

# 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

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ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE  
 FIRST REGULAR SESSION  
 67th Legislative Day  
 Tuesday, July 9, 2013

(S.P. 608) (L.D. 1566)  
 (C. "A" S-329)

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

Prayer by Honorable Bernard L.A. Ayotte, Caswell.

National Anthem by Honorable Matthea Elisabeth Larsen Daughtry, Brunswick.

Pledge of Allegiance.

The Journal of Thursday, June 27, 2013 was read and approved.

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

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

**ENACTORS**  
**Emergency Measure**

An Act To Continue Certain Position Distributions in the Department of Labor and To Amend the Competitive Skills Scholarship Program

(H.P. 815) (L.D. 1150)  
 (S. "A" S-351 to C. "A" H-418)

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

**Emergency Measure**

An Act Regarding the Administration and Financial Transparency of the Citizen Trade Policy Commission

(H.P. 816) (L.D. 1151)  
 (S. "A" S-367 to C. "A" H-105; H. "A" H-110)

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

**Emergency Measure**

An Act To Amend the Laws Governing Hospital and Therapeutic Leave Days for MaineCare Recipients

(H.P. 972) (L.D. 1364)  
 (S. "A" S-360 to C. "A" H-370)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 133 voted in favor of the same and 5 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

**Emergency Measure**

An Act Regarding School Budgets

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

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

Representative **POULIOT**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. This bill is a bad bill. It's bad policy. I think that taking the rights of the voters away to decide on how the money is spent at the local level in their school budgets is not a good thing to do, and I ask that you would vote down this bill. Mr. Speaker, I request a roll call.

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

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

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

Representative **DAUGHTRY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I have to stand in opposition to the good Representative from Augusta. I do believe that LD 1566 is a good bill and it's a necessary bill. If you look at the very tumultuous budget process that we just went through, we need a bill like this. We are in a very fortunate circumstance where we ended up being able to give a lot of funding to our schools and all this bill does is allow our school boards to act on the extra funding they will be getting through the EPS funding formula, to be able, this year, to be able to use them in our schools. A lot of schools have already gone through the budget validation process. This bill doesn't mandate that these school boards have to use these funds or what they have to do for it. All it does is get rid of those state regulations and hurdles that are between the school board and using the extra money that's going there. This bill will put more school supplies in the hands of our kids. It will ensure that more extracurriculars can happen and hopefully repeal and scale back some of the cuts that a lot of our school districts are having. I urge you to support LD 1566. It had wide support. I would ask that the Clerk read the Committee Report. Thank you.

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

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

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

Representative **JOHNSON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I support this bill because of the delay in getting our budget finalized this year. It put a lot of communities behind the 8 Ball and I know some of the school districts would like to provide tax breaks to their citizens, so I support this on a one year basis. Thank you.

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 Representative Johnson just said, I also, on this one time, support this bill. As I said, I guess I don't have much more to add other than I think if you voted for this budget that we just passed recently, I don't know why you would vote against this. You've already appropriated the money, just let it go. Personally, I feel like we've really beat on our schools in recent years and, for me, this is an opportunity just for once to give them a chance to kind of get ahead a little bit. I'm going to support this. Thank you, Mr. Speaker.

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

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

The SPEAKER: The Representative may pose her question.

Representative **VOLK**: Thank you. We didn't get a chance to talk this over too much in caucus. One of my questions is what happens to the extra state money if it's not spent by the district? Can they roll it over into next year? Does it have to come back to the state? Will it affect their funding for next year, if the money doesn't get spent? I would really appreciate if someone could answer those questions. Thank you.

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

Representative **POULIOT**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. The reason I opposed this bill in committee is because the money will go into the local district's savings account, if you want to call it that, and it can be used next session. Every single time it seems like we come back together, we are faced with a curtailment or some type of adjustment to our budget. I voted in favor of the budget and I do support additional money going to the local districts to pay for the funding of our public schools in this state. I wholeheartedly support that. However, I do feel it's in our best interest to have this money placed in the local district's savings account so that they can use it next session, if they come up short. They approve their budgets on an annual basis. We do ours every two years. If they have this money in a rainy day account, next year, they can use it to fill some gaps, if they have them. That's where the money would go to answer your question. I think that it's important for us to support our public schools. I absolutely do. However, I think it's more important that the voters, in this case, have a say in how that money is spent and that the local district doesn't just start writing checks to pay for things that they feel that they want to pay for without the voters' approval, and that the money gets put in a savings account so they can use it next year. Thank you very much.

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

Representative **DAUGHTRY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I also rise to answer the question posed by the good Representative from Scarborough. This bill removes a lot of the hurdles. The funds that the Representative from Augusta mentioned will still be able to go into a rainy day fund of sorts, but what this bill does is allow the local district to decide. It is getting the state out of the way, it is encouraging local control, and it enables a local school budget to take a look at this money and say "Where is this best served? Do I put this into my school; do I roll it away for later for the next school budget?" All this is doing is allowing the state to step aside and let local school districts decide what's best for their towns. It also says that you can hold a local hearing and it doesn't necessarily go over the voters. I think this is the best thing to do, considering how long our budget cycle was drawn out, and I agree with my other fellow Representatives from the committee who have spoken and talked about we beat on our schools a lot, and we're in an excellent opportunity where we have extra funding available to our schools and LD 1566 is the tool to allow the schools to use those funds. Once again, I urge you to fully support LD 1566.

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

Representative **McCLELLAN**: Thank you, Mr. Speaker. I just rise also to try to answer that question. Two real quick things. A lot of communities, if they have to run a process, it's going to cost money. This one time, it doesn't make sense to spend \$8,000 or \$10,000, to me. They are still going to have a process. The other thing is something I've never quite understood, Mr. Speaker. Some towns do their town meetings and their school budget process in March, April, May. We end up getting done in June or even July this year, so it doesn't line up. The whole way this process works sometimes doesn't make sense to me and it's just, in this case, I think this is one time, because of how we went long, they couldn't have guessed what we were going to do this year. I know some school districts that didn't pass their school budget on the first or second try and they are going to be able to access this money because they will just budget it now. The towns that actually kind of got it right might suffer if we hold them to the letter of the law. 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. In my district, our RSU actually voted down the school budget at this point because many of them resoundingly felt as though it was too high. I feel it's really important that our taxpayers who are supporting our schools – and we do want to support our schools, absolutely – but they should absolutely have the word on how the money is spent for the education and how much is spent. I do not support this bill. 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 was the other person that opposed this bill and I opposed it because of the transparency that our citizens need to know where the money is being spent. I firmly believe, from the bill that I presented before, that education is not funded the way it should be. This gives them the opportunity to really look at their budgets and decide where they want to spend it and let the taxpayer know that they are being conscious of what they are doing. To just not have the vote at the end, just doesn't seem right to me for the people. That's why I voted the way I did. I would vote that same way again and I hope that you join us in opposing this bill.

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. 418

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

Verow, Villa, Welsh, Winchenbach, Mr. Speaker.

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

ABSENT - Bolduc, DeChant, Knight, Libby A, Pease, Powers, Shaw, Tyler, Werts.

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

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

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**Emergency Measure**

An Act To Correct Minor Technical Errors and Inconsistencies in the Unified Budget Bill

(H.P. 1141) (L.D. 1572)  
(H. "A" H-575)

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. 419**

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

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

ABSENT - Bolduc, DeChant, Knight, Libby A, Pease, Powers, Shaw, Tyler, Werts.

Yes, 92; No, 50; Absent, 9; Excused, 0.

92 having voted in the affirmative and 50 voted in the negative, with 9 being absent, and accordingly the Bill **FAILED PASSAGE TO BE ENACTED** and was sent to the Senate.

**Emergency Measure**

Resolve, To Establish the Commission To Study Long-term Care Facilities

(S.P. 331) (L.D. 986)  
(S. "A" S-325 to C. "A" S-201)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 124 voted in favor of the same and 17 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

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

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**Emergency Measure**

Resolve, Establishing the Commission To Study the Incidence of and Mortality Related to Cancer

(H.P. 1143) (L.D. 1574)

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

Representative McCABE of Skowhegan **REQUESTED** a roll call on **FINAL PASSAGE**.

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

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

Representative **McCABE**: Thank you, Mr. Speaker. I just want to clarify something for a moment. This is actually a bill that came out of Legislative Council based on some concerns that were brought forward from an original bill that the Chief Executive had. Those concerns had been addressed in this bill and I hope that folks will consider supporting this. This is actually something that has already been established as far as being funded for a study, and I hope that folks would do what's right today and vote for this measure.

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. I would just reinforce what the good Representative said, that the Governor has agreed to sign this bill because we made a slight change of who appointed...

The SPEAKER: Will the Representative defer? Members will refer to the Chief Executive as the Chief Executive and not refer to the actions of the Chief Executive to influence the outcome of debate.

The Chair advised all members to refer to the Governor as the Chief Executive and 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.

Representative **McGOWAN**: So I ask you for your support. Thank you.

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

Representative **SANDERSON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Again, when this bill first came before us – well, not this one, another one with the same thing – it doesn't take away the argument. Yes, there may have been some corrections in here, but it doesn't take away the initial argument that this is a study group that is going to be

studying information that is already available to any group who would like to take a look at this. There is a ton of information out there regarding cancer in Maine, where it's most prevalent, the most prevalent kind of cancer, etcetera, etcetera, etcetera. Why are we doing yet another study on information that is already available? The American Cancer Society in Maine has a ton of this information available. The CDC website in Maine has a ton of this information already available. We are studying stuff that we already have the data for. It just doesn't need to be done. Thank you.

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

Representative **McGOWAN**: Mr. Speaker, I apologize for rising a second time to respond to the good Representative's comments, but I remind you that the Maine Cancer Foundation fully supports this bill, the American Cancer Society of Maine fully supports this bill, and the Cancer Consortium in Maine fully supports this bill. They would not support this bill if they simply thought it was about rehashing information that already exists. Thank you, Mr. Speaker.

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. 420**

YEA - Ayotte, Beaudoin, Beaulieu, Beavers, Beck, Berry, Black, Boland, Briggs, Brooks, Campbell J, Campbell R, Carey, Casavant, Cassidy, Chapman, Chenette, Chipman, Cooper, Crockett, Daughtry, Davis, 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, Priest, Pringle, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Saucier, Saxton, Schneck, Short, Stanley, Stuckey, Theriault, Tipping-Spitz, Treat, Verow, Villa, Volk, Welsh, Willette, Wilson, Mr. Speaker.

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

ABSENT - Bolduc, DeChant, Knight, Libby A, Pease, Powers, Shaw, Tyler, Werts.

Yes, 99; No, 43; Absent, 9; Excused, 0.

99 having voted in the affirmative and 43 voted in the negative, with 9 being absent, and accordingly the Resolve **FAILED OF FINAL PASSAGE** and was sent to the Senate.

**Mandate**

An Act To Enable the Town of Livermore Falls To Withdraw from Androscoggin County and Join Franklin County

(H.P. 25) (L.D. 27)

(S. "A" S-368 to C. "A" H-503)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section

21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 83 voted in favor of the same and 54 against, and accordingly the Bill **FAILED PASSAGE TO BE ENACTED** and was sent to the Senate.

**Mandate**

An Act Relating to Private School Student Participation in Public School Cocurricular, Interscholastic and Extracurricular Activities

(H.P. 74) (L.D. 92)

(S. "A" S-332 to C. "A" H-53)

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

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. This bill I brought on behalf of the Baileyville High School students that I represent. It was a bill that had been brought before and, in their terms and I have to agree with them, it was not a good bill. Through bipartisan effort, in fact my partner over here and I worked on this really hard to make an agreement, the mandate is that the principal has to write a letter. That's what the mandate is. He has to write a letter saying why a student can't play the sport, whatever. That's all it is. It's no money or anything else. It's just having a letter to write. Thank you very much. Thank you, Mr. Speaker.

In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 103 voted in favor of the same and 35 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

**Mandate**

An Act To Improve Insurance Coverage for First Responders

(S.P. 71) (L.D. 235)

(S. "A" S-333 to C. "A" S-76)

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.

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

**ROLL CALL NO. 421**

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

Peterson, Plante, Pouliot, Priest, Pringle, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Saucier, Saxton, Schneck, Short, Stanley, Stuckey, Theriault, Tipping-Spitz, Treat, Verow, Villa, Weaver, Welsh, Wilson, Winchenbach, Mr. Speaker.

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

ABSENT - Bolduc, DeChant, Knight, Libby A, Pease, Powers, Shaw, Tyler, Werts.

Yes, 93; No, 49; Absent, 9; Excused, 0.

93 having voted in the affirmative and 49 voted in the negative, with 9 being absent, and accordingly the Bill **FAILED PASSAGE TO BE ENACTED** and was sent to the Senate.

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#### Mandate

An Act To Preserve and Protect Ancient Burial Grounds and Burial Grounds in Which Veterans Are Buried

(S.P. 107) (L.D. 274)

(S. "A" S-334 to C. "A" S-248)

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: The Chair recognizes the Representative from Winslow, Representative Nadeau.

Representative **NADEAU**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I come from a family that holds those who serve in the military in the highest regard. My father was a Marine and served in the front lines in the Korean War. My son served with the U.S. Coast Guard. I have volunteered for the last four years with the American Legion on Memorial Day at the Veterans Cemetery here in Augusta. I helped plant 15,000 American flags by the tombs of fallen veterans. This bill allows municipalities to designate a third party to maintain veterans' graves and ancient burial grounds, and it amends the law so that municipalities are mandated to maintain all veterans' graves. During the days of the early settlements in Maine, many families had burial grounds on their own property. Many of those cemeteries are considered Maine's ancient burial grounds. Veterans in those burial grounds, all veterans who were in the Armed Services, deserve recognition and respect. There could be thousands of veterans' graves here in Maine that are not cared for and something needs to be done. By passing this bill, we would be honoring, with respect, those who have come before us and served our country, and remembering our country's history. After Don Simoneau, Department Commander of the American Legion, spoke before our committee, State and Local Government, the need for this measure became obvious. Our veterans and where they are buried must be protected. As far as I am concerned, we can't do enough for our veterans, but what we can do right now is protect their final resting place. Please follow my light and ensure that all veterans' graves are cared for and maintained in a way to show our respect for their service. Thank you.

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

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

#### ROLL CALL NO. 422

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

NAY - Hayes.

ABSENT - Bolduc, DeChant, Knight, Libby A, Pease, Powers, Shaw, Tyler, Werts.

Yes, 141; No, 1; Absent, 9; Excused, 0.

141 having voted in the affirmative and 1 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.

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

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#### Mandate

An Act To Provide Local Sales Tax Increment Disbursements

(H.P. 276) (L.D. 401)

(S. "A" S-338 to C. "A" H-166)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 50 voted in favor of the same and 91 against, and accordingly the Bill **FAILED PASSAGE TO BE ENACTED** and was sent to the Senate.

**Mandate**

An Act To Amend the Laws Governing Students Experiencing Education Disruption

(S.P. 378) (L.D. 1096)  
(S. "A" S-347 to C. "A" S-243)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 124 voted in favor of the same and 11 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

**Mandate**

An Act Concerning the Removal of Municipal Employees

(S.P. 394) (L.D. 1133)  
(S. "A" S-349 to C. "A" S-141)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 83 voted in favor of the same and 52 against, and accordingly the Bill **FAILED PASSAGE TO BE ENACTED** and was sent to the Senate.

**Mandate**

An Act To Provide Full-day Kindergarten Programs

(H.P. 808) (L.D. 1143)  
(S. "A" S-350 to C. "A" H-381)

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

The SPEAKER: The Chair recognizes the Representative from Falmouth, Representative Nelson.

Representative **NELSON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This bill started out as a bill to encourage young readers. We have learned from the Maine Development Foundation, the Chamber of Commerce and a number of other studies and sources that the development of educational resources for our youngest citizens is absolutely essential to their future success. All of the evidence show to the importance and the benefits of early childhood education and all-day kindergarten. In the long term, it saves money because we have early intervention and children who need extra help so that they can succeed in school will get it at a time when it most matters. Only 10 percent of the schools in Maine do not yet offer all-day kindergarten, so there is a need to make sure that all students in the State of Maine have access to this most important part of our K-12 educational system. We know the importance of reading to children. We know the importance of early intervention. We know the importance of investing in early childhood programs. As I have said, the Maine Development Foundation, the Chamber of Commerce did a study, which showed that this is good economic policy for the state. The retired military visited schools and talked about the importance of early childhood education and many academic and research institutional studies show us the importance of this. I urge you to support this. It is the right thing to do for our children. It is the right thing to do for our economy. It is the right thing to do for developing an educated and qualified workforce, and we've talked a lot about that this session. The generals agree that it is the right thing to do for our national security. It is the right thing to do to maintain our state's competitiveness in America and America's competitiveness globally, both educationally and

economically. Please support this most important part of our K-12 educational system. Schools will have four years. Those who do not yet have all-day kindergarten will have four years to put it in place, which will give them the time to adapt their physical facilities as well as their staff to accommodate this program. Thank you, Mr. Speaker.

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

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

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

Representative **MacDONALD**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. Just to clarify, the title suggests that we're going to be mandating that kindergartens be provided across the state with those communities that are not yet providing kindergartens. What this bill does do is says that if you are going to provide a kindergarten program, that it will be, it must be an all-day kindergarten. So local school districts will still have the choice not to provide a kindergarten program under this bill, but if they do, then it would have to be an all-day kindergarten program. I would urge you to support this based upon all of the knowledge that we have regarding the importance of early childhood education, not only to the welfare of the individual child, but to the growth of our economy as we grow skilled workers in this coming century. I hope you will support this bill. Thank you.

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

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

**ROLL CALL NO. 423**

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

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

ABSENT - Bolduc, Knight, Libby A, Pease, Powers, Shaw, Tyler, Werts.

Yes, 92; No, 51; Absent, 8; Excused, 0.

92 having voted in the affirmative and 51 voted in the negative, with 8 being absent, and accordingly the Bill **FAILED PASSAGE TO BE ENACTED** and was sent to the Senate.



**Mandate**

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

(H.P. 888) (L.D. 1254)  
(S. "A" S-355 to C. "A" H-510)

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

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

Representative **HICKMAN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise to encourage this body to unanimously enact LD 1254, An Act To Increase Consumption of Maine Foods in All State Institutions. Pursuant to Title 7 of the Maine Revised Statutes, Chapter 8-A: Food and Food Policy, "It is the policy of the State to encourage food self-sufficiency for the State. State institutions and school districts in the State shall purchase food produced by Maine farmers or fishermen, provided that food is available in adequate quantity and meets acceptable quality standards, and is priced competitively." Seven years ago, the Legislature removed from the implementation section of the same subchapter the amounts to be expended by institutional facilities and school districts.

This bill inserts benchmarks that institutions will strive for, to meet the amount of food purchased from Maine food producers as follows. By December 31, 2020, at least 15%; by December 31, 2024, at least 20%; and by December 31, 2035, at least 35%. This bill is not a subsidy and while it is called a mandate, it is not unfunded. Why? Because school purchasers at a school that participates in the National School Lunch Program are exempted from these implementation guidelines. It is also not an unfunded mandate because if the food is not available in adequate quantity and priced competitively, no state institution is required to purchase it. The free market can do what it does while we incentivize Maine food producers to put themselves in a better position to secure contracts with our institutional purchasers.

Chapter 8-A outlines how this happens as follows. "The commissioner shall establish an advisory committee to discuss possibilities and review proposals for expanding purchases of local foodstuffs. The commissioner shall invite one or more representatives from each of the following agencies to serve on the advisory committee: the Department of Education; the Department of Marine Resources; the Department of Corrections; the Department of Administrative and Financial Services, Bureau of Purchases; the Department of Health and Human Services; the University of Maine System; and the Maine Community College System."

In short, our state government is already charged by statute to collaborate across departments to coordinate the purchase of foods from Maine food producers in all of our state institutions. If we are spending our taxpayer dollars feeding people who work at or attend our colleges and public schools, who work at or serve time in our correctional facilities, or who work at or receive care in our hospitals, then why not spend as much of our taxpayer money as we can on food grown, harvested, caught, or produced in this great state? We will increase markets for Maine farmers, fishers, and other small businesses that produce and process food, we will create Maine jobs, we will reduce the amount of food we import, and we will take a giant step forward towards food self-sufficiency, which remains the policy of the state. Now, then, there's nothing to it but to do it. I humbly ask that the Clerk read the Committee Report and I further request a roll call. Thank you, Mr. Speaker.

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 same Representative further **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 Turner, Representative Timberlake.

Representative **TIMBERLAKE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I encourage you to vote red on this bill. The good Representative from Winthrop told you that all these provisions are already in place. This is nothing but creating a mandate to tell schools that they could possibly have to spend more money on their food. In the process, it's already there for them to buy from the local farmer. All he's got to do is be competitive. I think it's a bad idea to start dictating to our school systems who they have to buy from. Please follow my light.

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

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

**ROLL CALL NO. 424**

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

NAY - Ayotte, Beaulieu, Bennett, Black, Campbell R, Chase, Clark, Crafts, Cray, Davis, Doak, Dunphy, Duprey, Espling, Fitzpatrick, Fredette, Gifford, Gillway, Jackson, Johnson D, Johnson P, Kinney, Lockman, Long, Malaby, McClellan, McElwae, Nutting, Parry, Peavey Haskell, Reed, Sirocki, Timberlake, Turner, Verow, Volk, Wallace, Weaver, Willette, Winchenbach, Winsor, Wood.

ABSENT - Bolduc, Knight, Libby A, Pease, Powers, Shaw, Tyler, Werts.

Yes, 101; No, 42; Absent, 8; Excused, 0.

101 having voted in the affirmative and 42 voted in the negative, with 8 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

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**Mandate**

An Act Regarding School Administrator Effectiveness  
(S.P. 469) (L.D. 1350)  
(S. "A" S-358 to C. "A" S-258)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 87 voted in favor of the same and 55 against, and accordingly the Bill **FAILED PASSAGE TO BE ENACTED** and was sent to the Senate.

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**Mandate**

An Act To Further Reduce Student Hunger  
(S.P. 472) (L.D. 1353)  
(S. "A" S-359 to C. "A" S-70)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 101 voted in favor of the same and 40 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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**Mandate**

An Act To Ensure Student Access to Postsecondary Military Options

(H.P. 1077) (L.D. 1503)  
(S. "A" S-365 to C. "A" H-311)

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

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. This legislation is unnecessary and redundant and while it may serve as a way for us to telegraph our patriotism, it's entirely unnecessary. Two federal laws, the No Child Left Behind Act and the National Defense Authorization Act, currently require high school supervised military recruiters with the same access to students as generally provided to post-secondary educational institutions or perspective employers. This legislation was introduced and we heard testimony from the Commissioner of Education saying that, and I quote, "Our understanding is that there are schools in Maine that for whatever reason do not allow those recruiters to be in uniform." Until there is a member of this body that can attest to the fact that there is indeed a school in the State of Maine that does not allow military recruiters to be in uniform, I will be voting against this legislation. Thank you, Mr. Speaker.

Representative **FREDETTE** of Newport **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

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

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

**ROLL CALL NO. 425**

**YEA** - Ayotte, Beaudoin, Beaulieu, Beck, Bennett, Black, Boland, Briggs, Campbell J, Campbell R, Carey, Casavant, Cassidy, Chase, Chenette, Clark, Cotta, Crafts, Cray, Crockett, Daughtry, Davis, Devin, Dion, Doak, Dunphy, Duprey, Espling, Fitzpatrick, Fredette, Gattine, Gifford, Gilbert, Gillway, Graham, Guerin, Hamann, Harvell, Hayes, Herbig, Hickman, Hobbins, Jackson, Johnson D, Johnson P, Kaenrath, Keschl, Kinney, Lockman, Long, Longstaff, Luchini, MacDonald S, Maker, Malaby, Marean, Marks, Mason, McCabe, McClellan, McElwee, McGowan, Monaghan-Derrig, Moriarty, Morrison, Nadeau A, Newendyke, Nutting, Parry, Peavey Haskell, Peoples, Peterson, Pouliot, Pringle, Reed, Russell, Sanderson, Saucier, Saxton, Short, Sirocki, Stanley, Theriault, Timberlake, Treat, Turner, Verow, Villa, Volk, Wallace, Weaver, Willette, Wilson, Winchenbach, Winsor, Wood, Mr. Speaker.

**NAY** - Beavers, Brooks, Chapman, Chipman, Cooper, DeChant, Dickerson, Dill, Dorney, Evangelos, Farnsworth, Fowle, Frey, Gideon, Goode, Grant, Harlow, Hubbell, Jones, Jorgensen, Kent, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby N, MacDonald W, Mastraccio, McLean, Moonen, Nadeau C, Nelson, Noon, Plante, Priest, Rankin, Rochelo, Rotundo, Rykerson, Sanborn, Schneck, Stuckey, Tipping-Spitz, Welsh.

**ABSENT** - Berry, Bolduc, Knight, Libby A, Pease, Powers, Shaw, Tyler, Werts.

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

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

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**PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE**

Bill "An Act To Fund the Agreement with Certain Judicial Department Employees" (EMERGENCY)

(H.P. 1147) (L.D. 1577)

Sponsored by Representative **BERRY** of Bowdoinham.

Cosponsored by Senator **CAIN** of Penobscot and Representative: **FREDETTE** of Newport, Senator: **KATZ** of Kennebec.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested.

Under suspension of the rules, the Bill was given its **FIRST READING WITHOUT REFERENCE** to a committee.

Under further 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** and sent for concurrence.

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

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**UNFINISHED BUSINESS**

The following matters, in the consideration of which the House was engaged at the time of adjournment Thursday, June 27, 2013, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

HOUSE REPORT - **Ought to Pass as Amended by Committee Amendment "A" (H-566)** - Committee on **JUDICIARY** on Bill "An Act To Correct Errors and Inconsistencies in the Laws of Maine" (EMERGENCY)

(H.P. 1103) (L.D. 1536)

TABLED - June 19, 2013 (Till Later Today) by Representative BERRY of Bowdoinham.

PENDING - **ADOPTION OF COMMITTEE AMENDMENT "A" (H-566)**.

Representative PRIEST of Brunswick **PRESENTED House Amendment "A" (H-569) to Committee Amendment "A" (H-566)** which was **READ** by the Clerk.

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

Representative PRIEST: Thank you, Mr. Speaker. Mr. Speaker, Fellow Representatives. This is the first of a series of technical amendments to the errors bill. These came in too late for the committee to consider it before we put out the errors bill. Again, these are all technical. We understand that they have the agreement of the relevant substantive committees in these, so I will present them one by one. The items that they are correcting are obvious from looking at the statement of fact in the summary at the bottom of the bill, so I, again, will be presenting them one by one. Thank you.

Subsequently, **House Amendment "A" (H-569) to Committee Amendment "A" (H-566)** was **ADOPTED**.

The same Representative presented **House Amendment "B" (H-570) to Committee Amendment "A" (H-566)**, which was **READ** by the Clerk and **ADOPTED**.

The same Representative presented **House Amendment "C" (H-571) to Committee Amendment "A" (H-566)**, which was **READ** by the Clerk and **ADOPTED**.

The same Representative presented **House Amendment "D" (H-572) to Committee Amendment "A" (H-566)**, which was **READ** by the Clerk and **ADOPTED**.

The same Representative presented **House Amendment "E" (H-573) to Committee Amendment "A" (H-566)**, which was **READ** by the Clerk and **ADOPTED**.

The same Representative presented **House Amendment "F" (H-574) to Committee Amendment "A" (H-566)**, which was **READ** by the Clerk and **ADOPTED**.

The same Representative moved that the House **SUSPEND** Joint Rule 311 for the purpose of offering amendments.

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

Representative PRIEST: Thank you, Mr. Speaker. Joint Rule 311 requires amendments to be distributed at least 24 hours in advance of the presentation of the amendment. That's obviously not possible today, so that is the reason for presenting the suspension.

Subsequently, Joint Rule 311 was **SUSPENDED** for the purpose of offering amendments.

The same Representative presented **House Amendment "G" (H-576) to Committee Amendment "A" (H-566)**, which was **READ** by the Clerk and **ADOPTED**.

The same Representative presented **House Amendment "H" (H-577) to Committee Amendment "A" (H-566)**, which was **READ** by the Clerk and **ADOPTED**.

The same Representative presented **House Amendment "I" (H-578) to Committee Amendment "A" (H-566)**, which was **READ** by the Clerk.

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

Representative CROCKETT: I object to Amendment "I." I haven't had a chance to review that as of yet and I'd object to its addition at this time.

On motion of Representative FRETTE of Newport, **TABLED** pending **ADOPTION of House Amendment "I" (H-578) to Committee Amendment "A" (H-566)** and later today assigned.

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

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

- 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) AS AMENDED BY HOUSE AMENDMENT "A" (H-564)** thereto on June 19, 2013.

- In Senate, Reports **READ** and the Bill and accompanying papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**. **TABLED** - June 19, 2013 (Till Later Today) by Representative BERRY of Bowdoinham.

PENDING - **FURTHER CONSIDERATION**.

Subsequently, on motion of Representative HERBIG of Belfast the House voted to **RECEDE**.

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

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#### COMMUNICATIONS

The Following Communication: (H.C. 242)

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

June 28, 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 161, "An Act To Restrict a Health Insurance Carrier to Rating on the Basis of One Geographic Area."

This bill rolls back the market-based changes of the 125th Legislature in favor of more government bureaucracy over our insurance markets. It removes individual choices from the insurance market to promote central government planning in Augusta. Our insurance rates skyrocketed under these policies in years past, rapidly growing our welfare rolls without reducing our uninsured population. Now is not the time to return to those policies which made health insurance unaffordable for hardworking Maine families.

For these reasons, I return LD 161 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 Restrict a Health Insurance Carrier to Rating on the Basis of One Geographic Area (H.P. 136) (L.D. 161) (C. "A" H-288)

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

Representative **LUCHINI**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I urge you to override the veto of LD 161. This bill changes one small element of PL 90 that was passed in the 125th Legislature, an element that has been disproportionately harmful to rural Maine. That change that's being made in this bill is to make one Maine ratings band for geography. This levels the playing field across the state. I submitted this bill in response to the numerous businesses that have contacted me with reporting huge increases in their health insurance premiums in their first billing cycle since the passage of PL 90. As a result of these increases of 40 percent, 60 percent, 78, up to 95 percent, many rural businesses have been forced to either reduce coverage or eliminate completely. Raising the cost of doing business in rural Maine is a disincentive to economic development in one of the areas of the state that need it the most, so I urge you to override this veto. Thank you, Mr. Speaker.

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

Representative **FITZPATRICK**: Thank you, Mr. Speaker. Mr. Speaker, at this time, with the ACA pending and the changes that are going to occur based on the change to geographic rating in the ACA, this is just going to cause more disruption in the insurance market and upset the changes that have already been smoothed out in the last year's change. I urge you to sustain this veto. Thank you.

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

Representative **DORNEY**: Thank you, Mr. Speaker. I'd like a roll call.

The SPEAKER: A roll call is in order.

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. 426V

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

NAY - Ayotte, Beaulieu, Bennett, Black, Boland, Campbell R, Casavant, Chase, Chenette, Cotta, Crafts, Cray, Crockett, Davis, Doak, Dunphy, Duprey, Espling, Fitzpatrick, Fredette, Gifford, Gillway, Guerin, Harvell, Jackson, Johnson D, Johnson P, Kinney, Lockman, Long, MacDonald S, Maker, Malaby, Marean, McClellan, McElwee, Nadeau A, Newendyke, Nutting, Parry,

Peavey Haskell, Pouliot, Reed, Sanderson, Sirocki, Timberlake, Turner, Volk, Wallace, Weaver, Willette, Wilson, Winchenbach, Winsor, Wood.

ABSENT - Bolduc, Dion, Keschl, Knight, Libby A, McCabe, Pease, Powers, Shaw, Tyler, 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**.

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The Following Communication: (H.C. 243)

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

June 28, 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 225, "An Act To Restore Consumer Rate Review for Health Insurance Plans in the Individual Market."

This bill rolls back the market-based changes of the 125th Legislature in favor of more government bureaucracy over our insurance markets. It requires our Superintendent of Insurance to hold public hearings for rate review on all individual health insurance rate filings. The simple fact is Maine law already has significant protections against unfair rates and burying filings with red tape will not add to those protections. It is not the time to undo our regulatory reforms in the name of government control. For these reasons, I return LD 225 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 Restore Consumer Rate Review for Health Insurance Plans in the Individual Market

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

(C. "A" H-314)

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. It's disappointing, though not surprising, that the Chief Executive favors insurance company profits over affordable health insurance for Mainers. The bill before us would restore the state's longstanding practice of reviewing health insurance rate increases in the individual market. This bill is about transparency, accountability, and fairness. Under current law, only rate increases above 10 percent a year are given the level of transparency, accountability, and fairness that LD 225 seeks to restore across the board. We have tools at our disposal to help mitigate the runaway costs of health insurance in this state and LD 225 would restore a significant regulatory tool at our disposal. Again, this bill is about transparency. It's about accountability. It's about fairness. Men and Women of the House, I ask that you support the override of this veto. Thank you.

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

Representative **FREDETTE**: Mr. Speaker, I didn't want to interrupt the previous speaker, but I do believe that he impinged

upon the intentions of the Chief Executive when he indicated that he wasn't surprised by the actions of the Chief Executive. I would ask that such comments not be permitted on the floor.

The SPEAKER: Moving forward, and as always, I remind all members to refrain from directing comments or remarks related to the intentions of the second floor or the other body to influence the outcome of debate.

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

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. 427V**

YEA - Beaudoin, 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, 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, Priest, Pringle, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Saucier, Saxton, Schneck, Short, Stanley, Stuckey, Theriault, Tipping-Spitz, Treat, Verow, Villa, Welsh, Mr. Speaker.

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

ABSENT - Bolduc, Keschl, Knight, Libby A, Pease, Powers, Shaw, Tyler, Werts.

Yes, 89; No, 53; Absent, 9; Excused, 0.

89 having voted in the affirmative and 53 voted in the negative, with 9 being absent, and accordingly the Veto was **SUSTAINED**.

The Following Communication: (H.C. 244)

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

June 28, 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 1046, "An Act Providing for the Prescribing and Administering of Naloxone."

Drug abuse is a problem in Maine, especially with opioids. We must do more to prohibit these drugs from falling into the hands

of those who abuse them, and my administration is committed to doing just that. However, this bill would make it easier for those with substance abuse problems to push themselves to the edge, or beyond. It provides a false sense of security that abusers are somehow safe from overdose if they have a prescription nearby. Offering temporary relief without medical or treatment oversight will not combat drug use. It is not the right policy for Maine.

For these reasons, I return LD 1046 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 Providing for the Prescribing and Administering of Naloxone

(H.P. 737) (L.D. 1046)  
(S. "A" S-266 to C. "A" H-436)

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

Representative **DORNEY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Naloxone, which is the brand name, Narcan, has been available for over 30 years. It has been used by the medical community. It is an extremely safe drug. It is now available as an intranasal form, so you can actually squirt it up someone's nose and reverse a drug overdose. We just had a recent study that showed increasing deaths of women from drug overdoses. Those of us who work in the narcotic and drug prevention world, this can really save lives. I know that there is concern that this might encourage drug use. This has been well used in 15 states and has not shown to increase drug use. I would encourage you to vote to override this veto. This will be very effective to help on many fronts to help drug addiction in the State of Maine. Thank you.

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. 428V**

YEA - Beaudoin, Beaulieu, Beavers, Beck, Berry, 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, Marks, Mason, Mastraccio, McCabe, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, Nelson, Noon, Peoples, Peterson, Plante, Priest, Pringle, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Saucier, Saxton, Schneck, Short, Stanley, Stuckey, Theriault, Tipping-Spitz, Treat, Verow, Villa, Welsh, Wilson, Mr. Speaker.

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

ABSENT - Bolduc, Knight, Libby A, Pease, Powers, Shaw, Tyler, Werts.

Yes, 91; No, 52; Absent, 8; Excused, 0.

91 having voted in the affirmative and 52 voted in the negative, with 8 being absent, and accordingly the Veto was **SUSTAINED**.

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The Following Communication: (H.C. 245)

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

June 28, 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 1390, "An Act Regarding the Cancellation of Subscription Services."

This bill stems from a single incident and there is an old saying that "hard cases make bad law." This is especially true with legislation that creates new penalties under the Maine Unfair Trade Practices Act. Attempting to force online companies to comply with this law will create a minefield of uneven treatment, penalizing businesses which are present in Maine while others go free if our courts cannot assert jurisdiction.

Just because a bad thing happened does not mean a law is necessary. Companies should make it easy for their customers to return their products in order to build customer loyalty – I can think of Maine companies that do just that. If a business makes a choice to treat its customers poorly, they will not be in business for long. Consumers vote with their wallets and the market will work, even when dealing with recurring subscriptions. We do not need a law.

For these reasons, I return LD 1390 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 Regarding the Cancellation of Subscription Services

(H.P. 993) (L.D. 1390)  
(C. "A" H-498)

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

Representative **DAUGHTRY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of overturning the Chief Executive's veto of LD 1390. This was my bill. It's, at its heart, a consumer protection bill. It's meant to protect folks from the predatory practice of reoccurring subscription services, particularly online, where these businesses do not provide an easy and convenient manner in which to cancel these subscriptions. I worked with several different industry partners to make sure that the bill didn't hinder anyone's business and instead created that perfect blend that we try to find where it helps businesses and protects consumers. The bill came to my attention when I heard from numerous constituents that they had difficulty canceling these reoccurring subscriptions, particularly for sites like online dating or for video games. I had an intern that many of you met. She was with me in the beginning of the year. She goes to the Maine School of Science and Mathematics. Her name is Marina Mozak. She helped me research this bill. She was very passionate about it. She got me testimony from kids in

her school who are unable to cancel these subscriptions. Even my own 66-year-old father who plays Halo online tried to cancel his Xbox subscription and couldn't do it. One of the ways to enable folks to be able to cancel these services is through this bill. It would just require businesses to provide an easy manner for consumers to cancel their subscription in the same way that they purchase the service. If you sign up online, you should be able to cancel online. It's that simple. I'd also like to highlight that this was a Unanimous Committee Report out of the LCRED Committee. I hope you can side with the committee's work and recognize that everyone came to an agreement on this bill. It's a good bill and I once again urge you to overturn the veto and follow my light.

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. 429V**

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

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

**ABSENT** - Bolduc, Hickman, Knight, Libby A, Pease, Powers, Shaw, Tyler, Werts.

Yes, 96; No, 46; Absent, 9; Excused, 0.

96 having voted in the affirmative and 46 voted in the negative, with 9 being absent, and accordingly the Veto was **NOT SUSTAINED**. Sent for concurrence.

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The Following Communication: (H.C. 246)

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

June 28, 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 1543, "Resolve, Regarding Legislative Review of Portions of Chapter 3: Maine Clean Election Act and Related Provisions, a Late-filed Major Substantive Rule of the Commission on Governmental Ethics and Election Practices."

The Democrat majority should have listened to the objections of Republicans on this bill. In a time when tax increases are being forced on the Maine people, letting these rules to go into effect would allow politicians to spend taxpayer dollars on parties after their elections. While I have objections to the entire concept of welfare for politicians, I must ask: why can we not all agree that taxpayer dollars should not subsidize post-election parties? Is that truly the best use of the money we take from hardworking Mainers? For me, the answer is no.

For these reasons, I return LD 1543 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, Regarding Legislative Review of Portions of Chapter 3: Maine Clean Election Act and Related Provisions, a Late-filed Major Substantive Rule of the Commission on Governmental Ethics and Election Practices

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

(H. "A" H-538)

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

Representative **LUCHINI**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. LD 1543 was one of the last issues that we dealt with in the Veterans and Legal Affairs Committee this session and I wanted to just take a minute to explain what it does. This Resolve is a major substantive rule change and it is recommended by the Ethics Commission. It's function is simple. If passed, this would create rules that would prohibit spending Maine Clean Election money on a party after the primary. Current law, as already is in statute, under current law, Maine Clean Election candidates can spend Maine Clean Election money on parties after the primary. In the veto letter from the Executive, he says, I quote, "letting these rules to go into effect would allow politicians to spend taxpayer dollars on parties after their elections." Ironically, exactly the opposite is true. If we sustain this veto, legislators will be able to continue spending taxpayer money, the Clean Election money, on parties after their primary elections and general elections. If we override this veto, we will prohibit the spending of Maine Clean Election money on parties after the primary, so I urge your support in overriding this veto. Thank you, Mr. Speaker.

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

Representative **KINNEY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. During these substantive rule changes, this was our chance to stop the spending of taxpayers' money, public money on post-election parties at the rate of \$250 per House seat or \$750 per Senate race. This is just another waste of taxpayers' money and it is something that people who run for election using the people's money should not be doing. Thank you.

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. 430V**

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

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

ABSENT - Bolduc, Hickman, Knight, Libby A, Pease, Powers, Shaw, Tyler, Werts.

Yes, 85; No, 57; Absent, 9; Excused, 0.

85 having voted in the affirmative and 57 voted in the negative, with 9 being absent, and the Veto was **SUSTAINED**.

The Following Communication: (H.C. 247)

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

July 2, 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 1362, "Resolve, Relating to a Review of Risks Associated with Tar Sands Oil."

This bill directs the Department of Environmental Protection to conduct a study of oil sands products transportation in Maine. However, the Department is already investigating such transportation and going beyond the scope of the bill to develop spill response plans to ensure that the impacts of a potential spill in Maine will be minimized. Regardless, the amended bill directs the department to undertake work duplicative of work already ongoing, in effect, treating the Department like a research group for the Legislature. This is another example of unnecessary lawmaking. In fact, the Department's initial study efforts resulted in a comprehensive 325-page report, to which the public has access. Instead of encouraging the Department to continue their emergency response planning efforts, however, the bill would have the Department provide summaries of publicly available documents.

This bill inappropriately redirects the Department's resources to support the curiosity of the Legislature rather than fulfilling more practical needs of Maine's citizens and environment, and I cannot support it. I am confident that the Department's ongoing efforts in

this area sufficiently address transportation of these products through Maine.

For these reasons, I return LD 1362 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, 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)

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

Representative **CHIPMAN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. As the sponsor of LD 1362, I rise to urge you to vote with me in overriding the veto. In the veto letter from our Chief Executive, it was stated that this bill is duplicative of work already ongoing. I would assert it is not duplicative. This bill rather enhances and improves upon a current study already underway by the Maine DEP. That study is on oil, but it is very broad and it does not require an in-depth analysis of specific risks associated with the transportation of this particular type of oil. Tar sands oil contains sticky clumps of tar and when this substance is spilled near a body of water, those clumps of tar stick to the body of water and they stick to the bottom of a riverbed or a lake or wherever it is. In the committee hearing, we had a huge turnout in support of this bill. We had overwhelming testimony. The public wanted us to act and do something and we came together as a committee, Republicans, Democrats and myself as an Independent, put a lot of work into this and we decided unanimously that we should take action and we realized that this is not about whether tar sands oil is good or bad. We felt it was necessary to expand upon the DEP study to get particular information that would be valuable.

As you may know, a few days ago, there was a horrible catastrophe that began unfolding in Lac-Megantic, Quebec. Rail cars carrying tens of thousands of gallons of oil exploded. So far, there have been 13 deaths that have been reported. Dozens of people are missing. The Rangeley Fire Department and seven other towns in Franklin County sent crews to help. I grew up in a family of firefighters. My grandfather was the fire chief for 32 years in my hometown. When I see and hear about disasters like this one unfolding in Lac-Megantic, I think, are we prepared? In the public hearing, we heard and it was confirmed that tar sands oil is currently being transported by rail in Maine. The train that exploded in Lac-Megantic was on a rail line that goes through Maine. This could have happened here. If it did, and if it was carrying tar sands oil, would we be prepared? This bill would give us valuable information to know whether we'd be prepared and to know about the risks associated with tar sands oil, and I might add at no additional cost. There is no fiscal note on this bill. Please join me in voting to override the veto. 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. Just briefly, I wanted to rise in support of reconsideration. The reason for that is that one of the exit places of potential transportation is in South Portland at the Bug Light, and there may very well be some stacks there that could potentially release chemicals. For those who don't know, I live directly across the bay and I think my constituents would feel a little bit safer if the Legislature authorized the study

of that to make sure that, in fact, those chemicals are safe for breathing. Thank you very much.

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

Representative **MORRISON**: Thank you, Mr. Speaker. Good afternoon, Mr. Speaker, Ladies and Gentlemen of the House. This particular study would help prepare us in case tar sands would be distributed throughout from Canada to Portland. It actually hits my municipality in South Portland. Myself and my colleagues in the South Portland delegation are very concerned about tar sands because I can see Portland Pipe Line from my house and if we had an oil spill, the devastation, you couldn't compensate easily from that devastation in South Portland. I want to refer to a couple of oil spills that have happened in the United States already. In March, 1.1 million gallons of tar sands spilled in the town of Mayflower, Arkansas, this year. Secondly, in the town of Joplin, Missouri, another oil spill happened. These oil spills happen. Tar sands are dangerous and we have to be careful what we wish for. I am asking everyone to please make sure that we are prepared first before we allow tar sands to be shipped from Canada to South Portland, directly in our municipality. We have to be prepared and we have to know what we're getting into before we get into this. I am asking everyone to please sustain this veto. It's not about politics. It's about people's safety and the quality of our air and water and what happens during these devastating times, during these oil spills. We have to be careful and we have to be prepared, so I am asking everyone to please override this veto.

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. Any debate on this tar sands and the pipeline should have ended this weekend because oil is an international commodity that is sought by nations around the world and if you don't build a pipeline, you are going to ship it, you are going to truck it or you are going to send it by rail. A pipeline is the far safest method to do it.

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 urge you to vote in terms of sustaining the Governor's veto. The issue here before us, I believe, as the good Representative from Farmington indicated, is that this is a commodity that does need to be transported. Quite frankly, I do believe that it's safer in a pipeline and, in fact, I received a letter and it states in it, with regards to the transportation of diluted bitumen, the National Academy of Sciences released a report published by the National Research Council on June 25th entitled "Effects of Diluted Bitumen on Crude Oil Transmission Pipelines," whereby the study concluded that there was no cause of pipeline failure unique to the transportation of this product. I would also indicate that in the veto letter itself from the Chief Executive, he does indicate, in fact, that this work is already being done and it is already ongoing and it is already in effect, and that there is already a 325-page report which is available and online and available to the public. I think this is duplicative. It is something that doesn't need to be done. I think it is being done in a good way, in a safe way and I think that the pipelines are the appropriate way to go at the current time. Finally, I would simply add by saying that I think energy independence is something that we need to achieve and reach for in this country so that we can continue to keep our resources here in America and on the North American continent.



I would urge you to sustain the Governor's veto on this. Thank you.

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. I just thought it was important to point out that the pipeline is 62 years old and that it was not built for this purpose. Thank you.

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. Just to remind you, in Mayflower, Arkansas, approximately 11 months ago, a pipeline was reversed, it is in the same age category as the Portland pipeline, and it burst and over a million gallons of bituminous oil was leaked into that community. Same era, same reversal. Please consider that we need to know the risks. When we asked people from DEP about the proximity of this pipeline to Sebago Lake in our hearing, they did not know. 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 just wish to clarify the Environment and Natural Resources Committee voted unanimously on this bill, and we asked the folks from the DEP if a study was going to be done that would encompass the kinds of things that we are discussing here, and, in fact, that was not the case. That's why this bill went forward and came out with a Unanimous Committee Report. I would like to ask 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 Bethel, Representative Crockett.

Representative **CROCKETT**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. As many of you know, I represent the northwest corner of Maine with a chunk of the pipeline coming through, but more importantly, a chunk of railroad. I border the Lac-Megantic town, which I have to border with Quebec. It was our firefighters from part of my district that went to fight that fire and the travesty that resulted. We've heard it said that the pipeline is 62 years old. You need to see the condition of the rail tracks. The pipeline is the safer option. I am faced with both. I've got the railroad, I've got the pipeline. I would rather have it go through the pipeline than see what just happened in Quebec. I will be voting against the pending motion.

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

Representative **JONES**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. The issue before us isn't whether it's safer by rail or safer by pipeline. The issue before us is whether we are prepared for a spill, whether it's by rail or by pipeline, of diluted bitumen in the State of Maine. With all due respect, to the good Representative from Newport, ask anyone in Kalamazoo, Michigan, whether pipelines are indeed safer than rail. There is a \$1 billion cleanup that's been going on for the past three years of diluted bitumen that's pretty much destroyed the status of the Kalamazoo River. As the good Representative from Portland pointed out, this is not your normal petroleum product, okay. It's heavier than water. It sinks to the bottom. It bioaccumulates in marine species. We are not prepared as a state to address any issues regarding the

transportation of diluted bitumen, commonly called tar sands, across our state, and it seems prudent and wise to study this as a discrete entity above and beyond the work that the DEP has already done. Thank you, Mr. Speaker.

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

Representative **MORIARTY**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I think we'd probably all stipulate that the demand for petroleum products is not going to go away overnight or in the foreseeable future. We also know that petroleum products will be transported through the State of Maine in one fashion or another for years to come. We can also agree, I believe, that we have nothing to fear from increased information about the safety of the transport of this particular product, particularly when we are talking about transport through a pipeline which is some years old, and which was never designed or built for the transport of this particular product and all the dangers that are inherent with it. We have nothing to fear or have reservations about an expanded study and, if anything, the events of Lac-Megantic this past weekend show us that the unexpected can and will happen with devastating effect. We need to be as prepared as possible for that event and we ought to proceed to override the veto, allow the full-blown study to go forward and the report to come back to us at the start of the next session so that we can act with more information and more knowledge and be better prepared to deal with all of the eventualities. Thank you, Mr. Speaker.

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

Representative **CAMPBELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I believe I just heard the leader of the Republican Party say that we have to protect our resources. These resources are Canadian resources coming through Maine to Portland and he didn't tell us where they were going from there. Thank you.

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

Representative **VILLA**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. On June 12, Harrison voters approved a Resolution expressing their concern and opposition to any form of processed tar sands being piped through the Town of Harrison. Harrison became the sixth town in Maine, including Bethel and Waterford, to oppose the piping of tar sands through the ExxonMobil's Portland-Montreal Pipe Line. This Resolution, in part, also asks that the state and federal government ensure an environmental impact review for any pipeline proposal involving tar sands. While the Portland Pipe Line has a good safety record, our concern is the change to a product that is more corrosive than what was previously used in a pipeline that is 62 years old. Maine is dependent on a clean environment for recreation, tourism and the economy at large. A pipeline rupture would cripple Maine's tourism, our way of life and our fresh water supply. Given the potential risks to our state, if the Portland Pipe Line does decide to move forward with their tar sands project, I don't think requiring a presidential permit and environmental report is too much to ask. I support a reconsideration of the veto. Thank you.

Representative **HARLOW** of Portland **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 Belgrade, Representative Keschl.

Representative **KESCHL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I wanted to quote

from a recent article that was written about the National Academy of Sciences study, and it's quoting the Committee of the National Academy of Sciences that did this study on transportation of crude tar sands oil. It says the Committee did not find any causes of pipeline failure unique to the transportation of tar sands oil. The study said the Committee also said it found no aspect of the oil that would make it more likely than other crude oils to affect its transportation. I wanted to just let people know that the National Academy of Sciences did a study on this, found that there was no increased problems with this, any more than was related to regular crude oil. Thank you.

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

Representative CROCKETT: Thank you, Mr. Speaker. I offer only a quick point of order or clarity. The Town of Bethel did have a tar sands resolution, but at our annual town meeting on June 12, it was repealed. Thank you.

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

Representative AYOTTE: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I also share the concerns of the Representatives who voice their concern about the oil spills. I just want to point out that just about every vehicle in the State of Maine uses oil and gasoline from the tar sands of western Canada. It's transported even through parts of Maine and goes to refineries in Saint John, New Brunswick. What I believe has to be done, and Representative Harlow was correct, is to invest, study and implement a safe pipeline. It would be because the vehicles and transportation in Maine will continue to rely on oil from the tar sands of western Canada and being refined in Saint John, Brunswick. The moratorium on the transportation of this oil would be devastating. Every vehicle in the State of Maine would come from a stop. We have to reach a reasonable solution. You know, I'm not opposed to this study. I believe there is a study going on at this time. I would be concerned about the study leading to a moratorium, which then leads to being forced to use other forms of energy, which will be extremely expensive. Before we prohibit or curtail the amount of oil being transported from the tar sands of western Canada, we want to be very, very careful. Implement the study, that's fine, but don't put a moratorium on it. Thank you, Mr. Speaker.

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

Representative COOPER: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just wanted to respond to something that was said earlier by one of the speakers that the DEP did not know where the pipeline ran vis-a-vis Lake Sebago. Well, other witnesses did. It turns out that this pipeline currently used and perhaps to be used also for tar sands runs directly across the main tributary of Lake Sebago, the major source of drinking water for Portland. It also runs parallel to the shore of that lake within a short distance. One of the things that is unique about pipeline bursts is that they are enormous, that they tend to be enormous, even more enormous than train spills of crude oil being transported in that way. The other thing that is unique about tar sands is that it's heavier, which makes cleanup extremely difficult in a body of water. That's why Lake Kalamazoo is still polluted after tens of millions of dollars have been spent in trying to remove that pollutant. It probably will never be clean. These are enormous risks, whether they are transported by rail or by pipeline, and we need to know more. That's the only thing that this study is aimed at. One of the things that DEP did tell us was that their present inquiry did not include

what to do in the event of a spill. I think that's the heart of the matter here. Thank you.

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

Representative HAMANN: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise today with particular interest in this bill. The Portland Pipe Line actually dumps out into my district, so we hear the phrase "not in my backyard." Well, this is literally in my backyard, in the backyard of every one of my constituents. Bringing this toxic sludge through Maine to export it to Europe has almost no economic benefit to Maine yet with some of the worst kinds of risks you could possibly imagine. At the very least, I'd urge us to look before we leap. Thank you.

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

Representative MCGOWAN: Yes, Mr. Speaker. I request a roll call.

The SPEAKER: A roll call is in order.

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. 431V

YEA - Beaudoin, Beavers, Beck, Berry, Boland, 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 W, Marks, Mason, Mastraccio, McCabe, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, Nelson, Noon, Peoples, Peterson, Plante, Priest, Pringle, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Saucier, Saxton, Schneck, Short, Stanley, Stuckey, Theriault, Tipping-Spitz, Treat, Verow, Villa, Welsh, Wilson, Mr. Speaker.

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

ABSENT - Bolduc, Knight, Libby A, Pease, Powers, Shaw, Tyler, Werts.

Yes, 91; No, 52; Absent, 8; Excused, 0.

91 having voted in the affirmative and 52 voted in the negative, with 8 being absent, and accordingly the Veto was **SUSTAINED**.

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

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The Following Communication: (H.C. 248)

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

July 8, 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 1057, "An Act Related to Public Funding of Charter Schools."

This bill is another attempt to destroy public charter schools in Maine by a thousand cuts. The Department of Education worked in good faith with the sponsor to come up with a compromise, a compromise which was rejected in order to force public charter schools to be funded through a separate line-item in the budget. This would allow a legislature to target charter schools — and the options they provide students — by reducing the funds they have available. That is simply not something I can support.

For these reasons, I return LD 1057 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 Related to Public Funding of Charter Schools

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

(C. "A" H-529)

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

Representative **KUSIAK**: Thank you, Mr. Speaker. Mr. Speaker, Women and Men of the House. This is an unfortunate veto. The bill in no way targets charter schools negatively, nor does it reduce funding for them. The bill treats charter schools as state supported schools and not as special schools that local taxpayers are forced to support without any say in how the schools are run or in what they teach. Right now, the communities I represent — Smithfield, Fairfield, and Rome — are among the ones that are hardest hit by the current charter school funding scheme. Surrounding towns of Madison, Anson, Skowhegan, Canaan, Cornville and Mercer are also negatively affected by the current funding formula as these towns are in school districts that are sending students to the two current charter schools that are in southern Somerset County. Next year, schools and communities in Cumberland County will experience the same effect of the current unmodified funding scheme if the bill is not approved via an override of this veto. I urge you to reconsider the veto and vote yes to override the veto. Thank you.

The SPEAKER: The Chair recognizes the Representative from Bar Harbor, Representative Hubbell.

Representative **HUBBELL**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. Most members here, I believe, at this point, recognize the problem at the root of the perennial catfight over the past few years in this state between public community schools and public charter schools. Under the current arrangement, we in Augusta authorized new charter schools and set the policies and governance structures under which they operate. But rather than also backing these schools up with funding, we stick local school districts and the property taxpayers that support them with the balance of the bill, all this

without giving them a voice in either the approval or the operation of charter schools, a circumstance that many see as taxation without representation, particularly as more and more communities find themselves supporting two schools while having authority over only one. This bill would fix that fundamental flaw by having the state take responsibility for funding the schools that it approves by sharing the balance and the burden for that funding across all of GPA, fully, equitably and reliably funding charter schools, just as we attempt to do for all public schools.

Mr. Speaker, for most of this session, I believed that in relieving this chronic tension and solving to get this underlying cause of the charter school finance squabbles, this would be the bill that our Education Committee unanimously would be most proud of. Through a mechanism proposed by the Commissioner of Education himself, this bill would fund charter schools through the same formula as every Maine public community school and, fully, some skeptics would caution irretrievably, integrating them into the state's EPS calculation. Once within the EPS formula, a charter school's funding would be as insulated from legislative whim as any other public school. A vindictive future Appropriations Committee couldn't curtail funding specifically for the Cornville charter school any more than they could specifically target Bangor for cuts. From then on, for better or worse, charter funding would rise and fall on the fortunes of state resources through GPA, exactly as it does for every Maine public school. Rather than being at each other's throats, one could then imagine Maine School of Management and the Maine Charter School Association jointly testifying hand in hand at Appropriations hearings and enforcing a common case for holding the line on comprehensive state educational funding. Up to this point on this bill, I presume to say that there is no dispute, either within the Education Committee or with the Commissioner of Education, about the merits and desirability of this bill. But under this bill, one important distinction does remain between the funding of community schools and charter schools. Charter schools would get funded, not an average of 45 percent of EPS, not even at the elusive 55 percent towards which the state has always struggled. Charter schools will be fully funded at 100 percent of EPS, so we are left with the challenge of how to report this new category of expenditure for total school funding in the budget.

The single controversial point of this bill is whether or not charter school funding should be visible as a component within the state's calculation of the total cost of education within the budget document. I repeat, Mr. Speaker, there is no dispute over either the mechanism or the calculation of the funding level for charter schools. It's only a dispute over whether transparently representing this cost within the budget document somehow places charter schools in political jeopardy. Mr. Speaker, for the explicit purpose of transparency, by statute, we require local school districts to report their budgets in 15 cost centers in agonizing boilerplate, and we require a separate public vote on each of these cost centers in school budget meetings. Then, considering even that insufficient, we require a second separate public vote by referendum in which we require every budget article be prominently posted at the polling place. We do that because we believe transparency is essential to good public process. In my view, the single question before us with this bill is should the state funding of charter schools be transparently reported as an ordinary component within the state's calculation of the total cost of education, or should it instead be hidden within some sort of black ops section in the Department of Education's budget. Mr. Speaker, are we for transparency in state spending or are we not? I say we are and I ask you to support this bill.

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 in supporting the sustainment of the Governor's veto and I'd ask that the Clerk read the Committee Report.

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

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

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. 432V**

**YEA** - Beaudoin, Beavers, Beck, Berry, Boland, Briggs, Brooks, Campbell J, Carey, Cassidy, Chapman, Chenette, Chipman, Cooper, Daughtry, DeChant, Devin, Dickerson, Dill, Dion, Dorney, Evangelos, Farnsworth, Fowle, Frey, Gattine, Gideon, Gilbert, Goode, Graham, Grant, Hamann, Harlow, Hayes, 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, Priest, Pringle, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Saucier, Saxton, Schneck, Short, Stanley, Stuckey, Theriault, Tipping-Spitz, Treat, Verow, Villa, Welsh, Winchenbach, Mr. Speaker.

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

**ABSENT** - Bolduc, Knight, Libby A, Pease, Powers, Shaw, Tyler, Werts.

Yes, 89; No, 54; Absent, 8; Excused, 0.

89 having voted in the affirmative and 54 voted in the negative, with 8 being absent, and accordingly the Veto was **SUSTAINED**.

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The Following Communication: (H.C. 249)

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

July 8, 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 611, "An Act To Adjust Maine's Minimum Wage Annually Based on Cost-of-living Changes."

The title of this bill reflects many of the misguided priorities of Augusta. Too many people are worried about the bare minimum,

wages or otherwise. It is time to aim higher than the minimum. We must create the environment for well-paying careers, to give hardworking families an opportunity to succeed. Mainers deserve more than the minimum, and if we give them the opportunity, they will earn it.

Let us refocus on lowering energy costs, continuing to streamline and reform regulations, and reducing our tax burden. It is time to move out of 50th place. Quite simply, it is time to put Maine people before politics.

For these reasons, I return LD 611 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 Adjust Maine's Minimum Wage Annually Based on Cost-of-living Changes

(H.P. 430) (L.D. 611)  
(C. "A" H-16)

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

Representative **HAMANN**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise today to humbly request that my colleagues join me in voting to override the veto of this bill. This is a bill that would provide a working family the ability to earn a little bit more money for their work, to put a little bit more food in their child's stomach at the end of a workday. Increasing the minimum wage doesn't prevent us from lowering energy costs as the veto letter suggests, and it doesn't preclude streamlining regulations or reducing taxes. It just provides a minimum pay rate below which we don't want employers to pay because the difference will have to be picked up by society. It's about fairness. Quite simply, it's time to put Maine families before politics and set aside antiquated theories that have been proven false, time and time again, over decades of research. Politics aside, competing data aside, improving lives is what this bill promises to do. The question is do we want to provide a little bit more bread for our poor neighbors who are all but starving economically due to the outdated and inadequate minimum wage? We are sent here to make choices and, to me, this is not only a choice, but a test of our values. Do we value, encourage and reward work with just wages?

I enjoy quotes and while some people like to quote rock and roll lyrics about Chevys and levies, or books about various planets in our solar system, I'd like to quote Bishop Stephen Blaize who testified to the U.S. Senate saying the following: "...the family is organized around work. Without the remuneration that comes from our work, humans would not have the resources to form or sustain families. It was true two thousand years ago with the family that lived in Nazareth; it was true in 1891 at the time of Pope Leo XIII; and it is as apparent as ever now. If families are the fundamental seed of society, then decent jobs with just wages are the water that allows them to grow."

Men and Women of the House, my moral compass compels me to ensure that the bottom rung of our economic ladder never falls below water. We should never let our neighbors drown economically as the tide of inflation rises year after year. This vote is a test of our values. Green is a vote to honor the human dignity earned through hard work. Conversely, a red vote is a conscious refusal to address the continuously diminishing and immorally inadequate minimum wage that leaves families poor, despite fulltime work. I know it's difficult to go against our sphere of influence to do what's right, although I have seen some courageous independents come from both sides of the aisle this

session. I know back in March every one of my colleagues on the other side of the aisle voted to oppose this bill and about a dozen will have to reverse their previous vote in order to override this veto. But I also truly believe there are at least a dozen of my colleagues on the other side of the aisle who, politics aside, agree that we should support the working poor by throwing them a life raft before they drown. It's the right thing to do. No one ever said going against the pack would be easy and that's what makes changing one's vote to stand up for the poor so courageous for those who will make that choice today. For holding that powerful swing vote in the palm of your hand, I truly envy you. You have the opportunity to change your vote from back in March and tip the scale toward economic justice for the working poor and hand them a ticket out of poverty, lucky you. Today's test is simple. Green is a vote to improve the lives, the food security and the economic stability of tens of thousands of our poorest working neighbors and their families. Red is a decision not to. Men and Women of the House, we have a test that I promise you most of us will not fail. Please join us. Thank you, Mr. Speaker.

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. We just heard that voting red is immoral. I suppose I should be getting used to this by now, but it still shocks me. I urge you to vote to sustain the Governor's veto. In committee, we heard from a broad cross-section of Maine's small business community. These folks are the backbone of our rural economy. They are overwhelmingly opposed to this bill. Maine Grocers Association, Retail Association of Maine, Maine Innkeepers Association, Maine Restaurant Association, the Maine Chapter of the National Federation of Independent Business. Every single one of these groups said this bill will actually hurt the people its intended to help. But the supporters of this bill have asked us to set aside and disregard that testimony and instead embrace the theories of liberal academics, union bosses and community organizers for nonprofit organizations. Most of these people have never signed the front of a paycheck or created a single job in the dreaded private sector.

To me, the most compelling testimony we heard was from the CEO of Margaritas Management Group. Margaritas is a privately owned and operated regional chain of full-service Mexican restaurants in Maine and New England. They started in 1985. They now operate 22 restaurants, five in Maine. Those five restaurants in Maine employ 200 people. Margaritas has not opened a single new location in Maine for almost 15 years because of the more attractive rates of return on their operations in New Hampshire and in their five locations in Massachusetts. Imagine that. Even Taxachusetts is a better place to do business than Maine for Margaritas. We were told this increase in Maine's minimum wage will put our minimum wage at 45 percent higher than the minimum wage for tipped employees in New Hampshire, 93 percent higher than the minimum wage for tipped employees in Massachusetts. It will certainly make Maine an even less attractive option as labor costs, the gap increases. Overall, it will increase Margaritas's Maine labor costs by 20 percent across the board, \$100,000 in additional costs for that restaurant chain for their five stores in Maine. Let's bear in mind that this will be on top of the 14.3 percent increase in the meals tax that this Legislature just enacted. How many more ways can we come up with to make Maine a less attractive place to create new jobs? The consensus of the small business community who testified is that mandating an increase in entry-level wages will result in

fewer opportunities for those at the bottom rung of the wage ladder. We cannot wave a magic wand and improve people's standard of living. But at the end of the day, this really isn't about policy. It's about politics. It's about scoring political points with a constellation of liberal special interest groups that bankroll election campaigns. The alphabet soup AFL-CIO, Maine People's Alliance, Maine Equal Justice Partners, go down the list. That's what this is about. I urge you to sustain the veto.

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 just wanted to clarify something. In doing a little research, it's really clear the minimum wage in Massachusetts is \$8 an hour.

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

Representative **LOCKMAN**: Thank you, Mr. Speaker. With regard to the minimum wage rates, the numbers that I quoted, we are talking about tipped employees. Again, if we enact this bill, \$1.50 an hour increase in the minimum wage for tipped employees, we will be 45 percent higher than New Hampshire and 93 percent higher than Massachusetts. Thank you, Mr. Speaker.

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

Representative **EVANGELOS**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. The State of Massachusetts is currently considering a bill to raise the minimum wage there from \$8 to \$11 an hour and tipped employees would go all the way to \$6.30 an hour. Thank you.

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. 433V

YEA - Beaudoin, 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, 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, Peterson, Plante, Priest, Pringle, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Saucier, Saxton, Schneck, Short, Stanley, Stuckey, Theriault, Tipping-Spitz, Treat, Verow, Villa, Welsh, Mr. Speaker.

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

ABSENT - Bolduc, Knight, Libby A, Pease, Powers, Shaw, Tyler, Werts.

Yes, 89; No, 54; Absent, 8; Excused, 0.

89 having voted in the affirmative and 54 voted in the negative, with 8 being absent, and accordingly the Veto was **SUSTAINED**.

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

Bill "An Act To Correct Errors and Inconsistencies in the Laws of Maine" (EMERGENCY)

(H.P. 1103) (L.D. 1536)

Which was **TABLED** by Representative FREDETTE of Newport pending **ADOPTION** of House Amendment "I" (H-578) to Committee Amendment "A" (H-566).

Subsequently, House Amendment "I" (H-578) to Committee Amendment "A" (H-566) was **ADOPTED**.

Committee Amendment "A" (H-566) as Amended by House Amendments "A" (H-569), "B" (H-570), "C" (H-571), "D" (H-572), "E" (H-573), "F" (H-574), "G" (H-576), "H" (H-577) and "I" (H-578) 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.

Subsequently, the Bill was **PASSED TO BE ENGROSSED** as Amended by Committee Amendment "A" (H-566) as Amended by House Amendments "A" (H-569), "B" (H-570), "C" (H-571), "D" (H-572), "E" (H-573), "F" (H-574), "G" (H-576), "H" (H-577) and "I" (H-578) thereto and sent for concurrence. **ORDERED SENT FORTHWITH**.

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

#### **UNFINISHED BUSINESS**

The following matter, in the consideration of which the House was engaged at the time of adjournment Thursday, June 27, 2013, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

Expression of Legislative Sentiment Recognizing the Honorable David H. Brenerman, former Member of the Maine House of Representatives

(HLS 507)

**TABLED** - June 27, 2013 (Till Later Today) by Representative DION of Portland.

**PENDING - PASSAGE.**

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

Representative **DION**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. If you would indulge me for a moment, I would just like to follow up on that Sentiment. I served the City of Portland and the County of Cumberland for over 30 years. During that timeframe, I had the opportunity to work with and witness numerous leaders that helped shape our city and our region. One such leader was David Brenerman. Some lead by attracting attention in media and conflict, and they rise and become personalities. Others do the real work of leadership - patience, quiet conversations, negotiations. In essence, they become the glue that holds everyone's work together. David Brenerman is one of those individuals. We often use the term "someone is a good man." It's used so often that it's lost its meaning. Today, on this floor, I want to tell you that David Brenerman is just such a good man. He's a credit to his city, his county and to the citizens of this state. I am honored to call him a

friend and I wish him the very best on this new journey in his life. Thank you very much, Mr. Speaker.

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

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

The House recessed until the Sound of the Bell.

(After Recess)

The House was called to order by the Speaker.

The Following Communication: (H.C. 250)

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

July 8, 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 1069, "An Act To Provide Flexibility in the State Prevailing Wage and Benefit Rates."

This bill would yet again make Maine an outlier, as only 6 other states follow the policy outlined in this bill. If the goal is to provide flexibility for these contracting jobs, we could repeal the entire bureaucracy and let individuals, businesses, and the market work. If that bill reached my desk, I would sign it immediately. Unfortunately, this bill creates ambiguity where there is now clarity and will require significant resources to enforce, resources which are not provided in this bill.

For these reasons, I return LD 1069 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 Provide Flexibility in the State Prevailing Wage and Benefit Rates

(H.P. 762) (L.D. 1069)

(H. "A" H-252 to C. "A" H-131)

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. 434V**

**YEA** - Beaudoin, Beavers, Beck, Berry, Boland, Bolduc, Briggs, Brooks, Campbell J, Casavant, Cassidy, Chapman, Chenette, Chipman, Cooper, Daughtry, Devin, Dickerson, Dill, Dion, Dorney, Evangelos, Farnsworth, Fowle, Frey, Gattine,

Gilbert, Goode, Graham, Grant, Hamann, Hayes, Hickman, Hubbell, Jones, Kaenrath, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Longstaff, MacDonald W, Marks, Mason, Mastraccio, McCabe, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, Nelson, Noon, Peoples, Peterson, Plante, Pouliot, Priest, Pringle, Rankin, Russell, Rykerson, Sanborn, Saucier, Saxton, Schneck, Stanley, Stuckey, Tipping-Spitz, Treat, Verow, Villa, Mr. Speaker.

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

ABSENT - Carey, DeChant, Gideon, Harlow, Herbig, Hobbins, Jorgensen, Kent, Knight, Libby A, Libby N, Luchini, Malaby, McClellan, Pease, Powers, Rochelo, Rotundo, Shaw, Short, Theriault, Tyler, Welsh, Werts.

Yes, 76; No, 51; Absent, 24; Excused, 0.

76 having voted in the affirmative and 51 voted in the negative, with 24 being absent, and accordingly the Veto was **SUSTAINED**.

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The Following Communication: (H.C. 251)

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

July 8, 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 1259, "Resolve, Regarding Legislative Review of Portions of Chapter 17: Rules Regarding Proof of Ownership and Recruitment by Employers Employing Foreign Laborers To Operate Logging Equipment, a Major Substantive Rule of the Department of Labor."

The rules put forward in this bill initially went through a significant public process, including a public hearing and responding to comments. Legislators have the opportunity to comment at that time and make their concerns known, but no comments were received by the Department. Instead, this bill was amended in committee to backdoor changes that possibly conflict with State law. If a legislator wants to bring a bill forward changing the law, they have that opportunity. Hijacking the rulemaking process is no way to shape good public policy.

Additionally, simply adding an amendment that says the department shall implement this bill "using existing resources" does not mean we are able to do so. It is easy to pass bills to score political points and pretend they have no cost. It is much harder to actually govern and recognize that things cost money. For these reasons, I return LD 1259 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, Regarding Legislative Review of Portions of Chapter 17: Rules Regarding Proof of Ownership and Recruitment by Employers Employing Foreign Laborers To Operate Logging Equipment, a Major Substantive Rule of the Department of Labor

(H.P. 893) (L.D. 1259)

(S. "A" S-318 to C. "A" H-257; S. "A" S-246)

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. 435V**

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, Herbig, Hickman, Hubbell, Jones, Jorgensen, Kaenrath, Kent, Kornfield, Kruger, Kumiega, Kusiak, Libby N, Longstaff, Luchini, MacDonald W, Marks, Mason, Mastraccio, McCabe, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, Nelson, Noon, Peoples, Peterson, Plante, Priest, Pringle, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Saucier, Saxton, Schneck, Stanley, Stuckey, Tipping-Spitz, Treat, Verow, Villa, Welsh, Mr. Speaker.

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

ABSENT - Hobbins, Libby A, McClellan, Pease, Powers, Shaw, Short, Theriault, Tyler, Werts.

Yes, 86; No, 55; Absent, 10; Excused, 0.

86 having voted in the affirmative and 55 voted in the negative, with 10 being absent, and accordingly the Veto was **SUSTAINED**.

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The Following Communication: (H.C. 252)

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

July 8, 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 1198, "An Act To Protect Earned Pay."

This is yet another bill seeking to undo changes made in the 125th Legislature. I am not sure how well the Maine people are served by forcing partisan bills through the process that are sure to receive a veto on my desk. The changes sought in this bill were supposedly brought forward to make the process "more fair." The simple fact is these changes will increase the costs to

our unemployment trust fund and could ultimately hurt hardworking Maine families.

Our unemployment trust fund has been managed prudently and we have kept it in strong fiscal shape, unlike many other states which ran up significant deficits. The fact is that benefit programs have costs and the money can run out. It may be hard to tell people "no" and ensure we remain fiscally responsible, but it is the right thing to do.

For these reasons, I return LD 1198 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 Earned Pay  
(H.P. 842) (L.D. 1198)  
(C. "A" H-256)

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. I rise in support of overriding the veto of LD 1198. The Chief Executive explained his reason for this veto was that the changes proposed would "increase costs to our Unemployment Trust Fund." Taking hardworking Mainers' earned vacation pay to fund the state's Unemployment Trust Fund is inappropriate. This veto is an insult to Maine's most loyal hardworking employees. I urge you to support the override.

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. 436V**

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, Hubbell, Jones, Jorgensen, Kaenrath, Kent, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby N, Longstaff, Luchini, MacDonald W, Maker, Marks, Mason, Mastraccio, McCabe, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, Nelson, Noon, Peoples, Peterson, Plante, Priest, Pringle, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Saucier, Saxton, Schneck, Stanley, Stuckey, Tipping-Spitz, Treat, Turner, Verow, Villa, Welsh, Mr. Speaker.

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

ABSENT - Hobbins, Libby A, McClellan, Pease, Powers, Shaw, Short, Theriault, Tyler, Werts.

Yes, 89; No, 52; Absent, 10; Excused, 0.

89 having voted in the affirmative and 52 voted in the negative, with 10 being absent, and accordingly the Veto was **SUSTAINED**.

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

The Following Communication: (H.C. 253)

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

July 8, 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 487, "Resolve, To Establish MaineCare Eligibility for Young Adults Who Were Formerly in Foster Care."

This bill is an unfunded mandate, directing the Department of Health and Human Services to conduct significant outreach. This outreach is to try and enroll young adults in government-sponsored health care. There are countless organizations already doing this work, starting with Washington. There is no need to spend precious tax dollars promoting government-paid health care for 18 to 26 year olds.

For these reasons, I return LD 487 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 Establish MaineCare Eligibility for Young Adults Who Were Formerly in Foster Care  
(H.P. 337) (L.D. 487)  
(C. "A" H-99)

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

Representative **DORNEY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The statistics for kids who have left the foster care system are dismal. They are very unlikely to go to college. They are often very poor. Through the Affordable Care Act, they will be allowed to get health insurance, up to the age of 26, but unless they know about that, they will not be eligible because they have to actually sign up. This would just allow us to inform them, find them and there is very little cost to the State of Maine to do that. Considering this population group, I hope you will vote to support the override. Thank you.

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. 437V**

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, 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, Priest, Pringle, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Saucier, Saxton, Schneck, Stanley, Stuckey, Tipping-Spitz, Treat, Verow, Villa, Welsh, Mr. Speaker.

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

ABSENT - Hobbins, Libby A, McClellan, Pease, Powers, Shaw, Short, Theriault, Tyler, Werts.

Yes, 87; No, 54; Absent, 10; Excused, 0.

87 having voted in the affirmative and 54 voted in the negative, with 10 being absent, and accordingly the Veto was **SUSTAINED**.

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The Following Communication: (H.C. 254)

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

July 8, 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 828, "An Act To Improve the Administration of the Child Care Subsidy Program and To Prevent Erroneous Termination of Child Care Services."

This bill eliminates a clear, existing rule that provides 10 days to request a hearing when an individual's government-sponsored child care benefits or eligibility are terminated. It changes that bright-line to an ambiguous "reasonable" standard. We need more clarity in our laws and rules, not less. Creating more grey areas will only increase the bureaucratic process and potentially allow for more waste, fraud, and abuse in Maine's very generous welfare programs.

For these reasons, I return LD 828 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 Improve the Administration of the Child Care Subsidy Program and To Prevent Erroneous Termination of Child Care Services

(H.P. 579) (L.D. 828)  
(C. "A" H-272)

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. 438V**

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, 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, Pouliot, Priest, Pringle, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Saucier, Saxton, Schneck, Stanley, Stuckey, Theriault, Tipping-Spitz, Treat, Verow, Villa, Welsh, Wilson, Mr. Speaker.

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

ABSENT - Hobbins, Libby A, McClellan, Pease, Powers, Shaw, Short, Tyler, Werts.

Yes, 90; No, 52; Absent, 9; Excused, 0.

90 having voted in the affirmative and 52 voted in the negative, with 9 being absent, and accordingly the Veto was **SUSTAINED**.

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The Following Communication: (H.C. 255)

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

July 8, 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 1486, "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."

I cannot support this bill as there is not enough information regarding its true cost to Maine taxpayers. We do not know how many people will qualify for these services and the funding source the bill provides may or may not be sufficient. This is especially concerning when we have thousands of individuals with severe mental illness sitting on waitlists for services they already qualify for. Until we strengthen our safety net by providing real, structural welfare reforms, I cannot support increasing services, however well-meaning.

For these reasons, I return LD 1486 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 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)

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

Representative **GATTINE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise today in favor of the pending motion. I ask you to support the override of this veto. LD 1486, as amended and passed, is designed to help the Department of Health and Human Services find the most effective way to provide dental services to over 3,000 adults with disabilities. As we discussed when we originally discussed this here, these are people who cannot tolerate dental procedures in a traditional setting and many of them require IV sedation in order to receive even the most routine dental services. The good news is that the Department is committed to serving this population. Many of these people have formerly been served at a clinic in Portland, known as the Portland Dental Clinic, and there is money in the recently enacted budget in order to provide services to these folks. That's the good news. The bad news is that several weeks ago, the Department actually closed the Portland Dental Clinic and is now scrambling to cobble together an additional way, an additional module to serve these folks. As it does this, as I've been working with the Department, others have talked to the Department, I think there is a real serious question about whether or not the money that has been appropriated is going to be sufficient and whether or not there is going to be a need to try to secure additional funds in order to serve these folks. What the pending LD 1486 does is that requests that the Department go to CMS and ask CMS to match this money with federal funds. It doesn't ask for any additional general funds. It simply asks for matching federal funds to be used in order to serve these folks. Ninety percent of the people who will be receiving services at the Portland Dental Clinic, who were receiving at the Portland Dental Clinic, are MaineCare people, but right now it is 100 percent state funds that is being used to serve them. I think the prudent thing to do, in order to serve these people appropriately, would be for the Department to make this request to CMS. Thank you very much.

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 bill does intend to address the Portland Dental Clinic Services, but the language of it seems a bit broad and the Dental Clinic in Portland is being funded within the existing budget that we just recently passed. Thank you.

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

Representative **STUCKEY**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise today primarily to hear the sound of my own voice, but for those of you willing to listen, let me simply say this bill, as amended, seeks to finish the fix started in the budget to the challenge of providing dental services to a population this body, the other body and the Chief Executive have all repeatedly purported to support throughout this legislation session, persons with developmental, behavioral and other severely disabling conditions, many of them sitting on waitlists for services they already qualified for. Critical dental services for this population are currently paid for with 100 percent

general funds. These preventive and time-sensitive services, sometimes requiring IV sedation, have been provided for years at clinics in Bangor, Augusta and Portland. This bill would simply make our system's existing response more timely to this critical need. 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. There was grave concern on the part of every member of the HHS Committee when it came to discussing potential changes to the Portland Dental Clinic because it serves a very specific clientele. This bill, I would recommend that you support the veto on this bill because the Portland Dental Clinic, yes, its doors are closed, but its doors are closed not only because of funding but because critical staffing has left and they no longer have the people there in place in order to keep the facility open. Meanwhile, in light of this, the Department has been making critical decisions and they have been looking at other avenues to be able to serve this population. This population will continue to get served; however, it will be in a different facility, it will be in a different way. Thank you very much.

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. 439V**

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, Kornfield, Hickman, 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, Priest, Pringle, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Saucier, Saxton, Schneck, Stanley, Stuckey, Theriault, Tipping-Spitz, Treat, Verow, Villa, Welsh, Mr. Speaker.

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

ABSENT - Hayes, Hobbins, Libby A, McClellan, Pease, Pouliot, Powers, Shaw, Short, Tyler, Werts, Wood.

Yes, 87; No, 52; Absent, 12; Excused, 0.

87 having voted in the affirmative and 52 voted in the negative, with 12 being absent, and accordingly the Veto was **SUSTAINED**.

The Following Communication: (H.C. 256)

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

July 8, 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 1263, "An Act To Increase Funding for the Snowmobile Trail Fund and Adjust the Sales Tax Relating to Snowmobiles and Trail-grooming Equipment."

This bill increases fees on Mainers and tourists alike. For that reason alone I would have a difficult time supporting it. However, I have heard from snowmobilers and clubs across the state urging my support of this bill. Their arguments were strong and I may have let this bill become law without my signature.

Unfortunately, with significant tax increases on our tourism industry going into effect, I cannot agree to fee hikes. If more resources are necessary for snowmobile trails, we should work to right-size government and provide those resources from our tax dollars. User fees make sense when they are paid in lieu of taxes. When fees are charged in addition to taxes, citizens are paying twice for the cost of government.

For these reasons, I return LD 1263 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage

Governor

**READ and ORDERED PLACED ON FILE.**

The accompanying item An Act To Increase Funding for the Snowmobile Trail Fund and Adjust the Sales Tax Relating to Snowmobiles and Trail-grooming Equipment

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

(S. "A" S-356 to C. "A" H-533)

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

Representative **ESPLING**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just wanted to stand and ask that you consider sustaining this veto today. The IF and W Committee has a holdover bill to look at this issue further. The Ag Committee voted out, and this body passed, a bill to look into the snowmobile grant program and to bring recommendations forward to help it work better for our local clubs and municipalities. As I said in committee on this bill, this is not just about a little \$5 increase on our residents and increases on our non-residents. This is only one increase of many that this body continually tries to enact, including the recent state budget, with again tax increases. This is about nickel and diming the people of Maine. Nothing prevents these clubs from raising more funds. Instead, we route money through government, which is so inefficient. Mainers should be able to support the clubs and I encourage them to do so without a continued reliance on fee increases routed through an inefficient bureaucracy. Thank you, Mr. Speaker.

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 are, another job. You're probably getting tired of hearing me talk about jobs, but I'll tell you, this has a big effect on a lot of jobs in

these rural areas. Hospitality is part of the tourist industry. Snowmobiling is part of this industry too. With this bill, the potential is there to increase the use of sledding, snowmobiling, in more of these rural areas. My biggest concern in this whole thing is the jobs because people who work at these jobs are the chambermaids, the waitresses, the bartenders, the mom-and-pop stores, the businesses that run sporting camps, the snowmobile dealers. You're talking a lot of jobs here. I'll be honest with you, I'll go back and we talked about this a month, a month and a half ago. The problem that I have is that I can remember when I was growing up as a kid about 40 or 45 years ago, I was riding sleds. When I was riding the sled, it wasn't flat. It was a 12 horsepower sled. That's the way it was. We didn't go that fast. Now, you buy sleds and you take trips from Millinocket to Greenville and get home in the same afternoon, you have lunch somewhere over at Pittston Farm or in Greenville, or anywhere you want to go. I know people that worked with the mill that go from Millinocket up to Presque Isle to Caribou and back and do it all on sleds. The reason why is because they have trails now that you can take these trips and you go out and enjoy yourself.

Now, you have families going out, going for a nice ride, seeing different parts of the state, part of the country that we are so lucky to enjoy here. The cost of this is less than a gallon and a half of gas for the Mainer and for the out-of-stater, it's 6 gallons of gas in realistic terms. That's what we're talking here people. How many people do you know, when you go for a sled ride or a car ride or whatever, say, "I'm going to put one less gallon and a half in because it costs me too much money." or "I'm going to put 6 less gallons in because it costs me too much money." No, you do it because you want to go enjoy yourself. Maine has one of the lowest registration fees in New England and try to go Quebec, go to Quebec and see how much it costs you to go for a ride. I'll tell you. This is an industry that could use some help right now. A lot of these businesses, they rely on the winter for their income. It's like Bar Harbor. The residents of Bar Harbor, the businesses in Bar Harbor, they depend on the summer months for their income to be able to survive. The same thing happened to the snowmobile industry, but the snowmobile industry is more of a rural industry. It's a different type of a clientele. They want to go for a ride, enjoy themselves, take their families for a ride and see what's going on. Most people now have a couple of sleds. They buy one for the husband and one for the wife and they go for rides. They don't want to ride the old trails like I used to ride, where you had to sit on your knees and keep moving back and forth, just to keep yourself going. People who had sleds back then, think about it. Today, they want to go for a ride on a smooth trail and they go for a ride.

Also, you want to think about, too, businesses. If you go to a restaurant in most of these small towns, Fort Kent, Greenville, Millinocket, Lincoln, Calais, or wherever you want to talk about it, over to Fryeburg or wherever, what you do, you go to a restaurant and you go on a groomed trail. These trails are groomed for the riders, so it is such an enjoyment for the rider. I'll tell you what, when you start losing that, you're going to start losing their business. And I'll be honest with you, the State of Maine cannot afford to lose too many more jobs. Here we are, the third lowest increase in jobs in the country. That's sad. Even from the Chief Executive, he talks about he heard from snowmobilers in clubs across the state urging his support of this bill. These are the people that are paying it. The average citizen don't pay it and you don't pay it unless you the person goes for a ride, you own a sled. The Chief Executive even thought about how strong those arguments were and how he almost let this bill go by without his signature, which would have been a good thing

to do. Because I'll tell you what, people rely on these jobs. You've got the single mother out there working these chamber jobs, chamber maid jobs, restaurant jobs, and all these other types of little jobs that go with it. Also, they are supplemental jobs for the family. The husband or the wife might be working somewhere else and this is a supplemental job for them. This is how you build an economy and put people to work, and by putting people to work, they pay taxes and they pay sales taxes. How are we going to improve our economy? By putting people to work. We cannot be going down this downward spiral, as it's also said, I've been reading a couple of the letters we've received from the Chief Executive, the downward spiral. That's how you get the downward spiral, by not letting these jobs become, you're sitting there doing away the things you have. If it weren't for the snowmobilers willing to pay the price, and they said they're willing to pay the price. It's up to them and they want this. I think us in the Legislature ought to listen to them, our voters, on what they want and do what they want, because I'll tell you what, they're the people that enjoy this and they are also the people who are supporting a lot of people working. Thank you.

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. This was a Divided Report from IF and W. Like the good Representative from Gray said earlier, the snowmobiling clubs need this money to continue grooming. Snowmobiling brings in \$500 million to the State of Maine. We stop grooming these trails, the out of staters aren't going to come here to Maine to snowmobile because we won't have the great trail system that we have now. We have people that come from New York. I was at a sportsmen's show in New York. He says, "I don't even bother registering my sleds here in the New York anymore. I register them up in Maine. It's cheaper to register in Maine." Even with the increases that we have proposed in this bill, it will still be cheaper to register their sleds here in Maine than it is in their home state in New York or even New Hampshire. We need this money. This \$5 increase goes directly to the trail fund so that it will help pay for fuel to run the groomers. We also, the good Representative Espling from Gray, she also stated that we have a problem with the distribution of the funds. Yes, we do, a big one. There is another bill in to fix that hopefully. It's a Resolve to fix that. But there still needs to be money in that trail fund so that we can groom these trails, so we can get the non-residents to come up here to Maine and spend the \$500 or \$600 a weekend. I hope we override this veto. Thanks a lot.

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. Yes, I understand that it's very expensive to groom these trails. My family and I are snowmobilers. We go up around Jackman and we spend a lot of time up there and we do appreciate having the trails being nicely groomed. A \$5 increase, etcetera, whatever, maybe that's a good idea, maybe that's not a good idea. But until the disparity between the reimbursement between clubs is taken care of, we should not be giving one penny more to that fund until there is proper accountability for that fund. Right now, you have clubs up there who have the same amount of miles, the same amount of topography, the same area, right next to each other. But there is a disparity between the reimbursement. The reimbursement goes anywhere from \$100 a mile to \$1,600 a mile. Why? Why are you talking about a \$1,400 disparity between reimbursements per mile for some of these clubs, some of these trails? Now, that

should be straightened out before we give one more penny to this fund and the vehicle to answer those questions is in place and will be looked at through the summer. I urge you to sustain this veto and we can address it in the next session. Thank you.

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

Representative **KUSIAK**: Thank you, Mr. Speaker. Mr. Speaker, Women and Men of the House. I notice that our IF and W Chair is not here today, so I thought I'd stand up and speak to this bill. I'd like to address the idea of clubs raising money. The fees that we're asking for, the increases are low and the fees are already low, the increases are minor, and it seems to be very efficient to ask users to pay for the services that they would like to have. Many leaders of snowmobile clubs and owners of hospitality establishments in the northern part of the state came to our committee and implored us to raise the fees for users so that they could maintain the trails. Many club officers and volunteers, they told us, are older folks. They are grooming the trails on a voluntary basis and they are finding it difficult to keep the trails in the condition that would attract folks from downstate, folks with money who go up and stay in hotels and eat in restaurants over the weekend, and folks from out of state. I urge you to accept this reconsideration and overturn the veto. Thank you.

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

Representative **THERIAULT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. If any of you have ever worked with a snowmobile club, you know how much time is involved and how many people are volunteering to do this that do not get paid. Now, yes, there may be a discrepancy in some of the distribution of funds. I can't answer that question. But basically, I think, at this time, we need an increase to keep some of these clubs working and keep those trails groomed. Some of them are going to close down. I've heard them say, "Well, here are the keys for the groomer. Come and get it. We're done." We need an interconnecting kind of trail system for people to come here and ride our trails. We have businesses. I have a small motel in Madawaska that I know in the wintertime that's how she survives, that's what she does. Don't let the people that are trying to bring money into the state down. Let's vote for this thing here. 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. Most of what I would have said has already been said. We need to correct the discrepancies that we have in the existing fund. However, more money is required. I am a member of the Moosehead Riders Snowmobile Club. I've groomed trails for five years and as soon as I get rid of this job, I'm going back to grooming trails. But the money is required. The price of gasoline and diesel is going up all the time, so this is an extremely important issue for the economy of rural Maine. I would hope that you all would support overriding this veto. Thank you.

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, too, agree with the support of overriding this veto for all the reasons that have been said, I won't repeat them, but I just needed to stand and verify that and validate that as well. Thank you.

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. 440V**

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

NAY - Ayotte, Bennett, Black, Campbell R, Chase, Clark, Crafts, Cray, Crockett, Davis, Duprey, Espling, Fredette, Gifford, Gillway, Guerin, Harvell, Jackson, Johnson D, Kinney, Lockman, Long, MacDonald S, Marean, McClellan, Newendyke, Nutting, Parry, Peavey Haskell, Reed, Sanderson, Sirocki, Timberlake, Turner, Volk, Wallace, Weaver, Willette, Wilson, Winchenbach, Winsor.

ABSENT - Libby A, Pease, Pouliot, Powers, Shaw, Short, Tyler, Werts.

Yes, 102; No, 41; Absent, 8; Excused, 0.

102 having voted in the affirmative and 41 voted in the negative, with 8 being absent, and the Veto was **NOT SUSTAINED**. Sent for concurrence.

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The Following Communication: (H.C. 257)

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

July 9, 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 1383, "An Act To Improve the Delivery of Early Child Care and Education Services."

While this bill is well-intentioned, it is another unfunded mandate creating ongoing reporting requirements by the Department of Health and Human Services. Creating a new central database of all service providers, and then asking the Department to collect, review, and report out how well those service providers are working together is a significant cost. Leadership within our Departments need to focus on running their programs and managing their personnel, not creating countless reports for legislative review.

Additionally, this bill says that we must start targeting Head Start funds for various groups, but does not provide any resources to

do so. It also directs that we should use State funds for Early Head Start "when possible," but, again, does not provide funding to do so. If everything is a priority, then nothing is a priority. It is time to make some tough decisions in our welfare and benefit programs and decide where we really want to place our limited resources and then pass laws that actually fund those priorities. For these reasons, I return LD 1383 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 Improve the Delivery of Early Child Care and Education Services

(H.P. 982) (L.D. 1383)  
(S. "A" S-362 to C. "A" H-464)

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

Representative **BERRY**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise simply to correct what I think may be a couple of misunderstandings regarding this bill on the part of the Chief Executive based on the letter that was sent back to us. This bill was reported unanimously out of committee. I truly appreciated the work done by all members of the Human Services Committee on the bill, and it's regarding a system's improvement in our early child care and education services from the state. The letter describes it as an unfunded mandate. There is, in fact, no fiscal note, and it really just requires integration and coordination among the various entities that do early childhood work. It also mentions a significant cost. Again, there is no fiscal note so I'm not sure where that is coming from. Later, it expresses concern about resources for Head Start. That was addressed in the budget and, very importantly, this bill would require that those additional funds provided through the budget for Head Start are targeted towards the very youngest children, towards early Head Start because we know that that's where the greatest return on investment is. I think that there are very good reasons why the committee chose to target those funds to the earliest and based on the very best return on investment. I hope that we can all support the unanimous work of the committee and go forward with this important work. We certainly have good people working across the state to deliver with very few resources good services to our youngest children and our most at-risk children, but the system doesn't always work as a system in the way that many of us would like. I think that's really what this bill is attempting to get at. It's our one opportunity in this session to help the systems to integrate together better. Thank you, Mr. Speaker.

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

Representative **SANDERSON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am very concerned about this amendment that came out and actually stripped the fiscal note off this bill. The good Representative Berry is right. This is a bill that we worked on diligently in the HHS Committee and it came out with a unanimous vote. It came out with a unanimous vote because a lot of the work had been done, a lot of the concerns had been addressed; however, there was still a fiscal note on here in the next year of \$6.6 million and in the following year of \$8.9 million. You don't do everything that's in this bill without the financial backing to get it done. Now, when I read this amendment here, the summary is "This amendment provides that the Department of Health and Human Services is not required to pay a quality differential rate for child

care services provided through the Temporary Assistance to Needy Families block grant." That was already taken out in the amendment that was passed, so if that's the only thing that has changed, where did the fiscal note go? How can Appropriations possibly strip a fiscal note of this size from a bill that does so much when this piece was already taken out and say that's the reason for it? That's deceptive. It's disingenuous. Now, I supported this bill and I was really hoping there would be some money to be able to implement it. But you're asking to implement a bill with tremendous changes included in it without the financial backing for it, so for that regard, I urge you to sustain the veto. We need to pass our bills up front, up right and know that we have the finances behind them to pay for them. Thank you.

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. 441V**

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, 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, Priest, Pringle, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Saucier, Saxton, Schneck, Stanley, Stuckey, Theriault, Tipping-Spitz, Treat, Verow, Villa, Welsh, Wilson, Mr. Speaker.

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

ABSENT - Kent, Libby A, Pease, Pouliot, Powers, Shaw, Short, Tyler, Werts.

Yes, 89; No, 53; Absent, 9; Excused, 0.

89 having voted in the affirmative and 53 voted in the negative, with 9 being absent, and accordingly the Veto was **SUSTAINED**.

The Following Communication: (S.C. 526)

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

July 8, 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 415, "An Act To Require a Warrant To Obtain the Location Information of a Cell Phone or Other Electronic Device."

This bill simply goes too far. To obtain location data on a cell phone currently, police obtain a court order. This allows them to access historic – not real-time – location data. Many crimes we all know about would not have been solved, or would have taken significantly more man-hours, if this law had been in place.

The reality is that the problems this bill seeks to address are generally in our country's largest cities or at the federal level. Meanwhile, Maine does not have the resources necessary to fully staff our State Police, let alone inappropriately use cell phone location data.

I support requiring warrants for cell phone content information, such as voicemails or text messages. That is why LD 1377 is law. I support requiring unmanned government cameras to obtain warrants. That is why LD 1040 is law. But this bill goes too far, imposing requirements that are too burdensome at a time of rising crime in our state.

For these reasons, I return LD 415 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,  
S/Paul R. LePage  
Governor

Came from the Senate, **READ** and **ORDERED PLACED ON FILE**.

**READ** and **ORDERED PLACED ON FILE** in concurrence.

The accompanying An Act To Require a Warrant To Obtain the Location Information of a Cell Phone or Other Electronic Device

(S.P. 157) (L.D. 415)  
(S. "A" S-339 to C. "A" S-106)

In Senate, July 9, 2013, this Bill, having been returned by the Governor, together with objections to the same, pursuant to the provisions 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?'

22 voted in favor and 11 against, and 22 being more than 2/3 of the members present and voting, accordingly it was the vote of the Senate that the Bill become law and the veto was overridden.

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 to urge my colleagues to overturn this veto. We had four privacy bills in the Judiciary Committee this year and both bodies passed all four of those. I was really encouraged by that because those votes were really strongly bipartisan, as was the vote on this bill. It had 113 votes in this chamber, a very, very strong bipartisan vote. I just want to remind folks this is about warrants for location tracking on cell phones. Since this bill passed, a lot has happened. There is a lot of these bills pending in many states around the country. Montana actually passed theirs since we've passed ours. Theirs became law already so that's encouraging. Actually, the Fourth Circuit Court of Appeals has agreed to hear a case on whether or not warrants should be required for cell phone location tracking. I just want to remind you one more time, even though I've said it before, that the Supreme Court said that GPS tracking of locations without a warrant was unconstitutional and they said they felt that there was a lack of clarity of whether or not warrants should apply for new technology. We've passed four bills in this body, giving them some clarity. This was one of those bills. With this issue already being before the Fourth Circuit Court of Appeals, there is no question that this is going to be before the

U.S. Supreme Court within the next few years. If the U.S. Supreme Court wants some clarity, I think we should stand by our original strong bipartisan votes and give them the clarity that they need. 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 will never vote against the Constitution and Bill of Rights. The Fourth Amendment is clear. "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized." Given everything that has happened this spring with abuses of privacy by the NSA and the IRS, I think it is really important that we stand up for privacy here in our state. I'm reasonably confident that the Supreme Court will someday rule that a warrant is required for geolocation tracking. After all, they just ruled two years ago that police have to get a warrant before placing a GPS tracking device on your car. If police need to go to a judge before tracking you via a GPS device in your car, then they should have to go to a judge before tracking you via a GPS device in your pocket. But in the meantime, we swear an oath to uphold and defend the Constitution and that's why I hope you will join me in defending Maine's privacy now and voting in favor of the pending motion. Thank you, Mr. Speaker.

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

Representative **PRIEST**: Thank you, Mr. Speaker. Mr. Speaker, Fellow Representatives. This is a situation in which I think the Chief Executive is absolutely correct. Let me read what the Chief Executive said. "This bill simply goes too far. To obtain location data on a cell phone currently, police obtain a court order. This allows them to access historic -- not real-time -- location data. Many crimes we all know about would not have been solved, or would have taken significantly more man-hours, if this law had been in place." Recall that the police just can't go to a cell phone company and say, "Give me the historical data." They have to get a court order. The court order requires them to show there is reasonable suspicion, that there is a connection between cell phone records and a crime. It's true, the NSA does have this information. They will continue to have it. God knows what other organizations have it. We certainly know the cell phone companies have it and will continue to have it. A court order prevents fishing expeditions which is what a lot of us wish. The Chief Executive is correct and I would urge you to uphold his veto. Thank you.

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

Representative **HARVELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Recently, I've been doing a little reading about prohibition and there was a man named Roy Olmstead who had been a police officer in the Seattle area and that wasn't paying very well, so he went into the bootlegging business and made quite a little fortune. Well, at the time, this new technology was coming out of wiretapping and a private citizen began to tap Roy Olmstead's phones, merely for the purpose, basically, of blackmailing him. He took all the information down and then basically said, "If you give me \$1,000, I will tear up the transcripts." Olmstead just dismissed him. He knew the wiretaps were there and continued to talk. Finally, the private detective, being shunned, went to the local federal

authorities, turned over the transcripts and they used those transcripts to convict Roy Olmsted of bootlegging. But he took his case all the way to the Supreme Court and though that was upheld in the '30s, by 1967, that decision was overturned. The only reason I say this is because whenever there has been new technology that is advanced, the prosecution has been very zealous in its approach of this and the restraints have always come afterwards. I know that the only thing I really learned from all this debate is when I commit my next crime, I'm going to leave my phone at home or maybe in one of your pockets. But I think that this is a step in the right direction and I think that history will bear us out and I urge you to override this veto.

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

Representative **CROCKETT**: Thank you, Mr. Speaker. Mr. Speaker, Distinguished Members of the House. I rise in concurrence with the good Representative from Brunswick. I like the concept of regulating government's ability to access the content of your cell phone, which is why we passed a piece of legislation doing that this year. I agree with government actions with cameras. We passed another LD that unmanned cameras would be regulated. But this, we need to clarify. It's not the content of your conversations. It's the historical locations where your cell phone has been. It's going to the towers and getting where you are at and it's after the fact because as the good Representative from Glenburn pointed out, you can't use that to track someone unless you already have a warrant; the Supreme Court has already made that clear. So this is for historical locations. That's why I, too, surprisingly, I agree with the Chief Executive and would sustain the veto.

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. The Fourth Amendment protects us to be secure in our homes and the courts have interpreted that to mean any location where we have an expectation of privacy. The Fourth Amendment, like other amendments pertaining to criminal defendants, is primarily intended to protect all of us, the innocent of any wrongdoing as well as those who have committed crimes and the information that we are talking about here, our cell phone locations, is nothing less than our whereabouts at every moment of the day and night. If that is not Big Brotherism, I don't know what is. I think as these new technologies are developed, we have to be attuned to the fact that there are limits to what we want the government to know. We have a right to privacy and reasonable suspicion is not probable cause. It is a far lower standard to get a court order than to get a warrant, and that is what we are entitled to. Thank you.

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

Representative **RUSSELL**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I grew up with a few values that were instilled in me, whether it was through my teachers or my family or just growing up here in Maine. First and foremost is that people are innocent until proven guilty and this sort of switches that around and suggests that everybody should be guilty until proven innocent and that we should have access to people's location at any given point. The other thing, I remember my history teachers reminding me over and over again about what it must have been like being in countries where they had Checkpoint Charlies and how great it was that we had the freedom to move between states free. But now, what's the point of a Checkpoint Charlie if people can check where you've been

without you ever having to check in. At least with Checkpoint Charlies, you knew you were being checked out, you knew that where you were going was being monitored. This changes that. This new technology changes that dramatically. The last thing I would say is what is the point of freedom in this country, what is the point of freedom if we live in a surveillance state? We have put a lot of things on the record this year in support of privacy in this House and that's something I'm very supportive of, and I think that we would do well to do what we did just a couple of weeks ago and to pass LD 415 and require warrants. I understand there are nuances to the arguments, but there aren't really nuances to the Constitution. It's pretty clear. It's pretty cut. It's pretty dry. When our grandkids and their grandkids look back, the question is where are we going to be on the side of history and I think we were already on the correct side of history and I hope that we will be there again today. Thank you, Mr. Speaker.

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

Representative **DION**: Thank you, Mr. Speaker. Good afternoon, Mr. Speaker, Ladies and Gentlemen of the House. My wife once called me on my cell phone and said, "Are you on your way home?" I said, "Dear, I'm on 295 heading south." I was actually on the eighth hole. There are important things in life. She didn't need to know the content of my game and that I swore to myself I'd be over after the ninth hole, although I could see the tenth and the eleventh looming on the horizon. I thought my privacy was important, not what I said. I told her the truth. It was an aspirational goal. I would be on 295 soon. But at that very moment, it was none of her business or the government's to know. See, look at this reaction and we're only talking about my wife. But this is more serious. We're talking about the government. It's not a bill of rights. It's a bill of restraints. It's a restraint to make sure that the government can't invade your lives the way my wife invades mine. It's not the content I worry about. Where you are at a given moment is your individual privacy issue. It is yours and yours alone, and we talked about that in the original debate, so here it is again. Is the purpose of the law to make things convenient for the government, easier for them to invade our lives with lesser and lesser evidence to do so, or is the goal for us to stand up to the government and say, "Listen, you need probable cause?" I've said this before. I secured many search warrants. It's not that difficult. They make it really difficult on television because they only have 32 minutes to solve the crime. But in real life, a warrant is not that difficult to get. The real purpose behind the founders' intent was to make sure that the police took a breath and had their evidence evaluated by a neutral third party. That was the goal. So that's your decision today. Is the veto representative of an idea that we should make it more convenient for the government to access our lives or do we stand by our earlier decision and say, listen, the government has to demonstrate by virtue of a warrant to the judiciary that they have enough to target us and find out exactly where we were on that fateful Friday afternoon? Thank you.

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. 442V**

YEA - Ayotte, Beaudoin, Beavers, Beck, Berry, Black, Boland, Bolduc, Briggs, Brooks, Campbell J, Campbell R, Carey, Casavant, Cassidy, Chapman, Chenette, Chipman, Clark,

Cooper, Cotta, Crafts, Cray, Daughtry, Davis, DeChant, Devin, Dickerson, Dill, Dion, Doak, Dorney, Dunphy, Esping, Evangelos, Farnsworth, Fredette, Frey, Gattine, Gideon, Gifford, Gilbert, Goode, Grant, Guerin, Hamann, Harlow, Harvell, Hayes, Herbig, Hickman, Hobbins, Hubbell, Johnson D, Jones, Jorgensen, Kaenrath, Kent, Keschl, Kinney, Knight, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby N, Long, Longstaff, Luchini, MacDonald S, MacDonald W, Maker, Marean, Marks, Mason, Mastraccio, McCabe, McClellan, McElwee, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau A, Nadeau C, Nelson, Newendyke, Noon, Peavey Haskell, Peoples, Peterson, Plante, Pringle, Rankin, Reed, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Sanderson, Saucier, Saxton, Schneck, Sirocki, Stanley, Stuckey, Theriault, Timberlake, Tipping-Spitz, Treat, Turner, Verow, Villa, Volk, Wallace, Welsh, Willette, Wilson, Winchenbach, Wood, Mr. Speaker.

NAY - Beaulieu, Bennett, Chase, Crockett, Duprey, Fitzpatrick, Fowle, Gillway, Graham, Jackson, Johnson P, Lockman, Nutting, Parry, Priest, Weaver, Winsor.

ABSENT - Libby A, Malaby, Pease, Pouliot, Powers, Shaw, Short, Tyler, Werts.

Yes, 125; No, 17; Absent, 9; Excused, 0.

125 having voted in the affirmative and 17 voted in the negative, with 9 being absent, and accordingly the Veto was **NOT SUSTAINED** in concurrence.

The Following Communication: (S.C. 530)

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

July 8, 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 1132, "An Act To Achieve Economic Growth by Enhancing Science, Technology, Engineering and Mathematics Education and To Meet Workforce Needs."

This is a good bill – encouraging STEM education will help Maine's current students find good careers. It is something I am committed to and those STEM options need to be made available in a variety of learning environments.

Unfortunately, this bill is not funded - \$5,000 in the first year and \$22,000 in the second is not enough to hire an Executive Director or really get this work done. We need to stop promising the world without paying for it. It is time to right-size government, reduce our tax burden, and focus our limited resources on things that really matter.

For these reasons, I return LD 1132 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,  
S/Paul R. LePage  
Governor

Came from the Senate, **READ** and **ORDERED PLACED ON FILE**.

**READ** and **ORDERED PLACED ON FILE** in concurrence.



The accompanying An Act To Achieve Economic Growth by Enhancing Science, Technology, Engineering and Mathematics Education and To Meet Workforce Needs

(S.P. 393) (L.D. 1132)  
(S. "A" S-366 to C. "A" S-207)

In Senate, July 9, 2013, this Bill, having been returned by the Governor, together with objections to the same, pursuant to the provisions 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?'

22 voted in favor and 11 against, and 22 being more than 2/3 of the members present and voting, accordingly it was the vote of the Senate that the Bill become law and the veto was overridden.

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. I'd just like to speak for a moment in support of overriding the veto of the Chief Executive on this matter. This bill before us is a bill that would create a small amount of money, a small seed funding to provide direction and organization for the Maine STEM Council. As you may remember, those of you who were here in the 125th, the STEM Council was created in order to further the goal of creating a STEM aware workforce. It was a great idea, but this STEM Council had no staff whatsoever. The bill that came before us in the Education Committee originally had \$250,000 in it to create a director and a small staff to basically go after grants to enhance STEM education in the State of Maine. That \$250,000 was pared down to \$50,000 in an amendment and eventually pared down to the present \$27,000, as it exists in the bill that was vetoed. Ironically, the message of the Chief Executive was that there was not enough money in this bill to make any real difference, but, in fact, we had pared it down so that it would be affordable. And I can assure you that the STEM Council of Maine will use this money to go after grants that will help our workforce become more competitive through the increase in their knowledge of STEM – science, technology, engineering, and math. I would urge you to vote to override this veto, Mr. Speaker. It's a small seed, but it's a small seed that I hope from which will grow a much larger stem. 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, too, rise in support of overturning the Governor's veto on this issue. I've been here six years now, most of that on the Education Committee, and we have talked every year about how to improve our participation in the STEM workforce, but there has been very little done without money to do it. I think this is a way to show some commitment on the part of the state for what is truly a serious issue. I also serve this year on the Special Select Committee on Jobs and it was reinforced again and again throughout our tour around the state on the need for these type of qualifications. This really is a perfect public/private partnership. The STEM Council can go out and approach companies, individuals and grants, and so far they already have a commitment for over \$11,250 and they have tentative commitments of up to \$110,000 for over the three-year period. So I think this is extremely important. It is a small amount of money for what is a huge requirement and can have a big payoff for our state. Thank you very much.

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. 443V**

YEA - Ayotte, Beaudoin, Beaulieu, Beavers, Beck, Berry, Black, Boland, Bolduc, Briggs, Brooks, Campbell J, Carey, Casavant, Cassidy, Chapman, Chenette, Chipman, Cooper, Daughtry, Davis, DeChant, Devin, Dickerson, Dill, Dion, Doak, Dorney, Dunphy, Evangelos, Farnsworth, Fitzpatrick, Fowle, Frey, Gattine, Gideon, Goode, Graham, Grant, Hamann, Harlow, Hayes, Herbig, Hickman, Hobbins, Hubbell, Johnson P, Jones, Jorgensen, Kaenrath, Kent, Keschl, Kinney, Knight, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby N, Lockman, Longstaff, Luchini, MacDonald S, MacDonald W, Maker, Marean, Marks, Mason, Mastraccio, McCabe, McClellan, McElwee, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, Nelson, Newendyke, Noon, Parry, Peoples, Peterson, Plante, Priest, Pringle, Rankin, Roxhelo, Rotundo, Russell, Rykers:son, Sanborn, Saucier, Saxton, Schneck, Stanley, Stuckey, Tipping-Spitz, Treat, Turner, Verow, Villa, Volk, Welsh, Willette, Wilson, Mr. Speaker.

NAY - Bennett, Campbell R, Chase, Clark, Cotta, Crafts, Cray, Crockett, Duprey, Espling, Fredette, Gifford, Gillway, Guerin, Harvell, Jackson, Johnson D, Long, Nadeau A, Nutting, Peavey Haskell, Reed, Sanderson, Sirocki, Timberlake, Wallace, Weaver, Winchenbach, Winsor, Wood.

ABSENT - Gilbert, Libby A, Malaby, Pease, Pouliot, Powers, Shaw, Short, Theriault, Tyler, Werts.

Yes, 110; No, 30; Absent, 11; Excused, 0.

110 having voted in the affirmative and 30 voted in the negative, with 11 being absent, and accordingly the Veto was **NOT SUSTAINED** in concurrence.

**ORDERS**

Or motion of Representative RANKIN of Hiram, the following House Order: (H.O. 27)

ORDERED, that Representative Peter Doak of Columbia Falls be excused June 17, 18 and 19 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Richard R. Farnsworth of Portland be excused June 5 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Allen Michael Nadeau of Fort Kent be excused January 9, 17, 31, May 2 and 23 for personal reasons and February 28, March 7, 21, April 4, May 30 and 31 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Matthew J. Peterson of Rumford be excused March 4 to June 18 for health reasons.

**READ and PASSED.**

**SPECIAL SENTIMENT CALENDAR**

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

**Recognizing:**

Teen Ellen Griffin, of Togus Pond in Augusta, longtime Manager of the Legislature's nonpartisan Legislative Information Office, on her retirement after more than 30 years of dedicated service to the people of Maine. Teen began her career with the State in 1972 working for the Bureau of Public Improvements. She left state service to raise her family and worked for various agencies, returning in 1984, which was when her service to the Maine Legislature began, first as a committee clerk and subsequently as a secretary in the Legislative Director's Office. In 1987, Teen moved into the Legislative Information Office and assumed supervisory duties as the Administrative Coordinator. She was promoted to Coordinator of the Legislative Information Office in 1992, and in 1995 to Manager. In this position, Teen has managed the Legislative Information Office staff effectively and has been instrumental in ensuring that current and accurate bill status and other legislative information is available to Legislators and to the public. Teen's management responsibilities have been diverse and have included overseeing the collection, entry, accuracy and dissemination of legislative information in the bill status system. Over the years, she embraced changes in technology that provided greater legislative information more quickly and to a larger Maine audience. In addition to her information responsibilities, Teen coordinated all administrative support to the joint standing committees of the Legislature and provided leadership to the committee clerks, providing invaluable knowledge and oversight of the various committee functions. She also administered the Legislature's responsibilities for confirmation hearings for nominees to state boards and commissions. During her tenure with the Legislature, Teen has been a dedicated and dependable public servant, excelling in her work and all the while being a caring and attentive mother and grandmother to her family. We send Teen our deepest appreciation for her outstanding dedication and service to the State and the Legislature and we congratulate her on her well-deserved retirement;

(HLS 509)

Presented by Speaker EVES of North Berwick.

Cosponsored by President ALFOND of Cumberland, Senator KATZ of Kennebec, Senator THIBODEAU of Waldo, Senator GOODALL of Sagadahoc, Senator JACKSON of Aroostook, Representative McCABE of Skowhegan, Representative BERRY of Bowdoinham, Representative FREDETTE of Newport, Representative WILLETTE of Mapleton, Representative POULIOT of Augusta, Representative FOWLE of Vassalboro, Representative WILSON of Augusta.

On **OBJECTION** of Representative HOBBS of Saco, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

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

Representative **HOBBS**: Thank you, Mr. Speaker. Mr. Speaker, Women and Men of the House. It gives me a lot of pride to stand here to congratulate Teen on her well-deserved retirement. Teen and yours truly arrived at the State House at the same time in 1972. I realize she would kill me if I said that publicly because she looks much, much younger than I do, but I remember her very well in 1972. Fortunately, I forged both a professional relationship and a personal friendship with her in her many duties in her 30 years of public service. As many of you know, you have interfaced with Teen in many ways, through

because of term limits you probably remember Teen when she was the person in charge and the supervisory person in charge of coordinating all of the support for the Joint Standing Committees, when you were looking, if you were chairs of committees or chairs-elect of committees, you look for different candidates to be the committee assistants of your committees, she was the person that you would go to. She also coordinated all of the confirmation hearings during the past 10 or 12 years, but I remember her back when she first started out in the Bureau of Public Improvements, which is a long, long time ago. She is a person who is a go-to person who dedicated her private life to her family, to her children and to her grandchildren, but when she came to work, she dedicated her life to the people of Maine. She has a diverse background, has demonstrated the ability to mature and learn through the process of her professional career and is someone that I went to when I needed assistance throughout the years that I've served in the Legislature, on and off, for the past 40 years. She is a person of great integrity and a person that is going to be deeply missed in public service here in the State of Maine. So if you would all join me in a round of applause for Teen Ellen Griffin for her 30 years of dedicated public service.

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

Representative **ROTUNDO**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I just wanted to add my deep appreciation for the work that Teen has done here in the State House. It didn't take me long, when I arrived here many years ago, to realize she was in fact the go-to person. Whenever there was a question or a problem, Teen could always help. Her professionalism, her helpfulness, her patience have been deeply appreciated by all of us over the years. She is an exemplary public servant. We will miss her very much and I know we all wish her the very best. 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. I rise briefly to recall a couple of my moments with Teen as I arrived directly after the shutdown. There was a lot of turmoil that we didn't realize, but in fact Teen kind of sat in the middle of it. I don't know if many of you understand or remember the story about an individual clamoring through a window to the keeper of the keys, which was Teen's office, none of which was connected. But Teen was always a bright spot and a chance to get in off these very active halls. I'd be remiss not to thank Teen for everything that she's done for the two bodies and the institution of the Legislature. Thank you, Teen. Enjoy yourself at the pond and pursue those coffee beans.

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

**Recognizing:**

the cadets of Brewer High School's Air Force Junior ROTC for their community project. The ROTC cadets volunteered their time and talent to assist the Brewer Historical Society in the care and maintenance of the Chamberlain Freedom Park in the City of Brewer, which is a significant reminder of the important role of the City of Brewer and the State of Maine in preserving the Union in the American Civil War. We extend our appreciation to the cadets for their efforts in maintaining the Chamberlain Freedom Park;

(HLS 510)

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

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 rise in support of this Sentiment. Just by way of introduction, Chamberlain Freedom Park is located in the City of Brewer on the corner lot of State Street and North Main Street. It's a lot of land owned by the State of Maine and under lease arrangement with the Brewer Historical Society who has responsibility for maintaining that park. It's a park that was recreated very, very carefully and very articulately by Representative Campbell, from Orrington, and Brian Higgins, formerly of Brewer, with a lot of painstaking work and a lot of contributions from many interests. The park is sloped and laid out with some large boulders, which it was difficult for our folks from the historical society to mow that property and to maintain, taking care of the weeds and other amenities there. The Brewer High School ROTC Junior has stepped forward this year and has taken on that responsibility, much to the appreciation of the historical society. Just a word about the Junior ROTC. Some of you may remember former Representative Michael Celli who held this seat that I now hold and Michael was here for two terms. It was his vision and his passion that was responsible for establishing the Junior ROTC program at Brewer High School – Michael from our House of Representatives and working with the City of Brewer and the Brewer School Committee and getting the ROTC program organized in the community and to the point where they are now making great contributions, including the maintenance of this park. It's something very much appreciated. So if Michael is listening, I'd say, thank you, Michael, for what you did on that behalf and for other projects that you did in the city. Thank you, Mr. Speaker.

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

**Recognizing:**

Debra E. Olken, of South Freeport, Human Resources Director for the Legislature, on the occasion of her retirement after 35 years of employment in State Government. Ms. Olken received her bachelor's degree from Indiana University and her master's degree from University of Denver College of Law. From 1978 to 1980, Ms. Olken served as Justice Planner for Kennebec and Somerset Counties with the North Kennebec Regional Planning Commission. From 1980 to 2004, she worked for the Maine Judicial Branch, as Court Systems Analyst, Research and

Planning Director, Deputy State Court Administrator for Management, Senior Management Analyst and Director of Human Resources. In 2004, Ms. Olken was appointed as the Legislature's first Human Resources Director and served in that capacity until her retirement. As Human Resources Director, Ms. Olken was instrumental in personnel policy development and update, negotiating collective bargaining agreements, employee relations, employee recruitment and employee recognition programs. Her work greatly enhanced fair and consistent handling of human resources matters in the Legislature. Ms. Olken has also been very involved with her community, including serving on the school committee. We send our appreciation to Ms. Olken for her commitment through the years to the Legislature, the State and her community. We congratulate her on her retirement and send her our best wishes;

(HLS 513)

Presented by Speaker EVES of North Berwick.

Cosponsored by President ALFOND of Cumberland, Senator GOODALL of Sagadahoc, Senator JACKSON of Aroostook, Senator KATZ of Kennebec, Senator THIBODEAU of Waldo, Representative BERRY of Bowdoinham, Representative McCABE of Skowhegan, Representative FREDETTE of Newport, Representative WILLETTE of Mapleton, Representative GIDEON of Freeport, Senator GERZOFKY of Cumberland.

On **OBJECTION** of Representative BERRY of Bowdoinham, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

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

Representative **BERRY**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise to congratulate Debby Olken on all of our behalves. I believe that all of us here recognize every day and appreciate enormously the incredible human resources that we have in this building and I think that much of that went to the quality of our staff. The outstanding work that they do is due to the work of this Legislature's first Human Resources Director. I first met Debby when I served on the Legislative Council starting in 2008 and it very quickly became apparent to me that she ran a very tight ship, that she was incredibly fair and consistent and thoughtful in her work in handling human relations and making sure that we hire the best and brightest, that employee relations and recognition were conducted carefully and thoughtfully. I truly believe that it is in large measure due to her wonderful efforts, that we have such a crackerjack staff here in the Legislature. Ms. Olken's fairness and consistency perhaps is due, in some measure, to her previous work, because before the 10 years that she spent as Human Resources Director here, she did work in the Judiciary 25 solid years there as Systems Analyst, Research and Planning Director, Court Administrator, an incredible array of tasks within the Judiciary. I'm sure that her fairness and consistency, in part, took root there in those days and clearly she has rendered an amazing service to our state. Somehow, she has managed during that time commuting every day from South Freeport to raise three children who are now grown. She spent six years on the school board with very dedicated service there. She travels, she gardens and, take note, those of you who wear jewelry, she also makes and markets women's jewelry and I highly recommend that you check out her work in that regard. I'm sure that will be part of her retirement plan, but we wish her all the best in her retirement, her future travels and her future work, and we thank Debby from the bottom of our hearts for her contributions to this body, to this building and to our great state. Thank you, Debby.

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

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

The House recessed until 6:00 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:

**SENATE PAPERS**  
**Non-Concurrent Matter**

Joint Order To Amend the Membership of the Commission To Study Transparency, Costs and Accountability of Health Care System Financing

(S.P. 613)

**READ** and **FAILED PASSAGE** in the House on June 27, 2013.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Joint Order was **READ** and **PASSED** in **NON-CONCURRENCE**.

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

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

Representative FREDETTE: If I could just ask for clarification on the supplement. Is this in regards to carryover bills?

The SPEAKER: The Chair would answer in the negative.

Representative FREDETTE: Thank you, Mr. Speaker.

Pursuant to Joint Rule 103, this Joint Order required the affirmative vote of two-thirds of those present for **PASSAGE**.

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

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

The SPEAKER: The Representative may pose his question.

Representative FREDETTE: Thank you, Mr. Speaker. Mr. Speaker, my understanding is that this is a Joint Order To Amend the Membership of the Commission To Study Transparency, Costs and Accountability of Health Care System Financing. Is that correct?

The SPEAKER: The Chair would answer in the affirmative.

Representative FREDETTE: Thank you, Mr. Speaker. In regards to the issue of membership, is there a member or could someone answer the question in regards to who the membership is on this commission?

The SPEAKER: The Chair would answer in the negative. The vote is open. The Chair recognizes the Representative from Newport, Representative Fredette.

Representative FREDETTE: Mr. Speaker, may I request a roll call?

The SPEAKER: Not until the vote has been closed.

Representative FREDETTE: Thank you.

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

Representative SANDERSON: Would it be appropriate to ask that we ring the bell to let the members in the hall know that we are taking a vote?

The SPEAKER: The Chair would answer that this is not a roll call; therefore, the bell is not ringing.

Representative FREDETTE of Newport **REQUESTED** a roll call on the motion to **RECEDE AND CONCUR**.

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

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

The Chair recognizes the Representative from Winterport, Representative Brooks.

Representative BROOKS: Thank you, Mr. Speaker. I am very confused about this vote. May I pose several questions to the Chair?

The SPEAKER: The Representative may proceed.

Representative BROOKS: Could the Speaker please tell me where we are on this particular vote. I know that you said that the motion was to Recede. Is that correct?

The SPEAKER: Recede and Concur.

Representative BROOKS: Does Recede in and of itself require a two-thirds vote or is it because this is a Joint Order?

The SPEAKER: The pending motion is Recede and Concur to Passage of the Joint Order. It does require a two-thirds vote because it's overturning a previously passed order.

Representative BROOKS: Mr. Speaker, I'm not sure how to proceed with this, but I object on the grounds to the fact that at the beginning of this, it was very confusing. I do not remember you explaining how to vote. Voting yes would have been something or voting no. You may have on the record, I'm not sure. Now, I'm wondering if other members of the body are equally confused as I am and I'm not sure that my vote was cast correctly.

The SPEAKER: The Chair will clarify one more time that the pending question is shall the House Recede and Concur to Passage of this Joint Order, which requires a two-thirds vote. The Chair will remind all members to vote in favor would be yes, to vote opposed, you'd vote no. The vote is open.

Representative BROOKS: I'm sorry, Mr. Speaker. My mind must have been out of the room. I did not hear that. I just wish we could vote over. I don't know how to vote on this one.

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

Pursuant to Joint Rule 103, this Joint Order required the affirmative vote of two-thirds of those present for **PASSAGE**.

**ROLL CALL NO. 444**

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

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

ABSENT - Beaudoin, Carey, Chase, Clark, Espling, Frey, Jorgensen, Kent, Keschl, Libby A, Malaby, Pease, Powers, Rochelo, Rotundo, Sanborn, Saxton, Shaw, Short, Tyler, Werts, Winsor.

Yes, 79; No, 50; Absent, 22; Excused, 0.

79 having voted in the affirmative and 50 voted in the negative, with 22 being absent, and accordingly the motion to **RECEDE AND CONCUR FAILED**.

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

**Non-Concurrent Matter**

Resolve, Establishing the Commission To Study the Incidence of and Mortality Related to Cancer (EMERGENCY)

(H.P. 1143) (L.D. 1574)

**FAILED** of FINAL PASSAGE in the House on July 9, 2013.

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

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. It's my understanding, after some further discussions, that this study is actually a study that's being privately funded and, as a result of that, I will be voting to support the bill.

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

Representative **CASSIDY**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. Most of you know my story. In fact, of January 2012, both Representative Graham and Representative Berry each came separately to visit Frank and me at the VA Hospice at Togus, just days before he died of pancreatic cancer. We were also visited by then Representative Burns, just hours before Frank died. Neither of us knew anything about cancer before he had been diagnosed 14 months earlier and we quickly learned that Washington County where we had lived for eight years has the highest incidence of cancer in Maine. Then we learned, from our doctor at Maine Medical Center, that Maine has the highest incidence of cancer in the country. Ladies and gentlemen, I could say more, but losing Frank is still so fresh for me. Please, for the sake of other families touched by cancer across Maine who take on a world so completely unfamiliar, uncomfortable and entirely frightening for them, especially for the people of Washington County who largely do not have the resources that Frank and I were lucky to have, please vote to override this veto. Thank you.

Representative McCABE of Skowhegan moved that the House **RECEDE AND CONCUR**.

The same Representative **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 York, Representative McGowan.

Representative **McGOWAN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The other body

has given us another chance. I have four grandchildren. Because of cancer, they've lost their grandmother. They also lost their great-grandmother, they lost two of their great-aunts, and two of my nieces presently have cancer. The rest live with the fear of cancer. This disease is in your family as well. I need your help to send them all a message of hope and caring. Thank you, Mr. Speaker.

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

Representative **FREDETTE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I believe I stand corrected on my earlier statement. My understanding is or my recollection is in terms of the Legislative Council, we addressed this bill during the Legislative Council and I believe \$1,500 of Legislative Council money was put towards this and I believe the rest of it was privately funded. I think that's what the status of this is. Thank you, Mr. Speaker.

The SPEAKER: A roll call has been ordered. The pending question before the House is Recede and Concur. 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. 445**

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

NAY - Gifford, Jackson, Winsor.

ABSENT - Beaudoin, Bolduc, Espling, Kent, Libby A, Malaby, Pease, Powers, Saxton, Shaw, Short, Tyler, Werts.

Yes, 135; No, 3; Absent, 13; Excused, 0.

135 having voted in the affirmative and 3 voted in the negative, with 13 being absent, and accordingly the House voted to **RECEDE AND CONCUR** to **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

**ORDERS**

On motion of Representative BERRY of Bowdoinham, the following Joint Resolution: (H.P. 1148)

**JOINT RESOLUTION EXPRESSING THE STATE OF MAINE'S SYMPATHY AND CONDOLENCES CONCERNING THE TRAGEDY AT LAC-MEGANTIC, QUEBEC**

WHEREAS, in the early morning of July 6, 2013, a driverless runaway train carrying crude oil derailed and exploded in Lac-Megantic, a small town in Quebec 10 miles west of the Maine border; and

WHEREAS, 5 locomotives and 72 oil cars had been parked 8 miles from Lac-Megantic when the brakes somehow released and the train rolled down a hill into the center of town, exploding into a giant fireball and flattening dozens of buildings, leaving many people dead or missing and forcing the evacuation of 2,000 townspeople; and

WHEREAS, the Border Patrol and United States Customs called for assistance from the Franklin County emergency management system, and firefighters from Maine immediately travelled to assist in fighting the blazing fire; and

WHEREAS, the train was operated by the Montreal, Maine and Atlantic Railway, based in Hermon, Maine, and the accident is being investigated by Canada's Transportation Safety Board; and

WHEREAS, Maine and Quebec have long had common and close historical, cultural and friendly ties, and this tragedy in Lac-Megantic saddens and shocks the citizens of Maine; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-sixth Legislature now assembled in the First Regular Session, on behalf of the people we represent, join the people of Lac-Megantic and Canada in the sorrow and anguish of this tragedy, and we extend our deepest sympathy and condolences to all the people of the community.

**READ.**

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. Saturday morning, this past weekend, 10 miles west of the Maine border, 72 oil cars, 30 buildings completely destroyed and many others damaged. Two thousand people evacuated, 40 still missing, many presumed dead, 13 confirmed dead and that number is climbing. These individuals affected this weekend by the horrible incident in Lac-Megantic, Quebec, were our neighbors, our fellow men, women and children, and, in many cases, our distant or perhaps not so distant kinfolk. I mean the word "kinfolk" both literally and also culturally and historically. The historic ties between the Province of Quebec and the Province of Maine, as it used to be called, are very close and the border is very blurred in that area historically.

I think of and couldn't stop thinking this weekend as I watched the horror unfolding in Lac-Megantic of the book *Arundel*, by Kenneth Roberts, a wonderful Maine writer and of the incredible detailed journey taken by American soldiers to try to take Quebec and all of Canada from the British in 1775 and the ordeal that they, in leading up to the border, went through, where a third of the men were lost and died, a third turned back and many, at this point, skeletons with very little provisions, reached the height of land and came into Quebec.

"After we had topped the Height and commenced our descent we came to a mountain meadow, one that seemed to me a lovely sight because of its resemblance to a fragment of New England dropped into all this hellishness [that they have just gone

through]. It was dotted with clumps of elms, large and stately, and over it lay a thick mat of grass, so that it had a familiar look, like Ipswich common, or the green at Newburyport. Natanis [their native guide] warned me not to be misled by this unexpected sight into thinking all our troubles lay behind us. The meadow, he said, was without a mate anywhere in that country; and from its beauty the Abenakis believed it to be the spot where the great lord Glooskap was born. Its lower end, he said, gave rise to the Seven Mile Stream, which, after seven miles of winding, fell into Lake Megantic..."

This is a turning point in the story where they really come to a wonderful place and that Seven Mile Stream is roughly the descent that was very tragically made by 72 loose oil cars at 1 a.m. on Saturday morning, this past weekend, and we all know what happened next.

Mr. Speaker, I think, too, as I think of these ties that we have of the fact that this could just as easily have happened here in Maine. The precipitous increase in transport of oil, this oil car, itself, was headed for Maine and would have crossed our state, as have many others, 5.3 million barrels, last year alone, and that number has increased I think by 29 times this year. We are on course for that. I think that this could just as easily have happened here in Maine, how tragic that would have been. So I stand today to ask that we, in the spirit of John Kennedy, when he spoke of our solidarity with the people of Berlin and he said, so famously, in 1963, "Ich bin ein Berliner." I, too, am a Berliner today, that we think today of the people of Quebec, and specifically of Lac-Megantic, and that we, here today, united, say, *Aujourd'hui, nous sommes tous des citoyens de Lac-Mégantic*. Thank you, Mr. Speaker.

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 just want to offer these words to our friends and relatives across the border. *Pour les gens de Lac-Mégantic, nos prières sont avec vous cette semaine*. For the people of Lac-Megantic, our prayers are with you this week.

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

On motion of Representative BERRY of Bowdoinham, the following Joint Order: (H.P. 1146)

ORDERED, the Senate concurring, that the Joint Standing Committee on Transportation shall meet prior to the Second Regular Session of the 126th Legislature to examine the transportation of hazardous materials, including but not limited to petroleum products, by rail in this State. The joint standing committee shall issue a report on its findings, including suggested legislation and recommended measures to ensure effective prevention and emergency responses, no later than December 6, 2013. The committee may introduce a bill during the Second Regular Session of the 126th Legislature relating to the report.

**READ.**

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

Representative FREDETTE: I am simply inquiring in regards to the Joint Order, and as I'm reading it, indicating that the Joint Standing Committee on Transportation would meet prior to our next starting session to look at presenting legislation, so I would

ask a question through the Chair.

The SPEAKER: The Representative may proceed.

Representative **FREDETTE**: I guess I'm just sort of wondering the process whereby this has come about and where it's going based on really what I think is very little notice and information that we've seen before we've seen this actual Joint Order. Thank you.

The SPEAKER: The Representative from Newport, Representative Fredette, 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 will do my best to answer it succinctly. In my discussions with the Department of Transportation, in particular, and with members of the Transportation Committee, I learned that a real review of rail transport safety has not been conducted in some time, in the memory of many here. It is not to say that rail inspections do not occur, but that the Committee has really not had the chance to review and could never have had the chance to review, in light especially of what just did occur this weekend, the transportation of hazardous materials. So that review, one meeting only, would be authorized by this Joint Order, be an opportunity to ask questions of not only folks from the Department of Transportation, but also people from the Department of Environmental Protection which is responsible, as you know, for cleaning up spills, and also people from Public Safety who would have to be the first responders on site, if something like this were to, God forbid, occur here in Maine. So it's really about both prevention and also emergency response, making sure that we do have the preparedness that evidently was lacking, just across the border on a train headed here, and in light of the increased transport which really has been exponential. I want this to be nonpolitical. I think it's neutral on how oil should be transported. It's just making sure that we are ready. The cost, by the way, is absorbed because the Transportation Committee is already authorized to meet up to eight times for bills like this and, currently, before this, had no plan to meet. So this would be one meeting that they are already funded to undertake. Thank you, Mr. Speaker.

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

Representative **PARRY**: Thank you, Mr. Speaker. I'm very confused about this. It almost sounds like and maybe I can be wrong that the Department of Transportation isn't doing their regular checks. I see no reason for this. If a bill needs to be submitted, this doesn't need to be. We don't need legislation to do that. The Department, through the Chief Executive's office, can put in bills at any time, if they see fit. I believe that, regularly, when Department of Transportation comes before our committee, they regularly talk about the inspections and things they are doing with a lot of the rail lines that they've taken over, over the last few years, and some of the public/private partnerships that they've been working with. I don't see really any reason for this.

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

Representative **McCABE**: Thank you, Mr. Speaker. I think the Joint Order before us is a great complement to the work the Department of Transportation is doing and I think it allows for an opportunity for that work to be aired in a public manner before the appropriate committee, which would be the Transportation Committee. Each night, when I drive home from here, I pass the Sappi Mill and I cross the railroad tracks. Some days I even cross the railroad tracks twice, depending on which direction I'm

going, and that rail line is used maybe not for oil, but it's used, in times, for hazardous material. So I think we err on the side of caution. We allow for a public process and we allow for peace of mind that we are doing the right things, that we do have the right safety measures, and I think the tragedy that has occurred, hopefully we'll find out what went wrong. But I think, in times of tragedy, I think we need to look at everything that is being done, make sure that everything is being done right, and I am hopeful that the committee will have a full briefing based on this. I further would like to request a roll call. Thank you.

The same Representative **REQUESTED** a roll call on **PASSAGE**.

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

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

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

The SPEAKER: The Representative may pose his question.

Representative **FREDETTE**: Mr. Speaker, it seems to me, to the extent that it's been presented that the Transportation Committee already is authorized to meet up to eight times between now and the beginning, I guess, of next session, it would seem to me that in the normal course of business, this would be something that the Transportation Committee could have conversations about and discuss. Therefore, my question is, if that is the case, what is the need of the Joint Order? I think my concern here is about process, in terms of first time we've seen this, this comes before us, and if the issue is simply this is something that needs to be looked at and they are already meeting, why do we need the Joint Order?

The SPEAKER: The Representative from Newport, Representative Fredette, 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. There are two very simple answers to that. One is that no one could have anticipated what happened last weekend. We had been assured that the freight operations were entirely safe, and the second answer is that the Joint Order, to make sure that the meeting can occur, and also make sure that the committee has the ability, if it chooses, to recommend legislative action to the Second Regular Session of this body. Thank you, Mr. Speaker.

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

Representative **PEOPLES**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This is, I think, something that is entirely appropriate for the committee of oversight of transportation issues and matters to be involved in. I don't know that I necessarily would have thought that we needed a Joint Order to do it, but I don't think that it certainly hurts. I think it's something we do need to have a conversation about and we do need to look at what's been done in the last decade or so. The amount of rail traffic that is coming through the state, at this point, has increased exponentially. We have not looked at a lot of these issues since this increase in traffic has occurred. I think it's our responsibility as the committee of oversight to essentially oversee this, and that's what I think this is meant to do. I certainly would support this. As I said, I don't think there is anything wrong with that. I don't think this is political. I think this is just a question of our having a path to go forward, so I would really appreciate it if you'd support this.

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

Representative **PARRY**: Thank you, Mr. Speaker. Sorry to have risen a second time. I do agree with my distinguished colleague, Representative Peoples, we don't need this. This is something the committee could do anyway. My good friend from Bowdoinham mentioned that he didn't want to make this political and it's I think precisely what he's done which is kind of disappointing. Also, as lead on the committee, he also mentioned that we've been authorized to meet eight times. That's the first that I've heard of that. I know, two years ago, we communicated back and forth and I'm kind of disappointed that I was not made aware of that. Thank you.

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

Representative **THERIAULT**: Thank you, Mr. Speaker. I think basically what we are aiming to do here is to make sure that the rail lines that are privately owned know and have to understand that safety is going to be our priority and that's going to be our best way to do it. We also had some discussions about maybe having a rail caucus next year and I think this would be a good start for it all with this Joint Order.

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

Representative **DUNPHY**: Mr. Speaker, may I pose some questions through the Chair?

The SPEAKER: The Representative may pose his question.

Representative **DUNPHY**: I'd be interested in knowing what the exponential increase, what the amount is in freight, over what period of time. The second thing, I understand that Representative Berry said that the situation in Canada was deemed to be completely safe. I'm assuming they did inspections. I'd be interested to know from the Representative, if those inspections were or were not done. My third question, Mr. Speaker, is are we implying that the inspections that are required now aren't being done?

The SPEAKER: The Representative from Embden, Representative Dunphy, has posed a series of questions through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Madawaska, Representative Theriault.

Representative **THERIAULT**: Thank you, Mr. Speaker. That's exactly the reason why we need to have a Joint Order, to look at all these items and be ready for them.

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

Representative **MCCABE**: Thank you, Mr. Speaker. Just for some clarification, I think it's important that we recognize the Joint Order is required if we are to have the committee report out legislation for the second year of this session. So I think it's important that we pass this Joint Order. It gives the ability for the committee, if necessary, to report out legislation, but it is not required that they report out legislation. Thank you.

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

The Chair recognizes the Representative from Winterport, Representative Brooks, and inquires as to why the Representative rises.

Representative **BROOKS**: Mr. Speaker, I am again confused. Earlier you pointed out to me that the Joint Order that we were looking at required two-thirds. Is that the same as this? It requires two-thirds?

The SPEAKER: This Joint Order, to receive passage, requires a simple majority; the reason why the prior Joint Order required two-thirds is because we are amending a prior Joint Order.

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

#### ROLL CALL NO. 446

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

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

ABSENT - Beaudoin, Esping, Kent, Knight, Libby A, Malaby, Pease, Powers, Saxton, Shaw, Tyler, Werts.

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 Joint Order was **PASSED**. Sent for concurrence.

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#### ENACTORS Emergency Measure

An Act To Fund the Agreement with Certain Judicial Department Employees

(H.P. 1147) (L.D. 1577)

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. 115 voted in favor of the same and 13 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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#### COMMUNICATIONS

The Following Communication: (S.C. 532)

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

July 9, 2013  
Honorable Millicent M. MacFarland  
Clerk of the House  
2 State House Station  
Augusta, Maine 04333  
Dear Clerk MacFarland:



Senate Paper 252, Legislative Document 703, "An Act To Make Post-conviction Possession of Animals a Criminal Offense," having been returned by the Governor, together with objections to the same, pursuant to Article IV, Part Third, Section 2 of the Constitution of the State of Maine, after reconsideration, the Senate proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objections of the Governor?" 18 voted in favor and 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.**

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The Following Communication: (S.C. 533)

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

July 9, 2013

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

Senate Paper 444, Legislative Document 1282, "An Act To Help Small Farmers in Selling Raw Milk Products," 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?" 17 voted in favor and 16 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.**

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The Following Communication: (S.C. 534)

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

July 9, 2013

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

Senate Paper 175, Legislative Document 443, "An Act To Amend the Maine Workers' Compensation Act of 1992 To Provide Benefits to Seriously Injured Workers," 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?"

17 voted in favor and 16 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.**

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The Following Communication: (S.C. 535)

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

July 9, 2013

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

Senate Paper 580, Legislative Document 1533, "An Act To Establish the Maine Online Learning Collaborative," having been returned by the Governor, together with objections to the same, pursuant to Article IV, Part Third, Section 2 of the Constitution of the State of Maine, after reconsideration, the Senate proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objections of the Governor?" 18 voted in favor and 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.**

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The Following Communication: (S.C. 536)

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

July 9, 2013

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

Senate Paper 390, Legislative Document 1129, "An Act To Promote Innovation in Public Schools," having been returned by the Governor, together with objections to the same, pursuant to Article IV, Part Third, Section 2 of the Constitution of the State of Maine, after reconsideration, the Senate proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objections of the Governor?"

18 voted in favor and 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.**

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The Following Communication: (S.C. 537)

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

July 9, 2013

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

Dear Clerk MacFarland:

Senate Paper 72, Legislative Document 236, "An Act To Protect the Privacy of Citizens from Domestic Unmanned Aerial Vehicle Use," having been returned by the Governor, together with objections to the same, pursuant to Article IV, Part Third, Section 2 of the Constitution of the State of Maine, after reconsideration, the Senate proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objections of the Governor?" 18 voted in favor and 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.**

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The Following Communication: (S.C. 538)

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

July 9, 2013

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

Dear Clerk MacFarland:

Senate Paper 385, Legislative Document 1103, "An Act To Encourage Development in the Logging Industry," 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?"

17 voted in favor and 16 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.**

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The Following Communication: (S.C. 539)

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

July 9, 2013

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

Dear Clerk MacFarland:

Senate Paper 615, Legislative Document 1573, "An Act To Extend the Authorization for the Maine Education Effectiveness Council," having been returned by the Governor, together with objections to the same, pursuant to Article IV, Part Third, Section 2 of the Constitution of the State of Maine, after reconsideration, the Senate proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objections of the Governor?"

18 voted in favor and 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.**

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The Following Communication: (S.C. 540)

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

July 9, 2013

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

Dear Clerk MacFarland:

Senate Paper 429, Legislative Document 1235, "An Act Regarding School Construction," having been returned by the Governor, together with objections to the same, pursuant to Article IV, Part Third, Section 2 of the Constitution of the State of Maine, after reconsideration, the Senate proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objections of the Governor?"

18 voted in favor and 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.**

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The Following Communication: (S.C. 541)

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

July 9, 2013

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

Dear Clerk MacFarland:

Senate Paper 426, Legislative Document 1232, "An Act To Maintain the Integrity of the Fund for a Healthy Maine," having been returned by the Governor, together with objections to the same, pursuant to Article IV, Part Third, Section 2 of the Constitution of the State of Maine, after reconsideration, the Senate proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objections of the Governor?"

18 voted in favor and 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.**

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The Following Communication: (S.C. 542)

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

July 9, 2013

Honorable Millicent M. MacFarland  
Clerk of the House  
2 State House Station

Augusta, Maine 04333

Dear Clerk MacFarland:

Senate Paper 283, Legislative Document 745, "An Act To Promote Sustainable Food Policies," having been returned by the Governor, together with objections to the same, pursuant to Article IV, Part Third, Section 2 of the Constitution of the State of Maine, after reconsideration, the Senate proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objections of the Governor?"

21 voted in favor and 12 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.**

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**SENATE PAPERS**

**Non-Concurrent Matter**

An Act To Ensure Student Access to Postsecondary Military Options (MANDATE)

(H.P. 1077) (L.D. 1503)  
(S. "A" S-365 to C. "A" H-311)

**FAILED** of **PASSAGE TO BE ENACTED** in the House on July 9, 2013.

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

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

Representative TIMBERLAKE of Turner **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.

Representative BERRY of Bowdoinham moved that the Bill be **TABLED** until later in today's session pending the motion of Representative EVES of North Berwick to **RECEDE AND CONCUR**.

Representative FREDETTE of Newport **REQUESTED** a roll call on the motion to **TABLE** until later in today's session pending the motion of Representative EVES of North Berwick to **RECEDE AND CONCUR**.

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

The **SPEAKER**: A roll call has been ordered. The pending question before the House is to Table until later in today's session pending the motion of Representative Eves of North Berwick to Recede and Concur. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 447**

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

**NAY** - Ayotte, Beaulieu, Beck, Bennett, Black, Campbell J, Campbell R, Chase, Chenette, Clark, Cotta, Crafts, Cray,

Crockett, Davis, Devin, Doak, Dunphy, Duprey, Evangelos, Fitzpatrick, Fredette, Gifford, Gillway, Guerin, Harlow, Harvell, Jackson, Johnson D, Johnson P, Jones, Kaenrath, Keschl, Kinney, Knight, Lockman, Long, MacDonald S, Maker, Marean, Marks, McClellan, McElwee, Nadeau A, Newendyke, Nutting, Parry, Peavey Haskell, Peterson, Pouliot, Reed, Sanderson, Short, Sirocki, Timberlake, Turner, Volk, Wallace, Weaver, Willette, Wilson, Winchenbach, Winsor, Wood.

**ABSENT** - Beaudoin, Espling, Kent, Libby A, Malaby, Pease, Powers, Saxton, Shaw, Tyler, Werts.

Yes, 76; No, 64; Absent, 11; Excused, 0.

76 having voted in the affirmative and 64 voted in the negative, with 11 being absent, and accordingly the Bill was **TABLED** until later in today's session pending the motion of Representative EVES of North Berwick to **RECEDE AND CONCUR**. (Roll Call Ordered)

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

Representative **FREDETTE**: Thank you, Mr. Speaker. I'd just like to clarify my understanding of the rules in regards to the Tabling motion today, in the event that this is the last day and this isn't reconsidered. Would the end result of that be that this bill would die on the table? Is that correct?

The **SPEAKER**: Any item that is not acted upon when we *Sine Die* will be, for lack of a better term, dead, not carried over.

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

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

An Act To Ensure Student Access to Postsecondary Military Options (MANDATE)

(H.P. 1077) (L.D. 1503)  
(S. "A" S-365 to C. "A" H-311)

Which was **TABLED** by Representative BERRY of Bowdoinham pending the motion of Representative EVES of North Berwick to **RECEDE AND CONCUR**. (Roll Call Ordered)

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

Representative **WALLACE**: Thank you, Mr. Speaker. Mr. Speaker, Fellow Members of the House. I find it kind of hard to believe that we are voting this way today. It was June 4 when this House voted 115-28 to pass this bill. I spoke at that time on how quick the people of the United States changed their opinions of military. Within one year while I was in Vietnam, we went from the full support of military to hating it. Now, within a little over a month, this House has gone from supporting this bill to losing 39 members in support. So you can see how fast this can turn, that the whole country could turn that quick on the military, not just us. This is just an example. I'm ashamed of what has happened here, those of us in the military who have given their time and some of us have given our lives, how this House can do this. When we leave here tonight, I hope you're proud. I really do because I know I am. I know I am very proud of what I've done and if you don't respect it enough, then that's too bad. It really is. Thank you, sir.

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

Representative **KINNEY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The United States Military is one of this country's best job opportunities that are available for young people and it has been for years. The military offers leadership, technical training, tuition assistance and invaluable real world experience to help a young person out of high school get a footing in life and to move on. Whether that person wants to remain in the military or if that person wants to do four to six years in the military and then get out and move on into the real world where they stand a good chance of finding graded employment and being a very useful and helpful citizen in their town or their city. I personally know recruiters that live in the State of Maine. I know one that is an active recruiter. I also know a retired recruiter. I used to, while I was in the military, there was a retired recruiter in Cape Elizabeth and I would have lunch with this individual and we would discuss this and she says, "No, we don't go into schools. We're not allowed into schools." I have heard this. I have heard this. Since 1990, this has been going on. The military is just a great starter for these young people who are lost or can't decide what to do, and it's one of the best things we can do to help move these people forward in this world. Thank you, Mr. Speaker.

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

Representative **FREDETTE**: Thank you, Mr. Speaker. Mr. Speaker, I request a roll call.

The SPEAKER: A roll call is in order, having been previously requested by the Representative from Turner, Representative Timberlake.

The Chair recognizes the Representative from Augusta, Representative Wilson.

Representative **WILSON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Good evening. I feel like we've done this before, I guess maybe because we have, so I'm not going to repeat a lot of the things that I said last time because I think everybody knows where I stand on this issue. But I just want to mention a couple of things that I don't think that were addressed quite accurately earlier, and I think that perhaps I'd like to believe that the vote that was taken earlier by this body reflects information that was probably brought forward that may not be entirely true. Essentially, what I'm talking about is the No Child Left Behind Act. The No Child Left Behind Act requires that they are granted equal access. The problem with this is that the No Child Left Behind Act is not applied to every school. It only applies to schools that actually receive funds out of the No Child Left Behind Act, so everybody else, all the other schools, are not legally bound by that federal statute, and furthermore, we know that federal statute changes all the time, just like state statute. I know there were also some concerns with it's already been done by the Federal Government. Why is it going to be done again by the state? We have a number of instances where state law mirrors federal law. I don't think there is anything wrong with us today setting a precedent and just saying that if this behavior does exist, it will not be allowed in the future, and I would like to think that it doesn't exist now, but I think that there are reasons to believe that it does. So I'm not going to beat a dead horse on this. I just wanted to bring this information and clarify. You're more than welcome to take a moment, review the area of federal statute that does apply to these schools, but it does not apply to all schools. Let's send a good message here today. Let's leave on a positive note. Let's ensure that the military is respected. Thank you.

The SPEAKER: The Chair recognizes the Representative from Columbia Falls, Representative Doak.

Representative **DOAK**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I may be a little bit different than most in here. I am a retired military officer and served for almost 30 years. I am also a retired high school principal, being a high school principal in two schools and a principal from K-12 in another school, for a total of 17 years. I can assure you that I have known locations where recruiters were not allowed in schools. They are allowed in my school, but I can assure you I know of other cases. The issue here is can a recruiter come in school in uniform. I say he should. Are we going to ban a graduate who graduates and comes back from basic training, goes back to his high school in uniform, are we going to ban him? Are we going to ban the father who comes home from Afghanistan and comes to school and he's in his BDUs, are we going to ban him? If we do, we are in a lot of trouble. Thank you, Mr. Speaker.

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

Representative **CAMPBELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. We don't have a draft anymore, we have a voluntary military and we ought to be proud of them, every single one of them, whether they are in a school with the uniform or over fighting for us. One of the former speakers, Representative Wilson, who would have laid his life down for us, served a couple of tours overseas and we ought to be proud that he serves with us. We ought to be proud of everybody in our military and we should never ever think about banning them from our schools. Thank you.

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

Representative **SANDERSON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. We talk a lot in this chamber about opportunities, providing opportunities for our children, providing as many opportunities for our children as we possibly can. The military provides, or can provide, opportunities for our children. My stepson Adam is in the United States Air Force. He was contemplating going to college and learned what he wanted to do, but he decided that he was going to go into the Air Force because he could learn what he wanted to do, he could see the world, he could have a career, and he is thinking about making it a career. The 21st of this month, he ships out and he goes to Germany for a year. I am proud of that boy for serving his country. I am proud he has that option. My son David, a Bangor police officer, recently decided he wanted another notch on his belt and he went through the Coast Guard boot camp. April 5th, Cape May, New Jersey, his 24th birthday, he graduated from Cape May and he is a Coast Guard reservist stationed out of South Portland. Stepson Chase, senior, next year, Cony High School, he is thinking of following in his brother's footsteps and going into the Air Force. I am proud of my boys. I am proud of the opportunity our United States Military, all branches, can provide for the children who choose to serve our country and take advantage of what they may be able to learn, do, and the places they go see. To not allow our recruiters access in their uniform, the uniform they wear when they defend the freedoms that we have, the uniforms that they wear, that our kids will wear, if they choose to serve our country in school, not being allowed, it's shameful. We would not be enjoying the freedoms and the liberties that we have in this nation without our military. We should be proud. Our votes should reflect how proud we are to be the freest nation on earth. Thank you.

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

Representative **PRIEST**: Thank you, Mr. Speaker. Mr. Speaker, Fellow Representatives. Let me establish my credentials before I go any further. I served in Vietnam. I got the Bronze Star. My father served in the Navy for 35 years. He retired as a Captain in the Navy. He was Captain of a Polaris boat. My two grandfathers served in World War I, one got the Silver Star, so I think my patriotism, in this case, can't be attacked. This issue is about local control. It's not about whether we love the military or not. Of course, we love the military. The issue is about local control. Are we going to tell high schools that they can't decide whether a recruiter comes in, in uniform or not. That's what the question is. A recruiter can come into the school, no question about that, but must they be in uniform? What difference does it make whether it's in uniform or not? He's got the ability to talk to the kids and answer their questions and recruit. Nothing wrong with that. We shouldn't take that local control away from them. We shouldn't take the local control away from the what, three high schools that are doing this. This is a non-issue. When my father was in Washington, he was told not to wear his uniform because they didn't want Washington to appear totally military, and he went to work in civvies at the Pentagon. So this is not an issue whether you are patriotic or not. We are all patriotic. It's an issue of local control. Thank you.

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

Representative **WEAVER**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I guess today is kind of show and tell day, I don't know. I had three tours in Vietnam, 524 combat missions. I flew 408 as a Forward Air Controller in O-1s and O-2s. I flew 118 missions in B-52s, B-52s out of U-Tapao, each one carrying 108 bombs. We went in cells of three. We dropped 324 bombs every time. Then I flew FGs out of [Inaudible]. They carried 27, so we dropped 81 bombs each time. The Air Force gave me the opportunity to see the world and go places. I came home three times and it wasn't pleasant, but do you know what I thought at the time? I said, these people who are demonstrating are demonstrating for a reason. They are tired of this war, just like I was tired of this war. They were tired of our comrades dying daily in combat, so I felt they were just misguided individuals that should have been talking to their legislators or the congressmen and the senators and not taking it out on the Army, and that's what really happened. Of course, I went on to have a career and retired as a Colonel. Many people ask me, they say, "Are you more proud to be called a Representative or a Colonel?" I say, "By far a Colonel, even though I love this job very much." Thank you, Mr. Speaker.

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

Representative **CROCKETT**: Thank you, Mr. Speaker. Mr. Speaker, Distinguished Members of the House. I don't think anybody here is questioning anybody's patriotism. My bona fides are I was a Company Commander in Afghanistan who did a combat advisory role, but one of the things that pops into my head is I went to a private school. I went to Gould, one of the finest private schools in Maine, on a scholarship. My father is a logger, blue-collar background; this is the way it is. Well, I knew I was on my own for college, so my senior year, I enlisted. If you've ever been to a private school where everybody shows up in the Lexuses and their Beamers and their out-of-state license plates, and you are enlisting in the Army. I was the only one in

my senior class who had to do it, but I knew I had to do it to go to college. But it wasn't just that. It was that patriotism that we all feel because our families have served in the military. Well, you may start in the military with the intentions of your own aspirations, of completing college and doing different things, seeing the world, but there is always that little light, little spark, that little thing that says I am an American. It makes you proud when you don that uniform. It makes you a soldier or a sailor or an airmen or a marine. There is a certain aspect to that that cannot be topped. You give a young Private, and some members a Lieutenant, a uniform, you make them look sharp and they have a certain esteem, they carry themselves in a certain way, and when those recruiters go into high schools, that's what these kids are seeing. They are seeing something to aspire to. They are seeing somebody who has direction, who has discipline, who has a standard of conduct, who believes in something greater than themselves, who believes in standing on a wall of freedom, who will sacrifice anything and everything for the greater good of our community, of our country. I'm not questioning anybody's patriotism, but I can tell you what it's like to bury a soldier and put him in that uniform, and there is something that irks me about giving a school public funding, and I can tell you that if that budget were still in front of us, there would be an attachment to it for any of this because if you are taking public school, the state money or federal money, you have an obligation to stand up for what that country means, what that state means, and in this state, this particular bill means a great deal. understand local control and I respect it, but when you're taking state money and federal money, there is a certain amount of local control you're giving up and you're doing it and I think it is in the best interest of the student. You're giving kids who have no direction a possible direction, somebody to emulate, and if you've ever been in the military and those of you who have donned a uniform know that you have that leader in front of you, that Sergeant, or in my case it was a Company Commander I had who was just phenomenal. He inspires you. They wear the uniform in a certain way and they make you just feel better about who you are or what you are. I'm sure many of us wouldn't be in this chamber today if we hadn't had someone like that in our lives. We're depriving our children of that same opportunity and we're depriving our nation of a lot of great defenders, because it is the guardians of the republic that will keep us free and will keep our system as it is. I would encourage you to vote with the pending motion.

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

Representative **COOPER**: Thank you, Mr. Speaker. Yes, it's me again. I've heard a number of reasons, positive, for why this bill should be enacted and they are all good reasons – respect for the military, for the opportunities that a military career provides to our young people, for the courage that is shown by those who have served our country. All of those things are true. The Representative from Brunswick has mentioned local control. I think that's an issue as well. But I also believe that we have an obligation to base our decisions on the record before us and the record before us is absolutely devoid of any evidence that any school in this state has turned away a recruiter in uniform. The committee heard testimony from the Secretary of Education that there were such instances. When members on this side of the aisle called their superintendents and their principals to find out if this was true, every single one of them said, "No, it had not happened." Now, I'm not saying my facts are infallible, but that is the record as I understand it and as the other side of the aisle has so often reminded us, we should not be enacting laws when

there is no proven need for them and that is why I will not vote in favor of this motion because I have not seen the evidence that it is needed. I think our recruiters have been welcomed, in uniform or not, depending on what their preference is, and that is the evidence as we know it. 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, like Representative Wilson, thought we had talked about this once before, and I don't want to go on for a long period of time, but I do think it is important that perception is an important thing in this issue and I certainly wouldn't question anybody's patriotism in this room. But I am old enough to remember the reception that our soldiers got when they came back from Vietnam. Frankly, that didn't affect me very much, but I am active in the American Legion and I take a lot of soldiers to Togus that are still suffering the consequences of their perception of how they were treated when they came back from Vietnam. The issue of local control, I don't think that's a valid issue because local control, in this case, is made often by one or a few people, either the school board or school committee or a principal or a superintendent, people in those positions. I can remember shortly after the latest conflicts started, there was a parade in Portland. It was called, I think, the Parade of Heroes, and I took a small group of veterans from Greenville, Maine, to Portland to be in that parade and it was an amazing day. People were lining the streets a dozen deep and you could feel the gratitude that those people had for veterans and for soldiers that marched in that parade. So I think this is an extremely important issue. I think we should be encouraging people to wear that uniform, encouraging them to come to our house, encouraging them to come to every school in our state. Our state has a huge percentage of veterans and people that serve in the military. So I think if you believe there is no problem, then this bill does not harm, but I believe there is a problem and I believe that we should eliminate it in the bud.

The SPEAKER: The Chair recognizes the Representative from Waterville, Representative Longstaff.

Representative **LONGSTAFF**: Thank you, Mr. Speaker. I will be very quick. Like many members of the House, I could talk about my brother, my son who is a decorated hero, my grandson and many others who have served in the military, but I want to stress one word, opportunity. Within three weeks after I graduated from high school, I had enlisted in the military. It changed my life. It turned it around. It opened up possibilities for me that I otherwise believe I would not have known. The GI Bill made college possible for me and a whole host of possibilities that I think would not have been there for me had it not been for that military service. So I want to stress the opportunities that are there, to say that I plan to support this bill. As far as wearing uniforms when we're in the school, when I was in high school, which was a very long time ago, many of us were proud to appear at school functions, some of my classmates in their naval reserve uniforms and I in my Maine National Guard uniform.

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. We talk about recruiters having the option to come to the schools, just if you don't wear a uniform. If anybody has been to basic training, what happens is you arrive, in my case, it was the Air Force, they called us "Rainbows." We all pranced in, in our civvies and had the long hair or maybe they thought about getting your hair cut, so they shortened their hair. But as soon as you get there, they

strip you down, they put the same underwear on you, they skin your hair so actually you become one. This is a team, this is a family, this is important. The uniform that they don is all about pride, it is all about discipline, and to have recruiters in the schools without that uniform, you're missing the biggest piece, discipline and pride. This is an important bill.

The SPEAKER: The Chair recognizes the Representative from Oxford, Representative Jackson.

Representative **JACKSON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I do not question anybody's patriotism. I, too, am retired military. I enlisted in the United States Army, went into law enforcement. From law enforcement, I went on to become a combat vet in Vietnam. Coming back, I became a drill sergeant. Upon completion of that tour, I did a stint in Europe and then came back out here on recruiting. The proudest moments that I spent in the military was when I could successfully take a young man or a young woman to Portland and have them enlist in a field or a project they wanted to get involved in and watch them complete that training, come back home and work with me to talk to another young high school student that perhaps didn't have the choices some others did and the military was an option. I have two of my nephews who graduated from Oxford Hills High School who enlisted in the military; both of them graduated from the University of Maine. One of them is still on active duty as a chopper pilot. While I am saying this as a recruiter and as a guidance counselor, Mr. Speaker, I offered them an opportunity perhaps they didn't have, and I feel that that opportunity is taken away from these students by not having a military, whether Air Force or any branch of the military, available or present in the school. As the good Representative to my left mentioned, that uniform he wears is the same thing as you're wearing, it's the same thing as I'm wearing. By directive, I am required to wear this. By directive, he is. So he has to. That is his clothing. That is his suit. As far as, what was one other thing here, as far as the law, we are directed and I believe it comes from the Department of Defense, we are directed not to lobby in reference to issues such as the gentleman to my right mentioned. Yes, I know I am. So that is why, Mr. Speaker, I think this bill should go forward. I 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. We talk about taking this away from our children. Haven't we taken enough away from them already? Every morning, we stand here ourselves and pledge allegiance to the flag. We sing the national anthem. We say a prayer. Our children can't do that anymore, can they? We've taken that away from them and now we want to take something else away from them. How much are we going to take away from them?

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 have some great news for us all here tonight. I rise for the second time because I literally just got some new information. It was ran in here so that way I could get it. What I have in my possession are some emails and these emails were exchanged and sent to the commissioner from a recruiting battalion describing some issues that were, I believe, brought forward and are what led to this legislation ultimately being submitted. One of the pieces that they said, talking about the No Child Left Behind Act, was one of the things that I referenced earlier, was that private schools are not subject to the No Child Left Behind Act because they do not

receive federal or state funding. Also, they specifically said, and I will read a quote directly from this, the schools listed below, which I will not name tonight because I don't think it's right to do, allow us minimum access. "This is, we are allowed into the school once, the school announces our visit a few days prior to the set date and...are told that if they would like to speak with a recruiter to sign up on [the] sheet. When the recruiters arrive, if [the] student has signed the roster, we get to meet with [the] student." He goes on to say, "If there are no students that signed up [at] the time we arrive, [then] the school considers...our...visit...done for the year." Furthermore, there is a second paragraph that I'm going to read and it says "Several other issues that hinder us at individual high schools are the fact that we are not allowed to be in uniform," – direct quote – "(Meaning we conduct our visit in civilian attire) or schools will send their master list of Junior or Senior students out to [the] home addresses with...instructions that if you would like your son or daughter removed from the list prior to this being sent [up] to the recruiters, please reply to [the] fact. In the end, when it comes time to send the list out, even if the school has not received a reply from [the] parents, they still remove [their] name." They also name those schools that were directly doing that, but I will not name them tonight because I don't think it's the right thing to do. So if there was any question as to whether it is happening, folks, I have the proof right here in my hands. This is a public document. I ask you to please pass this bill, Recede and Concur. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative **McCABE**: I would like to know if there is any schools that are currently not allowing uniformed military recruiters in the school.

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

Representative **WILSON**: I will answer in the affirmative. Thank you, Mr. Speaker. The answer is, yes, there are schools that are doing this. Thank you.

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

Representative **DAUGHTRY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I do rise in support of the measure. I grew up in Brunswick with a naval air station right in my backyard. For many, the military is an excellent option and it opens a world of opportunities. In fact, many of my cousins fought. One of my dear cousins is a Tomcat pilot and one of my best friends from high school served in Iraq and I packaged him care packages while he was abroad every week. But I just wanted to rise because a lot of the conversation about this bill has greatly disturbed me. I have consistently supported this bill but, once again, I hear the argument being phrased of "If you're against this bill, you're against the military. You're un-American. You're not supporting our troops." Frankly, that bothers me. My grandfather fought in World War II and he fought in D-Day, and I grew up with his stories and his photographs that he took. He fought against fear and tyranny, and he fought to make sure that I could be sitting here today and vote my conscience, however it is. I want to make sure that when everyone votes today that it isn't a political game, and it greatly disturbs me to see the military the focus of a political

game on this floor. That's not right. It's a choice. So the folks who may or may not vote for this bill, they have their own reasons. It's about local control. But it really, really makes me upset to see us using this as a game. You know, the military is a proud career option, but everyone here is able to vote their mind and I hope you'll vote your conscience and not vote in fear.

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

Representative **HARVELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I was a young man who grew up in the Wilton area, in Franklin County. I graduated from high school and I was fairly directionless. I was not hyperly patriotic in any way. I wanted to be game warden. So this will be my speech against recruiters. That guy lied to me. But anybody who has been around recruiters, when they finally got in, recognized that, like political recruiters, they weren't telling the whole truth. But what it did give me was I got to travel Europe. I got to see Europe. I took a Eurail Pass. I loved history. I got to stand in the Coliseum. I got to stand in the Forum. I got to stand in the Alps. I got to stand in Innsbruck. This was a kid from Franklin County and I was young. I got to walk through Anne Frank's house. I got to go through the Rijksmuseum and look at Rembrandt's paintings. This was done on everybody's dime here. When I was there I never thought that I was hyper patriotic. I mean, I thought, man, they gave me a set of hunting clothes and a free trip to Europe and I couldn't believe it. The closest I ever got to combat was getting slapped in a Dutch car. It wasn't that I did anything heroic. You know, you're kind of young and anybody who is there a little bit, you train all the time. You're kind of gung-ho. You're kind of hoping that something almost happens. Of course, not really. But that wasn't the case. But when you look around at societies, you see what they value. I always have been admired for looking at architecture and you look at this building, for instance, and it's neoclassical lines. It speaks to a people of hope for the future and you knew if the early founding of our republic that these designs were amazing. You look at the Burton Cross Building over there. It's a testament to bureaucracy, an ode to Soviet architecture for God sakes. But when you note, through every single town in Maine nearly, you'll see a granite statue and it shows the significance that the Civil War was to this state and the pride that they had in those men. If you go to a cemetery, you'll see the little GAR with a flag in it. The first groups that began to honor their veterans was the Grand Army of the Republic. We've honored veterans and we have a Memorial Day and a Veterans Day for them. But yet we are telling firemen that they can wear a uniform into a school and we're telling police officers that they can wear a uniform into a school, but recruiters, and lawyers they sometimes are, we're telling them, no, that's not for you. It sends a message and this isn't about challenging patriotism in any way, but it sends a message that we really don't value you quite that much, because no one wants to send their children to war. It's not something anybody wants to do. But thank God that we live in a country that, when the time comes, we're glad they are there and we're glad for the organizations that train them, we're glad for the people that arm them, and we're glad for a democracy that has defended democracy around the world for 200 years. But, in times of peace, we don't want it to happen. Well, it does say something about what we value and I think we should say, you know what, we value you as much as every other occupation that's out there and we thank God for the service that you have provided this country for 200 years.

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

Representative **MORIARTY**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. Good evening. First, for background purposes, I am a veteran as well, having served three years in the Army. I did not have a combat experience like some of my colleagues here. I am the son of a Navy pilot who served in World War II with nothing but a high school diploma, as background. I am the grandson of a soldier who served in France in World War I. I voted in support of this bill back on June 4. I voted to support the bill this morning. I will vote to support it again this evening. There are some things in my judgment, which transcend local control. I can't describe those for you uniformly and consistently. Intuitively, I know them when I see them. This is one of those situations for me. I urge you to vote yes.

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

Representative **PLANTE**: Thank you, Mr. Speaker. It's been a long debate here, so I guess I'd like to kind of reflect back on what's been brought forth prior. We talk about these emails, that this just came in. Well, there is truth, in fact, that did just come in because it was never made public to anyone, the committee never heard about that, and I don't know whether or not we're going to find out the list of schools that don't allow recruiters in uniform or at least as it says. Because, ironically enough, I found out my school – Mr. Speaker, the same one you and the Representative in the same row here, Representative Noon, happen to represent – Noble High School, I happened to call the superintendent of the school district and, ironically enough, he told me that is not true, that in fact there is no policy, none, that denies the allowance of a recruiter in uniform to show up and do as he wishes, as long as he's got a set time to be there. There is no rule against it, yet my school has been labeled as one that doesn't allow it. This is unbelievable. It is a lie. I know of another school, I will not talk for them because they speak for themselves, but another school down in York County that has also been accused of the exact same standard that is not true. It would be nice if the commissioner could get his facts in order because I would appreciate it. I know. I'm showing passion. It's the first time I'm going to show a little bit more than normal, but it's because I'm not going to accept a lie. That's what it is. I've talked with my superintendent and I'd appreciate that the facts stay in order and I don't appreciate that my school has been labeled as one that is doing something it is not in order to push a political agenda. Thank you.

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 did not vote for this bill the first time. I will not vote for it the second time, although I would be happy to vote for it if I would hear a single school where this happened. When we had the work session and the public hearing on this, the Superintendents Association said, "We do not know of any school where this is happening, but if there is a school, tell us, we'll work with it." The Principals Association said, "We do not know of any school where this is happening, but if there is a school, we'd be happy to work with them." I would be happy to vote for this bill if someone can tell me that there is an actual problem, but there has not been any school named except for two that I heard about, but when the superintendents were called, it wasn't the policy at all. So I don't think we should make a law where there isn't a problem. Thank you.

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. It's getting late as you know. This is the second time I've sat here quietly and listened, mostly to my colleagues on the other side of the aisle, mostly other men, lecture us about the military and patriotism and service. Yes, I stand before you as a military veteran who was decorated for his service. I have voted for this bill each time it has come up, but I would suggest to you that you consider that also what I've listened to today is, time and again, where you've chosen to vote to uphold vetoes of bills that other people in this House believed in, think are important to our society, are valuable to their communities, and you've chosen to turn those down. Unfortunately, you have not had to listen to the extended lectures back to you about why people believed in those bills and why they thought they were important to their community or to their set of beliefs. 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'd like to respond to the issue of local control and whether or not we should mandate local schools to ensure student access to postsecondary military options. The fact is we've passed mandates on to our local districts all the time. For example, there are mandates that require specific forms to be used to report the use of green products. There are mandates that require specific committees to be formed, such as a comprehensive planning committee or a dropout prevention committee. There are mandates that require schools to provide for automatic deduction of union dues from the payroll. How many mandates did we pass today alone on to not only our local schools but our local communities? I would argue that local control is not a reason to vote against this bill. I agree that it shouldn't be necessary. I agree with that. But apparently, it is because I've learned of similar situations in other schools, and for that, I'm truly sorry. Thank you.

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

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

**ROLL CALL NO. 448**

**YEA** - Ayotte, Beaulieu, Beck, Bennett, Black, Boland, Briggs, Campbell J, Campbell R, Carey, Casavant, Cassidy, Chase, Chenette, Clark, Cotta, Crafts, Cray, Crockett, Daughtry, Davis, Devin, Dill, Dion, Doak, Dunphy, Duprey, Fitzpatrick, Fowle, Fredette, Gattine, Gifford, Gilbert, Gillway, Graham, Guerin, Hamann, Harvell, Hayes, Herbig, Hickman, Hobbins, Jackson, Johnson D, Johnson P, Kaenrath, Keschl, Kinney, Lajoie, Lockman, Long, Longstaff, Luchini, MacDonald S, Maker, Marean, Marks, Mason, McCabe, McClellan, McElwee, McGowan, McLean, Moriarty, Nadeau A, Nadeau C, Newendyke, Nutting, Parry, Peavey Haskell, Peoples, Peterson, Pouliot, Pringle, Reed, Russell, Sanderson, Saucier, Short, Sirocki, Stanley, Theriault, Timberlake, Treat, Turner, Verow, Villa, Volk, Wallace, Weaver, Willette, Wilson, Winchenbach, Winsor, Wood, Mr. Speaker.

**NAY** - Beavers, Bolduc, Brooks, Chapman, Chipman, Cooper, DeChant, Dickerson, Dorney, Evangelos, Farnsworth, Frey, Gideon, Goode, Grant, Harlow, Hubbell, Jones, Jorgensen, Kornfield, Kruger, Kumiega, Kusiak, Libby N, MacDonald W, Mastraccio, Monaghan-Derrig, Moonen, Morrison, Nelson, Noon, Plante, Priest, Rankin, Rochelo, Rotundo, Rykerson, Sanborn,



Schneck, Stuckey, Tipping-Spitz, Welsh.

ABSENT - Beaudoin, Berry, Espling, Kent, Knight, Libby A, Malaby, Pease, Powers, Saxton, Shaw, Tyler, Werts.  
Yes, 96; No, 42; Absent, 13; Excused, 0.

96 having voted in the affirmative and 42 voted in the negative, with 13 being absent, and accordingly the motion to **RECEDE AND CONCUR FAILED**.

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

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**SENATE PAPERS**

Bill "An Act To Fund Agreements with Certain State Employee Unions and Ensure Equitable Treatment for Other State Employees" (EMERGENCY)

(S.P. 617) (L.D. 1576)

Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested and ordered printed.

Came from the Senate, under suspension of the rules and **WITHOUT REFERENCE** to a Committee, the Bill **READ TWICE** and **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-370)**.

Under suspension of the rules, the Bill was given its **FIRST READING WITHOUT REFERENCE** to a committee.

**Senate Amendment "A" (S-370)** was **READ** by the Clerk and **ADOPTED**.

Under further 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 Lewiston, Representative Rotundo.

Representative **ROTUNDO**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I'm very pleased that the Executive Branch and our unions have been able to reach agreement which this amended bill represents. As we discussed this bill this afternoon in Appropriations, I felt that there was one aspect of the bill that needed clarification and I would like to share that clarification now. Under law, the Legislative Council has exclusive authority over compensation for legislative employees, including the establishment of benefit schedules. Our understanding is that as long as the Legislative Council, as the employer, can identify equivalent savings, it has authority but is not required to grant appropriate step increases to its employees, including those who are not represented by any collective bargaining agent. Thank you.

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

Representative **FREDETTE**: Thank you, Mr. Speaker. I just want to concur with the representation from the good Representative from Lewiston in regards to her representation with this, as I have spoken to members of the Executive Branch and they are in agreement with this. Thank you.

Representative **BERRY** of Bowdoinham **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED as Amended**.

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

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

**ROLL CALL NO. 449**

YEA - Ayotte, Beaulieu, Beavers, Beck, Bennett, Berry, Black, Boland, Bolduc, Briggs, Brooks, Campbell J, Campbell R, Carey, Casavant, Cassidy, Chapman, Chase, Chenette, Chipman, Cooper, Cotta, Crafts, Cray, Crockett, Daughtry, Davis, DeChant,

Devin, Dickerson, Dill, Dion, Doak, Dorney, Dunphy, Duprey, 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, Keschl, Kinney, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby N, Lockman, Long, Longstaff, Luchini, MacDonald S, MacDonald W, Maker, Marean, Marks, Mason, Mastraccio, McCabe, McClellan, McElwee, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau A, Nadeau C, Nelson, Newendyke, Noon, Nutting, Parry, Peavey Haskell, Peoples, Peterson, Plante, Pouliot, Priest, Pringle, Rankin, Reed, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Sanderson, Saucier, Schneck, Short, Sirocki, Stanley, Stuckey, Theriault, Timberlake, Tipping-Spitz, Treat, Turner, Verow, Villa, Volk, Weaver, Welsh, Willette, Wilson, Winchenbach, Winsor, Wood, Mr. Speaker.

NAY - Wallace.

ABSENT - Beaudoin, Clark, Espling, Kent, Knight, Libby A, Malaby, Pease, Powers, Saxton, Shaw, Tyler, Werts.

Yes, 137; No, 1; Absent, 13; Excused, 0.

137 having voted in the affirmative and 1 voted in the negative, with 13 being absent, and accordingly the Bill was **PASSED TO BE ENGROSSED as Amended by Senate Amendment "A" (S-370)** in concurrence.

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

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**SENATE PAPERS**

**Non-Concurrent Matter**

Bill "An Act To Correct Errors and Inconsistencies in the Laws of Maine" (EMERGENCY)

(H.P. 1103) (L.D. 1536)

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-566) AS AMENDED BY HOUSE AMENDMENTS "A" (H-569), "B" (H-570), "C" (H-571), "D" (H-572), "E" (H-573), "F" (H-574), "G" (H-576), "H" (H-577) AND "I" (H-578)** thereto in the House on July 9, 2013.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-566) AS AMENDED BY HOUSE AMENDMENTS "A" (H-569), "B" (H-570), "C" (H-571), "D" (H-572), "E" (H-573), "F" (H-574), "G" (H-576), "H" (H-577) AND "I" (H-578)** thereto **AND SENATE AMENDMENT "A" (S-369)** in **NON-CONCURRENCE**.

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

Representative **PRIEST**: Thank you, Mr. Speaker. You may wonder why the other body put this amendment on. You will have the pleasure of knowing and voting on an error in the errors bill. It is being corrected. Basically, the emergency said that everything became effective as of a certain point. There are other parts of the bill that become effective at different times and all this Senate Amendment did was to recognize that fact. I request that you vote to Recede and Concur.

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

Representative **CROCKETT**: Thank you, Mr. Speaker. As the minority lead on the committee, it's an innocuous bill. It's all technical. There are no issues from our side, so I would support the pending motion.

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

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

**ORDERS**

On motion of Representative BERRY of Bowdoinham, the following Joint Order: (H.P. 1145)

ORDERED, the Senate concurring, that the following specified matters be held over to any special and/or regular session of the 126th Legislature.

**Agriculture, Conservation and Forestry**

- H.P. 342, L.D. 500 - An Act To Permit Tribal Members To Have Access to Wood Fiber for Fuel, Shelter and Traditional Woodcraft Production
- H.P. 873, L.D. 1239 - An Act To Clarify, Streamline and Promote Fair Animal Welfare Laws
- H.P. 1092, L.D. 1521 - Resolve, Directing the Department of Agriculture, Conservation and Forestry To Create a Pilot Program To Support the State's Small Food Processors
- H.P. 1137, L.D. 1567 - Resolve, Regarding Legislative Review of Portions of Chapter 22: Standards for Outdoor Application of Pesticides by Powered Equipment in Order To Minimize Off-Target Deposition, a Late-filed Major Substantive Rule of the Department of Agriculture, Conservation and Forestry
- H.P. 1138, L.D. 1568 - Resolve, Regarding Legislative Review of Portions of Chapter 20: Special Provisions, a Late-filed Major Substantive Rule of the Department of Agriculture, Conservation and Forestry
- H.P. 1139, L.D. 1569 - Resolve, Regarding Legislative Review of Portions of Chapter 51: Notice of Aerial Pesticide Application, a Late-filed Major Substantive Rule of the Department of Agriculture, Conservation and Forestry

**Appropriations and Financial Affairs**

- H.P. 20, L.D. 16 - An Act To Authorize a General Fund Bond Issue To Invest in Transportation Infrastructure
- H.P. 23, L.D. 25 - An Act To Exclude Certain State-funded Costs from the State Share of the Total Cost of Funding Public Education
- H.P. 34, L.D. 39 - An Act To Expand the Number of Qualified Educators
- H.P. 54, L.D. 62 - An Act To Provide Additional Funding for Respite Care for the Elderly and for Adults with Disabilities
- S.P. 38, L.D. 87 - An Act To Improve Community Mental Health Treatment
- S.P. 47, L.D. 126 - An Act To Provide a Sales Tax Exemption to Incorporated Nonprofit Performing Arts Organizations
- H.P. 112, L.D. 137 - An Act To Amend the Laws Governing Retirement under the Maine Public Employees Retirement System
- H.P. 113, L.D. 138 - An Act To Amend the Laws Governing the Issuance of Bonds That Have Been Ratified by the Citizens of the State
- H.P. 131, L.D. 156 - RESOLUTION, Proposing an Amendment to the Constitution of Maine Concerning Early Voting and Voting by Absentee Ballot
- H.P. 140, L.D. 180 - An Act Concerning the Use of Tobacco Settlement Funds for Children's Health Care
- H.P. 142, L.D. 182 - An Act To Support the Maine Lobster Industry
- H.P. 147, L.D. 186 - An Act To Amend the Laws Governing Disability Retirement Determinations by the Maine Public Employees Retirement System

- H.P. 182, L.D. 221 - An Act To Authorize a General Fund Bond Issue To Provide Funds for a Public-private Partnership for a New Science Facility at the Maine Maritime Academy
- H.P. 189, L.D. 228 - An Act To Authorize a General Fund Bond Issue To Reduce Energy Costs by Weatherizing and Upgrading the Energy Efficiency of Maine Homes and Businesses and To Create Jobs by Providing for a Trained Workforce for Maine's Energy Future
- H.P. 191, L.D. 230 - An Act To Establish the Commission on Health Care Cost and Quality
- S.P. 68, L.D. 232 - An Act To Increase the Base for the Cost-of-living Increase for Retired State Employees and Teachers
- S.P. 70, L.D. 234 - An Act To Provide Tax Treatment Consistency for Limited Liability Companies and S Corporations
- S.P. 81, L.D. 245 - An Act To Authorize a General Fund Bond Issue for Maintenance of State Armories
- S.P. 106, L.D. 273 - An Act Authorizing a General Fund Bond Issue To Fund the Dredging of Casco Bay and the Expansion of the Portland Fish Exchange
- S.P. 109, L.D. 276 - Resolve, To Improve Access to Oral Health Care for MaineCare Recipients
- H.P. 203, L.D. 294 - An Act To Authorize a General Fund Bond Issue To Construct a Facility To Assist Maine Agriculture in Control of Animal and Plant Diagnostics
- H.P. 204, L.D. 295 - An Act To Authorize a General Fund Bond Issue To Provide Weatherization Rebates for Veterans and Persons Eligible for Social Security
- S.P. 139, L.D. 359 - An Act To Authorize a General Fund Bond Issue To Implement the Riverfront Island Master Plan
- S.P. 140, L.D. 360 - An Act To Authorize a General Fund Bond Issue To Improve Rail Lines in Western Maine
- S.P. 148, L.D. 368 - An Act To Ensure the Continuation of Dairy Farming
- H.P. 253, L.D. 378 - An Act To Authorize a General Fund Bond Issue To Complete Renovation of a Pier at the Gulf of Maine Research Institute
- H.P. 265, L.D. 390 - An Act To Restore MaineCare Coverage for Ambulatory Surgical Center Services
- H.P. 271, L.D. 396 - An Act To Appropriate Sufficient Funds for Indigent Legal Services
- S.P. 168, L.D. 436 - An Act To Raise the Maximum 529 Plan Contribution Tax Deduction
- S.P. 172, L.D. 440 - An Act To Support Community Health Centers through Tax Credits for Dentists and Primary Care Professionals Practicing in Underserved Areas
- H.P. 305, L.D. 455 - An Act To Increase the State Earned Income Credit
- H.P. 314, L.D. 464 - An Act To Change Compensation for Career and Technical Education Region Cooperative Board Meeting Attendance
- H.P. 331, L.D. 481 - An Act To Amend the Laws Governing Virtual Public Charter Schools
- H.P. 338, L.D. 488 - An Act To Improve Access to Home-based and Community-based Care in the MaineCare Program
- H.P. 341, L.D. 499 - An Act To Promote Dental Care for Low-income Populations
- S.P. 203, L.D. 513 - An Act To Authorize a General Fund Bond Issue To Invest in Transportation, Broadband Infrastructure, Downtown Revitalization, Land for Maine's Future Board and Training Facilities for Tourism-related Training in Labor Market Areas with Higher-than-average Unemployment

- H.P. 357, L.D. 538 - An Act To Align Costs Recognized for Transfer of Nursing Facilities and Residential Care Facilities with Ordinary Commercial and Government Contracting Standards
- H.P. 368, L.D. 549 - An Act To Allow a Person Who Is 21 Years of Age or Older To Expunge Certain Criminal Convictions
- S.P. 221, L.D. 631 - An Act To Change the Taxes on Fuel Purchased for Use Other Than on the Highways
- S.P. 226, L.D. 636 - An Act To Authorize a General Fund Bond Issue To Support Public Higher Educational Facilities
- H.P. 464, L.D. 672 - An Act Relating to Exemption from Immunization for Schoolchildren
- H.P. 482, L.D. 690 - An Act To Ensure Efficiency in the Unemployment Insurance System
- S.P. 256, L.D. 707 - An Act To Provide Assistance to Maine's Dairy Farms
- S.P. 262, L.D. 713 - An Act To Return Local Revenue Sharing to Full Funding
- H.P. 487, L.D. 715 - An Act To Improve Access to Career and Technical Schools
- S.P. 279, L.D. 741 - An Act To Promote Fairness in the Sales Tax Exemption for Vehicles Used in Interstate Commerce
- H.P. 532, L.D. 781 - An Act To Authorize a General Fund Bond Issue To Fund the Construction of a New State Archives Facility
- H.P. 533, L.D. 782 - An Act To Authorize a General Fund Bond Issue To Support Science, Technology, Engineering and Mathematics Education To Enhance Economic Development
- H.P. 541, L.D. 790 - An Act To Repeal the Bonding Authority of the Maine Governmental Facilities Authority
- H.P. 555, L.D. 804 - An Act To Improve Preventive Dental Health Care and Reduce Costs in the MaineCare Program
- S.P. 289, L.D. 864 - An Act Regarding Service of Small Claims Notices
- S.P. 299, L.D. 874 - An Act To Authorize a General Fund Bond Issue To Reduce the Cost of Shipping for Maine Businesses, Attract Tourists and Facilitate the Development of Commuter Rail Transportation
- H.P. 628, L.D. 904 - An Act To Clarify When Bonds May Be Issued
- H.P. 630, L.D. 906 - An Act To Permit a School Administrative Unit Discretion Concerning Participation of Students from Charter Schools in School Extracurricular and Interscholastic Activities
- H.P. 649, L.D. 925 - An Act To Authorize a General Fund Bond Issue for Riverfront Community Development
- H.P. 652, L.D. 928 - An Act To Improve MaineCare Nursing Home Reimbursement To Preserve Access and Promote Quality
- H.P. 657, L.D. 933 - An Act To Establish a Separate Regulatory Board for Dental Hygienists
- S.P. 316, L.D. 939 - An Act To Restore Maine's Groundfishing Industry
- S.P. 317, L.D. 940 - An Act To Reestablish State-municipal Revenue-sharing as a Compact between the State and Municipal Governments
- S.P. 319, L.D. 942 - An Act To Authorize a General Fund Bond Issue To Invest in Deficient State Highways, Bridges and Aviation, Marine, Rail and Transit Facilities
- H.P. 664, L.D. 951 - An Act To Repeal the 2-year Limit on Methadone and Suboxone Treatments under MaineCare
- H.P. 693, L.D. 979 - An Act To Exempt the Sale of the United States Flag from the Sales Tax
- S.P. 343, L.D. 998 - An Act To Provide Consistency in the Application of the Property Tax Exemption for Religious Organizations
- H.P. 708, L.D. 1010 - An Act To Authorize a General Fund Bond Issue To Ensure Clean Water
- H.P. 709, L.D. 1011 - An Act To Authorize a General Fund Bond Issue To Upgrade Facilities and Purchase Classroom Equipment for Maine's Seven Community Colleges
- H.P. 731, L.D. 1036 - An Act To Amend the Social Work Education Loan Repayment Program
- H.P. 734, L.D. 1043 - An Act To Authorize a General Fund Bond Issue and To Assist in the Creation of Jobs through Regional Economic Development
- H.P. 745, L.D. 1052 - An Act To Authorize a General Fund Bond Issue To Improve Intermodal Infrastructure
- S.P. 372, L.D. 1090 - An Act To Authorize a General Fund Bond Issue To Expand Nursing Programs at Maine's Seven Community Colleges
- S.P. 377, L.D. 1095 - An Act To Authorize a General Fund Bond Issue To Improve Highways, Bridges and Multimodal Facilities
- S.P. 383, L.D. 1101 - An Act To Authorize a General Fund Bond Issue To Support Waterfront Development
- S.P. 388, L.D. 1105 - An Act To Authorize a General Fund Bond Issue To Revitalize Maine's Downtowns through Innovative Business Development and the Creative Economy
- H.P. 797, L.D. 1125 - An Act To Authorize a General Fund Bond Issue To Expand Public Water Infrastructure to Areas with Contaminated Well Water
- H.P. 807, L.D. 1142 - An Act Regarding Correctional Officers' Retirement
- H.P. 822, L.D. 1157 - An Act To Establish the Fair Chance for Employment Act
- S.P. 400, L.D. 1163 - An Act To Authorize a General Fund Bond Issue To Fund Main Street and Downtown Economic Development Projects
- S.P. 412, L.D. 1175 - An Act To Amend the Laws Governing Retirement Benefits for Capitol Police Officers
- S.P. 417, L.D. 1180 - An Act To Authorize a General Fund Bond Issue for the Maine Community Reinvestment and Job Creation Fund
- H.P. 829, L.D. 1185 - An Act To Enhance Efforts To Use Locally Produced Food in Schools
- H.P. 832, L.D. 1188 - Resolve, Directing the Department of Health and Human Services To Amend Its Rules of Reimbursement under the MaineCare Program for Audiology and Speech-language Pathology Services
- S.P. 421, L.D. 1223 - An Act To Authorize a General Fund Bond Issue To Support the Maine Technology Institute's Action Plan Implementation
- H.P. 914, L.D. 1287 - An Act To Deregulate Face-to-face Transactions between the People and Small Farms and Small Food Producers
- S.P. 452, L.D. 1309 - An Act To Strengthen the Maine Clean Election Act
- S.P. 473, L.D. 1354 - An Act To Create the Aging in Place Program
- H.P. 988, L.D. 1385 - An Act To Amend the Reporting Requirements of the Workers' Compensation Management Fund
- S.P. 499, L.D. 1395 - An Act Regarding the Cost-of-living Adjustment for Certain State Retirees When the Cost of Living Declines

H.P. 1006, L.D. 1418 - An Act To Authorize a Matching General Fund Bond Issue for Improvements to the Seven Community College Campuses

H.P. 1012, L.D. 1424 - An Act To Increase Mileage Reimbursement and Compensation for Jurors

H.P. 1039, L.D. 1445 - An Act To Facilitate Children's Testimony

S.P. 539, L.D. 1455 - An Act To Authorize a General Fund Bond Issue To Ensure Clean Water and Safe Communities

H.P. 1046, L.D. 1461 - An Act To Require the State To Divest Itself of Assets Invested in the Fossil Fuel Industry

S.P. 542, L.D. 1468 - An Act To Establish the High-efficiency Biomass Pellet Boiler Rebate Program and the Home Heating Conversion Fund

H.P. 1054, L.D. 1473 - An Act To Create a Public Option Pension System

S.P. 557, L.D. 1492 - An Act To Authorize a General Fund Bond Issue To Strengthen Maine's Economy and Communities

S.P. 572, L.D. 1514 - An Act To Reform the Maine Public Employees Retirement System

H.P. 1087, L.D. 1515 - An Act To Increase the Availability of Mental Health Services

**Criminal Justice and Public Safety**

H.P. 93, L.D. 111 - An Act To Restrict the Sale, Purchase and Use of Fireworks in the State

S.P. 57, L.D. 168 - An Act To Establish Reasonable Restrictions on the Use of Fireworks

H.P. 183, L.D. 222 - An Act Designating the Chief of the State Police as the Only Issuing Authority of a Permit To Carry a Concealed Handgun

H.P. 206, L.D. 297 - An Act To Require Forest Rangers To Be Trained in Order To Allow Them To Carry Firearms

S.P. 192, L.D. 502 - An Act To Allow County Jails To Apply Savings to Debt Service without a Reduction in State Payments

H.P. 454, L.D. 662 - An Act Regarding Sexually Explicit Text Messaging by Minors

S.P. 569, L.D. 1513 - Resolve, Directing the Department of Corrections, Department of Education, Department of Health and Human Services and Department of Labor To Support the Statewide Coordinated Services District System

**Education and Cultural Affairs**

H.P. 209, L.D. 300 - An Act To Protect School Administrative Units and Taxpayers

S.P. 149, L.D. 369 - An Act To Redesign Maine's School Funding Model

S.P. 340, L.D. 995 - An Act To Establish a Moratorium on the Approval and Operation of Virtual Public Charter Schools

S.P. 461, L.D. 1330 - An Act To Establish in Law a Method for Alternative Certification of Teachers

H.P. 969, L.D. 1361 - An Act To Strengthen the Teaching of Writing and Mathematics and Improve Maine High School Graduates' College and Career Readiness

S.P. 517, L.D. 1431 - An Act To Support School Nutrition and Expand the Local Foods Economy

S.P. 577, L.D. 1530 - An Act To Establish a Process for the Implementation of Universal Voluntary Prekindergarten Education

**Energy, Utilities and Technology**

H.P. 33, L.D. 38 - Resolve, Regarding Legislative Review of Chapter 201: Provider of Last Resort Service Quality, a Major Substantive Rule of the Public Utilities Commission

H.P. 157, L.D. 196 - An Act Regarding the Implementation of

the Quality Assurance Program for Public Safety Answering Points

S.P. 108, L.D. 275 - Resolve, To Require the Emergency Services Communication Bureau To Expand the Existing Quality Assurance System

H.P. 435, L.D. 616 - An Act To Amend the Expedited Permitting Area for Wind Energy Development under the Jurisdiction of the Maine Land Use Planning Commission

S.P. 237, L.D. 646 - An Act To Remove the 100-megawatt Limit on Renewable Sources of Energy

H.P. 547, L.D. 796 - Resolve, To Enhance Economic Development by Encouraging Businesses Adjacent to Electric Power Generators To Obtain Power Directly

H.P. 577, L.D. 826 - An Act To Eliminate the Opt-out Charges for Smart Meters

H.P. 663, L.D. 950 - An Act To Establish the Electromagnetic Field Safety Act

H.P. 679, L.D. 965 - An Act To Improve Maine's Underground Facility Damage Prevention Program

H.P. 702, L.D. 1004 - An Act To Clarify Voting Procedures for Standard Water Districts

H.P. 711, L.D. 1013 - An Act To Create the Children's Wireless Protection Act

H.P. 753, L.D. 1060 - An Act To Address Rising Electric Transmission Rates

S.P. 367, L.D. 1085 - An Act To Establish the Renewable Energy Feed-in Tariff

H.P. 812, L.D. 1147 - An Act To Protect Maine's Scenic Character

H.P. 886, L.D. 1252 - An Act To Improve Maine's Economy and Energy Security with Solar and Wind Energy

S.P. 440, L.D. 1278 - An Act To Ensure Equitable Support for Long-term Energy Contracts

H.P. 947, L.D. 1323 - An Act Regarding Wind Power Siting in the Unorganized Territory

S.P. 500, L.D. 1396 - An Act To Create the Lisbon Water District

H.P. 1023, L.D. 1434 - An Act To Clarify the Laws Governing Noise from Wind Turbines

H.P. 1060, L.D. 1479 - An Act To Clarify Telecommunications Regulation Reform

S.P. 579, L.D. 1532 - An Act To Provide Model Language for Standard Sewer District Charters

**Environment and Natural Resources**

H.P. 236, L.D. 331 - Resolve, To Expand Economic Development in the Town of Orrington by Releasing Certain Riverfront Land from State-imposed Environmental Restrictions

H.P. 545, L.D. 794 - An Act To Amend Setback Requirements and Standards Related to Species Migration under the Laws Regulating Development near Vernal Pools

S.P. 545, L.D. 1483 - An Act To Promote and Enhance State Policy To Preserve and Support Existing Methods of Disposal of Municipal Solid Waste

H.P. 1101, L.D. 1528 - Resolve, To Provide for Livable, Affordable Neighborhoods

**Health and Human Services**

H.P. 354, L.D. 535 - An Act To Promote Greater Flexibility in the Provision of Long-term Care Services

H.P. 682, L.D. 968 - An Act To Provide Needed Psychiatric Hospitalization for Persons with Mental Illness

H.P. 726, L.D. 1031 - An Act To Require a Mandatory Peer Review Process for the Restraint and Seclusion of Children in a Hospital or Children's Home

H.P. 738, L.D. 1047 - Resolve, To Provide a Better Transition for Foster Children to Independent Adulthood  
 H.P. 858, L.D. 1213 - An Act To Reduce Costs and Increase Access to Methadone Treatment  
 H.P. 881, L.D. 1247 - An Act To Expand Coverage of Family Planning Services  
 S.P. 531, L.D. 1449 - An Act To Amend the Composition and Duties of the Maine Children's Growth Council  
 S.P. 552, L.D. 1487 - An Act To Implement Managed Care in the MaineCare Program  
 H.P. 1119, L.D. 1552 - Resolve, To Require the Department of Health and Human Services To Initiate a New Rate-setting Procedure for Preschool Services for Children with Disabilities under the MaineCare Program

**Inland Fisheries and Wildlife**

S.P. 40, L.D. 89 - An Act To Establish a Deadline for Snowmobile Registration  
 H.P. 128, L.D. 153 - An Act To Establish a Comprehensive Hunting and Fishing License  
 H.P. 655, L.D. 931 - An Act To Prevent Fish Kills and To Allow for Recreational Use of Sebago Lake

**Insurance and Financial Services**

S.P. 127, L.D. 347 - An Act To Amend Insurance Coverage for Diagnosis of Autism Spectrum Disorders  
 S.P. 213, L.D. 523 - An Act To Require Health Insurance Coverage for Hearing Aids for Adults  
 S.P. 217, L.D. 627 - An Act Relating to Orally Administered Cancer Therapy  
 H.P. 732, L.D. 1037 - An Act To Provide Access to Affordable Health Care for All Maine Residents by 2020  
 S.P. 374, L.D. 1092 - An Act To Increase the Use of Long-term Care Insurance  
 S.P. 430, L.D. 1236 - An Act To Amend the Maine Insurance Code To Ensure Fair and Reasonable Coverage and Reimbursement of Chiropractic Services  
 H.P. 962, L.D. 1345 - An Act To Establish a Single-payor Health Care System To Be Effective in 2017  
 H.P. 975, L.D. 1367 - An Act To Require Health Insurance Carriers and the MaineCare Program To Cover the Cost of Transition Services To Bridge the Gap between High School and Independence  
 S.P. 568, L.D. 1512 - An Act To Increase Funding for Start-ups

**Judiciary**

S.P. 263, L.D. 725 - An Act To Implement the Recommendations of the Judicial Compensation Commission  
 H.P. 838, L.D. 1194 - An Act To Protect Social Media Privacy in School and the Workplace  
 H.P. 992, L.D. 1389 - An Act To Expedite the Foreclosure Process  
 S.P. 514, L.D. 1428 - An Act To Protect Religious Freedom

**Labor, Commerce, Research and Economic Development**

H.P. 223, L.D. 314 - An Act To Create the Office of Marketing  
 S.P. 181, L.D. 449 - An Act To Ensure Consumer Choice in the Purchase of Prescription Drugs  
 H.P. 539, L.D. 788 - An Act To Provide Vehicle Owners and Repair Facilities Access to Vehicle Diagnostic and Repair Information and Equipment  
 H.P. 819, L.D. 1154 - An Act To Establish the Maine Length of Service Award Program  
 S.P. 453, L.D. 1310 - An Act To Improve Access to Dental Care through the Establishment of the Maine Board of Oral Health  
 S.P. 459, L.D. 1328 - An Act To License Home Building and

Improvement Contractors  
 H.P. 1043, L.D. 1458 - An Act To Enact the Maine Small Business Investment Protection Act  
 S.P. 544, L.D. 1482 - An Act To Amend the Motor Vehicle Franchise Laws  
 H.P. 1135, L.D. 1565 - An Act To Preserve Code Enforcement Officer Training and Certification

**Maine's Workforce and Economic Future**

S.P. 497, L.D. 1393 - An Act To Encourage Entrepreneurial Investment in Maine

**Marine Resources**

H.P. 583, L.D. 832 - An Act To Enable Small-scale Cooperative Management of Sea Urchin Resources  
 S.P. 501, L.D. 1397 - An Act To Create Equity and Fairness in the Elver Industry  
 S.P. 536, L.D. 1452 - An Act To Allow Municipalities with Shellfish Conservation Ordinances To Request Permission To Prohibit Marine Worm Harvesting

**State and Local Government**

H.P. 172, L.D. 211 - An Act To Amend the Laws Governing the Limitation on County Assessments  
 H.P. 817, L.D. 1152 - Resolve, To Continue Consultation and Conditions Prerequisite to the Sale or Lease of Certain Real Property in Hallowell  
 S.P. 414, L.D. 1177 - An Act To Implement the Recommendations from the Discontinued and Abandoned Roads Stakeholder Group  
 S.P. 455, L.D. 1312 - An Act To Create a Succession and Knowledge Transfer Plan for State Government  
 H.P. 1108, L.D. 1541 - An Act To Ensure That Legislators Share the Sacrifice with Civil Servants in the Event of a State Government Shutdown  
 H.P. 1114, L.D. 1547 - An Act To Support Municipal Volunteers

**Taxation**

H.P. 567, L.D. 816 - An Act To Reduce the Property Tax Burden and Improve the Circuitbreaker Program  
 H.P. 640, L.D. 916 - An Act To Promote Investment in Maine's Communications Network and Natural Gas Network  
 H.P. 660, L.D. 936 - An Act To Authorize Municipalities To Impose Service Charges on Tax-exempt Property Owned by Certain Nonprofit Organizations  
 S.P. 341, L.D. 996 - An Act To Improve the Accuracy of Fuel Tax Reporting  
 H.P. 792, L.D. 1120 - An Act To Improve Maine's Tax Laws  
 H.P. 998, L.D. 1402 - An Act To Amend the Taxes Imposed on Alcohol and Lodging  
 H.P. 1009, L.D. 1421 - An Act To Permit a Student Holding a Degree from a Non-Maine Institution To Participate in the Job Creation Through Educational Opportunity Program  
 H.P. 1048, L.D. 1463 - An Act To Examine Best Practices Relating to Tax Expenditures  
 H.P. 1102, L.D. 1535 - An Act To Provide Maine's Businesses Tax Relief for Destroyed or Stolen Products

**Transportation**

H.P. 90, L.D. 108 - An Act To Rename Big Moose Mountain as Red Eagle Mountain  
 H.P. 102, L.D. 120 - An Act To Facilitate Regional Transit  
 H.P. 385, L.D. 566 - Resolve, To Enhance and Encourage Economic Development of the Lower Penobscot River Basin by Improving Rail Transportation  
 H.P. 769, L.D. 1076 - An Act To Allow for the Equalization of Truck Weights between Maine and Canada for Limited Use at the Border Crossings

H.P. 951, L.D. 1327 - An Act To Provide Greater Options for Transportation of Public School Students for Cocurricular Activities

H.P. 973, L.D. 1365 - An Act To Promote New Models of Mobility and Access to Transportation

**Veterans and Legal Affairs**

S.P. 20, L.D. 31 - An Act To Increase Gaming Opportunities for Charitable Fraternal and Veterans' Organizations

H.P. 188, L.D. 227 - An Act Concerning High-stakes Beano

S.P. 201, L.D. 511 - An Act To Implement the National Popular Vote for President

S.P. 209, L.D. 519 - An Act To Establish Advance Deposit Wagering for Harness Racing

S.P. 253, L.D. 704 - An Act To Improve the Availability of Coupons in the State

H.P. 517, L.D. 766 - An Act To Define "Brand" under the Liquor Laws

H.P. 780, L.D. 1111 - An Act To Allow Maine's Harness Racing Industry To Compete with Casino Gaming

H.P. 925, L.D. 1298 - An Act To Authorize the Houlton Band of Maliseet Indians To Operate a Casino in Aroostook County

H.P. 942, L.D. 1319 - An Act To Authorize a Federally Recognized Indian Tribe in the State To Benefit from the Operation of an Existing Casino

H.P. 1071, L.D. 1494 - An Act To Alter the Distribution of Maine Clean Election Act Funds

H.P. 1091, L.D. 1520 - An Act To Allow the Passamaquoddy Tribe To Operate Slot Machines in Washington County in Conjunction with High-stakes Beano

**READ.**

Representative FREDETTE of Newport **PRESENTED House Amendment "A" (H-579)**, which was **READ** by the Clerk.

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 offer this amendment because Maine needs jobs now. We have a transportation bond that was formulated by the Maine Department of Transportation, introduced back in March and it has had its full public hearing. There is no reason we cannot enact it today. Pushing it down the road only jeopardizes its chances for passage. That's because many in my caucus simply will not support what might be a bigger "one size fits all" bond package that packs several bonding proposals together. We support a stand-alone transportation bond and any attempt to change that will likely find some failure. We have limited opportunities to come back in a special session and get this much needed bond passed so that we can fix our roads and bridges and put Mainers to work and fix our roads and bridges. We cannot afford to squander that opportunity with a partisan brinkmanship. I encourage everyone who cares more about jobs and about where this would end up, if we carry this over. Mr. Speaker, Ladies and Gentlemen of the House, the issue here is simply this, at least what my understanding is and I hope at least one of the members of the Transportation Committee might certify this, is that my understanding is that the three-year transportation budget which was unanimously passed by the Transportation Committee had encompassed within it a component which would be a bond for transportation. My understanding is that there can be a timing problem if that doesn't

happen, so therefore I believe we should pull this transportation bond out of the Carryover Joint Order and move its passage today. Thank you, Mr. Speaker.

Representative **BERRY** of Bowdoinham moved that **House Amendment "A" (H-579)** be **INDEFINITELY POSTPONED**.

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

Representative **BERRY**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I could not agree more with the Representative from Newport that Maine needs jobs now. For that reason, I think both of the bills that are before the Appropriations Committee, both \$100 million bills, for roads and bridges are very important and need to be considered, each of them, alongside the other transportation ideas and make sure that we spend the taxpayers' money in a very responsible and targeted way. One of the things that makes it difficult to rush forward with one of those two bills now, which appears to the intent of this amendment, is that not all of the \$41 million that has been on the Chief Executive's desk for some time, over two years in many cases, has been spent yet or even designated to be spent. It's my understanding, from the State Treasurer, that roughly \$15 million of that \$41 million, which is really three times that much, it's more like \$45 when you take into account the federal match, has yet to be designated for specific projects and it is frustrating that we have lost many construction seasons, including this one, it appears, with some of those investments. I could not agree more that Maine needs jobs now and I think that by moving quickly on those that we will then we left with more clarity about where the holes are, the remaining holes, and can move forward judiciously and swiftly. The department has assured us that November is fine, even June is workable, to avoid having to change the triennial plan. I take them at their word. I feel very strongly, with many in this chamber on both sides, that transportation is incredibly important. I voted even against the transportation budget in the last Legislature because it repealed indexing and I felt that what that would do would actually lose one year for every eight, the equivalent of one year for every eight in highway fund monies. We do have a long backlog of roads and bridges that need repair. Some of our bridges are 80 years old. I could not agree more with the sentiment that I think is driving this amendment, but I think it's very late to bring it forward and, at the same time, ironically premature, since we really don't know exactly where the holes are. We can move this forward in November, or even, says the DOT, in June. Thank you, Mr. Speaker.

Representative **FREDETTE** of Newport **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "A" (H-579)**.

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

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

Representative **FREDETTE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. While I understand the good Representative from Bowdoinham's presentation of his motion, my concern here is that by voting in favor of the motion to Indefinitely Postpone, you are essentially taking a vote to take no action and the concern here would be that by taking no action, you are taking action, and thereby possibly resulting in the loss of a construction season, which again was built into the transportation budget. I think that's a real concern. I think it's something, we're talking potentially a \$250 billion bond here, state and federal money, and so again, I am very concerned that we would delay a decision like this and put it

off into an area where we're not really quite sure where we are headed. Thank you, Mr. Speaker.

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'm sitting here looking at this in somewhat amazement. The word that I've been hearing all around this body, this House, has been for a long time, bonds. I have a friend from Medway who talks about jobs. I'm thinking seriously of changing his name to Steve Jobs. He won't be as rich as the other Steve Jobs, but he certainly will be a closer friend if he's got a lot of money. I wonder what we are going to accomplish with this. You know, when I get an awful headache, I can turn and take an aspirin and often it takes care of that. If I feel depressed, I can take one of those little pills that my doctor says, "You do sometimes have a high blood pressure. It's all because you get worked up about certain issues that aren't all that important." I've never asked my doctor for medication for the feeling of being taken hostage. I might go back and ask him that. I feel tied to somebody else's wagon. Why is it the bonds that have been approved by the voters two and a half years ago aren't out there now? We do need bonds. We do need jobs. We do need highway work. We do need bridge work. My God, if I might say it and don't please tell me I'm off the subject, we need rail investigation and rail work. Things can happen just over the border from us. Here we sit with one that now is being plucked out of a lot of other bonds. What purpose? This isn't going to create jobs; it's going to create division. Bipartisanship is something that I campaigned on. Why don't we set this one aside and work on all the others with it and create a bond package that we could be proud of, on this side of the aisle and on that side of the aisle, but no, someone in their brilliance wants to split this one off and use it as an individual bond. Why? We're screaming for the work. We need the work. We need the jobs. But not now, not like this. What's going to happen to everything else that goes out there? The bonds for the University of Maine, the bonds for highways, all the things we put in this year. All the things that are still sitting there from last year for the past couple of years, what's going to happen to them? Are they all going to be forgotten. I remember comments made by folks who were seeking office among the highest in this state saying that they wanted to create jobs, that they were business friendly. Well, I'm with them on that. I want jobs and I am business friendly and I want to do everything we can to put people back to work, but I want it done in an organized structured way where we can plan all the bonds. Now, let's not just pick the ones we think are nice and will promote somebody else's agenda. I'm going to vote to Indefinitely Postpone this and perhaps sometime in August, we can come back and work together. I know it's a hard pill to swallow, but it will help me to resolve my issues and my feelings of being taken hostage. Thank you, Mr. Speaker.

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

Representative **CAREY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. As many of you know, I serve on the Appropriations Committee where we had the pleasure of hearing this bill, among some 30 or 40 others, in a public hearing that stretched all afternoon. What we didn't do was talk about how these are being paid for, this or any of the other of the 30 or 40. As I recall for the biennial budget, the debt service that was in there is sufficient to pay for the bonds that the voters have authorized, but not anymore. So I have a question, through the Chair, to the Representative from Newport, if I may.

The SPEAKER: The Representative may pose his question.

Representative **CAREY**: How are these being paid for?

The SPEAKER: The Representative from Lewiston, Representative Carey, has posed a question through the Chair to the Representative from Newport, Representative Fredette. 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 opposition to the pending motion. The good Representative from Bowdoinham mentioned about holes in the budget. We know exactly where the holes in the budget will be. There will be a \$100 million hole in the current three-year work plan for DOT. That's where the holes are, along with the \$154 million in federal match. Those holes will be there if we do not do a transportation bond. To my good friends from Portland, you see all the new container ships, the Eimskip, down on the waterfront now. Part of this transportation bond is a \$19 million multimodal part of the bond, which would go to, there's talk about running rail directly to that port for the container cars. We all know we have roads and bridges throughout the state that need work. The Department of Transportation, in their three-year budget, builds in this bond package. The Chief Executive knew there needed to be this money in the highway fund. If we do not pass a bond now and we push it off to next year, they cannot plan work. They can only plan work that they know the money is going to be there. If we do not do something, I believe we should do it right now. People have talked about August. This has to be on this November's ballot. If it's not and it gets pushed to next year, DOT cannot plan any of this work, none of the rail work. We talked about upgrading our rail, we talked about inspecting our rail, but we're not going to give them any money to fix them. We have to do this. This is something that we should be doing, this is something that the people of the state overwhelming agree with and everybody in this chamber agrees we need to do more roads and bridge work. I think currently we are underfunded by about \$110 million a year that we should be spending on more roads and bridge work. This is just a small down payment. We have a bridge down in York, in Kittery, the Sarah Mildred Long Bridge, that's going to have to be rebuilt at the tune of about \$160 million split between the two states. We put money into the highway fund for that through a GARVEE bond, but we have a lot of other work that we have to do and if you want to know where the holes are, this will be a hole in this next three-year plan. DOT now bills it on a three-year calendar cycle, so they show the work that will be done in '13, the work that will be done in '14 and the work that will be done in '15. This bond money will go for late '14 and '15. If we don't even send it out to vote until the middle of '14, we could be in real trouble on getting this work done. Thank you, Mr. Speaker.

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

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

The SPEAKER: The Representative may pose her question.

Representative **GRAHAM**: Thank you, Mr. Speaker. Are any of the bonds that the Chief Executive currently holds related to transportation and, if they are, why have these bonds not been released?

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 Skowhegan, Representative McCabe.

Representative **MCCABE**: Mr. Speaker, I believe I can actually answer a portion of that question. I am looking at an

email here from the Commissioner of DOT and in this line, it actually states, "our work plan was based upon the sale of previous authorized but unissued bonds," and I will leave it at that and save my remarks.

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

Representative **PEOPLES**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I don't think anyone sitting in this chamber is unaware of my commitment to transportation and to the infrastructure of the State of Maine, but I am curious, I am really puzzled. I've been sitting in Transportation wondering about the bonds that were passed two years ago and I've been told, over and over again, "Oh, well, we don't need that money right now. We don't need it right now. We don't need to sell those bonds right now. That's okay." We've been sitting here all year long and I haven't heard any big cry and hue and cry from anybody around here saying, "Oh my God, we're not going to be able to build anything if we don't have a bond right this minute." It puzzles me extremely that on the very last day of session for this year, when we are going to be shutting things down *sine die*, this comes up now. I find that very, very strange. I don't think we ought to rush into this. I have it on very good authority that if we hold off and don't put the transportation bond out until next June, it is not the end of the world. I personally have a preference to see it go out this November and will do everything in my personal power to nudge, bug, pick at and bother whoever I have to get that to happen. But for this to come up and this particular point in time, well, I'm sorry, it needs to be done, but, gentlemen and ladies, it doesn't need to be done tonight. Thank you.

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. A couple quick answers to a couple of questions. Number one, why now? I think the good Representative from Arundel, Representative Parry, indicated that in fact the transportation budget which was passed in a unanimous fashion and I believe passed through this body in a unanimous fashion, contemplated in fact that there being a transportation bond done so that it could be worked within that package, so I don't think that this comes as any surprise. In addition to that, the transportation bond presented by the Chief Executive was presented back in March, so this is 90 days later. I don't see that as a surprise. The second point that I would make is when we're indicating a timetable here and the issue is that there is really no rush, we don't have to worry about this. Well, I would ask, if you ask the citizens or the people of Maine that are traveling these roads, the areas of the State of Maine that have these projects that are ready to go, that are going to be funded from start to end, that can provide for economic development, whether or not they want to wait. Or how about the contractors out there that are looking for the work on whether or not they want to wait? I don't think that they want to wait. Going back to the question from the good Representative from Lewiston, in regards to how do these get paid for, I think my understanding is, and I can stand corrected on this, is that should the Legislature act on this and the bonds went out in the normal course of business out to the voters and those were approved by the voters, my suspicion is, at that point in time, there would be a supplemental budget that would come forward from the Executive Branch, in terms of a way to pay for those bonds that have then been voted and approved by the voters of the State of Maine. Again, I believe that is something that is within the normal course of business when we are talking about bonds. Finally, I would

answer the other question, in regards to bonds that the Chief Executive is holding, and my understanding is that the Chief Executive is not holding any bonds. They released all the bonds and they have directed the State Treasurer to sell all those bonds. Those are the answers to the questions, those are the facts, those are not politics. So let's deal with the facts and let's deal with this issue because it is a real issue and we should be dealing with it in a bipartisan way, not playing politics with it.

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

Representative **McCABE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise with great excitement. As many people know who read the newspaper, I am a fan of bonds. I started my quest for bonds probably close to a year ago. At that point in time, I was requesting the release of bonds, bonds that would have put people back to work, bonds that would have reimbursed my community for work already done. I wasn't as fortunate as the good Representative from Livermore Falls to get money released for my community, but people went unemployed, people went not completing jobs, and that was based on the fact that bonds have not been released. We've heard, time and time again, that the bonds would be released based on us and our actions here, whether it was paying the hospitals or whether it was approving the liquor contract or whatever the flavor of the week was. But I think that, for me, I find this strange at such a late hour, so late in the session, that we are suddenly focused on this one bond and we have forgotten about the other bonds. Those bonds are being held. At times, I've even heard them say they're being held hostage. I think it's clear from the interest from the community out there, the construction community who came into this House, who came into different rooms, different press conferences, wore their orange vests, wore their hardhats and it was really clear that they were requesting those bonds be released because that meant that they would go back to work. That meant that we would not lose another construction season. This late in the session, the construction season has already started. At this point in time, before these bonds are even released, we may lose another construction season. We lost the last construction season and I think it's the inaction of the Chief Executive that we may lose this construction season as well.

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

Representative **THERIAULT**: Thank you, Mr. Speaker. It's just one of those things we need to talk about and it is this. When the major sponsor for this bill was asked, I was the one that was approached and signed off to the Governor's Bill. Now, tonight, an amendment is brought in. I've never been notified. I've don't even know what's going on. You know, here we go. We want a bond package and, at this late hour, here we are trying to deal with it. We have other areas that we need to look at, not just transportation. I approached people on Appropriations and had discussions with them and whoever else was in here I've talked to. Now, all of the sudden, this evening, here we are sitting, talking about a bond package that none of us are really aware of. Thank you.

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

Representative **MCLEAN**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. For two years now, we've been asking our Chief Executive to do what the people of Maine requested us to do, release the job creating bonds that were approved by our constituents over the last two years. This has still not happened. I am, however, glad to see that some of



my colleagues in this body have come around to realize that these bonds do in fact create jobs. However, if this is a jobs bill, then where have our other members of the House, of this body been over the last two years while our Chief Executive has sat on millions of dollars of bonds that would have created thousands of jobs by now? Two construction seasons have passed. I'm very perplexed by the desperate urgency that has come upon some in this chamber to pass this particular bond bill on this last night of the session. Unfortunately, this untimely surprise seems like political games are being played with people's jobs and people's livelihoods. Mr. Speaker, the only jobs that we are losing right now at this very minute are the ones that have been sitting on our Chief Executive's chair for two years. We will have a transportation bond this fall, but let's do it right and let's put together a comprehensive package that invests in our roads and bridges and other job-creating sectors of our economy, one that will still keep our transportation projects on track and one that is not grounded in politics, but one that really works for Maine families and Maine businesses. 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 as someone who is not always supportive of bonds; however, I have to say, in this past year, I have learned a lot being a member of the Transportation Committee. I also was under the impression when we passed the budget that, yes, there would be a bond and it would be in November as it was explained to us by the DOT. If you go to the MDOT website, you can see the three-year work plan in there. In there, you can go to your towns and you can see all of the work that is going to be done. However, another thing that I have learned being a member on the Transportation Committee, besides that "sign" is a four-letter word, is the fact that we have to prioritize our roads and our bridges because we do not have enough money to fix all of the roads and bridges that are necessary in this state. Therefore, ladies and gentlemen, once again, rural Maine has a lower rating. So if we do not release and do not have a bond package, unfortunately, the majority of this would be cut from rural Maine. Yes, as the good Representative from Medway says, this is jobs bill and it is one mostly targeted in rural Maine. So I would urge you, urge you to vote against the pending motion. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Searsport, Representative Gillway.

Representative **GILLWAY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would just wonder, I think there is some confusion over whether this has had an adequate presence in front of this Legislature. Is it possible to read the Committee Report?

The SPEAKER: There is no Committee Report. It is a Joint Order. The Chair recognizes the Representative from Freedom, Representative Jones.

Representative **JONES**: Thank you, Mr. Speaker. I rise to answer the question posed by the good Representative from North Yarmouth. November 6, 2012, voters approved question 4, which was a \$51.5 million transportation bond, which would have leveraged \$105.6 million in additional federal funds.

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

Representative **LOCKMAN**: Thank you, Mr. Speaker. I rise to answer the question posed by the good Representative from North Yarmouth as to why the Chief Executive has delayed issuing transportation bonds approved by voters a couple of years ago, and everybody ought to be familiar with this history.

The Chief Executive was advised that as long as the State of Maine had a half billion dollars of outstanding debt to the hospitals, accumulated over the last 10 years under the prior administration. If we issued any new bonds, it would jeopardize our credit rating. So prudently, the Executive decided until we get the hospitals paid, we're not going to issue any more bonds. So the Executive proposed a hospital repayment plan in January to repay the hospitals with the wholesale liquor contract and the leadership of the majority party said, "No, you can't do that. These are unrelated issues. You can't link the revenue from the liquor contract to paying the hospitals." Then, within about three weeks, they caved on that. They said, "Well, all right, you can do that, but we don't like the Executive's plan. It's unconstitutional to use revenue bonds." Well, about two or three weeks later, they caved on that too, when the Attorney General said it is constitutional to use revenue bonds. Well, then they decided, "Well, we want to link expansion of Medicaid coverage," which actually is what caused the hospital debt in the first place and we went through that political exercise here. Finally, they gave us a clean bill and it passed unanimously and we are paying the hospitals and now the other bonds can be issued. Thank you.

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. Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I want to respond to the question about why is this coming up at such a late date, the closing hours of the session. Well, I've got to tell you, a few weeks ago, I asked the question in Appropriations, during a committee meeting, about whether or not we could get a transportation bond issue out this session, before the end of the session, because of the concerns expressed to me by the Deputy Commissioner of the Department of Transportation that in fact he needed this done so that they could get their project planning done. I was told by the chairs of the Appropriations Committee that the leadership was working on this issue and that we'd be told about their approach to the bond package. I had expressed my concerns earlier on and just wanted to let you know that this isn't last minute, at least for this legislator. Thank you.

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

Representative **FOWLE**: Thank you, Mr. Speaker. In listening to the other Representatives speak about the process of bonds and how they've gone through and how the holdup and the Executive office sitting on bonds, it's my understanding, Mr. Speaker, is that this is the process of putting bonds forward that come up in a session is, typically, you vote on the budget, the budget has to pass before you put any bonds forward, and then the Appropriations Committee works together to put out bonds that then go to the voters, that this being pulled out of that arena and put forward is very unusual. I just find it odd that we would be critiquing how things were done on bonds when we are looking at trying to do something a completely different path forward than what traditionally is done. Being a new member here, I've asked a number of times, "How is this normally done?" I've been told "You pass a budget, the bonds that come up and bills go into Appropriations and they work on them to put forward bonds to be voted on in November and in June." I do understand that the Department of Transportation said if this went forward in June, they would still be able to work on it. The other thing I find interesting is the concern that the Representative from Newport has on a three-year plan if a bond isn't put forward in November, that the three-year plan couldn't work. What about the bonds that

were passed by the voters in 2009, that were passed by the voters in 2010 and 2011? What about that three-year plan? What happened with that when those didn't go forward? Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "A" (H-579). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 450**

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

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

ABSENT - Beaudoin, Clark, Espling, Kent, Knight, Libby A, Malaby, Pease, Powers, Saxton, Shaw, Tyler, Werts.

Yes, 85; No, 53; Absent, 13; Excused, 0.

85 having voted in the affirmative and 53 voted in the negative, with 13 being absent, and accordingly **House Amendment "A" (H-579) was INDEFINITELY POSTPONED.**

Representative BERRY of Bowdoinham **PRESENTED House Amendment "B" (H-580)**, 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. This amendment would simply follow up on the House's action earlier to recommit LD 1230, "An Act To Improve Access to Oral Health Care," to the Committee on Labor, Commerce, Research and Economic Development. We took that action earlier today in this body and, because of that, we now need to amend the list of carryover bills to reflect our intent with that action. Thank you, Mr. Speaker.

Subsequently, **House Amendment "B" (H-580) was ADOPTED.**

The same Representative moved that the Joint Order be **TABLED** until later in today's session pending **PASSAGE.**

Representative **TIMBERLAKE** of Turner **REQUESTED** a roll call on the motion of Representative BERRY of Bowdoinham to **TABLE** until later in today's session pending **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 to Table until later in today's session pending Passage. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 451**

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, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby N, Longstaff, Luchini, Marks, Mason, Mastraccio, McCabe, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, Nelson, Noon, Peoples, Peterson, Plante, Priest, Pringle, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Saucier, Schneck, Short, Sirocki, Stanley, Stuckey, Theriault, Tipping-Spitz, Treat, Verow, Villa, Welsh, Mr. Speaker.

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

ABSENT - Beaudoin, Clark, Espling, Kent, Knight, Libby A, MacDonald W, Malaby, Pease, Powers, Saxton, Shaw, Tyler, Werts.

Yes, 87; No, 50; Absent, 14; Excused, 0.

87 having voted in the affirmative and 50 voted in the negative, with 14 being absent, and accordingly the Joint Order was **TABLED** until later in today's session pending **PASSAGE.**

**SENATE PAPERS**

**Non-Concurrent Matter**

An Act To Correct Minor Technical Errors and Inconsistencies in the Unified Budget Bill (EMERGENCY)

(H.P. 1141) (L.D. 1572)

(H. "A" H-575)

**FAILED** of **PASSAGE TO BE ENACTED** in the House on July 9, 2013.

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

Representative **ROTUNDO** of Lewiston moved that the House **RECEDE.**

Representative **FREDETTE** of Newport **REQUESTED** a roll call on the motion to **RECEDE.**

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

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

**ROLL CALL NO. 452**

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, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby N, Longstaff, Luchini, Marks, Mason, Mastraccio, McCabe, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, Nelson, Noon, Peoples, Peterson, Plante, Priest, Pringle, Rankin, Rochelo, Rotundo, Russell, Rykerson,

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

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

**ABSENT** - Beaudoin, Clark, Espling, Kent, Knight, Libby A, MacDonald W, Malaby, Pease, Powers, Saxton, Shaw, Tyler, Werts.

Yes, 86; No, 51; Absent, 14; Excused, 0.

86 having voted in the affirmative and 51 voted in the negative, with 14 being absent, and accordingly the House voted to **RECEDE**.

Representative **ROTUNDO** of Lewiston **PRESENTED House Amendment "B" (H-581)**, which was **READ** by the Clerk.

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

Representative **ROTUNDO**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. This amendment amends the bill by striking out all of the emergency preamble as well as striking out all of the emergency clause. Thank you.

Subsequently, **House Amendment "B" (H-581)** was **ADOPTED**.

Subsequently, the Bill was **PASSED TO BE ENGROSSED as Amended by House Amendments "A" (H-575) and "B" (H-581) in NON-CONCURRENCE** and sent for concurrence.

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

Representative **WILSON**: Mr. Speaker, may I pose a question to the Chair?

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

Representative **WILSON**: Thank you, Mr. Speaker. I'm having a hard time locating the last roll call that was done for LD 1503, the last roll call which was Recede and Concur and failed, and I am hoping that I can get some more information. I have asked the staff a couple of times about where it is and I was told that they were unaware of where it was. I'm just wondering was a roll call actually done and if I can get that roll call information? I've been waiting for it for some time now and I would like to know where it is.

The **SPEAKER**: This is the roll call where the board reflected, I think it was 70 votes required. That was incorrectly reflected. The staff is trying to accurately reflect what the roll call was. When that is done, that will be distributed to members and that's why it hasn't been distributed yet. I've been informed that we really can't do it until we have a recess.

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

#### **ENACTORS**

##### **Emergency Measure**

An Act To Fund Agreements with Certain State Employee Unions and Ensure Equitable Treatment for Other State Employees

(S.P. 617) (L.D. 1576)

(S. "A" S-370)

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

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

#### **ENACTORS**

##### **Emergency Measure**

An Act To Correct Errors and Inconsistencies in the Laws of Maine

(H.P. 1103) (L.D. 1536)

(H. "A" H-569, H. "B" H-570, H. "C" H-571, H. "D" H-572, H. "E" H-573, H. "F" H-574, H. "G" H-576, H. "H" H-577 and H. "I" H-578 to C. "A" H-566; S. "A" S-369)

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. 118 voted in favor of the same and 6 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.

#### **SENATE PAPERS**

##### **Non-Concurrent Matter**

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)

(S. "A" S-342 to C. "A" H-552)

**PASSED TO BE ENACTED** in the House on June 27, 2013.

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

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

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

**COMMUNICATIONS**

The Following Communication: (S.C. 543)

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

July 9, 2013

Honorable Millicent M. MacFarland

Clerk of the House

2 State House Station

Augusta, Maine 04333

Dear Clerk MacFarland:

Senate Paper 418, Legislative Document 1181, "An Act To Further Strengthen the Protection of Pregnant Women and Children from Toxic Chemicals," 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?"

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

Best Regards,

S/Darek M. Grant

Secretary of the Senate

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (S.C. 544)

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

July 9, 2013

Honorable Millicent M. MacFarland

Clerk of the House

2 State House Station

Augusta, Maine 04333

Dear Clerk MacFarland:

Senate Paper 902, Legislative Document 1263, "An Act To Increase Funding for the Snowmobile Trail Fund and Adjust the Sales Tax Relating to Snowmobiles and Trail-grooming Equipment," having been returned by the Governor, together with objections to the same, pursuant to Article IV, Part Third, Section 2 of the Constitution of the State of Maine, after reconsideration, the Senate proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objections of the Governor?"

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

Best Regards,

S/Darek M. Grant

Secretary of the Senate

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (S.C. 545)

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

July 9, 2013

Honorable Millicent M. MacFarland

Clerk of the House

2 State House Station

Augusta, Maine 04333

Dear Clerk MacFarland:

Senate Paper 993, Legislative Document 1390, "An Act Regarding the Cancellation of Subscription Services," 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 12 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.**

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The Following Communication: (S.C. 546)

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

July 9, 2013

Honorable Millicent M. MacFarland

Clerk of the House

2 State House Station

Augusta, Maine 04330

Dear Clerk MacFarland,

In reference to the action of the Senate on June 14, 2013, whereby it Insisted and asked for a Committee on Conference on Bill "An Act to Protect Maine Communities by Prohibiting Horse Slaughter for Human Consumption and the Transport of Horses for Slaughter" (H.P. 913) (L.D. 1286), 10 Legislative days having passed without the Committee submitting a report as required, pursuant to Joint Rule 352, this is to notify you I am hereby placing L.D. 1286 in the Legislative files.

Sincerely,

S/Darek M. Grant

Secretary of the Senate

**READ and ORDERED PLACED ON FILE.**

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

Representative **BROOKS**: Would a motion be in order, Mr. Speaker?

The SPEAKER: Nothing is currently before the body. The Chair recognizes the Representative from Winterport, Representative Brooks.

Representative **BROOKS**: Mr. Speaker, I move that we remove House Paper 1142 from the Unassigned Table. I wish to speak to my motion.

The SPEAKER: That motion is out of order at this time. The Chair recognizes the Representative from Winterport, Representative Brooks.

Representative **BROOKS**: Will that motion be in order sometime this evening, Mr. Speaker?

The SPEAKER: Sometime this evening that motion will be in order. The Chair recognizes the Representative from Winterport, Representative Brooks.

Representative **BROOKS**: Would you, with due respect, let me know, sir?

The SPEAKER: Yes.

Representative HARVELL of Farmington moved that the House **RECONSIDER** its action whereby Bill "An Act To Enable the Town of Livermore Falls To Withdraw from Androscoggin County and Join Franklin County"

(H.P. 25) (L.D. 27)  
(S. "A" S-368 to C. "A" H-503)

**FAILED PASSAGE TO BE ENACTED.**

Representative McCABE of Skowhegan **REQUESTED** a roll call on the motion to **RECONSIDER** whereby the Bill **FAILED PASSAGE TO BE ENACTED.**

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

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

Representative **HARVELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. When we get here late in session bills can become casualties to the passions that inflame us all. This is a simple bill that would allow the community – it doesn't involve health care, it doesn't involve bonds, it doesn't involve political ideology – of Livermore Falls, which has now, even in its school, united with Jay, the chance to become part of Franklin County which it more associates itself with closely than Androscoggin County. I just wish that people would reconsider their vote from earlier today.

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 stand in agreement with the good Representative from Farmington and ask that you would vote to reconsider. This was a bill that spent considerable time in the State and Local Government Committee. When we first listened to this testimony on the bill, we realized that although we wanted to help the community out, it was submitted in a way that we couldn't work with it, and we worked with the sponsor to come back at it a different way and there was actually a second bill. We've already processed that bill and this one was timely. We spent several months to try to work this through the process here. It was a unanimous report out of our committee and I was very dismayed that we could not meet the mandate earlier this morning. I would ask that you reconsider your vote and give us the opportunity to support the work that we did in committee, along with the sponsor, and do as the Representative from Farmington suggested. This is a permissive bill. It allows the people in the community and the people in two counties to make a decision. We're not making the decision for them. We're giving them permission to go forward and I would ask that you vote in favor of the reconsideration for that reason. Thank you.

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

Representative **CHENETTE**: Thank you, Mr. Speaker. I would concur with the good Representative from Buckfield. I hear often in this chamber that we have to respect the will of the committee's work. The committee put long hours into crafting a piece of legislation that was a compromise, that we worked again with the sponsor to do. The Town of Livermore Falls and both counties that are involved have all come to the agreement on this particular notion, so to somehow take one bill and play politics, I think, is absolutely wrong. If you support a bill, vote for it. If you don't, vote against it. If something is good public policy, you should support it, period. I am not here to play politics. I don't care if it's a bill that is presented from a Democrat or a Republican and to see this happen today is shameful, shameful,

and I would urge my colleagues on this side of the aisle to consider this as a piece of legislation individually, not based in a political context. Thank you, Mr. Speaker.

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

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

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

Representative **McCABE**: Thank you, Mr. Speaker. It seems that we've had a change of heart based on the reconsideration motion and I'd be curious to see why the change of heart, and the Representative from Farmington seems to have changed his mind and I didn't know if he had some new information.

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

Representative **HARVELL**: I'm a little confused about changing my mind. I believe that a no vote at the time means the motion was the correct motion, that I was on the prevailing side.

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

Representative **BERRY**: Thank you, Mr. Speaker. Point of Order. If the Representative voted on the prevailing side, then he voted against the bill. I guess the question still needs to be answered. Why the change of heart?

On **POINT OF ORDER**, Representative **BERRY** of Bowdoinham asked the Chair if the Representative from Farmington, Representative HARVELL was on the prevailing side of the pending question.

The **SPEAKER**: To further clarify earlier when the bill was held, the Representative from Farmington, Representative Harvell, did say that he voted on the prevailing side. Again, since there is no recorded roll call, could not reflect upon the record. At this time, the pending motion is Reconsideration. A roll call is in order.

The Chair advised Representative **BERRY** of Bowdoinham that the Representative from Farmington, Representative HARVELL was on the prevailing side of the pending question.

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

Representative **HARVELL**: The bill failed to be enacted. I voted with the losers.

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

Representative **McCABE**: Thank you, Mr. Speaker. Point of Order question. I believe if the good Representative from Farmington actually voted on the losing side, then he would not actually be able to move the reconsideration.

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

Representative **McCABE**: May I pose a question to the Chair?

The **SPEAKER**: The Representative may proceed.

Representative **McCABE**: I would think that the motion for reconsideration is out of order then at this time.

On **POINT OF ORDER**, McCabe of Skowhegan asked the Chair if the Representative from Farmington, Representative HARVELL was on the prevailing side of the pending question.

The **SPEAKER**: The Representative from Farmington, Representative Harvell, was on the prevailing side, which was the no side, so the motion is properly before the body.

The Chair advised Representative McCABE of Skowhegan that the Representative from Farmington, Representative HARVELL was on the prevailing side of the pending question.

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

Representative **McCABE**: Thank you, Mr. Speaker. I just need some further clarification. I believe the good Representative from Farmington said that he actually voted to support the bill in his previous action. I would say that those voting no were on the prevailing side, so those would be the folks that would actually be able to move reconsideration. Is that correct?

The SPEAKER: Would the Representative from Farmington, Representative Harvell, clarify which way he voted on the previous vote?

Representative **HARVELL**: At this point, I'm as confused as anyone.

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

Representative **CHAPMAN**: Thank you, Mr. Speaker. I happen to keep a record of the votes. I don't know how any individual voted, but this was one where there were 101 votes that were required and 83 voted yes, and I think it was 54 voted no. So it was an 83-54 vote, but 101 were required. That's why it failed. So which side is the prevailing side in a situation like that is my question.

The SPEAKER: Voting no would have been the prevailing side because 101 votes were required. The Chair recognizes the Representative from Newport, Representative Fredette.

Representative **FREDETTE**: I guess I am thoroughly confused, so if I can just ask the Chair to clarify where we're at, I'd appreciate it.

On **POINT OF ORDER**, Representative **FREDETTE** of Newport asked the Chair to clarify what action is being taken.

The SPEAKER: I think the question posed through the Chair was a question of whether the Representative from Farmington, Representative Harvell, was recorded on the prevailing side. There was no recorded roll call because it was not a roll call. There was, I think, an attempt to get clarification on which side the Representative from Farmington voted and there is no direct answer.

The Chair clarified the pending action.

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

Representative **BERRY**: Thank you, Mr. Speaker. Point of Order, if I may. It sounds as if the Representative from Farmington is not sure how he voted and I guess I would inquire of you, Mr. Speaker, if I'm not sure how I voted on a given measure, whether on the prevailing side or not on the prevailing side, if I can then move a reconsideration.

The SPEAKER: To further clarify earlier when the bill was held, the Representative from Farmington, Representative Harvell, did say that he voted on the prevailing side. Again, since there is no recorded roll call, could not reflect upon the record. At this time, the pending motion is Reconsideration. A roll call is in order.

The Chair recognizes the Representative from Kittery, Representative Rykerson.

Representative **RYKERSON**: Mr. Speaker, thank you. If the Representative from Farmington is willing to withdraw his motion, I move to Reconsider. I know I voted no.

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

Representative **CROCKETT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. From time to time, we have these bills. We have the water district bills. We have corporations that need to be changed. If you ever want to make a permanent enemy in life, vote against someone's water district because usually it's a pretty mundane exercise for this body. This bill, as the good Representative from Livermore Falls, Representative Knight, who, unfortunately, I think he had surgery earlier today so he came in for a little while, but he had to leave so he wouldn't be able to rise and speak on his own behalf or on behalf of this town. It's a pretty innocuous issue. The town, they voted to join Franklin County, which I represent the northern half of; Androscoggin County doesn't seem to have an issue with it. There seems to be no political advantage one way or the other. It simplifies some of their budgets because I guess they share a school district, which the good Representative from Jay can elaborate on. I know it sounds strange for politicians to admit this, but sometimes we make bigger issues out of smaller issues. This is probably a time when cooler heads prevailed. Passions have subsided for the evening and we're probably reconsidering this and helping out the good people of Livermore Falls is probably a reasonable course of action. So I would implore you to reconsider and let this go to the people and let them decide. In their wisdom, we will find our deliverance. Thank you.

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

Representative **CAREY**: Mr. Speaker, point of clarification. This has not come before the voters in Androscoggin County. This would lower the tax base of Androscoggin County, so it would hurt Androscoggin County.

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

#### ROLL CALL NO. 453

YEA - Ayotte, Beaulieu, Beavers, Bennett, Black, Boland, Bolduc, Briggs, Brooks, Campbell R, Casavant, Cassidy, Chapman, Chase, Chenette, Chipman, Cotta, Crafts, Cray, Crockett, Daughtry, Davis, Devin, Dill, Doak, Dorney, Dunphy, Duprey, Evangelos, Farnsworth, Fitzpatrick, Fowle, Fredette, Frey, Gattine, Gifford, Gilbert, Gillway, Graham, Guerin, Hamann, Harlow, Harvell, Hayes, Hickman, Jackson, Johnson D, Johnson P, Jones, Jorgensen, Keschl, Kinney, Kumiega, Kusiak, Libby N, Lockman, Long, Longstaff, MacDonald S, Maker, Marean, Marks, Mason, McClellan, McElwee, McGowan, McLean, Monaghan-Derrig, Moriarty, Morrison, Nadeau A, Nadeau C, Nelson, Newendyke, Nutting, Parry, Peavey Haskell, Peoples, Peterson, Pouliot, Pringle, Reed, Rykerson, Sanderson, Sirocki, Stuckey, Theriault, Timberlake, Turner, Verow, Villa, Volk, Wallace, Weaver, Willette, Wilson, Winchenbach, Winsor, Wood.

NAY - Beck, Berry, Campbell J, Carey, Cooper, DeChant, Dickerson, Dion, Goode, Grant, Herbig, Hobbins, Hubbell, Kaenrath, Kornfield, Kruger, Lajoie, Luchini, Mastraccio, McCabe, Moonen, Noon, Plante, Priest, Rankin, Rochelo, Rotundo, Russell, Sanborn, Saucier, Schneck, Short, Stanley, Tipping-Spitz, Treat, Welsh, Mr. Speaker.

ABSENT - Beaudoin, Clark, Espling, Gideon, Kent, Knight, Libby A, MacDonald W, Malaby, Pease, Powers, Saxton, Shaw, Tyler, Werts.

Yes, 99; No, 37; Absent, 15; Excused, 0.

99 having voted in the affirmative and 37 voted in the negative, with 15 being absent, and accordingly the House

**RECONSIDERED** its action whereby the Bill **FAILED PASSAGE TO BE ENACTED.**

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. Again, this is a permissive bill. It's not a prescriptive bill. It gives permission for the voters in Livermore Falls, then the voters in Androscoggin County and the voters in Franklin County would all have to consider this move of that municipality from one county to the other. They would have to be successful in all three of those votes. This gives permission for them to hold those votes. Without us giving them permission, they can't proceed. That's the language that's written into statute. Voting in favor of this is not necessarily saying that you are in favor of that move, but you're in favor of allowing the voters in those three areas to make the decision. Again, the State and Local Government Committee worked with the bill's sponsor and many members of the Livermore Falls community and with each other, over a period of months, to get to this point, and we voted unanimously in support of this process and allowing the voters in these three areas to make this decision. I hope that 101 of you will agree with us this evening and vote so that we can move this on to the other body, and then we can blessedly go home and enjoy the rest of the summer. Thank you.

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. If you will note on the previous vote, we were two votes shy of that. I would urge the members here today that your vote will truly count on this. It will be a close vote, I suspect. Again, I think that everybody has said what needs to be said and I urge you to truly consider this, in terms of what's in the best interest for the people by the affected communities and not look at this as a political issue. 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. To echo some of what the good Representative from Newport said, it's been a long day, it's very late, passions have been heated, and we are at the end of a long session. But these two communities were not involved in any of this. They weren't involved in my own incompetence. They are historically linked. They are mill working communities. The schools, they're not separated anymore. They've been unified. Both of the two counties has given their okay. We just need two votes.

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 the Chair of State and Local Government, I have to concur with the good Representative from Buckfield. We worked really hard to come to a reasonable solution for this community. I have to say that our committee worked quite consistently, except for a couple of times, in a very, very nonpartisan way. We were thoughtful. We worked extremely hard. This was a unanimous report out of the committee. It was under the hammer in both bodies, until we got to this point. I have to be completely honest that this is a bill that I think is well worth it and, with that, I would ask that the Clerk read the Committee Report.

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

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

The **SPEAKER**: The Chair recognizes the Representative from Turner, Representative Timberlake.

Representative **TIMBERLAKE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I stand before you as somebody who serves on the Budget Committee for the Androscoggin County Commission and I think that this ought to be put out for the people to make a decision on. This isn't a political decision. Representative Knight, the good Representative from Livermore, has worked very hard on this bill and the committee has worked hard, and so I hope that we support it. Mr. Speaker, I request a roll call.

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

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

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

Representative **DION**: Mr. Speaker, may I pose a question through the Chair to anyone on the committee?

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

Representative **DION**: Thank you, Mr. Speaker. First question, there is some assertions made that this decision is okay with the county. Having worked in county government, I'd like to know what comprises the county said okay. Second, has there been any assessment of the fiscal impact on the county budget for Androscoggin if this move is approved, as their budgets live on margins and very tight, so any significant change really changes the course of county services in that locale. Thank you.

The **SPEAKER**: The Representative from Portland, Representative Dion, has posed two questions through the Chair to committee members who may care to respond. The Chair recognizes the Representative from Buckfield, Representative Hayes.

Representative **HAYES**: Thank you, Mr. Speaker. I rise to answer the good Representative from Portland's question. In fact, the committee did not have to consider the impact because we didn't vote in favor of this move. We have voted in favor and we're asking you to vote in favor of letting the people decide. Three separate votes will happen. If 101 of us vote in favor of this, there will be three separate votes that will occur. One will happen in the Town of Livermore, one will happen in the entirety of Androscoggin County, and a separate vote in Franklin County. In all three of those, the decision must prevail in order for this move to actually occur. All we're doing is giving them permission to hold those votes. It's not our job to analyze the fiscal impact of the decision because the voters in Androscoggin County, the voters in Franklin County and the voters in Livermore Falls, each of those groups will get to make those decisions. They won't get to make that decision if you vote no. We're giving them permission to have this debate in the counties and in the town, and to proceed with a referendum. We didn't analyze whether we supported the outcome. It was our job to say, are they ready, have they done the other things they need to do to put it to a vote. So there isn't an answer to that question because it wasn't our role. We're just saying whether we want those three groups of people to be able to wrestle with this question, and we would like to give them that opportunity.

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. A number of you have asked how I feel about this because we are one community,

Jay and Livermore Falls. It's one community. In the redistricting, I'll be running for the Legislature to represent Jay and Livermore Falls in the new district and the northern part of Livermore. At this point, I've spoken with officials from Jay about this bill. Actually, they contacted me when they saw that I was a cosponsor. I cosponsored as a favor to a friend, Representative Knight, somebody that I've known all my life. Officials in Jay are not excited about this and it's financial. I've spoken to selectmen in Livermore Falls who are also friends of mine, like I said, it's one community, and they haven't taken a stand on this because they don't know if they are going to benefit financially or not. I've hesitated and waited to turn my light on until you've called for a second call for votes. I voted yes both times, but I don't have a position on it. I just felt that I should get up and say how I feel as being a Representative from that area. This may be good. It may not be good. The citizens of Livermore Falls will vote. If we pass this, the citizens of Livermore Falls will be the first ones to vote on this and if they vote to join Franklin County, then the vote goes to the voters of Franklin County and Androscoggin County. I don't know which county would vote first on it. Whichever way we vote, if we're 101 votes yes on this, that doesn't mean it's going to happen. It just moves the process along. 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 late and we'd all like to move on. We've heard all the reasons why we should support this bill, but I haven't heard too much about why we should not. After being around here a while, we tend to, if we're not sure on which way to vote, look to our leadership to see how they're voting. It puzzles me to see that leaders on the other side of the aisle tend to oppose, but I don't hear any reason why we should oppose. It's a close vote. It looks like two, maybe three needed. Why should anyone not vote for this? Thank you.

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

Representative **BERRY**: Mr. Speaker, may I pose two questions through the Chair?

The SPEAKER: The Representative may pose his question.

Representative **BERRY**: Thank you. The first is a question that has already been asked and I just would appreciate a very specific numerical answer and that is the fiscal impact on Androscoggin County, if the measure is approved and if the referenda are successful. In other words, if the withdrawal that is intended, that is behind this bill succeeds. The second question, Mr. Speaker, that I want to pose through the Chair to anyone wishing to answer, both of these to anyone wishing to answer, is was there consideration in the committee, given that this is an unfunded mandate, of trying to find a way to fund it. The elections in each of the affected areas, three different affected areas, are all required. They don't have a choice, as the process moves forward, about whether to have those referenda and whether to pay for them. I'd just appreciate knowing, since we are voting on an unfunded mandate, that's very clear in the fiscal note, whether there was any consideration and why the decision was made not to fund this bill. Thank you, Mr. Speaker.

The SPEAKER: The Representative from Bowdoinham, Representative Berry, has posed two questions through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Buckfield, Representative Hayes.

Representative **HAYES**: Thank you, Mr. Speaker. Again, it is not the role, the way the statute was written, for the State and Local Government Committee or this body to make a fiscal analysis of whether or not this should happen. That question did

not come up. It was not considered. You've asked the question twice and it's the second time I will say there is not an answer of what the fiscal impact will be on Androscoggin County. We do not know that answer. The folks in Androscoggin County are likely to vote based on their assessment of that, but we did not make that assessment. That is not the role of our committee in going through the statute for a municipality to move from one county to the other. We don't analyze the wisdom of that. That wasn't what was before us. So, no, there is no answer to that. We're not holding back on it. Second, this is an unfunded mandate because it does say that there may be three votes. The good Representative from Jay indicated if the voters in Livermore Falls, they vote first, when they will vote is up to them. They can vote on a day they've got to vote anyway. They could vote on Election Day in November, no added cost to doing that. It's another question on a ballot. It might be a second piece of paper. The same thing can happen with the counties, when will they have the vote. We're not telling them when to do it. If Livermore Falls votes yes, then both counties have to vote yes and they can decide themselves when they want to hold that balloting. If they hold it in June, they're going to be at the ballot box anyway in June 2014. So they can manage this in a way that either increases or decreases their cost. We are not telling them when they have to do it, but that they would do it, and they will make those decisions locally. So the counties would decide when it would show up on the ballot and the town would. Yes, it is an unfunded mandate because we don't pay for that, but they can manage it in a way that reduces or significantly limits the exposure, in terms of their cost.

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

Representative **COTTA**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This started out and the good Representative from Buckfield really has captured the essence of the conversation and our House Chair has pointed out some points. This started out as a change to statute. Somehow, it's gained another life that it's got to have a fiscal note on. It was a change to an existing statute in order. It was in the order that things could occur. It is degraded to the point that now it's a mandate. We're going to make them vote. None of that is true. We are giving them the opportunity to vote. They can choose yea or nay, it's their choice. So let's not muddy the waters with these unanticipated expenses and the idea of mandate and Lord only knows, some of you might mention local control. But keep this in mind. All we're doing is changing the statute allowing them the opportunity, so let's just keep an eye on that. I'd appreciate it. Thank you.

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

Representative **CHENETTE**: Thank you, Mr. Speaker, and I don't apologize for rising a second time. I don't live in Livermore Falls. This does not impact my district. But we are also elected as State Representatives based on what is good public policy. Is local control just a convenient catchphrase that benefits our individual bills or do we actually mean that? I mean that. I mean local control. That's what this bill does. It empowers people to make their own choices by voting whether they want this or not. It empowers both counties to vote on this, whether they want this or not. We had county commissioners comes to our committee saying that they wanted this. We had selectmen come to our committee saying they wanted this. Let them vote on it. If they say, "You know what, this is too much for us, we don't want to deal with this," let them decide. But we don't live there, or at least most of us don't. Let them vote on it. How can we in this



chamber, right now, in these seats, determine what is the right path for a community we have never been in or a community we have never visited? Let them vote on their own future and let's not undermine the hard work of our committee process that we so often tout in this chamber. We put in long hours back in February. Sorry I don't have my notes in front of me. But let's empower our committees to make the right choices and make the right recommendations, especially on unanimous votes. Empower people to make their choices. This is local control. Thank you, Mr. Speaker.

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

Representative **McCABE**: Thank you, Mr. Speaker. There have been some questions that have sort of gone unanswered and I just want to clarify. I know that when this bill had the public hearing, there was a news article on March 13 that discussed the handful of folks that showed up to testify on this bill. Furthermore, it talked about the economic impact to Androscoggin County, which seems to be pretty substantial based on the fact that Livermore Falls is a larger municipality. I would be curious if anybody knew what the specific revenue is in relation to that. The article even goes on further to say that it's not the first time that this bill has come before the Legislature. I believe it was in 2005 when it came forward and actually was not passed as well. Thank you.

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

Representative **CAREY**: Thank you, Mr. Speaker. Mr. Speaker, this has been suggested this is a permissive bill to allow something to happen and why shouldn't this be allowed. This is not permissive. I'm reading from both the bill and the amendments. The amendment addressed the bill in a number of specific ways. The Act, for the purpose of submitting this Act, must be called at a town meeting or special town meeting. The vote must be called. The clerk shall prepare the amendment. The result of the vote in Androscoggin County must be declared. There is no may here. This is shall or must. This has to happen. This is a cost to the voters in my county, if the voters in Livermore Falls decide this to go through. That's why this is a mandate and that's why I'm going to vote against it. Thank you, Mr. Speaker.

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

Representative **GRAHAM**: Thank you, Mr. Speaker. To answer the good Representative from Skowhegan's question, this will have to be voted on, as the good Representative from Buckfield has said, by Livermore Falls, Androscoggin County and Franklin County. It will be the job of those communities to sell this for them, for the community to decide. We, as the good Representative from Buckfield said, did not work on the fiscal impact issues because the objective of this bill was to put this choice before the voters. That was it. To the good Representative from Lewiston, it is clear that there are some dates that these are to happen, but it still, quite honestly, I do not see that this is absolutely having to happen. Again, the people in the communities will decide and, as the job of the good Representative from Livermore Falls who is not feeling well at all tonight, maybe we're making him feel even worse, it's their job to fully vet this and make a decision. I concur with the good Representative from Saco, it's their choice and I think that we should respect the unanimous report out of committee and support this bill.

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

Representative **CROCKETT**: Thank you, Mr. Speaker, and I offer just a quick point of clarification. It has been suggested that: mandate, therefore it's required. Permissive means it is optional. Well, it is optional whether the people of Livermore Falls vote to leave Androscoggin. It's optional whether the people in Androscoggin choose to let them leave. It is optional whether the people of Franklin choose to accept them. That is the missing part of what I believe the good Representative from Buckfield was alluding to, so I offer that just as a brief clarification.

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

Representative **HAYES**: Thank you, Mr. Speaker. Mr. Speaker, Women and Men in the House. As soon as I'm done I think I'm going to go shoot myself because I'm standing up another time on this thing. The way a statute is written, if a municipality wishes to leave one county to join another, there is a series of steps that must be followed. One of them is to come here and get permission to have those votes. They've done the things that happen ahead of this in that list. I was trying to find it so I could read it to you. You're probably glad I didn't. You are welcome. But there was a series of steps and we're at that step. They've come and they've asked us and we've said, "You've done everything you needed to do to get to here, and yes, we believe you should be able to go forward, so we're giving them permission to do this because if we don't, they can't have those votes. That's when I say it's permissive because if we don't let them do it, they can't have the votes. Once we say yes, well, we're not going to let this community move out of Androscoggin County without Androscoggin County voting on it, so yes, we're making them vote on it. Or we could say, no, you don't have a say-so. That would be silly. Both counties that are impacted have a vote as the municipality does so if you vote no, you just say, "Okay, we don't care that you want it. We're not going to give you the choice." When I say it's permissive, they can't have the votes on this unless we give them permission to do it and that's what they've come to ask us for. Androscoggin County has a dog in this fight and we recognize that and they're going to analyze the fiscal impact and their voters will choose if 101 of us vote yes. Are we ready to vote?

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

Representative **CAREY**: Thank you, Mr. Speaker. Mr. Speaker, there are three options under the Constitution when this is found to be a mandate. Option 1 is we pay for 90 percent of the cost. This Legislature did not do that. This committee did not ask the Appropriations Committee to do that. Option 2 as a mandate, we override the fact that it costs money and we force towns and counties to do it. Option 3, we make it permissive. So if it's really the case that the governing bodies of the select board and the two county commissioners want this to happen, this could become law, it could be permissive, need not have an emergency mandate and this permissive intent that the committee supposedly had could have been met. That wasn't chosen. What is before us now is the mandate to require these votes to happen. Yes, in succession, but it's a requirement by a date certain. We had an option to allow a simple majority to pass this and this Legislature chose not to pursue that option.

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

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

**ROLL CALL NO. 454**

YEA - Ayotte, Beaulieu, Beavers, Beck, Bennett, Black, Boland, Bolduc, Briggs, Campbell J, Campbell R, Casavant, Cassidy, Chapman, Chase, Chenette, Chipman, Cotta, Crafts, Cray, Crockett, Daughtry, Davis, Devin, Doak, Dorney, Dunphy, Duprey, Evangelos, Fitzpatrick, Fowle, Fredette, Frey, Gattine, Gifford, Gilbert, Gillway, Graham, Guerin, Hamann, Harlow, Harvell, Hayes, Hickman, Hubbell, Jackson, Johnson D, Johnson P, Jones, Jorgensen, Kaenrath, Keschl, Kinney, Kruger, Kumiega, Kusiak, Lajoie, Libby N, Lockman, Long, Longstaff, MacDonald S, Maker, Marean, Marks, Mason, McClellan, McElwee, McGowan, McLean, Monaghan-Derrig, Moriarty, Morrison, Nadeau A, Nadeau C, Nelson, Newendyke, Nutting, Parry, Peavey Haskell, Peoples, Peterson, Pouliot, Reed, Russell, Rykerson, Sanderson, Saucier, Schneck, Sirocki, Theriault, Timberlake, Turner, Verow, Villa, Volk, Wallace, Weaver, Willette, Wilson, Winchenbach, Winsor, Wood.

NAY - Berry, Brooks, Carey, Cooper, DeChant, Dickerson, Dill, Dion, Farnsworth, Gideon, Goode, Grant, Herbig, Kornfield, Luchini, Mastraccio, McCabe, Moonen, Noon, Plante, Priest, Pringle, Rankin, Rochelo, Rotundo, Sanborn, Short, Stanley, Stuckey, Tipping-Spitz, Treat, Welsh, Mr. Speaker.

ABSENT - Beaudoin, Clark, Espling, Hobbins, Kent, Knight, Libby A, MacDonald W, Malaby, Pease, Powers, Saxton, Shaw, Tyler, Werts.

Yes, 103; No, 33; Absent, 15; Excused, 0.

103 having voted in the affirmative and 33 voted in the negative, with 15 being absent, and accordingly the Bill was **PASSED TO BE ENACTED** signed by the Speaker and sent to the Senate.

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

**COMMUNICATIONS**

The Following Communication: (S.C. 547)

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

July 9, 2013

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

Dear Clerk MacFarland:

Senate Paper 311, Legislative Document 890, "An Act To Buy American-made Products," 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?"

17 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.**

**ENACTORS**

**Acts**

An Act To Correct Minor Technical Errors and Inconsistencies in the Unified Budget Bill

(H.P. 1141) (L.D. 1572)  
(H. "A" H-575; H. "B" H-581)

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. 455**

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, Hubbell, Jones, Jorgensen, Kaenrath, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby N, Longstaff, Luchini, Marks, Mason, Mastraccio, McCabe, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, Nelson, Noon, Peoples, Peterson, Plante, Priest, Pringle, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Saucier, Schneck, Short, Stanley, Stuckey, Theriault, Tipping-Spitz, Treat, Verow, Villa, Welsh, Winchenbach, Mr. Speaker.

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

ABSENT - Beaudoin, Clark, Espling, Hobbins, Kent, Knight, Libby A, MacDonald W, Malaby, Pease, Powers, Saxton, Shaw, Tyler, Werts.

Yes, 86; No, 50; Absent, 15; Excused, 0.

86 having voted in the affirmative and 50 voted in the negative, with 15 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

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

Joint Order the Senate concurring, that the following specified matters be held over to any special and/or regular session of the 126th Legislature.

(H.P. 1145)

Which was **TABLED** by Representative BERRY of Bowdoinham pending **PASSAGE**.

Representative BERRY of Bowdoinham **PRESENTED House Amendment "C" (H-582)**, 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. Very simply, this amendment amends the so-called carryover order to add HP 534, LD 783, which is entitled "An Act To Change the Voting Requirements for the Withdrawal of a Municipality from a Regional School Unit." This is the bill sponsored by the good Representative from Hancock and this simply allows us to carry this bill over, along with all the others. Thank you, Mr. Speaker.

Subsequently, **House Amendment "C" (H-582)** was **ADOPTED**.

Representative FREDETTE of Newport **REQUESTED** a roll call on **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 Passage. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 456**

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

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

ABSENT - Beaudoin, Clark, Espling, Hobbins, Kent, Knight, Libby A, MacDonald W, Malaby, Pease, Powers, Saxton, Shaw, Tyler, Werts.

Yes, 87; No, 49; Absent, 15; Excused, 0.

87 having voted in the affirmative and 49 voted in the negative, with 15 being absent, and accordingly the Joint Order was **PASSED as Amended by House Amendments "B" (H-580) and "C" (H-582)**. Sent for concurrence.

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

**COMMUNICATIONS**

The Following Communication: (H.C. 280)

**STATE OF MAINE  
126TH MAINE LEGISLATURE**

July 11, 2013

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

Dear Clerk MacFarland:

Pursuant to our authority under Title 10, MRSA, §929-A, and in agreement with Governor LePage, we are pleased to make the following appointments to the Maine Economic Growth Council:

Kathryn M. Weare of Ogunquit  
Timothy C. Walton of Fayette  
Susan M. Corbett of Jonesport  
Harold Clossey of Calais  
Thomas M. Driscoll of Westbrook  
Laurie Lachance of Manchester

Please let us know if you have any questions regarding these appointments.

Sincerely,  
S/Justin L. Alfond  
President of the Senate  
S/Mark W. Eves  
Speaker of the House

**READ and ORDERED PLACED ON FILE.**

The Following Communication: (H.C. 281)

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

July 11, 2013

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

Dear Clerk MacFarland:

Pursuant to my authority under Title 10, MRSA, §929-A, and in agreement with the Presiding Officers, I am pleased to make the following appointments to the Maine Economic Growth Council:

Kathryn M. Weare of Ogunquit  
Timothy C. Walton of Fayette  
Susan M. Corbett of Jonesport  
Harold Clossey of Calais  
Thomas M. Driscoll of Westbrook  
Laurie Lachance of Manchester

Please let me know if you have any questions regarding these appointments.

Sincerely,  
S/Paul R. LePage  
Governor

**READ and ORDERED PLACED ON FILE.**

The Following Communication: (H.C. 262)

**STATE OF MAINE  
ONE HUNDRED AND TWENTY SIXTH LEGISLATURE  
COMMITTEE ON AGRICULTURE, CONSERVATION AND  
FORESTRY**

July 9, 2013

Honorable Justin L. Alfond, President of the Senate  
Honorable Mark W. Eves, Speaker of the House  
126th Maine Legislature  
Augusta, Maine 04333

Dear President Alfond and Speaker Eves:

We are pleased to report that all business which was placed before the Joint Standing Committee on Agriculture, Conservation and Forestry during the First Regular Session of the 126th Legislature has been completed. The breakdown of bills and papers before our committee follows:

76 Total Number of Bills and Papers  
41 Unanimous Reports  
6 Ought Not To Pass  
12 Ought To Pass  
19 Ought To Pass As Amended  
4 Referred to Another Committee  
21 Divided Reports  
6 Carried Over  
8 Gubernatorial Nominations  
Respectfully Submitted,  
S/Troy D. Jackson  
Senate Chair  
S/James F. Dill  
House Chair

**READ and ORDERED PLACED ON FILE.**

---

The Following Communication: (H.C. 263)

**STATE OF MAINE  
ONE HUNDRED AND TWENTY SIXTH LEGISLATURE  
COMMITTEE ON APPROPRIATIONS AND FINANCIAL  
AFFAIRS**

July 9, 2013

Honorable Justin L. Alford, President of the Senate  
Honorable Mark W. Eves, Speaker of the House  
126th Maine Legislature  
Augusta, Maine 04333

Dear President Alford and Speaker Eves:

We are pleased to report that all business which was placed before the Joint Standing Committee on Appropriations and Financial Affairs during the First Regular Session of the 126th Legislature has been completed. The breakdown of bills and papers before our committee follows:

101 Total Number of Bills and Papers  
4 Unanimous Reports  
4 Ought To Pass As Amended  
96 Carried Over  
1 Gubernatorial Nomination

Respectfully Submitted,  
S/Dawn Hill  
Senate Chair  
S/Margaret Rotundo  
House Chair

**READ and ORDERED PLACED ON FILE.**

---

The Following Communication: (H.C. 264)

**STATE OF MAINE  
ONE HUNDRED AND TWENTY SIXTH LEGISLATURE  
COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY**

July 9, 2013

Honorable Justin L. Alford, President of the Senate  
Honorable Mark W. Eves, Speaker of the House  
126th Maine Legislature  
Augusta, Maine 04333

Dear President Alford and Speaker Eves:

We are pleased to report that all business which was placed before the Joint Standing Committee on Criminal Justice and Public Safety during the First Regular Session of the 126th Legislature has been completed. The breakdown of bills and papers before our committee follows:

106 Total Number of Bills and Papers  
58 Unanimous Reports  
29 Ought Not To Pass

10 Ought To Pass  
17 Ought To Pass As Amended  
2 Referred to Another Committee  
37 Divided Reports  
1 Leave to Withdraw  
7 Carried Over  
3 Gubernatorial Nominations

Respectfully Submitted,  
S/Stanley J. Gerzofsky  
Senate Chair  
S/Mark N. Dion  
House Chair

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 265)

**STATE OF MAINE  
ONE HUNDRED AND TWENTY SIXTH LEGISLATURE  
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

July 9, 2013

Honorable Justin L. Alford, President of the Senate  
Honorable Mark W. Eves, Speaker of the House  
126th Maine Legislature  
Augusta, Maine 04333

Dear President Alford and Speaker Eves:

We are pleased to report that all business which was placed before the Joint Standing Committee on Education and Cultural Affairs during the First Regular Session of the 126th Legislature has been completed. The breakdown of bills and papers before our committee follows:

163 Total Number of Bills and Papers  
111 Unanimous Reports  
51 Ought Not To Pass  
6 Ought To Pass  
46 Ought To Pass As Amended  
8 Referred to Another Committee  
28 Divided Reports  
6 Leave to Withdraw  
8 Carried Over  
9 Gubernatorial Nominations  
1 Pursuant to Chaptered Law

Respectfully Submitted,  
S/Rebecca J. Millett  
Senate Chair  
S/W. Bruce MacDonald  
House Chair

**READ and ORDERED PLACED ON FILE.**

---

The Following Communication: (H.C. 266)

**STATE OF MAINE  
ONE HUNDRED AND TWENTY SIXTH LEGISLATURE  
COMMITTEE ON ENERGY, UTILITIES AND TECHNOLOGY**

July 9, 2013

Honorable Justin L. Alford, President of the Senate  
Honorable Mark W. Eves, Speaker of the House  
126th Maine Legislature  
Augusta, Maine 04333

Dear President Alford and Speaker Eves:

We are pleased to report that all business which was placed before the Joint Standing Committee on Energy, Utilities and Technology during the First Regular Session of the 126th Legislature has been completed. The breakdown of bills and papers before our committee follows:

- 89 Total Number of Bills and Papers
  - 57 Unanimous Reports
    - 29 Ought Not To Pass
    - 5 Ought To Pass
    - 22 Ought To Pass As Amended
    - 1 Referred to Another Committee
  - 5 Divided Reports
  - 2 Leave to Withdraw
  - 21 Carried Over
  - 3 Gubernatorial Nominations
  - 1 Pursuant to Joint Order

Respectfully Submitted,  
S/John J. Cleveland  
Senate Chair  
S/Barry J. Hobbins  
House Chair

**READ and ORDERED PLACED ON FILE.**

---

The Following Communication: (H.C. 267)

**STATE OF MAINE  
ONE HUNDRED AND TWENTY SIXTH LEGISLATURE  
COMMITTEE ON ENVIRONMENT AND NATURAL  
RESOURCES**

July 9, 2013

Honorable Justin L. Alford, President of the Senate  
Honorable Mark W. Eves, Speaker of the House  
126th Maine Legislature  
Augusta, Maine 04333

Dear President Alford and Speaker Eves:

We are pleased to report that all business which was placed before the Joint Standing Committee on Environment and Natural Resources during the First Regular Session of the 126th Legislature has been completed. The breakdown of bills and papers before our committee follows:

- 63 Total Number of Bills and Papers
  - 32 Unanimous Reports
    - 12 Ought Not To Pass
    - 5 Ought To Pass
    - 13 Ought To Pass As Amended
    - 2 Referred to Another Committee
  - 25 Divided Reports
  - 1 Leave to Withdraw
  - 4 Carried Over
  - 1 Gubernatorial Nomination

Respectfully Submitted,  
S/James A. Boyle  
Senate Chair  
S/Joan W. Welsh  
House Chair

**READ and ORDERED PLACED ON FILE.**

---

The Following Communication: (H.C. 268)

**STATE OF MAINE  
ONE HUNDRED AND TWENTY SIXTH LEGISLATURE  
COMMITTEE ON HEALTH AND HUMAN SERVICES**

July 10, 2013

Honorable Justin L. Alford, President of the Senate  
Honorable Mark W. Eves, Speaker of the House  
126th Maine Legislature  
Augusta, Maine 04333

Dear President Alford and Speaker Eves:

We are pleased to report that all business which was placed

before the Joint Standing Committee on Health and Human Services during the First Regular Session of the 126th Legislature has been completed. The breakdown of bills and papers before our committee follows:

- 153 Total Number of Bills and Papers
  - 103 Unanimous Reports
    - 35 Ought Not To Pass
    - 15 Ought To Pass
    - 39 Ought To Pass As Amended
    - 14 Referred to Another Committee
  - 39 Divided Reports
  - 9 Carried Over
  - 1 Pursuant to Joint Order
  - 1 Died on Adjournment

Respectfully Submitted,  
S/Margaret M. Craven  
Senate Chair  
S/Richard R. Farnsworth  
House Chair

**READ and ORDERED PLACED ON FILE.**

---

The Following Communication: (H.C. 269)

**STATE OF MAINE  
ONE HUNDRED AND TWENTY SIXTH LEGISLATURE  
COMMITTEE ON INLAND FISHERIES AND WILDLIFE**

July 9, 2013

Honorable Justin L. Alford, President of the Senate  
Honorable Mark W. Eves, Speaker of the House  
126th Maine Legislature  
Augusta, Maine 04333

Dear President Alford and Speaker Eves:

We are pleased to report that all business which was placed before the Joint Standing Committee on Inland Fisheries and Wildlife during the First Regular Session of the 126th Legislature has been completed. The breakdown of bills and papers before our committee follows:

- 100 Total Number of Bills and Papers
  - 65 Unanimous Reports
    - 36 Ought Not To Pass
    - 9 Ought To Pass
    - 20 Ought To Pass As Amended
  - 28 Divided Reports
  - 1 Leave to Withdraw
  - 3 Carried Over
  - 3 Gubernatorial Nominations

Respectfully Submitted,  
S/David E. Dutremble  
Senate Chair  
S/Michael A. Shaw  
House Chair

**READ and ORDERED PLACED ON FILE.**

---

The Following Communication: (H.C. 270)

**STATE OF MAINE  
ONE HUNDRED AND TWENTY SIXTH LEGISLATURE  
COMMITTEE ON INSURANCE AND FINANCIAL SERVICES**

July 9, 2013

Honorable Justin L. Alford, President of the Senate  
Honorable Mark W. Eves, Speaker of the House  
126th Maine Legislature  
Augusta, Maine 04333

Dear President Alford and Speaker Eves:

LEGISLATIVE RECORD - HOUSE, July 9, 2013

We are pleased to report that all business which was placed before the Joint Standing Committee on Insurance and Financial Services during the First Regular Session of the 126th Legislature has been completed. The breakdown of bills and papers before our committee follows:

80 Total Number of Bills and Papers  
54 Unanimous Reports  
25 Ought Not To Pass  
6 Ought To Pass  
22 Ought To Pass As Amended  
1 Referred to Another Committee  
13 Divided Reports  
1 Leave to Withdraw  
9 Carried Over  
3 Gubernatorial Nominations

Respectfully Submitted,  
S/Geoffrey M. Gratwick  
Senate Chair  
S/Sharon Anglin Treat  
House Chair

**READ and ORDERED PLACED ON FILE.**

---

The Following Communication: (H.C. 271)

**STATE OF MAINE**

**ONE HUNDRED AND TWENTY SIXTH LEGISLATURE  
COMMITTEE ON JUDICIARY**

July 9, 2013

Honorable Justin L. Alford, President of the Senate  
Honorable Mark W. Eves, Speaker of the House  
126th Maine Legislature  
Augusta, Maine 04333

Dear President Alford and Speaker Eves:

We are pleased to report that all business which was placed before the Joint Standing Committee on Judiciary during the First Regular Session of the 126th Legislature has been completed. The breakdown of bills and papers before our committee follows:

136 Total Number of Bills and Papers  
90 Unanimous Reports  
41 Ought Not To Pass  
15 Ought To Pass  
29 Ought To Pass As Amended  
5 Referred to Another Committee  
36 Divided Reports  
3 Leave to Withdraw  
4 Carried Over  
3 Gubernatorial Nominations

Respectfully Submitted,  
S/Linda M. Valentino  
Senate Chair  
S/Charles R. Priest  
House Chair

**READ and ORDERED PLACED ON FILE.**

---

The Following Communication: (H.C. 272)

**STATE OF MAINE**

**ONE HUNDRED AND TWENTY SIXTH LEGISLATURE  
COMMITTEE ON LABOR, COMMERCE, RESEARCH AND  
ECONOMIC DEVELOPMENT**

July 9, 2013

Honorable Justin L. Alford, President of the Senate  
Honorable Mark W. Eves, Speaker of the House  
126th Maine Legislature

Augusta, Maine 04333

Dear President Alford and Speaker Eves:

We are pleased to report that all business which was placed before the Joint Standing Committee on Labor, Commerce, Research and Economic Development during the First Regular Session of the 126th Legislature has been completed. The breakdown of bills and papers before our committee follows:

160 Total Number of Bills and Papers  
99 Unanimous Reports  
46 Ought Not To Pass  
10 Ought To Pass  
36 Ought To Pass As Amended  
7 Referred to Another Committee  
33 Divided Reports  
1 Leave to Withdraw  
10 Carried Over  
17 Gubernatorial Nominations

Respectfully Submitted,  
S/John L. Patrick  
Senate Chair  
S/Erin D. Herbig  
House Chair

**READ and ORDERED PLACED ON FILE.**

---

The Following Communication: (H.C. 273)

**STATE OF MAINE**

**ONE HUNDRED AND TWENTY SIXTH LEGISLATURE  
COMMITTEE ON MARINE RESOURCES**

July 9, 2013

Honorable Justin L. Alford, President of the Senate  
Honorable Mark W. Eves, Speaker of the House  
126th Maine Legislature  
Augusta, Maine 04333

Dear President Alford and Speaker Eves:

We are pleased to report that all business which was placed before the Joint Standing Committee on Marine Resources during the First Regular Session of the 126th Legislature has been completed. The breakdown of bills and papers before our committee follows:

37 Total Number of Bills and Papers  
30 Unanimous Reports  
15 Ought Not To Pass  
1 Ought To Pass  
12 Ought To Pass As Amended  
2 Referred to Another Committee  
3 Divided Reports  
3 Carried Over  
1 Gubernatorial Nomination

Respectfully Submitted,  
S/Christopher K. Johnson  
Senate Chair  
S/Walter A. Kumiega  
House Chair

**READ and ORDERED PLACED ON FILE.**

The Following Communication: (H.C. 274)

**STATE OF MAINE  
ONE HUNDRED AND TWENTY SIXTH LEGISLATURE  
COMMITTEE ON STATE AND LOCAL GOVERNMENT**

July 9, 2013

Honorable Justin L. Alford, President of the Senate  
Honorable Mark W. Eves, Speaker of the House  
126th Maine Legislature  
Augusta, Maine 04333

Dear President Alford and Speaker Eves:

We are pleased to report that all business which was placed before the Joint Standing Committee on State and Local Government during the First Regular Session of the 126th Legislature has been completed. The breakdown of bills and papers before our committee follows:

- 86 Total Number of Bills and Papers
  - 39 Unanimous Reports
    - 17 Ought Not To Pass
    - 7 Ought To Pass
    - 14 Ought To Pass As Amended
    - 1 Referred to Another Committee
  - 36 Divided Reports
    - 1 Leave to Withdraw
    - 6 Carried Over
    - 4 Gubernatorial Nominations

Respectfully Submitted,  
S/Colleen M. Lachowicz  
Senate Chair  
S/Anne P. Graham  
House Chair

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 275)

**STATE OF MAINE  
ONE HUNDRED AND TWENTY SIXTH LEGISLATURE  
COMMITTEE ON TAXATION**

July 9, 2013

Honorable Justin L. Alford, President of the Senate  
Honorable Mark W. Eves, Speaker of the House  
126th Maine Legislature  
Augusta, Maine 04333

Dear President Alford and Speaker Eves:

We are pleased to report that all business which was placed before the Joint Standing Committee on Taxation during the First Regular Session of the 126th Legislature has been completed. The breakdown of bills and papers before our committee follows:

- 104 Total Number of Bills and Papers
  - 79 Unanimous Reports
    - 47 Ought Not To Pass
    - 2 Ought To Pass
    - 20 Ought To Pass As Amended
    - 1 Referred
    - 9 Referred to Another Committee
  - 15 Divided Reports
    - 1 Leave to Withdraw
    - 9 Carried Over

Respectfully Submitted,  
S/Anne M. Haskell  
Senate Chair  
S/Adam A. Goode  
House Chair

**READ and ORDERED PLACED ON FILE.**

The Following Communication: (H.C. 276)

**STATE OF MAINE  
ONE HUNDRED AND TWENTY SIXTH LEGISLATURE  
COMMITTEE ON TRANSPORTATION**

July 9, 2013

Honorable Justin L. Alford, President of the Senate  
Honorable Mark W. Eves, Speaker of the House  
126th Maine Legislature  
Augusta, Maine 04333

Dear President Alford and Speaker Eves:

We are pleased to report that all business which was placed before the Joint Standing Committee on Transportation during the First Regular Session of the 126th Legislature has been completed. The breakdown of bills and papers before our committee follows:

- 109 Total Number of Bills and Papers
  - 87 Unanimous Reports
    - 51 Ought Not To Pass
    - 10 Ought To Pass
    - 25 Ought To Pass As Amended
    - 1 Referred to Another Committee
  - 15 Divided Reports
    - 6 Carried Over
    - 1 Gubernatorial Nomination

Respectfully Submitted,  
S/Edward J. Mazurek  
Senate Chair  
S/Charles K. Theriault  
House Chair

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 277)

**STATE OF MAINE  
ONE HUNDRED AND TWENTY SIXTH LEGISLATURE  
COMMITTEE ON VETERANS AND LEGAL AFFAIRS**

July 9, 2013

Honorable Justin L. Alford, President of the Senate  
Honorable Mark W. Eves, Speaker of the House  
126th Maine Legislature  
Augusta, Maine 04333

Dear President Alford and Speaker Eves:

We are pleased to report that all business which was placed before the Joint Standing Committee on Veterans and Legal Affairs during the First Regular Session of the 126th Legislature has been completed. The breakdown of bills and papers before our committee follows:

- 111 Total Number of Bills and Papers
  - 68 Unanimous Reports
    - 37 Ought Not To Pass
    - 5 Ought To Pass
    - 22 Ought To Pass As Amended
    - 4 Referred to Another Committee
  - 23 Divided Reports
    - 3 Leave to Withdraw
    - 11 Carried Over
    - 3 Gubernatorial Nominations
    - 1 Pursuant to Joint Order
    - 2 Taken Pursuant to Joint Rule 309

Respectfully Submitted,  
S/John L. Tuttle  
Senate Chair  
S/Louis J. Luchini  
House Chair

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 278)

**STATE OF MAINE  
ONE HUNDRED AND TWENTY SIXTH LEGISLATURE  
JOINT SELECT COMMITTEE ON MAINE'S WORKFORCE  
AND ECONOMIC FUTURE**

July 9, 2013

Honorable Justin L. Alford, President of the Senate  
Honorable Mark W. Eves, Speaker of the House  
126th Maine Legislature  
Augusta, Maine 04333

Dear President Alford and Speaker Eves:

We are pleased to report that all business which was placed before the Joint Select Committee on Maine's Workforce and Economic Future during the First Regular Session of the 126th Legislature has been completed. The breakdown of bills and papers before our committee follows:

- 9 Total Number of Bills and Papers
  - 7 Unanimous Reports
    - 5 Ought Not To Pass
    - 2 Ought To Pass As Amended
  - 1 Divided Reports
  - 1 Carried Over

Respectfully Submitted,  
S/Seth A. Goodall  
Senate Chair  
S/Seth A. Berry  
House Chair

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 279)

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

July 11, 2013

Honorable Mark W. Eves  
Speaker of the House  
2 State House Station  
Augusta, Maine 04333

RE: Extension of Term of Land Use Planning Commission  
Member James May

Dear Speaker Eves:

The current term of Land Use Planning Commission (LUPC) member James May expires on July 9, 2013. Pursuant to 12 MRSA §683-A(4), I am writing to notify the Legislature that I am extending the term of Commissioner May through the LUPC's final decision on the pending development permit application — DP 4938. This is an application filed by Mark Beauregard, Inc. to create a 30 acre gravel pit in Madrid Township. The extension of Commissioner May's term is required to ensure fair consideration of this major, pending application.

Sincerely,  
S/Paul R. LePage  
Governor

**READ and ORDERED PLACED ON FILE.**



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After Midnight

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At this point, a message came from the Senate borne by Senator Goodall, of Sagadahoc of that Body, informing the House that the Senate had transacted all business before it and was ready to adjourn without day.

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The Speaker appointed Representative BERRY of Bowdoinham on the part of the House to inform the Senate that the House was ready to adjourn without day.

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

Representative **BROOKS**: Thank you, Mr. Speaker. Mr. Speaker, I move that we remove House Paper 1142 from the Table Unassigned.

The SPEAKER: The Chair would inform the member that the motion is out of order.

Representative **BROOKS**: Mr. Speaker, with all due respect, would you please explain to me how it is out of order?

The SPEAKER: The Chair would respond that the motion to place an item on the Unassigned Table or remove an item from the Unassigned Table by custom, usage and precedent in the Maine House is a motion that is reserved for the usage for the majority leader only. The Chair would call members attention to the *Mason's Manual of Legislative Procedure*, Section 4.2. "Rules of legislative procedure are derived from several sources and take precedence in the order listed below. The principal sources are as follows: (a) Constitutional provisions and judicial decisions thereon. (b) Adopted rules. (c) Custom, usage and precedents. (d) Statutory provisions. (e) Adopted parliamentary authority. (f) Parliamentary law."

The Chair recognizes the Representative from Winterport, Representative Brooks.

Representative **BROOKS**: Thank you, Mr. Speaker. My only comment is I wish I was there when I wrote those rules, but thank you very much for your explanation.

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The Speaker appointed the following members on the part of the House to wait upon his Excellency, Governor PAUL RICHARD LePAGE, and inform him that the House was ready to adjourn without day:

Representative WILSON of Augusta  
Representative TREAT of Hallowell  
Representative COOPER of Yarmouth  
Representative RUSSELL of Portland  
Representative HICKMAN of Winthrop  
Representative SIROCKI of Scarborough  
Representative MAREAN of Hollis  
Representative BLACK of Wilton  
Representative CHASE of Wells  
Representative CAMPBELL of Newfield

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Subsequently, Representative BERRY reported that he had delivered the message with which he was charged.

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Speaker **EVES**: First of all, I thank everybody at this late hour. It is just past midnight. It has been a long session. We've had our ups and downs, but I have appreciated certainly everybody's participation, whether it is in committee, in this chamber, in the hallways, in offices. I think that in spite of some of our differences, we have all been able to work together on one bill or another, and I think that those are the times that I reflect and I know that I will reflect over the summer and fall as the times that I really do cherish and feel like we did do good work together. I want to particularly thank the two leaders, Representative Berry and Representative Fredette, ushering us through this, and both of the caucuses. It's not an easy job. We are a diverse group of people with a lot of different opinions and it is not an easy task to keep us all on track going in one direction, even if we are in different directions at some point. I do want to thank the staff, all of the partisan and nonpartisan staff, that work with us every day to make sure that this place runs smoothly. I know that sometimes it might seem and feel like it is not running smoothly. Those that have been around awhile understand that this is part of the process, particularly as we get to the end. I appreciate the staffs' time, the chamber staff. Again, the nonpartisan staff, the partisan staff, have put in the number of hours that they have. I want to thank Madam Clerk for all of her guidance in getting us through this session. Without her, I'm not sure what I would have done, quite honestly. In her absence, Assistant Clerk, Mr. Rob Hunt, guided us through days here in this session as well. I wanted to thank both of them for their guidance in making sure that we got to this moment and we are able to go home to see our families, to have a long summer and fall, come back, likely sometime this fall we will see each other again and then again in earnest in January. But I did just want to say I really appreciated working with all of you here in this building. It's been a tremendous honor to get through this first session and I don't see former Speaker Representative Nutting in his seat, but I know at the beginning of this session, I said I would be looking out at him knowing that he is looking at me, having been through this before. I often would look at him, would send him notes and certainly have a new appreciation for what he went through the last two years. Again, thank you all for your patience. Thank you for your hard work and dedication to the people of Maine.

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

Representative **FREDETTE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just want to follow upon the very good words and the wisdom and the comments of the hard work that we did here this session. We certainly had some battles, but we also, I think, created some good friendships, I think we passed some good legislation, and I think, particularly, the staff has been outstanding. I agree, also, the Clerk, the Assistant Clerk have done great work. We really, I think, in terms of a very tough session, I think we came together to do I think what was the important work for the people of the State of Maine. I know it's a late hour tonight. I know we have some people that have been driving long hours, so I want to, first of all, thank everybody for staying late, but number two, if you are driving a long distance, please be careful because I know there is a number of people in our caucus that are, so please do that. I want to thank my assistant, Alex Willette, who has just done a great job for me. I want to thank the leadership on the other side of the aisle, Representative Berry, Representative McCabe, and

the Speaker for I think the relationships that we've been able to develop to try to get the work done here and here for the people of the State of Maine. I just want to close by really thanking for myself, personally, my Chief of Staff and Shawn Roderick and Dave Sorenson who really I think have just done a great job for our caucus. I want to thank everyone, but particularly them. I thank my caucus who has just really been spectacular people and I thank everyone. Thank you.

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

Representative **BERRY**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I, too, want to think over the next few weeks and months about the successes and the good times that we have shared here, and certainly there have been struggles and moments where we might have wished that things went otherwise, whether it was a bill that we disagreed on or a particular conversation that we wish had gone another way. But at the end of the day, warts and all, democracy really is the best form of government. Churchill once said that "Many forms of Government have been tried, and will be tried in this world of sin and woe. No one pretends that democracy is perfect or all-wise. Indeed, it has been said that democracy is the worst form of government except all those other forms that have been tried from time to time." I think as we do the people's business and think about the things that we have accomplished here in a divided State House, we really do have a lot to be appreciative of and thankful for, whether it's the smaller bills that help our constituents back home and really are a big thing to them, to a small business or to a working family, or whether it's the budget that we passed together and made sure that we do have a balanced budget for the state and all the hard work of our Appropriations Committee comes to fruition. The energy bill, the workforce bill. There are many issues where we did agree and I think it's been said that roughly 85 percent of the work we do here is unanimous, and I think this session has been no exception in that respect. Thank you all. I want to thank my Assistant Leader Jeff McCabe who has done a tremendous job. All of our chairs and leads, the tremendous work that all of you have done in committee. My tremendous caucus who have been challenging to us when they knew that we needed a challenge, who have been supportive when they knew that we needed support, who have been a family in the very best sense of that word. I want to thank you, Mr. Speaker, for your leadership. I want to thank the leaders on the other side, Alex Willette and Ken Fredette, for working with us and helping to make sure that the ship did sail smoothly. As well, because all of our partisan and nonpartisan staff are tremendous here, but the chamber staff would sit with us every day. I want to thank you one more time because you really helped keep things running here as well, so I thank all of you. Thank you, Mr. Speaker.

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Subsequently, the Committee reported that they had attempted to deliver the message with which they were charged.

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On motion of Representative RANKIN of Hiram, the House adjourned without day at 12:28 a.m., Wednesday, July 10, 2013 in honor and lasting tribute to the memory of the victims of the Lac-Megantic tragedy.