthfully acknowledge a period in our history that shaped and continues to influence our nation to this day. Sensitized to the conditions and experience of others, only then can we make significant and lasting improvements in our society and in our great country. Thank you, Mr. Speaker.

The House recessed until 2:00 p.m.

(After Recess)

The House was called to order by the Speaker.

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

ENACTORS
Acts

An Act To Regulate Dealers in Secondhand Precious Metals
(H.P. 64) (L.D. 71)

(H. "A" H-551 to C. "A" H-392)

An Act Regarding School Construction
(S.P. 429) (L.D. 1235)

(S. "A" S-312 to C. "A" S-239)

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

An Act To Promote the Safe Use and Sale of Firearms
(H.P. 874) (L.D. 1240)

(C. "A" H-450)

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

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

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

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

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

ROLL CALL NO. 376

YEA - Beavers, Beck, Berry, Boland, Bolduc, Briggs, Brooks, Carey, Casavant, Cassidy, Chapman, Chenette, Chipman, Cooper, Daughtry, DeChant, Devin, Dickerson, 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, Morrison, Nadeau C, Nelson, Noon, Plante, Powers, Priest, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Saxton, Schneck, Short, Stuckey, Theriault, Tipping-Spitz, Treat, Welsh, Werts, Mr. Speaker.

NAY - Ayotte, Beaulieu, Bennett, Black, Campbell J, Campbell R, Chase, 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, Moriarty, Nadeau A, Newendyke, Nutting, Parry, Pease, Peavey Haskell, Peoples, Peterson, Pouliot, Pringle, Reed, Sanderson, Saucier, Shaw, Sirocki, Stanley, Timberlake, Turner, Tyler, Verow, Villa, Volk, Wallace, Weaver, Willette, Wilson, Winchenbach, Winsor, Wood.

ABSENT - Beaudoin, Doak.

Yes, 78; No, 71; Absent, 2; Excused, 0.

78 having voted in the affirmative and 71 voted in the negative, with 2 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

UNFINISHED BUSINESS

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

An Act To 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)

TABLED - June 18, 2013 (Till Later Today) by Representative BERRY of Bowdoinham.

PENDING - **RECONSIDERATION** (Returned by the Governor without his approval).

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've spoken to this issue previously. I think you know how I feel. I just wanted to refresh you on a few other issues. It is my contention that the Medicaid system, what we know here as MaineCare, is a broken system and indeed more of the same for the State of Maine is not going to fix it. Expanding the MaineCare system is the wrong

prescription. It's actually the wrong diagnosis and invariably the wrong diagnosis will lead to the wrong prescription. Medicaid was designed in 1965. We have a different health care delivery system today as we did then. We need to reform, indeed work with the federal government to change Medicaid, in ways that will serve those populations most in need. We, on this side of the aisle, are not against taking care of the neediest amongst us, but we have a population that has been referenced previously of some 3,100 who are in dire need of our assistance and we are not addressing their needs. The system that we have for Medicaid is rife with perverse incentives, both for consumers and providers. I don't see how burdening the people of the State of Maine with hundreds of millions of dollars in costs down the road is going to help us, because, at its very heart, Medicaid, with its lack of copays, invites people, if you will, to over consume. We heard testimony yesterday regarding dental components in which there was a 40 or 50 percent no show rate. There is a high no show rate among doctors and the reason for that is there is no value associated with this insurance, which some would call insurance and others may call social welfare. With no copay or no premiums in a health care system with unknown prices, nor is there information about quality, is it any wonder that our health care costs are out of control and isn't that the real reason, the problem that we have is trying to address our health care costs? I believe it to be and I'm not sure that expanding this, at this point in time, will serve us in any positive way. There is much other things that I have said about this. I will not belabor the points that I've previously made. I ask that you vote against the pending motion and I thank you.

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

Representative **PARRY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. When we were debating this the other night, I believe I asked a question that doesn't seem to ever get answered. When this goes to 90 percent, how are we going to pay for it? Currently, DHHS eats up between one-third and half of the state's budget. By 2020, and thereafter, it will probably be eating up between two-thirds and three-quarters of the budget. How are we going to pay for that? The only way to pay for that is if we totally do away with GPA for education. If we are paying 75 percent of the budget for DHHS, then we are going to have to cannibalize the rest of the budget and I don't think anybody in this chamber wants to push the entire education of our children back on the local property taxpayers. I think the questions need to be asked, how are we going to pay for this? Nobody seems to come up with that answer. Thank you, Mr. Speaker.

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

Representative **SIROCKI**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise today in opposition of the pending motion. The lyrics of an old familiar song keep playing in my head. *Bye, bye Miss American Pie/Drove my Chevy to the levee but the levee was dry.* The levee is dry. Folks, we are struggling to pay for the current system. I have only been here two and a half years, but I have voted on many supplemental budgets. Why? Because we keep running out of money. The Medicaid program is cannibalizing our budget. Again, the levee is dry. *A long, long time ago/I can still remember how that music used to make me smile/And I knew if I had my chance that I could make those people dance/And maybe they'd be happy for a while.* Back in 2001, I learned that the Speaker of the House stepped down onto the floor of this chamber and gave an impassioned speech. A speech filled with promises. A speech that made people smile. A speech that

made us happy for a while. *Now, for ten years we've been on our own/And moss grows fat on a Rolling Stone/But that's not how it used to be.* Since 2001, about 10 years ago, we have been on our own. We were one of the few states to expand Medicaid coverage well above national averages, well above federal minimums. How has striking out on our own worked out for us? Instead of using creativity and fresh ideas, we had one fat idea. We were told that increased MaineCare coverage would cost less. But costs grew fat. As a matter of fact, they have exploded at more than four times the rate of inflation. We were told that increasing coverage would reduce expensive frivolous emergency department usage. But our emergency departments are fat with full waiting rooms. We were told that increasing coverage would result in less charity care. But charity care has grown tremendously. And we were told that expanding coverage would result in savings because people would be healthier. But we have spent an additional one billion dollars in the last ten years.

The song continues. *But, February made me shiver with every paper I'd deliver/Bad news on the doorstep, I couldn't take one more step.* Here we are 12 years later with bad news on our doorstep. Promises broken. Levees drained dry. Here we are with 3,100 disabled and elderly people on waitlists, silently waiting, hoping. Back to the song. *And there we were all in one place, a generation lost in space/With no time left to start again/So come on Jack be nimble, Jack be quick/ Jack Flash sat on a candlestick 'cause fire is the devil's only friend/And as I watched him on the stage/My hands were clenched in fists of rage/No angel born in hell/Could break that Satan's spell. And as the flames climbed high into the night/To light the sacrificial rite...*

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

Representative **RUSSELL**: Mr. Speaker, Point of Order. How is this relevant to the conversation at hand?

On **POINT OF ORDER**, Representative **RUSSELL** of Portland asked the Chair if the remarks of Representative **SIROCKI** of Scarborough were germane to the pending question.

The SPEAKER: The Chair would remind all members to make sure that your comments are what is before us and that is the Override Veto of 1066.

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

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

Representative **SIROCKI**: Can we break this spell? Can we? *I met a girl who sang the blues/And I asked her for some happy news.* I am not smiling. And I am not turning away. It is time we faced the music. This expansion is not free. In the first biennium, it will cost us \$24 million in state dollars, and costs explode thereafter. It is the height of irresponsibility to ignore these facts. How can we contemplate spending more money, when we have existing and growing wait lists and a dry levee? I urge you to sustain the veto. 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. Again, expansion is not free. We know that, we've had this conversation here and whether we choose to believe it or not, I guess that's our own personal choices. But let's talk about a three-year sunset. In three years, the very folks in this chamber and in the halls and out in the public who are saying "It's free for three years and then we'll stop," do you really think in three years you will pull that coverage for 70,000 people? I don't think so. Copays, copays

are nothing but a provider tax because there is nothing to incentivize recipients to pay that copay. It will be the providers who go without. In 2001, an anticipated 11,000 would have been covered under MaineCare expansion. They capped it at 25,000. They capped it at 25,000 because they had a tremendous woodwork effect. People came out of the woodwork. Free health care. Medicaid expansion. Some people even transitioned from regular private commercial insurance on to MaineCare because there is no copay, it was a better deal for them. Now, you may be looking out for 70,000 and we want to look out for 70,000 Mainers as well, but we also can't forget that there is 1.3 million in this state and we're charged with looking out for all of them. To have a robust health care system, you need a robust economy to support it. We don't have that right now. It's slowly starting to edge forward, but we don't have that right now and putting this in place at this time, without having a department that has a good solid foundation under it, would just be, in my opinion, foolish, irresponsible and certainly not the best deal for Maine. I'm sure we're not changing anybody's minds here, but I want it known that everybody in this chamber wants to make sure that everybody in our state has the best health care possible. That's something we all can share. How we go about it, well, that's where we may differ. But we do have a vessel still sitting in a committee being held up, which may give us the opportunity to do this the right way, to take our time, look at the ever shifting rules coming out of Washington and they are ever shifting, nothing is set in stone. Two programs under the ACA have already proven to be dismal failures. The CLASS Act for long-term care insurance, that lasted about a year before they repealed that late on a Friday night because it was too costly, and now the bridge program that they have, they set aside \$5 billion to help high-risk individuals, kind of a bridge program between now and when the Affordable Care Act/ObamaCare/Medicaid expansion got up and running on January 1, 2014. Five billion dollars. They are almost out of money. This was supposed to help 400,000 citizens of this country. They've capped it at less than 140,000 and in a *New York Times* article, one of the quotes is "We're trying to stop the hemorrhage." Now, if that's going to happen to a \$5 billion program, what's going to happen when we go nationwide at 100 percent and over \$900 billion a year. How long do you think they're going to afford that before they start shoving everything right back down to the states and there we are with something that we can't afford because we haven't done the work properly to shore up our own home system. I urge you, sustain the veto, take your time, do it right, slow down. They are moving way too fast. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative **LOCKMAN**: The question would be how many of the 3,100 seriously disabled Mainers who are covered by MaineCare but are currently on waitlists for home-based and community care, how many of them will get coverage if we enact LD 1066? Thank you.

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 Belgrade, Representative Keschl.

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

The SPEAKER: The Representative may pose his question.

Representative **KESCHL**: Mr. Speaker, I keep hearing that the federal government will pay for 100 percent of the cost of

Medicaid for three years for these 70,000 to 75,000 people who will be covered by this proposal. In fact, on the way into the chamber, I heard a lady call out to me and say, "Take it. It's free for three years." Again, this morning on the George Hale Ric Tyler Show, I heard the President of the other body say that the 70,000 to 75,000 people who will be covered by this Medicaid expansion will be covered free, 100 percent paid for three years by the federal government. However, I've also heard by some folks that this isn't so. I'm confused. What is the truth? Are they paid 100 percent for three years? Are all 70,000 to 75,000 paid 100 percent by the federal government for three years or not? Thank you.

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

Representative **SANDERSON**: Mr. Speaker, I would like to answer Representative Keschl's question. Only approximately 45,000 of those are free. The others, to make up the other 70,000, will be an expansion in the parent category, which is not free. We will only be reimbursed 61.5 percent for every individual because that's already a program that we've expanded. It's not free.

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

Representative **LOCKMAN**: Thank you, Mr. Speaker. I would like to answer the question posed by the Representative from Amherst, Representative Lockman. The answer is zero. None of those people will be covered.

After reconsideration, the House proceeded to vote on the question, 'Shall this Bill 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 Bill become a law notwithstanding the objections of the Governor?' All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 377V

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

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

ABSENT - Doak, Tyler.

Yes, 97; No, 52; Absent, 2; Excused, 0.

97 having voted in the affirmative and 52 voted in the negative, with 2 being absent, and accordingly the Veto was **SUSTAINED**.

Representative BERRY of Bowdoinham moved that the House **RECONSIDER** its action whereby the Veto was **SUSTAINED**.

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

Representative FREDETTE: Mr. Speaker, I would object that the vote was taken, the yeas and the nays were recorded and the final tally was recorded, that this action has been resolved and I would move that the Chair determine that this action has been finally moved and resolved as a result of the vote of this body.

Representative FREDETTE of Newport **OBJECTED** to **RECONSIDERATION**.

The SPEAKER: The Chair calls members attention to Section 458 of the *Mason's Manual*, Consideration of Measures Returned by the Executive Veto. "When an executive returns a [veto] to a legislative body with objections ... the further consideration of the measure is not itself a reconsideration in the parliamentary sense. A vote taken [under] further consideration of the measure, whether in the affirmative or [the] negative, can be reconsidered."

The Speaker advised the members that a veto vote can be **RECONSIDERED** according to Mason's Manual.

The Chair recognizes the Representative from Hampden, Representative Duprey.

Representative DUPREY: Mr. Speaker, point of parliamentary inquiry. Mr. Speaker, I am questioning whether the Majority Leader is on the prevailing side having voted green.

On **POINT OF ORDER**, Representative DUPREY of Hampden asked the Chair if the Representative from Bowdoinham, Representative Berry was on the prevailing side of the pending question.

The SPEAKER: The Chair would answer in the affirmative. He voted nay.

The Chair advised Representative DUPREY of Hampden that the Representative from Bowdoinham, Representative Berry was on the prevailing side of the pending question.

Representative FREDETTE of Newport **REQUESTED** a roll call on his motion to **RECONSIDER** whereby the Veto was **SUSTAINED**.

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

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

The Chair recognizes the Representative from Newport, Representative Fredette.

Representative FREDETTE: Mr. Speaker, I would request clarification on a motion for Reconsideration, whether the rules require a two-thirds or a simple majority.

The SPEAKER: A simple majority, unless it has been more than one legislative day. The Chair recognizes the Representative from Newport, Representative Fredette.

Representative FREDETTE: Could that please be identified in the rules so that we could reference it in the rules?

The SPEAKER: The Chair would answer in the affirmative. The Chair recognizes the Representative from Newport, Representative Fredette.

Representative FREDETTE: Mr. Speaker, I request permission to come to the well of the House.

The SPEAKER: The vote is open. When it has closed, you may.

ROLL CALL NO. 378

YEA - Beaudoin, Beavers, Beck, Berry, Boland, Bolduc, Briggs, Brooks, Campbell J, Carey, Casavant, Cassidy,

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

NAY - Ayotte, Beaulieu, Bennett, Black, 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, Pouliot, Reed, Sanderson, Sirocki, Timberlake, Turner, Volk, Wallace, Weaver, Willette, Wilson, Winchenbach, Winsor, Wood.

ABSENT - Doak, Tyler.

Yes, 93; No, 56; Absent, 2; Excused, 0.

93 having voted in the affirmative and 56 voted in the negative, with 2 being absent, and accordingly the House voted to **RECONSIDER** whereby the Veto was **SUSTAINED**.

Representative BERRY of Bowdoinham moved that the Bill be **TABLED** until later in today's session pending **RECONSIDERATION**.

Representative FREDETTE of Newport **REQUESTED** a roll call on the motion to **TABLE** until later in today's session pending **RECONSIDERATION**.

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 Reconsideration. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 379

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

NAY - Ayotte, Beaulieu, Bennett, Black, 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, Nadeau A, Newendyke, Nutting, Parry, Pease, Peavey Haskell, Pouliot, Reed, Sanderson, Sirocki, Timberlake, Turner, Volk, Wallace, Weaver, Willette, Wilson, Winchenbach, Winsor, Wood.

ABSENT - Doak, Tyler.

Yes, 94; No, 55; Absent, 2; Excused, 0.

94 having voted in the affirmative and 55 voted in the negative, with 2 being absent, and accordingly the Bill was **TABLED** pending **RECONSIDERATION** and later today assigned.

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Expand School Choice for Maine Students"

(S.P. 576) (L.D. 1529)

Signed:

Senators:

MILLETT of Cumberland
JOHNSON of Lincoln
LANGLEY of Hancock

Representatives:

MacDONALD of Boothbay
DAUGHTRY of Brunswick
HUBBELL of Bar Harbor
KORNFIELD of Bangor
MAKER of Calais
NELSON of Falmouth
POULIOT of Augusta
RANKIN of Hiram

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-313)** on same Bill.

Signed:

Representatives:

JOHNSON of Greenville
McCLELLAN of Raymond

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

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

READ.

Representative MacDONALD of Boothbay moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

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

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

Representative **MacDONALD**: Thank you, Mr. Speaker. This is a bill that came to us late in the session from the Chief Executive. This is a bill that really does two things. One, it enables private or public institutions of higher learning to authorize charter schools. Those of you who were here in the last Legislature may remember that that was part of the original charter authorization mechanism, but that was removed in the bill last year. This bill seeks to re-enable public or private institutions of higher learning to authorize charter schools. That's one thing it does. The second that it does is it funds tuition and transportation for students to attend, who transfer to other public or private schools. It's important to note, it's crucial to note that in this bill, this funding would go or could go to sectarian, that is religious, private schools. This bill opens up tuition payments

and transportation to private religious schools. This is a concept that was rejected in the 125th and I would urge you to reject it again because it's an important part of this two-part bill. What this bill does is if it were to pass, in my view, it would make worse the tension between public schools and charter schools and those who support them. Can you imagine institutions of higher learning somewhere in the state and I respect and love them, but can you imagine that a college somewhere could authorize a charter school and under the current funding mechanisms for charter schools, your tax money that you paid into your local district would go to the charter school that was so authorized? If that is not taxation without representation, I don't know what is. Enabling institutions of higher learning to now get into the charter school authorization games will just make worse the tension that exists between public school supporters and those who want our public schools to fry and the charter schools. So I urge you not to support it on that basis alone. Secondly, and I can't reiterate this enough, it allows the expenditure of public funds in institutions of private religious schools. I think on both of these grounds it is a bill that we Ought Not to Pass. I urge you to join me in voting to support the Ought Not to Pass motion on this bill. 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 won't go against anything that my friend on the other side just said. Everything I think he said is true about the bill, except for, I think, the evil part that he displayed. I mentioned earlier today that the Education Committee and I guess what we're looking at, it's becoming an "institution versus kids" debate. I would say that this bill was not about funding evil charter schools. I would say this is about our public funding going to our kids and that they get a choice of where they go. They do where it's best. We know very clearly that not every situation is the best learning situation for every kid. This would just give them the opportunity to find that place where they could succeed the best. We talked a lot about how charter schools are hurting kids. We don't talk about the dropout rates and the schools that are losing charter school kids. That would be an interesting discussion someday, Mr. Speaker. I guess finally I'll say that there is a piece in this bill that would talk about funding so-called religious schools and I find that ironic as we talk about the religion of abortion here and that's okay, and we talk about the religion of the environment and that's okay, but the religion of religion is taboo. In the committee vote, there was only two of us, the Representative from Greenville, myself, that supported this. Our peers didn't and that's okay, but I thought it was important enough to speak today. I thank you for your time, Mr. Speaker.

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

ROLL CALL NO. 380

YEA - Beaudoin, Beaulieu, Beavers, Beck, Bennett, Berry, Boland, Bolduc, Briggs, Brooks, Campbell J, Carey, Casavant, Cassidy, Chapman, Chenette, Chipman, Clark, Cooper, Daughtry, DeChant, Devin, Dickerson, Dill, Dion, Dorney, Esping, Evangelos, Farnsworth, Fowle, Frey, Gattine, Gideon, Gilbert, Goode, Graham, Grant, Hamann, Harlow, Hayes, Herbig, Hickman, Hobbins, Hubbell, Jones, Jorgensen, Kaenrath, Kent, Keschl, Kinney, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby N, Longstaff, Luchini, MacDonald S, MacDonald W, Maker, Marks, Mason, Mastraccio, McCabe, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C,

Nelson, Noon, Peavey Haskell, Peoples, Peterson, Plante, Pouliot, Powers, Priest, Pringle, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Saucier, Saxton, Schneck, Shaw, Short, Stanley, Stuckey, Theriault, Tipping-Spitz, Treat, Turner, Verow, Villa, Volk, Weaver, Welsh, Werts, Wilson, Winchenbach, Winsor, Mr. Speaker.

NAY - Ayotte, Black, Campbell R, Chase, Cotta, Crafts, Cray, Crockett, Davis, Dunphy, Duprey, Fitzpatrick, Fredette, Gifford, Gillway, Guerin, Harvell, Jackson, Johnson D, Johnson P, Knight, Libby A, Lockman, Long, Malaby, Marean, McClellan, McElwee, Nadeau A, Newendyke, Nutting, Parry, Pease, Reed, Sanderson, Sirocki, Timberlake, Tyler, Willette, Wood.

ABSENT - Doak, Wallace.

Yes, 109; No, 40; Absent, 2; Excused, 0.

109 having voted in the affirmative and 40 voted in the negative, with 2 being absent, and accordingly the Majority **Ought Not to Pass Report** was **ACCEPTED** in concurrence.

The SPEAKER: The Chair recognizes the Representative from Newport, Representative Fredette, and inquires as to why the Representative rises.

Representative **FREDETTE**: Thank you, Mr. Speaker. Mr. Speaker, in regards to the previous action regarding the motion to reconsider, in making reference to *Mason's Manual of Legislative Procedure*, Section 461, indicates when a motion to reconsider may not be made. Under that section, Section 3, Section 3 states, "the rules frequently prohibit making a motion to reconsider on the last day of a legislative session." Today is statutory adjournment date for this body and I would argue that this is in fact the last day of the legislative session and that the ruling was therefore out of order.

On **POINT OF ORDER**, Representative **FREDETTE** of Newport asked the Chair if the **RULING** of the Chair to allow **RECONSIDERATION** on L.D. 1066 was **OUT OF ORDER**.

The SPEAKER: The Chair would respond to the question that was asked or posed. The matter is no longer before the body. In the House Rules, the House will be in order. The House Rules do not prohibit Reconsideration on the last day of session.

The Chair reminded Representative **FREDETTE** of Newport that the matter was no longer before the body.

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

Representative **FREDETTE**: Thank you, Mr. Speaker. In regards to your ruling, could you please cite in *Mason's Manual* the basis for your ruling?

The SPEAKER: The Chair will call members attention to the *Mason's Manual*, Part I, Section 4, subsection 2. Rules of legislative procedure are derived from several sources and take precedence in the order listed below. The principal source as are follows: constitutional provisions and judicial decisions thereon. Second, adopted rules. Those are our House Rules. Third, customer usage and precedents. Fourth, statutory provisions. Fifth, adopted parliamentary authority. That's the *Mason's Manual*. And last, parliamentary law. So our adopted rules, the House Rules, are a higher order and take precedence over *Mason's Manual*.

The Chair recognizes the Representative from Newport, Representative Fredette.

Representative **FREDETTE**: Thank you, Mr. Speaker. According to the Rules of the House, Rule 522, it states, in part, "The rules of parliamentary practice comprised in Mason's Rules govern the House in all cases in which they are applicable and in which they are not inconsistent with the standing rules and orders

of the House and the joint rules of the Senate and House of Representatives. In the event that Mason's Rules do not cover the parliamentary practice in question, then Reed's Rules govern." I would argue, Mr. Speaker, in fact that the Mason's Rules would rule on this in regards to your ruling.

The SPEAKER: The Chair recognizes the Representative from Hampden, Representative Duprey, and inquires as to why the Representative rises.

Representative **DUPREY**: Mr. Speaker, would an appeal to the decision be in order?

The SPEAKER: The time has passed to appeal the decision. The matter is no longer before the body.

ENACTORS Bond Issue

An Act To Authorize a General Fund Bond Issue To Establish the High-efficiency Biomass Boiler Rebate Program and the Home Heating Conversion Fund

(S.P. 542) (L.D. 1468)
(S. "A" S-301)

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

On motion of Representative McCABE of Skowhegan, the Bill and all accompanying papers were **COMMITTED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**. Sent for concurrence.

Acts

An Act To Further Strengthen the Protection of Pregnant Women and Children from Toxic Chemicals

(S.P. 418) (L.D. 1181)
(C. "A" S-310)

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.

UNFINISHED BUSINESS

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

An Act To Sustain Maine's Aviation Industry by Extending the Exemption from Sales and Use Tax for Aircraft and Parts

(S.P. 112) (L.D. 279)
(C. "A" S-55)

TABLED - May 15, 2013 (Till Later Today) by Representative BERRY of Bowdoinham.

PENDING - **PASSAGE TO BE ENACTED**.

Representative **FREDETTE** of Newport **REQUESTED** a roll call **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. 381

YEA - Ayotte, Beaudoin, Beaulieu, Beavers, Bennett, Berry, Black, Boland, Bolduc, Briggs, Brooks, Campbell J, Campbell R, Casavant, Cassidy, Chase, Clark, Cotta, Crafts, Cray, Crockett, Daughtry, Davis, DeChant, Devin, Dickerson, Dill, Dion, Dorney, Dunphy, Duprey, Espling, Evangelos, Farnsworth, Fitzpatrick, Fowle, Fredette, Frey, Gattine, Gideon, Gillway, Goode, Graham,

Grant, Guerin, Hamann, Harvell, Herbig, Hobbins, Hubbell, Jackson, Johnson D, Johnson P, 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, Peoples, Peterson, Plante, Pouliot, Powers, Priest, Pringle, Rankin, Reed, Rochelo, Rotundo, Russell, Sanborn, Sanderson, Saucier, Saxton, Schneck, Shaw, Short, Sirocki, Stanley, Theriault, Timberlake, Tipping-Spitz, Turner, Tyler, Verow, Villa, Volk, Wallace, Weaver, Welsh, Werts, Wilson, Winchenbach, Winsor, Wood, Mr. Speaker.

NAY - Beck, Chapman, Chenette, Chipman, Cooper, Gifford, Gilbert, Harlow, Hayes, Hickman, Jones, Pease, Peavey Haskell, Rykerson, Stuckey, Treat.

ABSENT - Carey, Doak, Willette.

Yes, 132; No, 16; Absent, 3; Excused, 0.

132 having voted in the affirmative and 16 voted in the negative, with 3 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

HOUSE DIVIDED REPORT - Majority (10) **Ought Not to Pass** - Minority (3) **Ought to Pass as Amended by Committee Amendment "A" (H-363)** - Committee on **TAXATION** on Bill "An Act To Authorize Options for Local Revenue Enhancement"

(H.P. 299) (L.D. 427)

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

PENDING - **ACCEPTANCE OF EITHER REPORT.**

Subsequently, Representative GOODE of Bangor 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 Old Orchard Beach, Representative MacDonald.

Representative **MacDONALD**: Thank you, Mr. Speaker. I am feeling a little lightheaded today so please bear with me. Ladies and Gentlemen of the House, I rise today to strongly support the motion to pass the Minority Report. My bill, LD 427, "An Act To Authorize Options for Local Revenue Enhancement," is a piece of legislation that is of high priority for not only my constituents but also has a potential to help many communities in Maine through real property tax relief. In Old Orchard Beach, for six years in a row, they have not had a property tax increase, even with a massive revenue loss, the lackluster economy and the slow growth in new taxable homes. As with most communities in Maine, my town painstakingly goes through the budget process line by line. The council, staff and manager work to hold the line on spending as we strive to maintain our central services. We have consolidated our schools with Saco and Dayton in RSU 23. We have consolidated our assessing office and dispatch services with Sanford. We partner with Biddeford and Saco for heating oil purchases and have a tri-community agreement to help lower our costs. I can honestly say Old Orchard Beach has worked very hard to find efficiencies and to

partner with other municipalities to help our citizens' property tax burden, and I'm sure there are many other communities that have found efficiencies like Old Orchard Beach and will continue to do so.

The merit of this bill is the fact that we need to find innovative revenue sources to help maintain our municipalities. My bill will let each citizen, by referendum vote, decide to tax themselves, furthermore earmark where the money is to be spent and then decide on the length of the taxable season. It cannot be overturned by select boards or councils, only by a vote of the citizens of the community. It is an honest bill that gives 100 percent of the right of where the dollars are spent to the people at the voting booth. The Minority Report amendment to the bill caps the increase to 1 percent, adds a sunset clause to allow for a trial period and exempts large ticket items whose value is over \$500. The intent of my bill is to make sure the people of the municipalities have the power to implement this action, and I am asking each of you today to give our towns and cities this chance. A side effect of LD 427 is the focus on discretionary spending. For instance, purchasing items like soda, candy bars or chips is discretionary spending. Going out to dinner, renting a motel room for a week for vacation, or buying a t-shirt as a souvenir is also discretionary spending. Property tax dollars are not discretionary. If you cannot afford to pay, you will be foreclosed on and we are seeing more and more occurrences of this action happening. Furthermore, if we can lower our property taxes by even \$100, people could use that money to heat their homes, feed their family or whatever else you choose.

For many of the seasoned Representatives in this chamber, I know you've heard this idea before. I know that the lobbyists have testified against it and have swayed the vote in the past. In my research, I have found that the idea of a local option sales tax has been batted around for over 25 years from people on both sides of the aisle. If the voters of so many diverse communities are asking their Representatives to do this, shouldn't we listen, especially in lieu of the loss of revenue sharing? Our friends and neighbors need help and this bill can provide that help. This type of tax can work for each and every community in Maine. For the very first time, we, the people, will be in the tax driver's seat. As someone who has worked the budget in our town, I know the impact that this will have for our taxpayers, residents and businesses alike. Our industry is tourism and this is "Vacationland." Let us try and help all Maine residents keep more money in their pockets by supporting this bill. The key to remember is the so optional nature. Each municipality will have the option to implement, the option to choose where the funds will be applied locally and then the option to remove the tax, all by local referendum where the people decide. For your information, Old Orchard Beach sends close to \$75 million in sales tax to the state each year. Last year, we received \$816,000, 1.08 percent. This year, it will be at about 0.65 or 65 percent of that value.

On your desk last Friday, I had a brief handout. One of the questions I have heard is how will people know from one community to the next that the sales tax may be different? Each community can do what they feel is appropriate. One suggestion is to create signage, like you see on the sheet, that you can find on your computer now, something to the effect of "Did you know that one penny of every dollar spent at this business is going to keep our beach clean or pave the roads or fund education?" The tax money will go to where the voters choose to apply it. I also provided an example of a local referendum question and to provide this House with a further push to help our property taxpayers, in my testimony to the Taxation Committee, I provided spreadsheets of the sales tax revenue that Old Orchard Beach sends to the state. Our revenue is six times greater in the third

quarter of the year than the other quarters. If this bill passes and if, that is a big if, the citizens of my town and the citizens voting in my town prefer this local option tax for a 90-day period, June, July and August, we would generate \$570,000. Mind you, this is just with one penny on every taxable dollar. That is significant revenue. Today, we have an opportunity to really try something new for the people of Maine. I designed the revenue generated from this local option sales tax. It will stay in each of our communities instead of being sent to the sales tax abyss here in Augusta. I am urging all of you to be brave and actually vote to give a little bit of home rule back to our communities. Please vote to support the Minority Report. Thank you, Mr. Speaker.

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

Representative **GOODE**: Thank you, Mr. Speaker. Mr. Speaker, Women and Men of the House. I rise to just provide a little bit of an explanation on the bill and some of the committee dynamics. The Representative from Old Orchard Beach has done a great job explaining her bill and I know that she has worked very, very hard on this this session. I moved the Minority Report, which is a 10-3 report. In committee, I voted with the Majority Report. I plan on supporting the Minority Report today that's before us. I am not totally convinced that a local option sales tax is the best statewide policy and as Chair of the Taxation Committee, I have learned a lot this session. I have learned a lot from our Republican lead on the committee, Representative Knight, and I've learned that when you are a chair, sometimes you have to take one for the team, vote against your district and kind of vote with the committee to move something along. I learned in my first term that a local option sales tax is pretty divisive. A friend of mine who represented some small Hancock County towns once told me, he said, "Representative Goode, a local option sales tax might be great in Bangor. You have lots of stores, you have lots of responsibilities. I represent six small towns. I've got a few small stores, maybe they sell pizza." And that's when I learned how tricky local option sales tax is for folks in their districts.

In committee, I attempted to have a few folks be able to vote their conscience and vote their district, while making sure that all of us weren't put in a sticky spot in choosing between multiple municipalities that some of us represent. I don't often enjoy changing my position. Now that it's before us and headed towards a divided vote, I can't help but not vote for my district. I think in Bangor it's no secret that we benefited a lot from a major retail establishment in recent years, that there is 30,000 folks who live in Bangor. I go running almost every morning and you see a giant line of cars coming in from communities around Bangor. People come to our town to shop, use the hospital, to work, to drive on our roads, to deal with entertainment there. They pay different property taxes and have different obligations in their community, and I can't stand before you all today and not support a local option sales tax and encourage you all to just vote for your district and what works best. I support Representative MacDonald and all of the work that she's done. It's difficult for me to bring forth something so divisive from committee, but I'm happy to do it today knowing that so many people are interested in voting for this bill. I think the committee dynamic, just so folks know, a lot of the typical cast of characters that are opposed to tax changes came to speak against the bill. The Innkeepers Association, the State Chamber of Commerce, Campground Owners Association, the Tourism Association, Old Orchard Chamber of Commerce, National Federation of Independent Businesses, and the National Retail Association of Maine came to speak against it. Obviously, it's an item that many of municipal leaders have spoken in favor of and I know that in going to

events in Bangor with our chamber of commerce, that folks who live in Bangor and represent Bangor often support this idea, but many of the folks from the suburban or rural communities around Bangor tend to not see the value in an option that doesn't really appease them when they only have a few stores and maybe they sell pizza. I hope that's helpful for folks and I'm glad that you let us bring this bill forward.

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

Representative **LIBBY**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, good afternoon. I rise in support of the pending motion. I want to thank the good Representative from Old Orchard Beach, Representative MacDonald, for bringing this bill forward. This is a great bill for two reasons. First, it's 100 percent optional. Second, it's very limited in its scope. So it's optional. If your town doesn't want to consider a local option sales tax, it doesn't have to, but for the many service centers in the State of Maine who support services that many rural parts of the state utilize, this could very well be an option that they want to consider. It's limited. It's limited to 1 percent and items have been excluded through the amended version of this bill. Aircraft, furniture, items used in production, machinery and equipment, motor vehicles, watercraft, major household appliances and all other items above \$500 would not be subject to the local option tax. I distributed, earlier this afternoon, a line graph that shows revenue sharing from 2000 to 2015 and if you take a look at that graph, you will see that through the earlier 2000s, the state held its commitment to municipalities and fully funding revenue sharing and in the last six or seven years, you can see where that line is headed. It's headed down to zero. From my perspective, representing a service center community, serving on the city council, I can see where revenue sharing is headed, so I ask you, Men and Women of the House, to give us the option to raise our own revenue. Mr. Speaker, Men and Women of the House, I encourage you to keep an open mind, vote your district. I thank you very much.

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 rise in support of the pending motion. We just passed a budget through this chamber just the other day that had sales tax increases in it and took money away from the towns, as far as revenue sharing goes. If we are going to take money away from the towns, we need to allow the towns to raise some of their own money that doesn't go to the property taxpayer and I believe that this bill will do this. It gives the total choice to the community. If your community does not want it, they don't have to pass it. If your community does want it, then they can pass it but it's up to them. They are making the choice in their community. I had the good fortune to sit beside the former Representative from Old Orchard in Taxation, the good Representative Hogan, over the last two years. I know this is a really big thing for Old Orchard, but I think it's also a really big thing for a lot of communities around the state, especially communities that have lots of tourists. I think they have a lot of additional costs during that time and I think this will help them prevent more costs to the property taxpayer. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Livermore Falls, Representative Knight.

Representative **KNIGHT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I, too, rise in support of the motion before us. One of the tough things in speaking at this point is most of the things I wanted to say have been said, so I could go ditto, ditto, ditto, ditto, because I haven't

heard a word that I haven't concurred with. First of all, I want to thank the good Chair of the Taxation Committee. He made a point of saying that he was on the other side of the issue and had learned some things from the former chair of the committee. That would be yours truly. I've learned some things too. As a chair of the committee, I voted against this and I voted against it again this time around, but I, too, stand, as he does, changing my position here on the House floor. The reason I have changed it is for the reasons that have been given. I'd like to read from the legislative – this would be a little different from what's been said, but it makes the same point. The current issue and I think all of you have it before you or have had it before you this week, the Maine Municipal Association Legislative Bulletin and I'm just going to quote part of it so as to keep our time somewhat reasonable. Under the revenue sharing portion of the bulletin, it points out the budget that we've just recently passed in this House "reduces municipal revenue sharing over the biennium by one-third relative to the distributions over recent years, and cuts the program by over 55% relative to the distributions that are supposed to be provided as a matter of law. Specifically, \$65 million [of] revenue sharing will be distributed in FY 2014 and \$60 million in ... 2015. This compares to approximately \$95 million that was distributed each year of the present biennium, which was itself a 33% reduction of the \$135 million to \$145 ... that [was] supposed to be ... as ... established [by] law." They point out, kind of interestingly, that "The Legislature, as [is] often ... abundantly clear," they say, and I quote, "[sometimes thinks they are] above the law. This part of the budget also amends the law governing the calculation of a municipality's 'property tax levy limit' to allow for an upward adjustment [of a] tax levy limit to reflect the revenue sharing reduction at the same time that the reduction is occurring, rather than one or two years after the fact." End of quote.

I want to thank the good Representative from Lewiston, Representative Libby, for his chart that he put before us. It, I think, very, in a pictorial way, tells the problem. We've taken more and more monies from the local government, either through the Chief Executive's previous budget or the budget we've all passed. How else are we going to have these communities make ends meet other than draconian cuts in their budgets? I think Representative MacDonald should be commended for the bill she has brought before us. She is clearly trying to do what is in the best interest of her community. It is, as others have said before me, optional. No community needs to do this. It can prove divisive among other communities and it has been one of the reasons I and others have opposed this in the past. But, you know, as they say, the times are a changing, and this is a time to give these communities, such as Old Orchard Beach, a chance to recover some of their lost funds.

In fairness to the question, we had only opposition at the legislative hearing. The Maine Automobile Dealers Association opposed this bill, but the bill has been subsequently amended by Representative MacDonald so that items over \$500 are excluded from this tax of 1 percent. We also heard from the innkeepers. Maine Innkeepers Association, ironically, the Old Orchard Beach Chamber of Commerce, which represents part of the business community but not all of them, because we also received a series of letters from other businessmen who might or might not be a part of that association. We heard from the Maine Restaurant Association, the Maine Tourism Association, the Maine Campground, and Anheuser-Busch all spoke in opposition, but this was all before the budget and I think, as I said, the times have changed, and I think it's only fair to give communities, such as OOB, and others who wish to do this on an optional basis. Although the report was 10-3, having heard the good chair of the

committee change his vote, I am changing mine. That's bringing that a little bit more in line. I guess it would be 8-5 now and that's a number I've heard a lot over the last six months in this chamber, 8-5 votes. But I would encourage all of you to think long and hard about this for these communities and follow my green light and vote for the Minority Report, Ought to Pass as Amended. Thank you very much, Mr. Speaker.

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

Representative **JONES**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise in opposition to the current motion. As a Representative serving eight small towns in western Waldo County with very little direct taxable commerce, this would disproportionately have negative effects on our small municipalities, and I will explain why in just a second. If you represent a town like Benedicta or Charlotte or Crystal or Lowell or Masardis or Shirley or Topsfield, a town where you may have a mom-and-pop store and a gas station, there is no tax base for retail. Many of our small communities, we have no retail tax base. What happens is where do folks in these small towns shop? They might drive to Waterville or Bangor or Lewiston or Auburn. What happens is there is a de facto tax on their purchases for which they have no representation in deciding. In other words, this tax proposal would create haves and have nots among our state to even exacerbate the current disparity of wealth and income among our small and large municipalities. The real thing, there is something at stake here that I think we really need to be aware of and the good Representative from Lewiston had a handout that he put on everyone's desk showing declining revenue sharing to local municipalities. How can we realistically expect the state to fulfill its revenue sharing responsibilities as we move into the future, if the state, or us, actually, will just turn around and say, well, gee, now you have other options as a community besides the property tax to make up the difference? All this will do is enable us, as legislators, and our state government, to continue to fund properly revenue sharing because the argument or the alternative magically presents itself, but you have other tax bases now in your communities. For those of us that live in small towns, that's not a viable realistic option. Thank you, Mr. Speaker.

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

Representative **TURNER**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise today in opposition also to the pending motion. Simply put, the good Representative from Freedom made a lot of my points. I have 59 communities. You have heard me speak about 36 of those communities have folks in them. One town has a grocery store. The rest, they have a post office, maybe a little small store. Rural Maine is getting hit. There is a reason that our folks are moving out. Once again, this budget is going to make cuts to revenue sharing to every town and that's also in rural Maine, and we are going to have a half a penny. Then, take, for instance, where I live, from Burlington, we do most of our shopping in Lincoln. Lincoln, more than likely, would vote for something like this and so we would be taxed yet again. Like I said, folks, this is rural Maine. The good Representative from Medway is always talking about rural Maine and how it is being hurt. This would hurt rural Maine. Thank you, Mr. Speaker, Men and Women.

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 speak in strong opposition to the pending motion. We all know that we have less dollars going into revenue sharing; however, this Legislature has

been funneling more and more of the dollars that are going in into revenue sharing II, which is also known as the Disproportionate Tax Burden Fund. Revenue sharing II only goes to towns and cities that have higher mill rates, so the towns that have the lower mill rates don't really get anything out of the revenue sharing II pot and it has been exacerbated by the fact that they keep putting a higher percentage of the total into revenue sharing II.

The SPEAKER: Will the Representative defer? The Chair would inquire as to why the Representative from Livermore Falls, Representative Knight, rises.

Representative **KNIGHT**: I am wondering why we are discussing revenue II. That has nothing to do with the bill before us, Mr. Speaker.

On **POINT OF ORDER**, Representative **KNIGHT** of Livermore Falls asked the Chair if the remarks of Representative **SHAW** of Standish were germane to the pending question.

The SPEAKER: The Chair would remind all members to make sure that you are keeping your comments to what is before the body currently.

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

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

Representative **SHAW**: I appreciate the good Representative from Livermore Falls's opposition; however, I would state that he also talked about revenue sharing. Anyway, this certainly will not help the smaller communities or the towns that don't have the base of retail or any other items that may be taxed by the towns that do adopt a policy such as this, and I would just point out that it's the same towns that would not enact something like this that are getting less or no money out of revenue II sharing. Thank you, Mr. Speaker.

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

Representative **CHENETTE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. As my predecessor in this seat, who is also the Senate co-sponsor, would attest to, I was vehemently opposed to this bill in its original format, but I have since evolved on this issue. This bill does not increase taxes, I think that that was a misconception, and this does not hurt your district if you're not in a service center community. I know this bill would help communities like Saco and the good Representative from Old Orchard Beach and from Lewiston, but this doesn't hurt a community that does not have an amusement park or does not have sort of, is not a coastal community because it's so optional. I may have coined that phrase for the good Representative from Old Orchard Beach, but it's so optional, because it is. Local communities have the option for choosing their own tool to raise revenue to pay for Essential Services and Programs. It empowers voters to make their own choices. That is a good thing. I'd rather have the voters making those choices than more bureaucrats. So I like the idea of making people being empowered to make those choices. You know what? It's not going to stop people from going to those communities that raise it half a penny, because guess what? I am still going to go to Funtown if I want to go to Funtown. I am still going to go to the Old Orchard Beach Pier if I want to go and have a gelato, for instance. I am still going to do those things because those are discretionary spending, so they won't hurt those communities, it will not create some sort of competitive nature because there are things that attract members to certain communities. So this empowers people to make their own choices when it comes to taxes, this helps service centers in these tough economic times and does not hurt rural districts. Thank you, Mr. Speaker.

Representative **BROOKS** of Winterport **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 Medway, Representative Stanley.

Representative **STANLEY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Here we go making bad tax policy again in this state. Does it create jobs? It won't create a job probably. I am on the Majority Report and the reason I am on the Majority Report is because, where I come from and where a lot of you people come from, there are 42 service centers in this state where the jobs are for a lot of people in this state. They commute to these places. That's why I am voting for this because this is about jobs. The closest thing we've done all session that we could probably do to help people with jobs, because I know if you go to Bangor, like I have, for years, you watch the traffic coming into Bangor and you watch the traffic coming out of Bangor, and I will tell you what. It takes the City of Bangor, about 33,000 or 34,000 people, and then in the morning, you see 100,000 people in the City of Bangor. These people go to work, a lot of these people, and with the work, it causes problems for the City of Bangor on some of the infrastructures they need. One of the problems I really have with this is it doesn't help the small town of Medway or the small town of Burlington or anyplace like that, but what it does, though, it helps the people that are commuting to these places to maybe hopefully have some part of an infrastructure that will make it easier for them to get to and from work, which is very important to a lot of people, and hopefully it might make them create some jobs in that area. But this, personally, is bad tax policy. This is why we are the last in the country just about. It doesn't help us one way or the other. The only thing it does, it helps the cities, the service centers that are providing the jobs for a lot of people in this state to give them the opportunity to have a little more funds to improve the infrastructure that they have. To me, that's very important because people who are going in and out of these communities have to have an option. But I hate to stand here and support this because it really doesn't help my district, but I can see where it helps the service centers of this area.

To me, it's about jobs. It has always been about jobs and it always will be about jobs. What can we do to help people that work and the working people of this state? To me, as an overall tax policy, it doesn't do nothing. All it does is it would probably put us in a lower bracket. We'd probably go down on the scale. But what we have to do in this state is create a tax policy that does create jobs. Right now, 13 states have gone ahead and changed and reformed their tax policy. Some have eliminated income tax and things like that. I won't get into that. I know it's not pertaining to this bill. But the problem I do have, though, is the decisions that we are forced to make are not the good decisions to be made in this state right now. We are not doing nothing to really help ourselves because we're not really creating any jobs. I'll tell you what, people. If we don't start creating some jobs here pretty quick, with a policy that is going to be fair to the taxpayer and everybody, the businesses, the employees, and I'll tell you what. We're going to stay at the bottom and by staying at the bottom, we are just throwing our money right away. To me, we've got to get out there and do some right things and sit down and come up with a tax policy that is going to move us up this ladder instead of down the ladder. We've been at the bottom of everything for so long and we're staying there. That's the problem here. We're not moving in the direction we should be moving in because of our tax policy. Thank you.

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

Representative **GRAHAM**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just briefly want to make a comment. I live in a small town outside of Portland. This local option sales tax will not help us at all. But many, many moons ago, I was a public health nurse in the City of Portland and they didn't understand why there were so many patients in the City of Portland. I took care of families and their young children, new babies, and I just didn't understand why are they all in Portland. Well, that's because they are from Medway and they are from Bethel and they are from Madawaska and they are from Presque Isle and they are from Calais. They all come to the service centers, so that's a big reason why I think this local option sales tax is a good idea. But the second reason is that communities like Old Orchard Beach, like Boothbay Harbor, like Bar Harbor, sustain some real stress on their infrastructure during their summer months and I would venture to say that Kingfield and those areas sustain some stress on their infrastructure during the winter, so it only makes sense that we have a local option sales tax. Quite honestly, to echo the comments that many people have made this is optional. This is home rule in its purest form. Communities don't have to do this. This is up to the citizens of the community to do. Lastly, Mr. Speaker, I'd like to ask a question through the Chair.

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

Representative **GRAHAM**: Thank you, Mr. Speaker. Can a municipality have a time limit period, such as the summer only, to have a local option sales tax?

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

Representative **GRAHAM**: Yes, I'm sorry. Can a municipality have a time limited period for a local option sales tax? For example, during the summer months, I would suggest that those communities like Old Orchard would have it just during the summer and not have it at any other time of the year.

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

Representative **MacDONALD**: I would like to answer that, Mr. Speaker, and the answer is yes.

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. 382

YEA - Beaudoin, Beaulieu, Beavers, Berry, Boland, Bolduc, Briggs, Brooks, Campbell R, Carey, Casavant, Chenette, Chipman, Cooper, Cotta, Crockett, Daughtry, DeChant, Devin, Dickerson, Dill, Dion, Evangelos, Farnsworth, Fredette, Frey, Gattine, Goode, Graham, Grant, Hamann, Harlow, Hayes, Herbig, Hickman, Hobbins, Hubbell, Johnson P, Jorgensen, Kaenrath, Kent, Kinney, Knight, Kornfield, Kruger, Kusiak, Lajoie, Libby N, Longstaff, Luchini, MacDonald S, MacDonald W, Marean, Marks, Mason, Mastraccio, McCabe, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau A, Nadeau C, Nelson, Noon, Parry, Pease, Peoples, Peterson, Plante, Pouliot, Priest, Pringle, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Sanderson, Saucier, Saxton, Schneck, Short, Stanley, Stuckey, Theriault, Tipping-Spitz, Treat, Tyler, Volk, Wallace, Weaver, Welsh, Werts, Wilson, Winsor, Wood, Mr. Speaker.

NAY - Ayotte, Beck, Bennett, Black, Campbell J, Cassidy, Chapman, Chase, Clark, Crafts, Cray, Davis, Dorney, Dunphy, Duprey, Espling, Fitzpatrick, Fowle, Gifford, Gilbert, Gillway, Guerin, Harvell, Jackson, Johnson D, Jones, Keschl, Kumiega, Libby A, Lockman, Long, Maker, Malaby, McClellan, McElwee, Newendyke, Nutting, Peavey Haskell, Powers, Reed, Shaw, Sirocki, Timberlake, Turner, Verow, Villa, Willette, Winchenbach.

ABSENT - Doak, Gideon.

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

101 having voted in the affirmative and 48 voted in the negative, with 2 being absent, and accordingly the Minority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (H-363) 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-363)** and sent for concurrence.

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

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

An Act To Protect Charter Schools by Requiring Them To Be Operated as Nonprofit Organizations

(H.P. 463) (L.D. 671)

(C. "A" H-245)

Which was **TABLED** by Representative **McCABE** of Skowhegan pending **RECONSIDERATION.**

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 today to urge you to overturn the pending veto. I introduced this bill, not as an anti-charter school bill, but actually as a pro-charter school bill. After doing many years of educational policy research, I noticed a disturbing trend throughout our nation of for-profit charter schools continuously failing to meet the needs of our children while slowly eroding away at our school system nationwide and taking hard-earned money out of taxpayers' pockets. Everywhere I looked across the nation, these schools did not succeed in educating our children and taking care of the needs of our children and ensuring their future success. Before I introduced this bill, I went and I talked to the Maine Charter School Commission. I checked with them, I asked them what they thought, and you know what? They were fine with it. They agreed. Many of the organizations that had these for-profit organizations who have applied to open charter schools here in Maine, their applications have been turned down and denied by the Charter School Commission because they agreed that these schools don't fit the needs of Maine children. We need to make sure that our 10 charter schools that we have the privilege of opening up here in Maine are the best possible, that they are organic to the areas where they come from, that they open to fill a void that we have in our education system, and that they are not determined by the bottom line of corporations. My basic belief when I look at this is I really don't think a corporation's profits or a group of shareholders on Wall Street should determine the opportunities of our children. I just don't think profits and education mix. I urge you to follow my light and

overturn this veto and take a strong stand for Maine's children and making sure that we have the 10 best charter schools in the nation. Thank you, Mr. Speaker.

After reconsideration, the House proceeded to vote on the question, 'Shall this Bill 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 Bill become a law notwithstanding the objections of the Governor?' All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 383V

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

NAY - Ayotte, 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, Nadeau A, Newendyke, Nutting, Parry, Pease, Peavey Haskell, Reed, Sanderson, Sirocki, Timberlake, Turner, Tyler, Volk, Wallace, Weaver, Willette, Wilson, Winsor, Wood.

ABSENT - Doak.

Yes, 97; No, 53; Absent, 1; Excused, 0.

97 having voted in the affirmative and 53 voted in the negative, with 1 being absent, and accordingly the Veto was **SUSTAINED**.

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

UNFINISHED BUSINESS

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

An Act To Allow a Motor Vehicle Excise Tax Credit for a Vehicle No Longer in Use

(S.P. 581) (L.D. 1534)

(C. "A" S-180)

TABLED - June 6, 2013 (Till Later Today) by Representative BERRY of Bowdoinham.

PENDING - **PASSAGE TO BE ENACTED**.

Subsequently, on motion of Representative GOODE of Bangor, the Bill and all accompanying papers were **INDEFINITELY POSTPONED**. Sent for concurrence.

HOUSE REPORT - **Ought to Pass as Amended by Committee Amendment "A" (H-428)** - Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Resolve, To Establish a Moratorium on the Transportation of Tar Sands

(H.P. 970) (L.D. 1362)

TABLED - June 10, 2013 (Till Later Today) by Representative BERRY of Bowdoinham.

PENDING - **ACCEPTANCE OF COMMITTEE REPORT**.

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

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

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

Representative **CHIPMAN**: Mr. Speaker, as the sponsor of LD 1362, I just want to explain what the bill actually does at this point, so it's clear to everybody. This is a unanimous report from the committee which I serve on, Environment and Natural Resources. This bill has been changed quite a bit from what it originally was and the amended version from the committee simply seeks to make use of an existing study that is already underway by the Department on oil in the state and on oil spills and whether we are prepared in the cost of cleanups and so on. So as part of that larger study, all they would be doing under the Committee Amendment is looking at tar sands oil, as well as all the other oil that is transported through the state. Like I said, it was a unanimous report from the committee. We spent a lot of time on it. It's an "information only" bill at this point. It's not a new study and there is no cost associated with it, assuming that we adopt a small change which I have a floor amendment that would correct a small change in the bill so there would be no additional cost. There is no opposition from the DEP as far as I know. I can find no good reason to oppose the Unanimous Committee Report on this bill and I hope that we will all vote for it, and I ask the Clerk to please read the Committee Report.

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

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

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

ROLL CALL NO. 384

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

NAY - Ayotte, Beaulieu, Bennett, Black, 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, McElwee, Nadeau A, Newendyke, Nutting, Parry, Pease, Peavey Haskell, Pouliot, Reed, Timberlake, Turner, Volk, Wallace, Weaver, Willette, Winchenbach, Winsor, Wood.

ABSENT - Doak, Sanderson, Sirocki, Werts.

Yes, 97; No, 50; Absent, 4; Excused, 0.

97 having voted in the affirmative and 50 voted in the negative, with 4 being absent, and accordingly the Unanimous **Ought to Pass as Amended** Committee Report was **ACCEPTED**.

The Resolve was **READ ONCE**. **Committee Amendment "A" (H-428)** was **READ** by the Clerk.

Representative CHIPMAN of Portland **PRESENTED House Amendment "A" (H-543)** to **Committee Amendment "A" (H-428)**, which was **READ** by the Clerk.

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. As I alluded to earlier, this is a minor change to the bill so that there will not be additional costs to the state. This is a change that I worked, spent a lot of time on. We actually did three fiscal reviews with folks at the Department of Environmental Protection so that we had the language right, so there will be no additional cost to the state. All this does is make a small change in the bill to not require a report from DEP but rather a briefing, in terms of the results of their work on the study that I talked about earlier, and again no cost to the state. Thank you, Mr. Speaker.

Subsequently, **House Amendment "A" (H-543)** to **Committee Amendment "A" (H-428)** was **ADOPTED**.

Committee Amendment "A" (H-428) as **Amended by House Amendment "A" (H-543)** 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-428) as Amended by House Amendment "A" (H-543)** thereto and sent for concurrence.

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

RESOLUTION, Proposing an Amendment to the Constitution of Maine Concerning Early Voting and Voting by Absentee Ballot (H.P. 131) (L.D. 156) (C. "A" H-127)

TABLED - May 23, 2013 (Till Later Today) by Representative BERRY of Bowdoinham.

PENDING - **FINAL PASSAGE**.

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

Representative **FREDETTE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise briefly to speak of my concerns regarding this issue. It's an issue that I raised earlier in regards to early voting and towns that can afford to do it, towns that can't afford to do it. Those that have the volunteers to do it, those that don't. My concern is that passage of this amendment, and I would raise also the issue, the other day we had a lengthy debate about amending the Constitution, so we now have another issue before us about amending the Constitution. But the issue here is I think that this could, in essence, violate the one person, one vote standard whereby we would have large communities, cities primarily, that could afford to do early voting. They could have the volunteers to do it, the resources to do it, the desire and the will to do it, whereas towns such as Jackman or Lubec or Wypitlock would not have the resources to do it. The end result of that would be is that we would have referendums, statewide elections for the Chief

Executive, United States Senate or Congressmen being decided in large part by large urban areas at the cost of small, rural Maine. I just think that that's the wrong approach to take. I think it's the wrong approach to amend the Constitution for that and I will be voting against it and I'll ask that you follow my light. Thank you, Mr. Speaker.

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

Representative **McCABE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. Making access easier for folks who may be elderly or with disabilities to vote, I think, is an important issue. Making access available for the working class, those folks in my community who may work shiftwork and have a challenge getting to the polls, I think, is a great thing. I think of communities that were mentioned before, like Jackman, where now people can go in when the town office is open and request an absentee ballot. That takes time. That costs money. I think in a community like mine, in Skowhegan, where our town office is open five days a week, and right now, it's quite a burden for our folks to handle absentee ballots. If we were to have early voting, it would actually take out some of the steps. I think there is a great benefit for communities in rural Maine as well. I don't think that this is just an urban issue. There is other communities where the town office isn't open every day, so you could make voting available one or two days a week. I think the biggest part about this is it leaves it up to local voters. There is a local option here and I think that's something that we need to recognize. I hope folks will not be fearful and will do all we can to make voting more accessible for our citizens. Thank you, Mr. Speaker.

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

Representative **SHAW**: Thank you very much, Mr. Speaker. I speak in favor of Final Passage and with all due respect, to my good friend from Newport, Representative Fredette, it certainly does not eliminate the one person, one vote rule that we have across our great country. In fact, people are absentee voting now and some people are voting on Election Day. Their votes are still counted the exact same way, with or without this bill. You know, people talk about access to voting. I don't even know if this actually does provide more access or not. It just provides an easier way for people to vote. I actually voted in the June election, in Standish, just a few days ago by absentee ballot. I would have much preferred to put the ballot into the machine myself. Standish, most likely, would not have had early voting in the June election, but they certainly would like to on, say, a Presidential election. It certainly would relieve a lot of pressure from the clerks from having to unfold all the folded absentee ballots, so people right now come into towns, all towns across your state, they absentee vote now before the election, but they are given the ballot. When they are done with it, they fold it up, put it in an envelope and have to sign their name on it and hand it back in. All this does is allow your town or municipality to set up the voting machine, if you have a secure place to put it at night. They certainly would not be able to run the numbers until Election Day and it's totally an option for your town. Your town does not have to participate. It doesn't cost you any money at all. If you choose to participate, then that's your choice. I say let the voters decide on this. It's not political either. It certainly is not going to help Republicans or Democrats in any way. So it's simply a way to alleviate some of the pressure on the clerks in your towns and cities, and allow people access to the ballot machine. Thank you very much, Mr. Speaker.

Subsequently, this being a Constitutional Amendment, and a two-thirds vote of the House being necessary, a total was taken. 94 voted in favor of the same and 55 against, and accordingly the

Resolution **FAILED** of **FINAL PASSAGE** and was sent to the Senate.

HOUSE DIVIDED REPORT - Majority (8) **Ought to Pass as Amended by Committee Amendment "A" (H-520)** - Minority (5) **Ought Not to Pass** - Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Reduce the Use of Hospital Emergency Departments for Preventable Oral Health Conditions" (H.P. 1068) (L.D. 1486)

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

PENDING - **ACCEPTANCE OF EITHER REPORT.**

Subsequently, 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:** 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. 385

YEA - Beaudoin, Beavers, Beck, Berry, Boland, Bolduc, Briggs, Brooks, Campbell J, Carey, Casavant, Cassidy, Chapman, Chenette, Chipman, Cooper, Daughtry, DeChant, Devin, Dickerson, Dill, Dion, Dorney, Evangelos, Farnsworth, Fowle, Frey, Gattine, Gideon, Gilbert, Goode, Graham, Grant, Hamann, Harlow, Hayes, Herbig, Hickman, Hobbins, Hubbell, Jones, Jorgensen, Kaenrath, Kent, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby N, Longstaff, Luchini, MacDonald W, Marks, Mason, Mastraccio, McCabe, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, Nelson, Noon, Peoples, Peterson, Plante, Powers, Priest, Pringle, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Saucier, Saxton, Schneck, Shaw, Short, Stanley, Stuckey, Theriault, Tipping-Spitz, Treat, 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, MacDonald S, Maker, Malaby, Marean, McClellan, McElwee, Nadeau A, Newendyke, Nutting, Parry, Pease, Peavey Haskell, Pouliot, Reed, Sanderson, Sirocki, Timberlake, Turner, Tyler, Verow, Volk, Wallace, Weaver, Willette, Wilson, Winchenbach, Winsor, Wood.

ABSENT - Doak, Werts.

Yes, 91; No, 58; Absent, 2; Excused, 0.

91 having voted in the affirmative and 58 voted in the negative, with 2 being absent, and accordingly the Majority **Ought to Pass as Amended Report** was **ACCEPTED.**

The Bill was **READ ONCE.** **Committee Amendment "A" (H-520)** was **READ** by the Clerk.

Representative GATTINE of Westbrook **PRESENTED House Amendment "A" (H-562)** to **Committee Amendment "A" (H-520)**, which was **READ** by the Clerk.

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

Representative **GATTINE:** Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I offer this amendment to LD 1486 in an effort to improve its sustained critical dental services to persons with severe disabilities. Funding to provide

dental services to persons with disabilities was included in the biennial budget. The vast majority of people who are intended to receive services with this funding, over 90 percent of them are MaineCare eligible and most are receiving services under the Section 21 and 29 Waiver or on the waiting lists. Unfortunately, because MaineCare does not provide an adult dental benefit, the state will be unable to leverage federal matching funds and these services will be paid for with 100 percent state dollars. The dollars appropriated in the budget will not be matched, even though over 90 percent of the clients are on MaineCare. This amendment, which replaces the original bill, will direct DHHS to seek federal authority to allow a limited dental benefit targeted to serving this specific group of people. If granted by the federal government, this will allow the Department to match the dollars provided by the Maine taxpayers with federal matching funds for the 90 percent of these members who are MaineCare eligible. This legislation would only become effective if the federal permission is granted. The MaineCare benefit that will be created is very narrow and limited to people with developmental, behavioral or other severely disabling conditions requiring specialized and time intensive oral health care. Many of the people who were receiving this care were until recently clients of the Portland Dental Clinic operated by DHHS. That clinic was just recently closed and the Department is seeking to cobble together a plan to provide services to this extremely fragile population through local resources throughout the state.

In the meantime, there are over 3,000 severely disabled clients of that clinic who have had their access to dental services cut off. The Department has no clear plan as to when, where and by whom these services will be provided. These people are in limbo. Because of their disabilities, they cannot access services from a traditional community dental provider. This population consists of people who, because of their extreme disabilities, cannot tolerate receiving dental care in a more traditional setting. Many find it difficult to sit calmly in a waiting room, much less a dental chair. Many of them require IV sedation for even the most routine examinations and procedures. Finding dentists to serve them is extremely difficult. Because their disability often impacts their ability to perform routine dental care, such as brushing and flossing, 85 percent of these folks have periodontal disease or gingivitis.

Approving this legislation, as amended, will provide the greatest opportunity to provide the highest and most cost effective service to this very fragile population. It will help provide the Department with the greatest level of support and flexibility in designing and implementing a program that best meets the needs of people who need our help the most. Over the past couple of weeks, many of us have risen on this floor and spoken with tremendous passion and eloquence about our clear obligation to look after the particular needs of this highly disabled population. We all welcome that dialogue and I agree with many of my colleagues that we need to strive to serve this population as best we can. They deserve our focus, our attention, our support and our care. This amendment is an opportunity for us to let them know that we are listening, that we do care, that we are willing to help and that given the opportunity to actually do something positive and constructive and sensible and fiscally possible, that we will step up to the plate and do it, and I hope that you will all support this amendment. Thank you, Mr. Speaker.

Subsequently, **House Amendment "A" (H-562)** to **Committee Amendment "A" (H-520)** was **ADOPTED.**

Committee Amendment "A" (H-520) as **Amended by House Amendment "A" (H-562)** 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-520) as Amended by House Amendment "A" (H-562)** thereto and sent for concurrence.

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

HOUSE REPORT - **Ought to Pass as Amended by Committee Amendment "A" (H-554)** - Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Further Energy Independence for the State"

(H.P. 651) (L.D. 927)

TABLED - June 18, 2013 (Till Later Today) by Representative FREDETTE of Newport.

PENDING - **ACCEPTANCE OF COMMITTEE REPORT**.

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

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

The **SPEAKER**: The Chair recognizes the Representative from York, Representative McGOWAN.

Representative **McGOWAN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This bill was passed by the Energy, Utilities and Technology Committee unanimously. Maine has estimated a \$40 billion economy. Five to six billion dollars of that is energy related. Comprehensive, robust and collaborate planning process in Maine is critical, an ongoing process that includes the Governor's Energy Office, the Energy, Utilities and Technology Committee, the Environment and Natural Resources Committee, and the Energy Efficiency Trust. This is not a wind bill, a solar bill, an oil bill or a gas bill. It is a bill to support Maine having a viable and sustainable energy future. This is critical to our economy, our homes, our businesses and our health, and I ask you for your support on this unanimously supported bill. Thank you, Mr. Speaker.

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

Representative **RYKERSON**: Thank you, Mr. Speaker. I rise to support this motion. Men and Women of the House, being on the Energy Committee this year, I've realized what a complex problem energy has been and a huge part of it is a part of the health and the economy of our state, and it's a huge part of the health of the economy of our state. We already have goals as far as reducing energy use, lowering net total cost, lowering greenhouse gas production, expansion of renewable energy sources. What we don't have is an integral plan to monitor where we are and where we need to go. This bill establishes a procedure to measure our progress and report our progress, meet with stakeholders and policymakers to establish our direction for the future, and this is what we need to integrate that huge part of our economy. I urge you to support this motion. Thank you, Mr. Speaker.

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

ROLL CALL NO. 386

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

NAY - Ayotte, Cray, Gifford, Harvell, Jackson, Long, McClellan, Sanderson, Timberlake.

ABSENT - Doak, Werts.

Yes, 140; No, 9; Absent, 2; Excused, 0.

140 having voted in the affirmative and 9 voted in the negative, with 2 being absent, and accordingly the Unanimous **Ought to Pass as Amended** Committee Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-554)** 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-554)** and sent for concurrence.

Bill "An Act To Protect the Privacy of Citizens from Domestic Unmanned Aerial Vehicle Use"

(S.P. 72) (L.D. 236)

- In Senate, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-282) AS AMENDED BY SENATE AMENDMENT "A" (S-285)** thereto.

TABLED - June 18, 2013 (Till Later Today) by Representative BERRY of Bowdoinham.

PENDING - **ADOPTION OF COMMITTEE AMENDMENT "B" (S-282)**.

Representative FREDETTE of Newport **REQUESTED** a roll call on the motion to **ADOPT Committee Amendment "B" (S-282)**.

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

Representative BERRY of Bowdoinham **PRESENTED House Amendment "B" (H-563) to Committee Amendment "B" (S-282)**, which was **READ** by the Clerk.

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

Representative **BERRY**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. The amendment that I offer today simply clarifies when weaponized drones may be used, and also when drones may be used for research, manufacturing, testing and training. This is particularly in order to

help a business in Presque Isle and to protect Maine jobs. Thank you, Mr. Speaker.

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

Representative **GUERIN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am happy to rise in support of the amendment. Yesterday, we talked about the fact that we were certainly in support of Maine business, and this is a very clear definition that will protect the business up in Aroostook County. As a small business owner myself, I certainly want to do everything I can to help small business in Maine while protecting our Fourth Amendment rights. 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 in support of this amendment, just to echo the comments of my colleague from Glenburn. This amendment helps address the concerns that we heard from the business community. We thought we had already done that on the Committee Report, but we did some more work since the vote last night with the Department of Economic and Community Development. They are the ones who suggested this language. We all are very supportive of it. We want to support our businesses, particularly in Aroostook County, who are working on these things. So, as a member of the Minority Report, I am fully supportive of this amendment and hope everybody will support it. 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. While I certainly support the intent of the amendment and what it looks to accomplish, it actually doesn't do that because the people that are investing in this project, I am looking at an email from them right now, that says, no, they are not on board with this Minority Report or this amendment. Because if this were a blueberry industry and we banned blueberries, but we'd allow them to invest in blueberry fields in Maine but nobody in the state could buy blueberries, nobody would invest in the State of Maine. So manufacturers are still not coming here because of this bill. It is still unfriendly to business. It still has a cause of action. If you violate this, it still has a warrant requirement that is a little bit over the top. This is not business friendly and I suspect that other floors in this building will likely attach a red pen to it and we will see this again at some point. So I am not in support of it and when the roll call gets called, I would vote in opposition to it.

The SPEAKER: The Chair recognizes the Representative from Belgrade, Representative Keschl.

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

The SPEAKER: The Representative may pose his question.

Representative **KESCHL**: Does this amendment authorize or allow a manufacturer, subcontractor or any private educational or public educational facility to actually go out and use these and surveil private citizens?

The SPEAKER: The Representative from Belgrade, Representative Keschl, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Bowdoinham, Representative Berry.

Representative **BERRY**: Thank you, Mr. Speaker. Mr. Speaker, the answer to the earlier question is no. I would further like to add that I do have an email here. I would be happy to share with the good Representative from Bethel in support of this amendment from the business that was mentioned in Presque Isle. Thank you, Mr. Speaker.

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

Representative **MORIARTY**: Thank you, Mr. Speaker. I rise just to join in the comments made by my colleagues, Representative Guerin, Representative Moonen. The Minority Report, which was adopted yesterday afternoon, did in fact address the research and development issue briefly, but perhaps not in detail enough. The proposed amendment, I think, addresses that shortcoming and makes it very clear that nothing that was contained in the Minority Report was designed in any way to impinge upon the right of a business to engage in research and development of drones. Thank you.

The SPEAKER: The Chair recognizes the Representative from Belgrade, Representative Keschl.

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

The SPEAKER: The Representative may pose his question.

Representative **KESCHL**: I am reading in the summary. It says, exemption, manufacturer, subcontractor, testing company or educational institution deploying an unmanned aerial vehicle for such research, testing, training or manufacturing purposes from the prohibition on the use of facial recognition technology or equipping the vehicle with weapons. So that seems to indicate to me that that would authorize a private, well, any one of those, a manufacturer, subcontractor, testing company or educational institution from a prohibition against using their vehicles to surveil me on my property. Is that true?

The SPEAKER: The Representative from Belgrade, Representative Keschl, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Bethel, Representative Crockett.

Representative **CROCKETT**: Thank you, Mr. Speaker. I apologize for rising a second time, but because there is some miscommunication, because I know when nobody would intentionally mislead anybody in this building, I want to read the exact email from the people that are backing unmanned aerial vehicle services. Dear Seth, mentioning particular Representatives in the building, although something is better than nothing in some cases, but for us, my advisors, 10 minutes ago, advised me that the three items I presented to you last night need to be addressed, the Minority Report, for us to support. This is just bad business. Coincidentally, the three items have not been addressed, only one. Hence, there is only one item in your amendment before you. It is on the same line as a blueberry harvesting company, starting a blueberry plant in Maine but not being able to sell blueberries to Maine residents. It is really that simple. It looks bad on my business and it makes the state look UAV unfriendly. I cannot support, unless the three items are addressed. The amendment before you and the Minority Report in front of you still have a cause of action, they still have a warrant requirement and it's still unfriendly to businesses that will look to be established here. This is all subject to FOIA, if you want the emails, but I'd take my word for it. Thank you.

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

Representative **BERRY**: Thank you, Mr. Speaker. I apologize for rising a second time as well. I do want to clarify for the benefit of the good Representative from Bethel that the business I was referring to was the other business that is involved in manufacturing drones, and this email comes to me from Scott Wardwell, who, in addition to being involved with a Presque Isle manufacturer, is also involved at the Northern Maine Regional Airport in Presque Isle and his entire email reads: *Seth, there is no question that your proposed amendment is better and your efforts are appreciated. Scott.* Mr. Speaker, the

amendment before us is a modest effort to lend clarity to the issue so that Maine businesses can have some degree of ability to proceed with what they already do. It was worked on with conjunction with the Department of Economic and Community Development and with the Senator from Augusta, Senator Katz, who is a supporter in the other body. I hope that we can proceed, but if members choose to vote this down, that's okay by me as well. Thank you, Mr. Speaker.

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

Representative JONES: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I would be remiss if I didn't address the comments of my dear colleague from Bethel. What this amendment before us does is allow for research and development of technologies with drone manufacturing facilities. It allows for product testing, and it also allows research and development within our academic institutions. But, quite frankly, if the good Representative from Bethel thinks it's appropriate for us to sacrifice our civil liberties and privacy rights to establish a market for business, I would suggest that I respectfully disagree.

Subsequently, **House Amendment "B" (H-563)** to **Committee Amendment "B" (S-282)** was **ADOPTED**.

Senate Amendment "A" (S-285) to **Committee Amendment "B" (S-282)** was **READ** by the Clerk and **ADOPTED**.

Representative WILLETTE of Mapleton **REQUESTED** a roll call on the motion to **ADOPT Committee Amendment "B" (S-282) as Amended by House Amendment "B" (H-563)** and **Senate Amendment "A" (S-285)** thereto.

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

The SPEAKER: A roll call has been ordered. The pending question before the House is Adoption of Committee Amendment "B" (S-282) as Amended by House Amendment "B" (H-563) and Senate Amendment "A" (S-285) thereto. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 387

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

NAY - Ayotte, Beaulieu, Bennett, Black, Campbell R, Chase, Cotta, Crafts, Cray, Crockett, Duprey, Fredette, Gifford, Gillway, Harvell, Jackson, Johnson D, Johnson P, Keschl, Long, Marean, Nadeau A, Nutting, Parry, Pease, Peavey Haskell, Reed, Sanderson, Sirocki, Timberlake, Wallace, Winsor, Wood.

ABSENT - Doak, Werts, Winchenbach.

Yes, 115; No, 33; Absent, 3; Excused, 0.

115 having voted in the affirmative and 33 voted in the negative, with 3 being absent, and accordingly **Committee Amendment "B" (S-282) as Amended by House Amendment**

"B" (H-563) and **Senate Amendment "A" (S-285)** 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**.

Representative FREDETTE of Newport **REQUESTED** a roll call **PASSAGE TO BE ENGROSSED as Amended by Committee Amendment "B" (S-282) as Amended by House Amendment "B" (H-563) and Senate Amendment "A" (S-285)** thereto.

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

The SPEAKER: A roll call has been ordered. The pending question before the House is Passage to be Engrossed as Amended by Committee Amendment "B" (S-282) as Amended by House Amendment "B" (H-563) and Senate Amendment "A" (S-285) thereto. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 388

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

NAY - Ayotte, Beaulieu, Bennett, Black, Campbell R, Chase, Clark, Cotta, Crafts, Cray, Crockett, Dunphy, Duprey, Fitzpatrick, Fredette, Gifford, Gillway, Harvell, Jackson, Johnson D, Johnson P, Keschl, Lockman, Long, Marean, McElwee, Nadeau A, Nutting, Parry, Pease, Peavey Haskell, Reed, Sanderson, Timberlake, Volk, Wallace, Willette, Winsor, Wood.

ABSENT - Doak, Saucier, Werts, Winchenbach.

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

108 having voted in the affirmative and 39 voted in the negative, with 4 being absent, and accordingly under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "B" (S-282) as Amended by House Amendment "B" (H-563) and Senate Amendment "A" (S-285)** thereto in **NON-CONCURRENCE** and sent for concurrence.

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

REPORTS OF COMMITTEE

Divided Reports

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-308)** on Resolve, To Require the Department of Health and Human Services To Request a Waiver To Prohibit the Use of Food Supplement Benefits for the Purchase of Taxable Food Items (EMERGENCY)

(S.P. 505) (L.D. 1411)

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" (S-309)** on same Resolve.

Signed:

Senator:

HAMPER of Oxford

Representatives:

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

Representative BEAR of the Houlton Band of Maliseet Indians - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (S-308)** Report.

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-308)**.

READ.

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

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

Representative **MALABY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to the pending motion. The state, through federal funds, is already investing or spending about \$4 million annually educating people about the SNAP program. To be specific, the USDA federally funded SNAP-Ed promotes health and prevention of diseases by providing nutrition education, obesity prevention and promotion of physically active lifestyles for SNAP eligible recipients in efforts to help them make healthy choices within a limited budget. USDA funding comes to Maine through the USDA Food and Nutritional Services, which approves the direct activities, which are classes, and the indirect activities with the brochures and distribution of health related materials that the State of Maine provides. The federally funded program requires use of USDA dietary guidelines for Americans, something called MyPlate, and other evidence-based approaches to educate

children and their families about nutrition and active lifestyles. States do outreach to eligible populations in such venues as schools, SNAP/TANF offices, public housing sites, food banks, senior centers and job readiness or training programs for SNAP and TANF recipients. States are required to follow the guidelines in the Supplemental and Nutritional Assistance Program Education Guidance in delivering their SNAP-Ed programs. In Maine, it is the Office of Family Independence which oversees the implementing agency, which is the University of New England, and the University of New England subcontracts with the Healthy Maine Partnerships to conduct statewide SNAP-Ed outreach efforts. UNE also partners with the Good Shepherd Food Bank, Hannaford and a number of other local community agencies. Nutrition education in Maine is conducted by dietitians. Maine's SNAP-Ed does direct outreach through such classes as "Cooking Matters" and "Shopping Matters" for adults, and in classroom settings that conduct USDA approved curricula, such as "Eat Well Play Hard," "Yummy" and "Color Me Healthy" for children. Maine implemented its new SNAP-Ed program on March 1, 2013, and in the first three months has conducted direct education classes for almost 6,000 Maine SNAP eligible participants, mostly children in classroom settings, and has distributed nutrition information to more than 11,000 SNAP eligible recipients. Given that, I think that renders the motion before us somewhat moot and hence I oppose it.

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

Representative **GATTINE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise in support of the Majority Ought to Pass as Amended Report. The Majority Report offers a positive and effective strategy to promoting good health, healthy eating habits and the fight against obesity. It promotes access to fresh fruits and vegetables for SNAP recipients by maximizing new opportunities available from the federal government to improve Maine's nutrition education efforts and implement new evidence-based initiatives to reduce obesity and approve nutritious food choices. Research shows that these kinds of positive approaches are far more successful than punitive measures. Research shows that the most successful strategies to reduce obesity and promote healthy diets involve a carrot and not a stick, no pun intended. Effective nutrition education programs are a proven method of improving health food choices. So are incentive-based approaches and other initiatives that make healthy foods more accessible to people with low incomes through greater access to farmers' markets and other community-supported initiatives. A large-scale incentive-based pilot approach implemented under the Farm Bill of 2008 is currently being tested by USDA. This project is currently being evaluated with the promise that lessons can soon be replicated in other states. The federal government has just issued new rules that give states considerable new flexibility to improve their efforts in this area. There are also new funds available to increase access to fresh produce from farmers' markets to SNAP recipients. These funds are currently underutilized in Maine. For example, funds are available to enable local farmers' markets and CSAs to accept EBT cards. Maine is lagging behind in taking advantage of these opportunities. This amendment calls on the Department to ensure that that changes and that we do everything we can to promote healthy eating among low-income populations. Ladies and gentlemen, the real problem isn't how people use their food stamps. The problem in Maine is hunger. Maine ranks seventh in the nation and first in New England for the percentage of our population with very low food security. Maine ranks first in New England for child food security with nearly 23 percent of our children being food insecure. This is the

issue that deserves our immediate attention and this amended Resolve will help us to address this serious problem. Our goal needs to be to make healthy food more accessible and more affordable. Consumption of carbonated drinks, sweets and salty snacks are similar across all the income ranges. This has been shown by research. Poor people don't eat junk food more than rich people. What is different is the ability of low-income families to afford fresh produce, which is often out of reach of their limited budgets. The Majority Report promotes strategies to make fresh fruits and vegetables more accessible and affordable to these families, and I would ask that you support it. Thank you very much.

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 briefly just to share a portion of an email that I promised the teacher of the children of a few of my constituents that I would read on the floor of the House today. It simply says this: I strongly support the efforts not to subsidize junk food with food stamps. Interestingly, not only do my students feel the same, but it seems to be those from low-income families that feel that most strongly. This is not a freedom issue. This is not a fairness issue. I would also like to say that a few people learned just last week that when a person, and there are families who use the SNAP program who are not poor or low-income. They happen to be working. They are just at a place in their lives right now where they need this help. The truth of the matter is when you use your SNAP benefit to purchase a taxable grocery item, no tax is charged on it. I believe that the program has morphed from its original intention to what we have today, and I think that it needs a correction. So that is all I am going to say for now and I request a roll call.

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

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

The SPEAKER: 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. 389

YEA - Beavers, Berry, Bolduc, Brooks, Campbell J, Carey, Casavant, Cassidy, Chenette, Chipman, Cooper, Daughtry, DeChant, Devin, Dill, Dion, Dorney, Farnsworth, Fowle, Frey, Gattine, Gideon, Goode, Graham, Hamann, Herbig, Hubbell, Jorgensen, Kaenrath, Kornfield, Kruger, Kumiega, Lajoie, Libby N, Longstaff, Luchini, MacDonald W, Mason, Mastraccio, McCabe, McGowan, McLean, Monaghan-Derrig, Moonen, Morrison, Nadeau C, Nelson, Noon, Peoples, Plante, Powers, Priest, Pringle, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Saxton, Schneck, Stuckey, Theriault, Tipping-Spitz, Treat, Welsh, Mr. Speaker.

NAY - Ayotte, Beaudoin, Beaulieu, Beck, Bennett, Black, Boland, Briggs, Campbell R, Chapman, Chase, Clark, Cotta, Crafts, Cray, Crockett, Davis, Dickerson, Dunphy, Duprey, Espling, Evangelos, Fitzpatrick, Fredette, Gifford, Gilbert, Gillway, Grant, Guerin, Harlow, Harvell, Hayes, Hickman, Jackson, Johnson D, Johnson P, Jones, Kent, Keschl, Kinney, Knight, Kusiak, Libby A, Lockman, Long, MacDonald S, Maker, Malaby, Marean, Marks, McClellan, McElwee, Moriarty, Nadeau A, Newendyke, Nutting, Parry, Pease, Peavey Haskell, Peterson, Pouliot, Reed, Sanderson, Saucier, Shaw, Short, Sirocki, Stanley, Timberlake, Turner, Tyler, Verow, Villa, Volk, Wallace, Weaver, Willette, Wilson, Winsor, Wood.

ABSENT - Doak, Hobbins, Werts, Winchenbach.

Yes, 67; No, 80; Absent, 4; Excused, 0.

67 having voted in the affirmative and 80 voted in the negative, with 4 being absent, and accordingly the Majority Ought to Pass as Amended Report was NOT ACCEPTED.

Subsequently, on motion of Representative McCABE of Skowhegan, the Minority Ought to Pass as Amended Report was ACCEPTED.

The Resolve was READ ONCE. Committee Amendment "B" (S-309) was READ by the Clerk and ADOPTED.

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

Under further suspension of the rules the Resolve was PASSED TO BE ENGROSSED as Amended by Committee Amendment "B" (S-309) in NON-CONCURRENCE and sent for concurrence.

The House recessed until 7:00 p.m.

(After Recess)

The House was called to order by the Speaker.

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

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)

Which was TABLED by Representative BERRY of Bowdoinham pending RECONSIDERATION.

Subsequently, after reconsideration, the House proceeded to vote on the question, 'Shall this Bill 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 Bill become a law notwithstanding the objections of the Governor?' All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 390V

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

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

ABSENT - Doak, Peterson, Werts, Winchenbach.

Yes, 95; No, 52; Absent, 4; Excused, 0.

95 having voted in the affirmative and 52 voted in the negative, with 4 being absent, and accordingly the Veto was **SUSTAINED**.

BILLS HELD

Bill "An Act To Improve Access to Oral Health Care"

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

(C. "A" H-531; H. "A" H-541)

- In House, Majority (7) **OUGHT TO PASS AS AMENDED** Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-531) AND HOUSE AMENDMENT "A" (H-541)**.

HELD at the Request of Speaker **EVES** of North Berwick.

Subsequently, the House **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-531) and House Amendment "A" (H-541)**.

On motion of Representative **SIROCKI** of Scarborough, the House **RECONSIDERED ADOPTION** of House Amendment **"A" (H-541)**.

The same Representative further moved that the House **INDEFINITELY POSTPONE House Amendment "A" (H-541)**.

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

Representative **SIROCKI**: Thank you, Mr. Speaker. I am going to present another amendment that will be similar to the existing amendment and then I would like to speak at that point as well.

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

On further motion of the same Representative, the House **RECONSIDERED ADOPTION** of Committee Amendment **"A" (H-531)**.

Representative **SIROCKI** of Scarborough **PRESENTED House Amendment "A" (H-564) to Committee Amendment "A" (H-531)**, which was **READ** by the Clerk.

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. This will be brief. There are two parts to this amendment for LD 1230. The first is a simple clarification to limit the dispensing of medications by a dental hygiene therapist to non-prescription analgesics like Ibuprofen, and the second is there will be no requirement to limit location by designated counties. To focus on those of highest need, the restriction to require 50 percent of the practice be related to MaineCare will remain. Thank you, Mr. Speaker.

Subsequently, House Amendment **"A" (H-564)** to Committee Amendment **"A" (H-531)** was **ADOPTED**.

Committee Amendment **"A" (H-531)** as Amended by House Amendment **"A" (H-564)** thereto was **ADOPTED**.

Subsequently, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-531) as Amended by House Amendment "A" (H-564)** thereto and sent for concurrence. **ORDERED SENT FORTHWITH**.

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

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act To Establish Superior Court as the Forum in Which Appeals of Agency Decisions Must Be Taken"

(H.P. 791) (L.D. 1119)

Majority (11) **OUGHT TO PASS AS AMENDED** Report of the Committee on **JUDICIARY** **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-384)** in the House on June 7, 2013.

Came from the Senate with the Reports **READ** and the Bill and accompanying papers **COMMITTED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** and the Committee on **JUDICIARY** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

Non-Concurrent Matter

Bill "An Act To Amend the Expedited Permitting Area for Wind Energy Development under the Jurisdiction of the Maine Land Use Planning Commission"

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

Report "A" (9) **OUGHT TO PASS AS AMENDED** of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-527)** in the House on June 17, 2013.

Came from the Senate with the Reports **READ** and the Bill and accompanying papers **COMMITTED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** in **NON-CONCURRENCE**.

Representative **DUNPHY** of Embden moved that the House **RECEDE AND CONCUR**.

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

Representative **DUNPHY**: Thank you, Mr. Speaker. If I may, sir, I'd like to read a note I just received via email and it's from a number of the constituents who were down here in support of 616. It says:

This letter contains some good news and some bad news. The bad news is we lost. While legislators may try to put a spin on their votes and actions, the fact is that LD 616 was voted into obscurity. The Senate voted to hold that bill over until the January session, along with other wind legislation, which of course this bill isn't, at which time they will give the whole wind issue the time and attention it deserves.

Their words, not mine. It's a total copout. The industry controls many of these Legislatures through various means and they mounted a huge disinformation and fear campaign in order to kill 616. It worked just as it has always worked in the past. Mr. Speaker, Ladies and Gentlemen of the House, this is a sad day, in my opinion, for the great State of Maine. The residents of the State of Maine's unorganized townships who are in the expedited permitting areas have been told that their rights are not as valuable as the rights of the wind developers. PAC money and political influence of the multinational wind developers and the special interest groups who lie in the halls of our once respected institution have overpowered this Legislature. The bill came out of our committee 9, 2 and 2. The Majority Report was voted 89-49 and still a vote from the Senate, nearly on party lines, sent the message loud and clear that we are not interested in the committee votes, the House vote, or, in fact, the will of the

people. The half-truths spoken by the floor, the less than genuine amendments by lobbyists and misinformation presented by a number of people – a number of people – and by the good old boy politics, the decisions by our colleagues in the Senate was made to recommit this bill. With a total disregard, these people's rights were taken, not by an armed military, not by a police force, but by this body – by this body, ladies and gentlemen.

The SPEAKER: Will the Representative defer? The Chair recognizes the Representative from Bowdoinham, Representative Berry, and inquires as to why the Representative rises.

Representative BERRY: Thank you, Mr. Speaker. I respectfully ask that we refrain in this body from referring to the actions of the other body in debate.

On **POINT OF ORDER**, Representative BERRY of Bowdoinham asked the Chair if the remarks of Representative DUNPHY of Embden were inappropriate to the pending question.

The SPEAKER: The Chair would remind all members to refrain from commenting on the actions of the other body for the purpose of persuading an outcome.

The Chair advised all members that it is inappropriate to refer to the potential action of the office of the executive or the other body in order to influence the vote of the House.

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

Representative DUNPHY: Okay, and now after four years of trying, four years of looking for a solution, a mechanism to get their rights restored, the same rights that every one of us in here have, same old argument, we failed. We buckled under the pressure. We displayed an obvious fear of doing the right thing – not necessarily the other body, maybe all of us collectively – a fear of doing the right thing. Citizens denied their rights by a government that they elected to protect and defend them, and I believe, truly, that we have failed them. I am disappointed beyond my ability to verbalize that those elected to do the right thing simply could not, would not or were fearful to do the right thing. They indeed sold out. I, again, request that we simply Recede and Concur in a feeble attempt to keep this bill and the hopes of the Maine people alive. Thank you, Mr. Speaker.

Representative BERRY of Bowdoinham **REQUESTED** a roll call on the motion to **RECEDE AND CONCUR**.

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

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

Representative RUSSELL: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I just rise because I'll support the motion. Frankly, I think we should Insist, but I will not move that. I would just like to say that there is a lot of work that went into this bill and it was bipartisan, it was really detailed and we really negotiated this. This is probably the hardest bill I had to vote for, but it was also the hardest bill I've ever worked for. I just wanted to say thanks to the committee members that put so much work into this and I, too, am disappointed to see this be remanded to committee when we actually did take action and so much work went into actually doing the right thing on this, and I just rise to say that I'm very disappointed that this is the direction that we're going, because, frankly, next session, we are not going to come up with a different solution. The idea of sending something back to the committee means that there is going to be more work to be done, that there is actually going to be a different outcome and I just don't see that happening, but I will support the motion begrudgingly. But I just want to thank the committee members who really did put a lot of work into this.

You know, there is so many times that we've come to the table and we end up walking away because we just can't find common ground, and this was a really hard bill for some of us and I just give a lot of props to the folks who worked really hard on it, and I also give a lot of props to the good Representative from Embden who has been so passionate on this and very defensive of his people, and I respect that. So that's all I wanted to say and put it on the record. 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. Yesterday, this body voted to Insist on a bill because we believed, those of us who wanted to Insist on it, believed it was the right thing to do. It was sent back to the other body and a different result came back to us. The Energy Committee spent a lot of time on this bill. It was not an easy bill for anybody. It is still not an easy bill for me as I stand here in front of you. I just have to say this one thing, that sometimes there are differences of opinion and it doesn't mean that we're shirking our responsibilities. I have great respect for the Representative from Embden. Thank you.

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

Representative HOBBS: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. Having been in the same position as the good gentleman from Embden, Representative Dunphy, numerous times during my legislative years where things didn't go very well, after making a passionate effort and a sincere effort to get a piece of legislation passed, it's difficult and it kind of hurts a little bit when others who are on the committee hear those hurt feelings, because I've been in the same position where I've felt those emotions and I have done the same thing, and I know that there is obviously going to be another day for this bill and other bills dealing with these very delicate property rights issues involving the land/wind/energy situation here in the State of Maine. The irony is probably the proper motion for this bill would be to have something put on the books temporarily and that would have been ironically the report that my colleague from Freeport, Representative Gideon, and I signed on to, which is mostly similar in nature to the report that was supported by the majority of the committee. The differences of the two bills essentially, except for several phrases, but essentially is the moratoria phrase and language involving a moratorium, and basically saying that, during a period of time, those five towns would be essentially exempt and then there would be an 18-month moratorium. The report that was supported by myself and Representative Gideon would have started a process now where towns could figure out a way through rulemaking to opt out of the unorganized territories expedited wind permitting process.

My concern is that by carrying the bill over in its present form through the actions of the other body, by a motion to Recede and Concur, is that we will lose valuable time in putting something in place, some foundation that could be developed by the Land Use Planning Commission that would assist the process in getting this back on track as far as the expedited wind areas in the State of Maine, so communities can have that opportunity to opt out of the expedited areas and also for a review of that whole issue. Now, I can tell you, we'll take this bill back, but we have a lot of other work that we're going to do during this off time. Hopefully, we'll be looking at renewable energy which will, in a way, interface with the whole expedited wind process and other renewable energy processes such as wind. But my point is that although I respect the process by at least coming up with a situation where we could possibly get to the report that I sponsored, and we

could do that by Receding, Tabling it and let us get an amendment that would take care of it, that's if we had a lot of extra time on our hands. But I'm saying there is that possibility, if we Receded and then looked at another avenue. That way, we would not be in a situation where we would carry it over, lose a lot of time with organizing a process by which ironically the Majority Report has in its language. So that's a suggestion. I believe that this motion takes precedent, but I think that I would like to be able to be in a position to Recede and at least consider and discuss with those on the Majority Report that possibility. Thank you, Mr. Speaker.

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

Representative **BEAVERS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The problem with the Minority Report is the fact that there are two phrases in there that essentially would make it impossible for anybody to remove themselves from the expedited wind area. So I cannot support that suggestion and I hope you will Recede and Concur. Thank you.

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

Representative **DUNPHY**: Thank you, Mr. Speaker. I also cannot support Amendment "B." Amendment "B" is disingenuous at best and a hoax at worst. It was written by the Natural Resource Council of Maine and it truly, truly eliminates a large number of the people from in these districts from even applying. So with all due respect to the committee chair, I'd rather take my chances, I guess, with a known skunk than an unknown one, that this Amendment "B" just is bad news and I wouldn't support it.

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

ROLL CALL NO. 391

YEA - Beaudoin, Beaulieu, Beavers, Bennett, Black, Boland, Briggs, Campbell R, Casavant, Chapman, Chase, Chipman, Clark, Cotta, Crafts, Cray, Crockett, Davis, Dickerson, Dunphy, Duprey, Esping, Fitzpatrick, Fredette, Gifford, Gillway, Guerin, Harlow, Harvell, Hayes, Hickman, Jackson, Johnson D, Johnson P, Jones, Kaenrath, Kent, Keschl, Kinney, Knight, Kusiak, Libby A, Lockman, Long, MacDonald S, Maker, Malaby, Marean, McClellan, McElwee, Morrison, Nadeau A, Nadeau C, Nelson, Newendyke, Nutting, Parry, Pease, Peavey Haskell, Peoples, Pouliot, Reed, Russell, Sanderson, Sirocki, Timberlake, Tipping-Spitz, Treat, Turner, Tyler, Villa, Volk, Wallace, Weaver, Willette, Wilson, Winsor, Wood.

NAY - Beck, Berry, Bolduc, Brooks, Campbell J, Carey, Cassidy, Chenette, Cooper, Daughtry, DeChant, Devin, Dill, Dion, Dorney, Evangelos, Farnsworth, Fowle, Frey, Gattine, Gideon, Gilbert, Goode, Graham, Grant, Hamann, Herbig, Hobbins, Hubbell, Jorgensen, Kornfield, Kruger, Kumiega, Lajoie, Libby N, Longstaff, Luchini, MacDonald W, Marks, Mason, Mastraccio, McCabe, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Noon, Plante, Powers, Priest, Pringle, Rankin, Rochelo, Rotundo, Rykerson, Sanborn, Saucier, Saxton, Schneck, Shaw, Short, Stanley, Stuckey, Theriault, Verow, Welsh, Mr. Speaker.

ABSENT - Ayotte, Doak, Peterson, Werts, Winchenbach.

Yes, 78; No, 68; Absent, 5; Excused, 0.

78 having voted in the affirmative and 68 voted in the negative, with 5 being absent, and accordingly the House voted to **RECEDE AND CONCUR**.

The Following Communication: (S.C. 489)

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

June 19, 2013

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

Dear Clerk MacFarland:

Senate Paper 329, Legislative Document 984, "An Act To Amend the Health Plan Improvement Law Regarding Prescription Drug Step Therapy and Prior Authorization," having been returned by the Governor, together with objections to the same, pursuant to Article IV, Part Third, Section 2 of the Constitution of the State of Maine, after reconsideration, the Senate proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objections of the Governor?"

20 voted in favor and 15 against, and accordingly it was the vote of the Senate that the Bill not become a law and the veto was sustained.

Best Regards,

S/Darek M. Grant

Secretary of the Senate

READ and ORDERED PLACED ON FILE.

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

HOUSE DIVIDED REPORT - Majority (7) **Refer to the Committee on Energy, Utilities and Technology** - Minority (5) **Ought to Pass as Amended by Committee Amendment "A" (H-550)** - Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Bill "An Act To Protect Maine's Scenic Character"

(H.P. 812) (L.D. 1147)

Which was **TABLED** by Representative WELSH of Rockport pending **ACCEPTANCE** of either Report.

Subsequently, Representative WELSH of Rockport moved that the House **ACCEPT** the Majority **Refer to the Committee on Energy, Utilities and Technology** Report.

Representative WILLETTE of Mapleton **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Refer to the Committee on Energy, Utilities and Technology** 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 Buckfield, Representative Hayes.

Representative **HAYES**: Thank you, Mr. Speaker. Mr. Speaker, Women and Men of the House. I would really appreciate your support on this motion. This bill was heard in the Energy Committee, but it was never really worked in the Energy Committee and the decision that they made was to refer it to the Utilities Committee and it has taken over a month to get it from that posture when it was voted to get it to our calendar today for the first time. So there is an agreement that it will be a carryover bill. It will be considered, along with the bill that we just sent, on the Recede and Concur motion, the opportunity to take a look at these all at once, and I would very much appreciate your support. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Acceptance of the Majority Refer to the Committee on Energy, Utilities and Technology Report. All those in favor will vote yes, those opposed will vote no.

COMMUNICATIONS

ROLL CALL NO. 392

YEA - Beaudoin, Beaulieu, Beavers, Beck, Bennett, Berry, Black, Boland, Bolduc, Briggs, Brooks, Campbell J, Carey, Casavant, Cassidy, Chapman, Chase, Chenette, Chipman, Clark, Cooper, Cotta, Crafts, Cray, Crockett, Daughtry, Davis, DeChant, Devin, Dickerson, Dill, Dion, Dorney, Dunphy, Duprey, Espling, Evangelos, Farnsworth, Fitzpatrick, Fowle, Fredette, Frey, Gattine, Gideon, Gifford, Gilbert, Gillway, Goode, Grant, Guerin, Hamann, Harlow, Harvell, Hayes, Hickman, Hobbins, Hubbell, Johnson D, Johnson P, Jones, Jorgensen, Kaenrath, 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, McCabe, McClellan, McElwee, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau A, Nadeau C, Nelson, Newendyke, Noon, Nutting, Parry, Pease, Peavey Haskell, Peoples, Plante, Pouliot, Powers, Priest, Pringle, Rankin, Reed, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Sanderson, Saucier, Saxton, Schneck, Shaw, Short, Stanley, Stuckey, Theriault, Timberlake, Tipping-Spitz, Treat, Turner, Tyler, Verow, Villa, Volk, Wallace, Weaver, Welsh, Willette, Wilson, Winsor, Wood, Mr. Speaker.

NAY - Campbell R, Graham, Herbig, Jackson, Mastraccio.

ABSENT - Ayotte, Doak, Kent, Peterson, Sirocki, Werts, Winchenbach.

Yes, 139; No, 5; Absent, 7; Excused, 0.

139 having voted in the affirmative and 5 voted in the negative, with 7 being absent, and accordingly the Majority **Refer to the Committee on Energy, Utilities and Technology** Report was **ACCEPTED** and sent for concurrence.

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

HOUSE DIVIDED REPORT - Majority (7) **Refer to the Committee on Energy, Utilities and Technology** - Minority (5) **Ought to Pass as Amended by Committee Amendment "A" (H-549)** - Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Bill "An Act Regarding Wind Power Siting in the Unorganized Territory"

(H.P. 947) (L.D. 1323)

Which was **TABLED** by Representative WELSH of Rockport pending **ACCEPTANCE** of either Report.

On motion of Representative WELSH of Rockport, the Majority **Refer to the Committee on Energy, Utilities and Technology** Report was **ACCEPTED** and sent for concurrence.

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

REPORTS OF COMMITTEE
Committee of Conference

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act To Ensure Accountability in State Contracts"

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

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

That they are **UNABLE TO AGREE**.

Signed:

Senators:

LACHOWICZ of Kennebec

GERZOFISKY of Cumberland

JACKSON of Aroostook

Representatives:

LIBBY of Lewiston

MacDONALD of Old Orchard Beach

VOLK of Scarborough

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

The Committee of Conference Report was **READ** and **ACCEPTED** in concurrence.

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act To Authorize Options for Local Revenue Enhancement"

(H.P. 299) (L.D. 427)

Minority (3) **OUGHT TO PASS AS AMENDED** Report of the Committee on **TAXATION READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-363)** in the House on June 19, 2013.

Came from the Senate with the Majority (10) **OUGHT NOT TO PASS** Report of the Committee on **TAXATION READ** and **ACCEPTED** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

ENACTORS

Emergency Measure

An Act To Change the Voting Requirements for the Withdrawal of a Municipality from a Regional School Unit

(H.P. 534) (L.D. 783)

(H. "A" H-561 to C. "A" H-552)

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

On motion of Representative MALABY of Hancock, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-552) as Amended by House Amendment "A" (H-561)** thereto.

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-552) as Amended by House Amendment "A" (H-561)** thereto was **ADOPTED**.

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 **House Amendment "A" (H-561) to Committee Amendment "A" (H-552)** was **ADOPTED**.

On further motion of the same Representative, **House Amendment "A" (H-561) to Committee Amendment "A" (H-552)** was **INDEFINITELY POSTPONED**.

The same Representative **PRESENTED House Amendment "B" (H-567) to Committee Amendment "A" (H-552)** which was **READ** by the Clerk.

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

Representative **MALABY**: Mr. Speaker, I brought forth this amendment for practical reasons. I have stripped the emergency preamble. I thank you for your support.

Subsequently, **House Amendment "B" (H-567)** to **Committee Amendment "A" (H-552)** was **ADOPTED**.

Committee Amendment "A" (H-552) as Amended by **House Amendment "B" (H-567)** thereto was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (H-552)** as Amended by **House Amendment "B" (H-567)** thereto in **NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH**.

Acts

An Act To Buy American-made Products

(S.P. 311) (L.D. 890)

(H. "A" H-557 to C. "A" S-303)

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

On motion of Representative **McCABE** of Skowhegan, 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. 393

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

NAY - Espling, Guerin, Jackson, Johnson P, Libby A, McClellan.

ABSENT - Ayotte, Beaudoin, Campbell J, Doak, Hobbins, Kent, Peterson, Werts, Winchenbach.

Yes, 136; No, 6; Absent, 9; Excused, 0.

136 having voted in the affirmative and 6 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.

Resolves

Resolve, Relating to a Review of Risks Associated with Tar Sands Oil

(H.P. 970) (L.D. 1362)

(H. "A" H-543 to C. "A" H-428)

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

CONSENT CALENDAR

First Day

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

(H.P. 1103) (L.D. 1536) Bill "An Act To Correct Errors and Inconsistencies in the Laws of Maine" (EMERGENCY) Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-566)**

On motion of Representative **BERRY** of Bowdoinham, 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-566)** was **READ** by the Clerk.

On further motion of the same Representative, **TABLED** pending **ADOPTION** of **Committee Amendment "A" (H-566)** and later today assigned.

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

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Bill "An Act To Preserve Code Enforcement Officer Training and Certification"

(H.P. 1135) (L.D. 1565)

Sponsored by Representative **CAREY** of Lewiston.

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

Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** suggested and ordered printed.

REFERRED to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed.

Sent for concurrence.

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 (9) **Ought to Pass as Amended by Committee Amendment "A" (H-526)** - Minority (3) **Ought Not to Pass** - Committee on **TAXATION** on Bill "An Act To Provide Tax Fairness to Maine's Middle Class and Working Families"

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

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

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

The **SPEAKER**: The Chair recognizes the Representative from Livermore Falls, Representative **Knight**.

Representative **KNIGHT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I, first of all, want to compliment the sponsor of this bill. There are a lot of really, really positive aspects to it; however, I believe and I will speak a little bit later on this, I feel the process is deeply flawed. This is my seventh year here in the House and one of the things I learned, I guess, over the time, and I think the good Representative from Bowdoinham knows this as well as I that we need tax reform. There is probably not a person in this room that wouldn't concur with that. But the best way to get meaningful tax reform is when we work across the aisle in a collaborative, cooperative way. I tried, as some of you know, as the head of the Gang of Eleven, some of you may not know I am that person, I started over a year ago and I worked very closely with the good Senator from Yarmouth and a Representative from Saco who is no longer with the body, as well as the Chief Executive officer, and we started a process off campus and one of the things we did was we took...

The **SPEAKER**: Will the Representative please defer? The Chair recognizes the Representative from Bangor, Representative Goode, and asks why the Representative rises.

Representative **GOODE**: Thank you, Mr. Speaker. I very much appreciate the Representative from Livermore Falls, but I don't believe that the Gang of Eleven bill is the one that is before us at this time.

On **POINT OF ORDER**, Representative **GOODE** of Bangor asked the Chair if the remarks of Representative **KNIGHT** of Livermore Falls were germane to the pending question.

The **SPEAKER**: Would the Representative please make sure that the comments are confined to the pending motion to Accept the Majority Ought to Pass as Amended Report.

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

The **SPEAKER**: The Chair recognizes the Representative from Livermore Falls, Representative Knight.

Representative **KNIGHT**: Yes, thank you very much, Mr. Speaker, and I thank my good Tax Chair from Bangor. The reason I have to mention the other bill is that the bill before us is what I refer to as a shadow bill. It very clearly has mirrored some of the things that we tried to do with the Gang and that's the reason I mention it. But the difference is we worked, we took our hats off and worked collaboratively across the aisle. As many of you know, we were off site. This bill has had absolutely no, no input from the Republican Party. Over the years, and in this bill before us, I know, wrap it up. All right, I will be back on my feet later then. This is a terrible bill and I will be back to talk about it later.

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 Belgrade, Representative Keschl.

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

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

Representative **KESCHL**: Yes, Mr. Speaker. In reading the Committee Amendment "A," the Majority Report, I noticed that the individual effective tax rate is defined as, and reading right from the definition, "a fraction the numerator of which is the sum, for the taxable year, of a tax family's income tax paid to other jurisdictions, income tax liability, property taxes accrued on a tax family's homestead and sales taxes paid and the denominator of which is the tax family's expanded income for the taxable year."

Now because property taxes paid or being used in the calculation to assess whether or not a taxpayer owes more taxes, does this proposal violate Article IX, Section 8, of the Maine Constitution, which reads "All taxes upon real and personal estate, assessed by authority of this State, shall be apportioned and assessed equally according to the just value thereof?" Thank you.

The **SPEAKER**: The Representative from Belgrade, Representative Keschl, has posed a question through the Chair to anyone who may care to respond. 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. 394

YEA - Beavers, Beck, Berry, Boland, Bolduc, Briggs, Brooks, Campbell J, Carey, Casavant, Cassidy, Chapman, Chenette, Chipman, Cooper, Daughtry, DeChant, Devin, Dickerson, Dill, Dion, Dorney, Evangelos, Farnsworth, Fowle, Frey, Gattine, Gideon, Gilbert, Goode, Graham, Grant, Hamann, Harlow, Hayes, Herbig, Hickman, Hobbins, Hubbell, Jones, Jorgensen, Kaenrath, 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, Saxton, Schneck, Short, Stanley, Stuckey, Theriault, Tipping-Spitz, Treat, Verow, Villa, Welsh, Mr. Speaker.

NAY - 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, McClellan, McElwee, Newendyke, Parry, Pease, Peavey Haskell, Pouliot, Reed, Sanderson, Sirocki, Timberlake, Turner, Tyler, Volk, Wallace, Weaver, Willette, Wilson, Winsor, Wood.

ABSENT - Ayotte, Beaudoin, Doak, Kent, Kornfield, MacDonald S, Nadeau A, Nutting, Peterson, Shaw, Werts, Winchenbach.

Yes, 88; No, 51; Absent, 12; Excused, 0.

88 having voted in the affirmative and 51 voted in the negative, with 12 being absent, and accordingly the Majority **Ought to Pass as Amended Report** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-526)** was **READ** by the Clerk.

Representative **CAREY** of Lewiston **PRESENTED House Amendment "A" (H-565)** to **Committee Amendment "A" (H-526)**, which was **READ** by the Clerk.

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

Representative **BROOKS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Let me start out by saying a couple of things that I haven't had an opportunity to say yet in all the debates that we've had and those very few times that I've gotten up to speak. I wasn't going to speak on this. I will be just brief. Mr. Speaker, would you make sure the House is in order? In all seriousness, it is after 9:30 and I get really giddy at that time. This is a great bill...

The **SPEAKER**: Will the Representative defer? The Chair recognizes the Representative from Morrill, Representative Pease, and inquires as to why the Representative rises.

Representative **PEASE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I pose a question to the Speaker. What does the definition of "brief" mean?

The **SPEAKER**: The Representative from Morrill, Representative Pease, has posed a question through the Chair to

anyone who may care to respond. The Chair recognizes the Representative from Winterport, Representative Brooks.

Representative **BROOKS**: Mr. Speaker, may I have a sidebar? Fruit of the Loom.

The **SPEAKER**: Clearly, the members want to stay longer tonight. The Representative may proceed.

Representative **BROOKS**: Thank you, Mr. Speaker. I hope to be able to proceed in a minute. I have to collect myself. For some reason, this is a great bill. I think I started with that already. Let me just say, I did have an opportunity to look at the amendment and it appears that the thousands and thousands of dollars that the communities that I serve will lose through the change in revenue sharing will be restored, much of it. You all know that in the budget, which we probably will get back somewhere around the 25th of this month, has in it an opportunity for us to recover two-thirds of the revenue sharing as it was this year. This bill and I think it's a great bill. It really won't take effect and show the tax fairness for a couple of years. Under the amendment, we will be dedicated to returning the rest of that revenue sharing. Now, I don't know about the rest of you, but the one thing that I hope to be able to go home with is to say that this body of the 126th Legislature did not raise property taxes. That is what I hope to be able to say. My town manager and all the other five towns that I represent in House District 42 have been in contact with me and they are all telling me these terrible stories, and I can stand here and read from this document if I wanted to about the amounts of money that they are each going to lose, but I'm not going to do that because I promised to be brief. But I will say to you that this is a good bill and if we can do this and restore that money back into the till, it will make everybody whole. Now, when I say that, I want to remind you that this is the position that the Maine Municipal Association took and most every single one of us in here comes from communities that use MMA. Not all of us. There is a few, I think Bangor is not a member, but most of the others are. So I ask you, let's move this, let's pass this and let's say to the folks that this is not a new tax. This is a restructuring of the tax and it will help to raise that money, several hundred million, whatever it is, one hundred and some million dollars, and that will cover this hole that is in the budget. Please join with me in saying yes. Thank you, Mr. Speaker.

Subsequently, **House Amendment "A" (H-565) to Committee Amendment "A" (H-526) was ADOPTED.**

Committee Amendment "A" (H-526) as Amended by House Amendment "A" (H-565) 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.**

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

Representative **BERRY**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. The bill before us, "An Act To Provide Tax Fairness to Maine's Middle Class and Working Families," as amended here today, would apply the logic of the Buffett Rule to Maine's state and local tax code. As you know, Mr. Speaker, the Buffett Rule is a concept named for the wealthy investor, Warren Buffett, who is known for his good business decisions and who famously said his secretary should not be required to pay higher taxes than he does. Right now, Mr. Speaker, according to our own professionals at Maine Revenue Services, professionals overseen by the Chief Executive, Maine's secretaries and truck drivers and childcare workers are now paying higher taxes than their bosses, much higher taxes than the wealthiest among us in Maine. It is time for this to stop. It is time to reduce taxes on those who pay the most and to equalize

them for those individuals who are paying too little as a portion of each dollar earned.

At present, a single mother of two in Maine who works full time at minimum wage, full time, pays nearly twice as much per dollar as a person making \$1 million per year. I am going to repeat that. A single mother of two working full time at minimum wage pays nearly twice as much per dollar of her income as a person making \$1 million per year. This comes from Maine Revenue Services. It is due to the regressive nature of property and sales taxes, as well as the stacking of income tax credits, exemptions and deductions by a select few who are able to do so. I would be happy to provide the Maine Revenue Services analysis that demonstrates this. It is presented biennially to the Taxation Committee. LD 1113 would correct this inequality. Through its credit mechanism, it would actually cut taxes substantially for hundreds of thousands of middle and working class families. But, more immediately, Mr. Speaker, the bill, as amended, today, would fully restore revenue sharing to its present levels over the next two years, avoiding the roughly one-third cut in revenue sharing to our municipalities back home and our property taxpayers. It would avoid that property tax hike that will otherwise occur.

I want to respond to an objection that I think may come forward that perhaps the wealthy are taxed enough already, and I want to remind folks that it isn't just income taxes that people pay. It's the sales tax. It's the property tax. It's all of those taxes combined that this bill concerns itself with, the overall tax burden as analyzed by Revenue Services. And I want to point out, too, that there are wealthier Mainers who do pay at the average rate per dollar, or even more than the average rate per dollar. That is why LD 1113 proposes an individualized equalization test – an individualized equalization test – only for those in the top 1 percent of income earners.

The questions LD 1113 poses to us here today are political, economic and moral. Politically, the Maine Buffett Rule is supported by 4 in 5 Maine voters. A national Buffett Rule is supported by Maine's entire tripartisan Congressional Delegation. Senator Susan Collins famously has supported and voted for the Buffett Rule at the national level. Can we, today, Mr. Speaker, stand with Maine people and with our entire United States Delegation, or can't we? Economically, research shows that fair taxes assist growth. When the struggling full time worker in Maine has a little more money in his or her pocket, businesses, like the one I work for, have more customers. Work is rewarded. Productivity increases. We grow our economy from the middle out. Mr. Speaker, I believe we want a thriving economy and a thriving middle class in this body, and I hope we can vote for this bill for that reason. Finally, morally, Maine people have always believed that we should do our fair share, each one of us, from the very days of our state's inception. At present, our tax code does not ask each of us to do our fair share. I hope that this body, this Legislature, will be remembered as the one that asked each Mainer to pull our weight, to do our fair share. I believe we can, we do and we will move forward in all three of these ways.

In closing, I want to thank the Representative from Hollis, a Republican from the committee, for voting for this bill, Representative Brooks, an Independent from the committee, for voting for this bill, and all of the Democratic members of the committee for voting for this bill. I also want to thank the Representative from Lewiston, Representative Carey, for his friendly amendment that would restore revenue sharing and keep our towns and property taxes whole. Thank you, Mr. Speaker. When the vote is taken, I request that it be by the yeas and nays.

The same Representative **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED as Amended by Committee**

Amendment "A" (H-526) as Amended by House Amendment "A" (H-565) thereto.

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 Bangor, Representative Goode.

Representative **GOODE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise to speak in favor of the pending motion. I will attempt not to cover many of the major points that the bill's sponsor has outlined. I hope to just provide some clarification about the committee's work on the bill. I do rise as a member of this body who has spent significant time, both here and in my last few campaigns, talking about tax fairness and about our tax system. I firmly believe and I have talked about this many times, in many campaigns and in many conversations, with folks who live in the district I represent that folks who make more than \$350,000 a year can afford to pay as much per dollar as those making \$50,000 a year. Currently, we have a tax system where a single mother of two making minimum wage pays 17 percent of her income at state and local taxes, and somebody making \$350,000 a year pays just 10 percent. Maine's tax system is unfair, we all know that, and under the current budget, it won't get much better. The top 1 percent of Mainers pay an overall effective rate of 10 percent. Everyone else in our state pays more. Again, the top 1 percent of Mainers pay an overall effective tax rate of 10 percent. Everybody else in the state pays a higher overall effective rate. I think it's important when we think about taxes that we think about the whole picture, the whole overall effective rate, and I think that's the best way of understanding what's fair and what isn't. I believe it's wrong that somebody who makes some money off of Wall Street should pay so much less than a secretary, a bus driver or a security guard. That's something that I've talked about often with my constituents and I think that it's something that they know about me and they appreciate support. The committee did good bipartisan work. It was through a number of public hearings and public work sessions. We wound up with a 9-3 Committee Report. I appreciate all the members of committee. I learned a lot from everybody on the Taxation Committee this year and this is one of the bills where we did not quite agree.

The tax equalization that was asked about earlier, with the amendment motion, there was a question about constitutionality. My belief is that the assessment is applied to resident taxpayers with an effective tax rate on state and local taxes paid, there are less than the average paid by the bottom 99 percent of taxpayers, and I really didn't see any constitutional issues in committee. I think that opponents and proponents of the bill did not bring those up, nor did members of the public who were there through most of the process. I think there is lots of situations in our tax code where we make sure that things are fair for folks and that we're making sure that everybody is getting a fair shake. I didn't have that come up. I'm not a constitutional scholar, so if there are others that feel like there is an issue, I would love to know about it. Simply, the bill makes sure that those who are at the top of the economy pay, on average, one penny more per dollar, if they are paying less than the statewide average rate. I think that is something reasonable to ask folks.

I also just wanted to share a little bit about my district. If you're like me, you've done a lot of grassroots campaigning. I live in a very low-income neighborhood. I have constituents from all walks of life. I definitely have folks who struggle with mental illness, single working parents. I have homeless folks, homeless children, a number of small business owners. A former state senator lives in my district, a current United States senator is moving into my district. A major writer, who many of you are

familiar with, who has a very high income, lives in my district. An owner of a major newspaper lives in my district. And so I have a very diverse set of constituents. This isn't something that everybody agrees with, but in terms of being fair and making sure we're standing up for everyday people, it's something that's run through often. Then I think all of us know about the major decisions we've made regarding revenue sharing. I have proposed an amendment that helps us restore a major part of revenue sharing. My understanding is that it would be close to \$87 million. This seems to be one of the last, most fair and most popular ways to help us mitigate this custom revenue sharing, and I think that in terms of all of the public hearings I've been to, public discussions I've been to, if the choice was between not restoring the \$87 million in revenue sharing or adding this new assessment, I really feel like that's something that I would campaign on, that I would bring to the people that I care about in my district, the folks from all different walks of life.

I think just, lastly, in terms of the committee process, we had one of the more moving public hearings. We had a number of low-income folks who came to testify. Folks with fixed incomes, folks who were retired, folks who were concerned about the cost of drugs, folks who were concerned that we are failing to meet our commitment to funding education, folks who were concerned about property tax increases, veterans came. One person who came was a very wealthy resident of the state, who owns a number of businesses, and I just wanted to read a bit from his testimony. He came and he spoke very clearly, very passionately, and to quote from this member who is definitely somebody who would be assessed under this bill, I quote, "I do not want to pay more income tax. I don't want to pay higher property taxes. Find me someone that does. I pay a lot of tax. I should. I earn a lot. In the last two years, the income taxes I pay in Maine have gone down. I appreciate the extra money but it has not changed my lifestyle. It has not made me go and open another car dealership. I have not gone out and bought another suit or a boat or a computer because of it." And I think that we heard lots of testimony from lots of different folks from all walks of life, and I think that is consistent with the conversations that I've had with folks in my district the last two or three years, so I hope you support the pending motion and I appreciate your listening. Thank you.

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

Representative **TIPPING-SPITZ**: Thank you, Mr. Speaker. Mr. Speaker, Women and Men of the House. When I got up to speak on the budget, I mentioned that it was a one-two punch to our communities. It cut revenue sharing to our communities beyond the scope of what they would be able to cover through consolidation, and then it cut programs that people use to change that cut when it comes to their own personal checkbooks. It shrunk the amount that they get through the Circuit Breaker and it called it a different program. I think this bill helps us dodge one of those two punches. The tax fairness provision in this bill was supported by a bipartisan vote out of committee, and it is supported by Senator Collins. She said, in an article, that I believe was distributed to the House, she believes the nation's tax code must be overhauled from top to bottom, adding that she voted in favor of the Buffett Rule "because it is essential that we begin the debate on comprehensive tax reform." I have said that multimillionaires and billionaires can pay more to help us deal with our deficit and I have voted for surtaxes on the very wealthy in the past. But when it comes down to this issue, I don't think we should be looking to people beyond our districts to hear what's right. When I go home, tomorrow and the next day, when I go back to my other job at the hardware store and a plumber

comes in to buy supplies to fix toilets, I want to be able to look him in the eye if he asks me about this issue and tell him I voted to make sure that he's not paying a higher effective tax rate than the owners of the mansions he works in. I want to make sure I can talk to my constituents about how we voted for tax fairness in this Legislature. Thank you very much, Mr. Speaker.

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

Representative **CAREY**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. As a member of the Appropriations Committee, we worked hard this year to mitigate a massive tax shift to middle class property taxpayers and business property taxpayers, and in the budget that we passed, we got two-thirds of this year's level and yet we are still \$35 million short in this year alone. This bill restores almost exactly that amount from the tax shift on to middle class property taxpayers and small businesses and restores at an even level. Now, it's been said that there is only about between 2 and 4 percent of municipal budgets are paid in property taxes. I don't know where that comes from. What I can tell you is that I heard as soon as we took the action in our committee, I heard from my community that we were cutting \$1.5 million from last year's revenue sharing amount to this year's municipal budget. That amount represents about a third of the police department and it represents about a third of the fire department. It is often said that a sound tax system in a state is a third sales tax, a third income tax and a third property tax. In our state right now, in this current year, we are somewhere around 42 percent of the taxes that are collected are property taxes. So this bill is very simply a choice. It is a choice about whether middle class families and small businesses are paying enough property tax or whether they can pay \$35 million more this year. I don't think they can and I will be voting green. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Livermore Falls, Representative Knight.

Representative **KNIGHT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Let me try again. First of all, I would like to answer the good Representative from Belgrade who posed the question on the constitutionality of the bill before us. I would declare I am not a constitutional attorney. In fact, I'm not even an attorney. But from what I've read, I understand that we do potentially have a serious constitutional problem with the bill before us. Back to the bill, I started to say earlier that there is not a person in this room that doesn't recognize the problems with the revenue sharing, what the good Representative from Lewiston just mentioned, the need for balance, tax reform, and I sincerely mean what I am about to say relative to the good Representative from Bowdoinham. I truly believe he means well. It is an excellent effort. He has done some really good work, but I have to repeat his process is deeply, deeply flawed, which makes this, regardless of the content, a bad bill, because he has been around, as I have, for quite a while and the truth of the matter is the people, some real political courage needs to be shown. I think this is a sad evening that we are even having this discussion. The polarization that continues to occur, we've seen it earlier in the evening and too many people are concerned about the next election, one-upmanship and so forth. If this bill is to have meaning, it needs to follow a process that involves the people of both sides of the aisle, and this bill does not. I can't suggest where this bill is going because it would be inappropriate according to our rules. We know where this bill is headed. This will be, in my opinion, another failed attempt. Each and every time that one party or the other party, it matters not which side of the aisle we speak from, we wind up with this polarizing problem.

I want to compliment my good friend from Lewiston, Representative Libby. Representative Libby and I probably have very little in common other than we both are graduates of similar so-called Little Ivy schools, but Representative Libby and I have worked very closely on much of what is in even this tax package that we are discussing. There is language in this that comes from another bill, which I am not supposed to mention, but this bill before us is a shadow bill. It truly is. This bill has, I don't want to use the word usurp, but it has taken some very good points that I think we could all agree with. But it has also wandered way, way off with the Buffett proposition. This is something that I know that certain people in this room have strong feelings and I respect that. They may be correct. But this bill, I hope, wasn't put on the floor with the intension of reforming an archaic code that really needs reformation. This bill will not do it because, this bill, as I repeat, does not have input from the other side of the aisle. One thing I would hope we would have learned while we shared tax responsibilities together, I am speaking of the sponsor of the bill, and I have offered this to him, by the way, that we work together this summer and the next year and see if we cannot come to common ground relative to tax reform. As long as we think we are going to do it, move it from one side of the aisle or the other, the people of the State of Maine lose. We all lose. Why can't we not for once do things collaboratively, cooperatively, in the spirit of compromise and do it right? There is the possibility of having strong Democratic principles and I believe there are many of those that are in this bill, but in order to be effective it needs strong Republican principles and many of them that we think on this side of the aisle are important are not in the bill. The process is flawed. As a result, the product is flawed. I respectfully suggest to folks in the chamber, as we vote, that this bill, one of two things should happen. We should either kill the bill or we should move it into the Second Session for further discussion. This bill is going nowhere as it is and despite the good efforts of my friend from Bowdoinham, we're just not going to get there. The bill started, as he knows, as a concept draft, as did another bill that isn't to be mentioned, but you know what I'm talking about, and you can chuckle and laugh there in the front row. Mr. Speaker, I can't help but notice that, so I point that out. I don't know if it's a game we play or what, it's sad. It's sad for the good people of this state that we cannot work together. I move that...

The SPEAKER: The Chair recognizes the Representative from Winterport, Representative Brooks, and inquires as to why he rises.

Representative **BROOKS**: Thank you, Mr. Speaker. I am inquiring about the germaneness of his comments and I object to his pointing fingers. Thank you.

Representative **BROOKS** of Winterport **OBJECTED** to germaneness of the comments of Representative **KNIGHT** of Livermore Falls on the pending question.

The SPEAKER: The Chair would remind folks to make sure that we are keeping to what is in front of us and making sure that our comments are respectful to other members.

The Chair reminded all members that comments should be respectful to other members.

Representative **KNIGHT**: Thank you. I appreciate that. I guess I was just hoping that the same respect that I hope I am showing to the folks that might disagree with me would similarly show the same respect as I am speaking. Thank you, Mr. Speaker.

The SPEAKER: The Representative may proceed.

Representative **KNIGHT**: I think we all want the same thing. We want a strong economy, we want good jobs and we need a tax policy in this state that promotes the same. There are some outstanding points in this bill that is before us, but it needs further

enhancement to make it acceptable to all parties, I believe. So, with that, Mr. Speaker, I guess I will sit down, but I would encourage people to follow my light, which will be red sadly, and it will be, in my opinion, another failed attempt to do what we ought to be doing for this body. Thank you, Mr. Speaker.

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

Representative **McCABE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. Before us, we have an awesome opportunity tonight. We have an opportunity to restore cuts to revenue sharing that many of us have heard from our communities and are deeply, deeply concerned. We also have an opportunity today to accept a report, a report that was a bipartisan or even tripartisan report out of the committee. We have the opportunity tonight, or some people do, to break with their party like Susan Collins did and vote in favor of this bill. What will this bill do? I think it's pretty important that we look at what it will do for some of the communities. In a community like Caribou, it will mean a restoration of almost \$630,000 in revenue sharing. In a place like Eagle Lake, it will be about \$50,000. In a community like Augusta, just over \$1.2 million. You know, the list goes on here, folks. This has a great deal of benefit for all of our communities, large and small, rural and urban. In a community like mine, it is close to \$500,000, just under \$500,000. In Calais, nearly \$250,000. You know, these are figures that I think our constituents back home would like to know. They would like to know that we are voting. They would like to know that we are looking under all rocks, trying to find solutions to revenue sharing. I see in New Gloucester, it is nearly \$240,000 that this means for this community. So I hope that folks will pay attention. They will pay attention to the number of this bill. This was an LD that was early. I have to object to this being called a shadow bill. This bill had a much lower LD number to a bill that hasn't surfaced from the committee, but this is an idea that was brought forward very early on and I believe the work of the committee should stand tonight and I ask that the Committee Report be read.

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

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

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

Representative **LIBBY**: Thank you, Mr. Speaker. Good evening, Men and Women of the House. First, I want to thank my good friend from Livermore Falls, Representative Knight. We all know he is a strong advocate for comprehensive tax reform and I think despite that, I do respectfully disagree with a couple of his points. The first is that the bill before us is in fact a tripartisan report with support from a Republican and Independent members, and the second is that this bill before us is not the end-all be-all. Tax reform is still a possibility in the future and I think this bill makes it, what I feel, is a very minor tweak to our tax code in an effort to make it more fair. I'd like to read a brief statement here and that is a quote. I would like you folks to listen carefully. "We must be fearful when others are greedy and be greedy only when others are fearful." Now, this is not a statement from the Communist Manifesto, but in fact is a statement from billionaire, investor and businessman Warren Buffett. I am a big fan of Warren Buffett and what he's saying there is when the crowd is moving to a particular investment, you should be cautious and vice versa. This bill before us is based on a belief of Warren Buffett and I just want to read you one other statement by this gentleman that has to do with the bill before us. He says this:

"SUPPOSE that an investor you admire and trust comes to you with an investment idea. 'This is a good one,' he says enthusiastically. 'I'm in it, and I think you should be, too.'

"Would your reply possibly be this? 'Well, it all depends on what my tax rate will be on the gain you're saying we're going to make. If the taxes are too high, I would rather leave the money in my savings account, earning a quarter of 1 percent.' Only in Grover Norquist's imagination does such a response exist.

"So let's forget about the rich and ultrarich going on strike and stuffing their ample funds under their mattresses if — gasp — capital gains rates and ordinary income rates are increased. The ultrarich, including me..." — and again, I'm quoting Warren Buffett here, not myself — "... the ultrarich, including me will forever pursue investment opportunities.

"And, wow, do we have plenty to invest. The Forbes 400, the wealthiest individuals in America, hit a new group record for wealth this year: \$1.7 trillion. That's more than five times the \$300 billion total in 1992. In recent years, my gang has been leaving the middle class in the dust.

"A plain and simple rule like [the Buffett Rule] will block the efforts of lobbyists, lawyers and contribution-hungry legislators to keep the ultrarich paying rates well below those incurred by people with income just a tiny fraction of ours. Only a minimum tax on very high incomes will prevent the stated tax rate from being eviscerated by these warriors for the wealthy."

Again, these are Mr. Buffett's words. The bill before us is a good bill. It is revenue neutral, it restores the cuts to revenue sharing for the next two years and going forward creates a fairer tax code where we recognize Mainers' ability to pay. Warren Buffett is a smart man and I ask you that you follow his light. Thank you, Mr. Speaker.

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

Representative **TIMBERLAKE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. If this bill does what everybody says it does, I'm a little nervous. May I pose a question through the Chair, Mr. Speaker?

The SPEAKER: The Representative may pose his question.

Representative **TIMBERLAKE**: Yes, Mr. Speaker. The Representative from Bowdoinham spoke and another Representative spoke earlier today that a mother of two with two children making minimum wage would pay more in taxes than a millionaire. Well, I'm a little confused because I paid the mother of two \$8 an hour, which is more than minimum wage, which comes to \$16,640 a year, and by the time you deduct two dependents, it comes to zero. So I can't figure out how zero is more than something and if somebody could answer that I'd like to know.

The SPEAKER: The Representative from Turner, Representative Timberlake, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Bowdoinham, Representative Berry.

Representative **BERRY**: Thank you, Mr. Speaker. I appreciate the question and I am going to give an answer by citing the statistics of Maine Revenue Services and their economists who have done analysis of the overall tax burden. They factor in property taxes, sales taxes and income taxes, and I just want to clarify, it may be helpful to the Representative who posed the question that we are referring here to the amount of taxes paid per dollar in all of those areas. So it's not the total amount paid, but the amount paid per dollar earned. So for the bottom 20 percent of Maine income earners, the average tax rate is around 17¢ paid out of every dollar. That includes the minimum wage single parent of two. For the average household in Maine, the tax rate is about 11½¢ per dollar. For the very top 1 percent, it is around 9½¢, between 9½¢ and 10¢ per dollar in total income paid in total taxes. Thank you, Mr. Speaker.

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

Representative **STUCKEY**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I'd like to take you back to where my good friend from Bowdoinham, Representative Berry, started us in this conversation. He started us with a single mother of two children working at minimum wage and that makes her annual income \$15,600 a year. That's redundant, I know that. The federal poverty level in 2013 for a family of three was \$19,500 a year. According to the Maine Department of Labor's livable wage study, from 2010, the basic needs annual budget for a single adult with two children was \$45,530, with almost \$5,000 of that in state and federal taxes. We can talk a lot about revenue sharing and towns, but when you get right down to it, we're talking about people. We're talking about tax fairness and restoring some fairness in our system to allow people at the very margin of our economic ladder, the very bottom rungs, some ability to live a decent quality of life. Without the restoration of the revenue sharing to municipalities that's proposed in this bill, it's almost inevitable that the single mother on minimum wage with an annual income of \$15,600 a year, almost \$3,000 below the federal poverty level and \$30,000 below our basic needs annual budget is going to see either her property tax or her rent go up, because towns are not going to be able to maintain services at two-thirds of their current revenue sharing. It's just not going to happen. When I was a kid, Dwight Eisenhower was the President and the top marginal federal income tax rate was over 90 percent. Guess what? The really rich people still had plenty of money. They could do whatever they wanted, whenever they wanted. Today, those same folks pay only a third as much in federal taxes as they did and I would venture to say that they still have plenty of money and can do whatever they want, whenever they want. What this bill does is ask those folks to pay a little more so that a single mother with two children, working at minimum wage, \$3,000 below the federal poverty level and \$30,000 below a basic needs budget gets a little bit of a break. That's it. Fair and balanced. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Oxford, Representative Jackson.

Representative **JACKSON**: Good evening, Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to the Majority Ought to Pass as Amended motion. Everybody is talking about Mr. Buffett. He litigates his taxes. Timothy Geithner, he forgot his Turbo Tax. Myself, I pay taxes. I do not subscribe to class warfare. The good Representative from Bowdoinham brought this piece of legislation forward to the Taxation Committee, and as I said then and I say now, this is a bad bill for Maine. I would agree that our tax regulations need to be overhauled, but focusing only on the top earners in Maine is the wrong way to go. I believe it puts forth a message that if you work hard and succeed in this state, you will be penalized for it. I don't believe societies with economies based upon redistribution of wealth thrive and therefore I cannot support this bill. I ask that you defeat this motion and move the Minority Ought Not to Pass Report. Thank you.

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

Representative **CAREY**: Thank you, Mr. Speaker. Mr. Speaker, I rise to address the constitutional question that has been raised. One of the great things about the Maine Legislature is that very few of us are attorneys and I don't believe any of them that are in this body are constitutional attorneys. We have all taken an oath and the oath is to uphold the Constitution. As the good Representative from Belgrade read, "All taxes upon real and personal estate ... shall be apportioned and assessed

equally according to the just value thereof." This is about property tax and the assessment of property tax. The bill before us deals with income tax and the assessment of income tax. We already do the issue that's been raised and let me talk about two ways in which that happens in my own personal experience. My wife and I own our home. We pay about \$1,800 in property tax. The taxpayers of the state and the taxpayers of Lewiston pay something on the order of \$150 for a homestead exemption for my wife and I from that property tax. The budget that this body passed included a line item in that budget to fund from state income taxes the homestead exemption. Further, when we did our taxes last year, we had the opportunity to write off the amount that we paid in our local property tax and not pay income tax on that amount. Again, this is a place where the property tax and the income tax payments, the systems cross over and I am paying less income tax because of the property tax that I pay. Thank you, Mr. Speaker.

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

Representative **CHENETTE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. As somebody who was raised by a single mom on food stamps, this bill makes sense. As the good Representative from Livermore Falls said, this is no game. Well, he is absolutely right for the wrong reasons. This is no game for the senior that can't afford their health care. This is no game for the college student who can't afford to continue their education. This is no game for the family that can't heat their home. This is no game for the people in our district. How many people do you know make over \$250,000? I can't name that many. Actually, I can't name one. I represent the people that are struggling to make ends meet. I represent the people that are middle class and working families. Why is it that we think it's okay to give thousands and thousands of dollars to the people whose car is worth more than your home? I don't understand. Trickle-down economics doesn't work, folks. It has been proven not to work. The only trickle-down that I am feeling is the warm, yellow liquid running down my back from wealthy individuals. It is time this body stands up for what is right over what is easy. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Belgrade, Representative Keschl.

Representative **KESCHL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I ask you, is this bill meant to define what fair share is or is it meant to provide a source of money to replace dollars lost in revenue sharing? Nowhere in the bill is fair share defined. Therefore, I think it is the latter, and consequently, fair share will remain to be redefined again, and again, and again, whenever money is scarce. Therefore, I ask you to vote in opposition to the pending motion. Thank you.

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

Representative **GOODE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I just wanted to rise because I know that there has been significant discussion of what the overall effective rate meant. I wanted to be very clear because I said earlier that the top 1 percent of Mainers pay an overall effective rate of 10 percent, everyone else in our state pays more. Again, I believe it is wrong that someone who made their money on Wall Street pays so much less than a secretary or bus driver or security guard. To be very clear, the top 1 percent of Mainers pays an overall effective rate of 10 percent. If folks are confused, the thing I look at most when I consider tax policy is the whole picture, not just income taxes or not just sales taxes or not just property taxes, but what the average person pays with

all of them combined. I think that's the thing that our constituents care about most. They are not concerned about one particular tax. They are concerned about the whole picture. So I just want that to be very clear that this isn't considering one type of rate. It is considering the whole picture.

I also just wanted to speak to a few issues around process in our committee. I am very proud of our committee. I don't feel like this was any type of private process. I know that we had multiple work sessions on this bill. I know that most major tax bills that dealt with reform receive multiple public work sessions where both parties were in the committee and members of the public were there to go through our deliberations. From my experience as a chair, as a first-time chair and as a chair of a committee that I never served on before, our committee gave every bill and policy before us due diligence, worked very hard. This was one of the only bills that gained a bipartisan majority support and that almost every other major bill would have received bipartisan Majority Ought Not to Pass support and I think that there are elements of other bills that were before our committee that I like and that include ideas that I want to see succeed in the future. I believe all members of the committee, regardless of their position on tax policy, worked in the best way possible to set those ideas up for success in the future. Again, as the chair of the committee and to try to be respectful to everybody on the committee, to everybody in this body, I didn't think it was helpful to bring forward major tax policy ideas that were going to receive Majority Ought Not to Pass support that was bipartisan. I didn't think that was helpful for those ideas into the future. This was one of the only bills that addressed the property tax situation with revenue sharing, that addressed the lack of fairness within our tax code, that was popular in the public, we know that it's very popular, and it was going to receive a bipartisan/tripartisan majority support. So just in terms of the process and with the committee's work, I think that I learned from everybody on the committee this year and I just wanted to make sure that it was very clear, the public work that the committee went through and that I think this bill is better for us. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Passage to be Engrossed as Amended by Committee Amendment "A" (H-526) as Amended by House Amendment "A" (H-565) thereto. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 395

YEA - Beavers, Beck, Berry, Boland, Bolduc, Briggs, Brooks, Carey, Casavant, Cassidy, Chapman, Chenette, Chipman, Cooper, Daughtry, DeChant, Devin, Dickerson, Dill, Dion, Dorney, Evangelos, Farnsworth, Fowle, Frey, Gattine, Gideon, Gilbert, Goode, Graham, Grant, Hamann, Harlow, Hayes, Herbig, Hickman, Hobbins, Hubbell, Jones, Jorgensen, Kaenrath, 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, Saxton, Schneck, Short, Stanley, Stuckey, Theriault, Tipping-Spitz, Treat, Verow, Villa, Welsh, Mr. Speaker.

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

ABSENT - Ayotte, Beaudoin, Campbell J, Campbell R, Doak, Johnson P, Kent, Kornfield, MacDonald S, Nadeau A, Nutting, Pease, Peterson, Shaw, Werts, Winchenbach.

Yes, 87; No, 48; Absent, 16; Excused, 0.

87 having voted in the affirmative and 48 voted in the negative, with 16 being absent, and accordingly the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-526) as Amended by House Amendment "A" (H-565)** thereto and sent for concurrence.

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

SENATE PAPERS

The following Joint Order: (S.P. 609)

ORDERED, the House concurring, that when the Senate adjourn they do so until Wednesday, June 26, 2013, at 10:00 in the morning and House adjourn until 9:00 in the morning.

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

READ and **PASSED** in concurrence.

Bill "An Act Regarding School Budgets" (EMERGENCY) (S.P. 608) (L.D. 1566)

Came from the Senate, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed.

REFERRED to the Committee on **EDUCATION AND CULTURAL AFFAIRS** in concurrence.

Non-Concurrent Matter

Resolve, To Require the Department of Health and Human Services To Request a Waiver To Prohibit the Use of Food Supplement Benefits for the Purchase of Taxable Food Items (EMERGENCY)

(S.P. 505) (L.D. 1411)

Minority (5) **OUGHT TO PASS AS AMENDED** Report of the Committee on **HEALTH AND HUMAN SERVICES READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-309)** in the House on June 19, 2013.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Majority (8) **OUGHT TO PASS AS AMENDED** Report of the Committee on **HEALTH AND HUMAN SERVICES** was **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-308)** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

ENACTORS

Acts

An Act To Protect the Privacy of Citizens from Domestic Unmanned Aerial Vehicle Use

(S.P. 72) (L.D. 236)

(H. "B" H-563 and S. "A" S-285 to C. "B" S-282)

An Act To Further Energy Independence for the State

(H.P. 651) (L.D. 927)

(C. "A" H-554)

An Act To Maximize Funds Available To Provide Oral Health Care Services to Persons with Developmental, Behavioral or Other Severely Disabling Conditions Requiring Specialized and Time-intensive Oral Health Care

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

(H. "A" H-562 to C. "A" H-520)

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**.

The House recessed until the Sound of the Bell.

After Midnight

(After Recess)

The House was called to order by the Speaker.

CONSENT CALENDAR

First Day

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

(H.P. 1034) (L.D. 1440) Bill "An Act To Amend the Retirement Laws Pertaining to Participating Local Districts" Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-568)**

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.

COMMUNICATIONS

The Following Communication: (S.C. 491)

MAINE SENATE 126TH LEGISLATURE OFFICE OF THE SECRETARY

June 19, 2013

Honorable Millicent M. MacFarland

Clerk of the House

2 State House Station

Augusta, Maine 04333

Dear Clerk MacFarland:

Please be advised the Senate today insisted to its previous action whereby it committed Bill "An Act To Establish Superior Court as the Forum in Which Appeals of Agency Decisions Must Be Taken" (H.P. 791) (L.D. 1119) and all accompanying papers to the Committee on Energy, Utilities and Technology, in non-concurrence.

Best Regards,

S/Darek M. Grant

Secretary of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 223)

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

June 19, 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 851, "An Act To Allow the Return of Excess Funds by a Municipality That Forecloses on Real Estate."

In its current form, this bill is well-meaning. When any foreclosure occurs on real estate – whether by a municipality, the State, or a private lender – the former property owner should receive any remaining equity after all debts, interest, and costs are paid. My concern is the use of "may" in this current draft, rather than "must."

I return this bill today because it does not go far enough. I am concerned this measure, in its current form, will create the impression that action has already occurred and that we need not do more. As a mayor, I was always concerned that the city might be tempted by a windfall if it foreclosed on a property. Changing one simple word in this bill would remove any temptation from our towns as they make decisions on foreclosure.

We must do more to expedite foreclosures in our current system when it becomes clear a homeowner will not be able to afford their property. But we must also protect a homeowner's equity that is rightly theirs. That is why I return this bill and ask that we return to the process and make the policy reflected in this bill even stronger.

For these reasons, I return LD 851 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 Allow the Return of Excess Funds by a Municipality That Forecloses on Real Estate

(H.P. 602) (L.D. 851)

(C. "A" H-293)

After reconsideration, the House proceeded to vote on the question, 'Shall this Bill 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 Bill become a law notwithstanding the objections of the Governor?' All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 396V

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

NAY - Beaulieu, Bennett, Black, Chase, Clark, Crafts, Cray, Crockett, Davis, Dunphy, Duprey, Fitzpatrick, Fredette, Gifford, Gillway, Harvell, Jackson, Keschl, Kinney, Knight, Libby A, Lockman, Long, Maker, Malaby, Marean, McClellan, McElwee, Parry, Peavey Haskell, Pouliot, Reed, Sanderson, Sirocki, Timberlake, Turner, Tyler, Wallace, Weaver, Willette, Wilson, Winsor, Wood.

ABSENT - Ayotte, Beaudoin, Campbell J, Campbell R, Cotta, Dickerson, Doak, Johnson D, Johnson P, Kent, Kornfield, MacDonald S, Nadeau A, Newendyke, Nutting, Pease, Peterson, Werts, Winchenbach.

Yes, 89; No, 43; Absent, 19; Excused, 0.
89 having voted in the affirmative and 43 voted in the negative, with 19 being absent, and accordingly the Veto was **NOT SUSTAINED**. Sent for concurrence.

The Following Communication: (H.C. 224)
STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0001

June 19, 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 1559, "An Act To Reduce Energy Costs, Increase Energy Efficiency, Promote Electric System Reliability and Protect the Environment."

As the Legislature is well aware, I have had significant concerns with this bill. While there are some positives found within it, there are also fee increases on Maine people and significant risk with new authority provided to the PUC. I believe we can do more to encourage lower cost electricity, including hydroelectric, and should focus our limited resources on directly lowering heating costs. Lastly, I know we can provide more relief to Maine businesses and consumers by reducing the add-ons to our electricity bills.

However, in order to work with the committee, the chairs and I came to an agreement on one additional provision. I gave my word that, if that one additional provision was included, I would let this bill go into law without my signature. It was a request that the Legislature provide the University of Maine the opportunity to compete for offshore wind development. There are many things we can disagree on, but we should all agree that our flagship university deserves the opportunity to compete on a level playing field. For the State, it is simply the right thing to do.

For these reasons, I return LD 1559 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 Reduce Energy Costs, Increase Energy Efficiency, Promote Electric System Reliability and Protect the Environment (EMERGENCY)

(H.P. 1128) (L.D. 1559)
(H. "A" H-350)

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

Representative **FREDETTE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I will be very brief. This energy bill is an omnibus energy bill that was worked on by a committee that did great work on this. It came out as a 12-1 report, worked on for five months. They did great work. It's a great piece of legislation. It seeks to reduce the cost of energy in Maine by at least \$200 million a year by erasing what's called the basis differential. It will help protect jobs in our mills, keep people employed and allow for future economic development here in the State of Maine. It has money in it to reduce energy costs in elements of conservation and efficiency. I would urge you all to follow my light in voting to override the veto. Thank you.

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

Representative **DUNPHY**: Thank you, Mr. Speaker. I do support overturning this veto; however, I would like to make a point if I may and that point is the Governor has requested and there is a vehicle in the Senate that an amendment that would allow a full evaluation of all offshore wind projects...

The SPEAKER: Would the Representative defer? It would not be proper to talk about the Chief Executive on the second floor by name or by motivation or another piece of legislation other than the one that is currently before the body.

The Chair reminded all members that it was inappropriate to refer to the motives of the Chief Executive.

Representative **DUNPHY**: Okay. Thank you, sir.

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

Representative **RUSSELL**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise in support of overriding this veto because there was so much bipartisan work that went into this. We really took a multitude of bills, pulled them together in a way that really brought a true bipartisan compromise, and I believe that we have a real opportunity to move Maine's energy future forward. There are things that happened this evening that are quite disappointing and I would hope that we would override this veto so we could once again put this bill back on track, put the State of Maine on track for a strong energy future so we can reduce energy costs. I hope you will follow my light and override this veto. Thank you.

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

Representative **HOBBINS**: Thank you very much, Mr. Speaker. Mr. Speaker, Women and Men of the House. I rise tonight to ask you to join with me to override this veto. As the good gentleman from Newport said, this bill was actively developed over a five month period. It received an overwhelming endorsement, bipartisan endorsement, and it's a bipartisan effort on the part of many stakeholder groups and an almost unanimous committee to put together what I believe is an historic bill. I urge you to join me, this evening, to make history to put this bill back on track to pass for the benefit of Maine people. Thank you.

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

Representative **DUNPHY**: Thank you for allowing me to speak again, Mr. Speaker. I also support overriding this veto, but I would request, do you have the Governor's letter explaining why he vetoed it, and if you do, would you read it, please?

The SPEAKER: The Governor's letter should be on Supplement No. 25, distributed on members' desks or on the Paperless Chamber. The Clerk will read the letter.

The same Representative **REQUESTED** that the Clerk **READ** the Communication.

The Clerk **READ** the Communication in its entirety.

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

Representative **FREDETTE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I will be very brief. The item referred to in the Chief Executive's letter in regards to the University of Maine, the particular language, actually in the omnibus bill, puts the University of Maine in a position so that it can actually compete. The University of Maine was consulted heavily and participated directly in the language that was involved in the omnibus energy bill. In fact, by not passing the energy bill, my belief is, and I can stand corrected,

the University of Maine is completely out of the game. Thank you.

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

Representative **TIPPING-SPITZ**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I will be very brief. I did not think I would be saying this tonight, but I concur with the Representative from Newport. I helped create the language that was in this bill. I ran it by the University. This is a good bill for a lot of different reasons and makes sure the University has a fair shot at getting the contract and moving our state forward with offshore wind. I will end with that.

After reconsideration, the House proceeded to vote on the question, 'Shall this Bill 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 Bill become a law notwithstanding the objections of the Governor?' All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 397V

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

NAY - Cray, Fitzpatrick, Jackson, Jones, Libby A, Long, Maker, Peavey Haskell, Reed, Timberlake, Willette.

ABSENT - Ayotte, Beaudoin, Campbell J, Campbell R, Cotta, Dickerson, Doak, Johnson D, Johnson P, Kent, Kornfield, MacDonald S, Nadeau A, Newendyke, Nutting, Pease, Peterson, Werts, Winchenbach.

Yes, 121; No, 11; Absent, 19; Excused, 0.

121 having voted in the affirmative and 11 voted in the negative, with 19 being absent, and accordingly the Veto was **NOT SUSTAINED**. Sent for concurrence.

SENATE PAPERS
Non-Concurrent Matter

Bill "An Act To Improve Access to Oral Health Care"

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

Majority (7) **OUGHT TO PASS AS AMENDED** Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-531) AS AMENDED BY HOUSE AMENDMENT "A" (H-564)** thereto in the House on June 19, 2013.

Came from the Senate with the Reports **READ** and the Bill and accompanying papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

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

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

Non-Concurrent Matter

Bill "An Act To Change the Voting Requirements for the Withdrawal of a Municipality from a Regional School Unit" (EMERGENCY)

(H.P. 534) (L.D. 783)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-552) AS AMENDED BY HOUSE AMENDMENT "B" (H-567) thereto in the House on June 19, 2013.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-552) AS AMENDED BY HOUSE AMENDMENT "A" (H-561)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Bill "An Act To Provide Tax Fairness to Maine's Middle Class and Working Families"

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

Majority (9) **OUGHT TO PASS AS AMENDED** Report of the Committee on **TAXATION READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-526) AS AMENDED BY HOUSE AMENDMENT "A" (H-565)** thereto in the House on June 19, 2013.

Came from the Senate with the Reports **READ** and the Bill and accompanying papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

The House voted to **ADHERE**.

REPORTS OF COMMITTEE

Pursuant to Joint Rule 309

From the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Improve the Return to the State on the Sale of Spirits and To Provide a Source of Payment for Maine's Hospitals" (EMERGENCY)

(S.P. 75) (L.D. 239)

Received by the Secretary of the Senate on June 19, 2013, pursuant to Joint Rule 309.

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

Subsequently, the Bill and accompanying papers were **INDEFINITELY POSTPONED** in concurrence.

Pursuant to Joint Rule 309

From the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Strengthen the State's Wholesale Liquor Business" (EMERGENCY)

(S.P. 234) (L.D. 644)

Received by the Secretary of the Senate on June 19, 2013, pursuant to Joint Rule 309.

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

Subsequently, the Bill and accompanying papers were **INDEFINITELY POSTPONED** in concurrence.

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

SENATE PAPERS
Non-Concurrent Matter

An Act To Ensure State Coordination and Oversight of Health Plans

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

PASSED TO BE ENACTED in the House on June 10, 2013.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-185) AS AMENDED BY SENATE AMENDMENT "A" (S-314)** thereto in **NON-CONCURRENCE**.

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

ORDERS

On motion of Representative TREAT of Hallowell, the following Joint Order: (H.P. 1136)

ORDERED, the Senate concurring, that, notwithstanding Joint Rule 353, the Maine Health Exchange Advisory Committee, referred to in this order as "the advisory committee," is established to advise the Legislature regarding the interests of individuals and employers with respect to any health benefit exchange, referred to in this order as "the exchange," that may be created for this State pursuant to the federal Patient Protection and Affordable Care Act.

1. Appointment; composition. The advisory committee consists of members appointed as follows:

A. The following 5 members of the Legislature, of whom 3 members must serve on the Joint Standing Committee on Insurance and Financial Services and 2 members must serve on the Joint Standing Committee on Health and Human Services or the Joint Standing Committee on Appropriations and Financial Affairs:

(1) Two members of the Senate, appointed by the President of the Senate, including one member recommended by the Senate Minority Leader; and

(2) Three members of the House of Representatives, appointed by the Speaker of the House, including one member recommended by the House Minority Leader;

B. Two persons representing health insurance carriers, one of whom is appointed by the President of the Senate and one of whom is appointed by the Speaker of the House of Representatives;

C. One person representing dental insurance carriers, appointed by the Speaker of the House of Representatives;

D. One person representing insurance producers, appointed by the President of the Senate;

E. One person representing Medicaid recipients, appointed by the Speaker of the House of Representatives;

F. Two persons representing health care providers and health care facilities, including one member representing federally qualified health centers, appointed by the Speaker of the House of Representatives;

G. One person who is an advocate for enrolling hard-to-reach populations, including individuals with mental health or substance abuse disorders, appointed by the President of the Senate;

H. One member representing a federally recognized Indian tribe, appointed by the President of the Senate; and

I. Four members representing individuals and small businesses, including:

(1) One person, appointed by the President of the Senate, who can reasonably be expected to purchase individual coverage through an exchange with the assistance of a premium tax credit and who can reasonably be expected to represent the interests of consumers purchasing individual coverage through the exchange;

(2) One person, appointed by the Speaker of the House of Representatives, representing an employer that can reasonably be expected to purchase group coverage through an exchange and who can reasonably be expected to represent the interests of such employers;

(3) One person, appointed by the President of the Senate, representing navigators or entities likely to be licensed as navigators; and

(4) One person, appointed by the Speaker of the House of Representatives, employed by an employer that can reasonably be expected to purchase group coverage through an exchange and who can reasonably be expected to represent the interests of such employees.

The President of the Senate and the Speaker of the House of Representatives shall invite the Superintendent of Insurance, or the superintendent's designee, and the Commissioner of Health and Human Services, or the commissioner's designee, to participate as ex officio nonvoting members.

2. Chairs. The first-named Senator is the Senate chair of the advisory committee and the first-named member of the House of Representatives is the House chair of the advisory committee.

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

4. Duties. The advisory committee shall:

A. Advise the Legislature regarding the interests of individuals and employers with respect to any exchange that may be created for this State;

B. Serve as a liaison between any exchange and individuals and small businesses enrolled in the exchange;

C. Evaluate the implementation and operation of any exchange with respect to the following:

(1) The essential health benefits benchmark plan designated in this State under the federal Patient Protection and Affordable Care Act, including whether the State should change its designation;

(2) The impact of federal and state laws and regulations governing the health insurance rating for tobacco use and coverage for wellness programs and smoking cessation programs on accessibility and affordability of health insurance;

(3) The consumer outreach and enrollment conducted by the exchange and whether the navigator program is effective and whether navigators or other persons providing assistance to consumers are in compliance with any federal or state certification and training requirements;

(4) The coordination between the state Medicaid program and the exchange;

(5) Whether health insurance coverage through the exchange is affordable for individuals and small businesses, including whether individual subsidies are adequate;

(6) Whether the exchange is effective in providing access to health insurance coverage for small businesses;

(7) The implementation of rebates under the federal Patient Protection and Affordable Care Act and the Maine Revised Statutes, Title 24-A, section 4319; and

(8) The coordination of plan management activities between the Department of Professional and Financial Regulation, Bureau of Insurance and the exchange, including the certification of qualified health plans and rate review;

D. Following the release of guidance or regulations from the federal Centers for Medicare and Medicaid Services addressing the basic health program option, as set forth in Section 1331 of the federal Patient Protection and Affordable Care Act, conduct a study, and make recommendations as appropriate, that examines the potential for establishing a basic health program for eligible individuals in order to ensure continuity of care and that families previously enrolled in Medicaid remain in the same plan. In conducting the study, the advisory committee shall consider the affordability of coverage for low-income populations, the potential cost savings to the state Medicaid program, the systems needed to create a seamless transition between a basic health program and Medicaid coverage, the impact of a basic health program on the negotiation of rates or receipt of rebates and the cost-effectiveness of delivering coverage through a basic health program; and

E. Based on the evaluations conducted by the advisory committee pursuant to this order, make recommendations for any changes in policy or law that would improve the operation of an exchange for consumers and small businesses in the State.

5. Compensation. Except for members of the advisory committee who are Legislators, members serve as volunteers and without compensation or reimbursement for expenses. Members who are Legislators are entitled to receive the legislative per diem as defined in the Maine Revised Statutes, Title 3, section 2 and reimbursement for travel for attendance at meetings of the advisory committee.

6. Quorum. A quorum is a majority of the members of the advisory committee.

7. Meetings. The advisory committee shall meet at least 4 times a year at regular intervals and may meet at other times at the call of the chairs. Meetings of the advisory committee are public proceedings as provided by the Maine Revised Statutes, Title 1, chapter 13, subchapter 1.

8. Records. Except for information designated as confidential under federal or state law, information obtained by the advisory committee is a public record as provided by the Maine Revised Statutes, Title 1, chapter 13, subchapter 1.

9. Staffing. The Legislative Council shall provide staff support for the operation of the advisory committee, except that the Legislative Council staff support is not authorized when the Legislature is in regular or special session or for more than 4 meetings annually between regular or special sessions of the

Legislature. In addition, the advisory committee may contract for administrative, professional and clerical services if funding permits.

10. Funding for advisory committee activities. The advisory committee may accept from the Department of Professional and Financial Regulation, Bureau of Insurance and the Department of Health and Human Services any grant funding made available to the State for exchange implementation and plan management activities that is received by those state agencies. The advisory committee may apply for and receive funds, grants or contracts from public and private sources to support its activities. Contributions to support the work of the advisory committee may not be accepted from any party having a pecuniary or other vested interest in the outcome of the matters being studied. Any person, other than a state agency, desiring to make a financial or in-kind contribution shall certify to the Legislative Council that it has no pecuniary or other vested interest in the outcome of the advisory committee's activities. Such a certification must be made in the manner prescribed by the Legislative Council. All contributions are subject to approval by the Legislative Council. All funds accepted must be forwarded to the Executive Director of the Legislative Council along with an accounting record that includes the amount of funds, the date the funds were received, from whom the funds were received and the purpose of and any limitation on the use of those funds. The Executive Director of the Legislative Council shall administer any funds received by the advisory committee.

11. Reports. The advisory committee shall submit to the Joint Standing Committee on Insurance and Financial Services a preliminary report on its activities no later than December 16, 2013. The advisory committee shall submit to the Joint Standing Committee on Insurance and Financial Services a final report on its activities no later than November 30, 2014, and shall include in its report a review and evaluation of the continued necessity of a state health exchange advisory committee, including the staffing and funding needs of such an advisory committee, recommendations as to whether such an advisory committee should be established by the 127th Legislature and whether any changes should be made to the Maine Revised Statutes governing such an advisory committee.

READ.

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

Representative TREAT: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I just wanted to alert you at this late hour, or perhaps early hour, that the Order before you is part of a Unanimous Committee Report from our committee and the prior supplement where we amended the bill is also part of our unanimous report. This just sets up an advisory committee that was part of the bill that was on the previous supplement and we have agreed to do it this way to make sure that it happens. So I hope you all support it. It's a good piece of legislation. Thanks.

Subsequently, the Joint Order was **PASSED**.
Sent for concurrence.

SENATE PAPERS
Non-Concurrent Matter

Bill "An Act To Restore Uniformity to the Maine Uniform Building and Energy Code"

(H.P. 691) (L.D. 977)

Report "A" (9) **OUGHT TO PASS AS AMENDED** of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-555)** in the House on June 19, 2013.

Came from the Senate with Report "C" (1) **OUGHT NOT TO PASS** of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT READ** and **ACCEPTED** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

ENACTORS
Emergency Measure

An Act To Change the Voting Requirements for the Withdrawal of a Municipality from a Regional School Unit

(H.P. 534) (L.D. 783)

(H. "A" H-561 to C. "A" H-552)

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. 120 voted in favor of the same and 5 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

On motion of Representative VEROW of Brewer, the House adjourned at 1:57 a.m., until 10:00 a.m., Wednesday, June 26, 2013 pursuant to the Joint Order (S.P. 609) and in honor and lasting tribute to Troy Pappas, of Eliot, Lawrence J. Aiello, of Eliot, Julie Marie Verow O'Connor, of Brewer and Ralph H. Johnston, of Windham.