

MAINE STATE LEGISLATURE

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

Daily Edition

Second Regular Session

beginning January 8, 2014

beginning page H-1301

ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE
SECOND REGULAR SESSION
3rd Legislative Day
Tuesday, January 14, 2014

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

Prayer by Reverend David Collins, Coastal Community Church of Scarborough.

National Anthem by Lewiston High School Choir.

Pledge of Allegiance.

Doctor of the day, William Strassberg, M.D., Northport.

At this point, the Speaker recognized the Representative from Portland, Representative HARLOW and the Representative from Newcastle, Representative DEVIN, and they were added to the quorum call of the Second Regular Session of the 126th Legislature.

The Journal of Thursday, January 9, 2014 was read and approved.

SENATE PAPERS

Resolve, To Study the Feasibility of Allowing Dispatchers To Transfer E-9-1-1 Calls to Emergency Responders in Other States (EMERGENCY)

(S.P. 680) (L.D. 1714)

Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** suggested and ordered printed.

Came from the Senate, **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** and ordered printed.

REFERRED to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** in concurrence.

At this point, the Speaker recognized the Representative from Biddeford, Representative CASAVANT, the Representative from Waterboro, Representative LIBBY, the Representative from Hallowell, Representative TREAT, and they were added to the quorum call of the Second Regular Session of the 126th Legislature.

COMMUNICATIONS

The Following Communication: (H.C. 305)

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

January 10, 2014

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 hereby veto LD 386, "An Act To Reduce Tobacco-related Illness and Lower Health Care Costs in MaineCare."

This bill goes beyond the provisions of the federal Affordable Care Act, under which Maine already provides tobacco cessation coverage for MaineCare members, and precludes certain cost sharing, such as co-pay, for pregnant women. This bill would

eliminate all forms of cost sharing for all MaineCare members. I am supportive of MaineCare members taking steps to stop smoking; however I believe that cost sharing is an essential component of maintaining fiscal responsibility in our welfare programs as well as improving the success rate of welfare programs generally. Without a cost share component, this bill expands welfare unchecked and does nothing to move us in the direction of a sound fiscal house. This bill presents an opportunity to make clear that Maine lawmakers are ready and able to make tough choices on spending and entitlement programs, and I call on the legislature to find the courage to take that step.

For these reasons, I return LD 386 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage

Governor

READ and ORDERED PLACED ON FILE.

The accompanying item An Act To Reduce Tobacco-related Illness and Lower Health Care Costs in MaineCare

(H.P. 261) (L.D. 386)

(S. "A" S-337 to C. "A" H-247)

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

The Following Communication: (H.C. 305)

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

January 10, 2014

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 hereby veto LD 963 "An Act To Expand Access to Early Postsecondary Education."

This bill was passed at the end of the first regular session of the 126th Legislature with my support and support of my Department of Education. I agree with its aim to allow high school students to take college-level courses and also to allow homeschool students to benefit. The Appropriations Committee, however, did not appropriate the additional funds needed to cover the costs of the program. Since the funding to cover the tuition for students taking advantage of this program is not available, there is no way for the executive branch to carry out this law as written and passed.

To remedy this situation, I will resubmit this same bill, along with the required funding, to be reconsidered in this current legislative session in the hope that it will be passed and funded.

For these reasons, I return LD 963 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 Expand Access to Early Postsecondary Education

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

(S. "A" S-328 to C. "A" H-545)

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. As the sponsor of LD 963, I rise to speak in support of the pending motion to override the Governor's veto of this measure or to uphold the bill.

This bill takes important steps to expand access to early post-secondary education for Maine's high school students. We know that here in Maine, only about 36 percent of the population has an associate degree or a bachelor's degree. As a state, our higher degree attainment lags behind the rest of New England and the nation. And it is estimated that more than 200,000 Mainers have some college education but no degree.

Too many Maine students struggle to matriculate at college, and too many of those who do enroll, fail to successfully complete their college education. Approximately 65 percent of high school graduates in Maine enroll in some form of post-secondary education. Unfortunately, only 48 percent of those who enroll in the University of Maine System in a bachelor's program earn their degrees within six years, and only 26 percent who start work on an associate degree program earn it within three years.

Too many Maine students are not completing their post-secondary training at a time when a growing number of Maine jobs require a post-secondary education, and we've heard a lot about that through the Workforce Development Task Force Committee. By 2018, almost 60 percent of the state's jobs will require post-secondary education, according to an analysis by the Georgetown University Center on Education and the Workforce. When compared to the 36 percent of our state's population who have earned an associate degree or higher, it is easy to see why we must make every effort to improve college enrollment and degree attainment within our state.

If we don't help our students gain the education and skills they need to succeed in our state's workforce, Maine will struggle to attract the high-growth, high-wage jobs necessary to grow our economy. We need to focus on strategies to recruit young people to attend college.

Increased access to early post-secondary opportunities and participation among, Maine high school students is an important part of the solution. Recent research by the Senator George J. Mitchell Scholarship Research Institute shows that Maine high school students who take courses for college credit during high school are more likely to matriculate at college. Eighty percent of those who took an early post-secondary course enrolled in college within a year of graduation, while only 60 percent of those who did not participate in early education went on to matriculate. We've also heard a lot about individual learning styles and many students who are struggling in high school find that the college environment suits them very well. They can do the college work and they proceed to take those courses and get credit for them.

The data also suggests that after taking part in early post-secondary training, students who did not plan to attend college are more likely to pursue a higher education degree. One national study noted that early post-secondary education opportunities, particularly for low-income or first-generation students, helps instill in students a sense that they are capable of succeeding in college.

As a state, we need to do a better job to identify and target underperforming students to participate in early college programs. Students who face barriers to college stand to gain the most from these early post-secondary education opportunities. That is why Governor LePage formed a task force over two years ago to study this issue and to make some

recommendations. This bill is the result, the unanimous report of that committee.

This bill does several things to help expand access to early post-secondary education: It clarifies that adult education students, home school students and students from private schools are eligible to receive state assistance for post-secondary courses. It requires high schools to grant academic credit for college courses taken by a high school student. Current law provides discretion to schools. It requires post-secondary institutions to provide information to students on the transferability of academic credit between post-secondary institutions. And, most importantly, the bill requires the Department of Education to pay 50 percent of tuition for up to six credit hours in an academic year. Current law provides for 50 percent of tuition for up to three credit hours in an academic year.

The Legislature unanimously passed this bill during the first session. The Education Committee enthusiastically and unanimously passed this bill. In addition, the bill passed with the support of the Department of Education and the Chief Executive. In his veto letter, the Chief Executive again stated his support for this legislation and indicated that he will resubmit this same bill to be reconsidered in this current legislative session. I'm not sure why that would make us any better than to pass this bill right now.

There is no need to delay the passage of this legislation into law. We can take a positive step forward for Maine's high school students today by expanding their opportunity to take part in early postsecondary training. We've all seen or heard the data that shows that Maine must improve educational attainment to secure our state's future economic success. I strongly urge you to join me today in support of the pending motion to pass this bill into law. Thank you, Mr. Speaker.

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

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 am a strong supporter of higher education, higher education for high school students. I served eight years as chair of School Union 60 who has been recognized nationally among four or five other high school districts in the state as excelling at providing those. I supported this in the Education Committee and I support the Governor's veto. The reason I support the Governor's veto is during the budget negotiations of the first term, several items that the administration had put in for educational reform, including funds for this, were not funded. The money was redirected to the general aid to education. I agree with the Chief Executive. This needs to be funded. I request that you support his veto and request that you support the bill when he reintroduces it. Thank you very much.

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 rise only to point out that when we had this bill presented to us in committee, the Department said to us that this expansion of college education could be supported within the current budget in the agency. Nonetheless, as you know, the fiscal process really blew this out to the possible worst case, in which case if everybody enrolled in

this program, then here would be the number. Now, that number, I believe, was \$600,000 as of last June, but we will have gone through half the biennium by the time this becomes effective, if we do override the veto, that's down to \$300 and I believe that that fiscal note was actually blown out of proportion. I don't think every high school student will take advantage of this and I suggest to you that the real fiscal note ought to be for this bill, at this time, ought to be somewhere around \$100,000 perhaps, a third of a half of that fiscal note. I don't think it would be fiscally irresponsible of us to put this program into place, at this time, given those numbers. I believe, as we were told by the Department, at the time, that those numbers can be supported within the agency as it currently exists. But, as has been pointed out from the good Representative from Falmouth, we often put into place good policy, even if we can't pay for it at the time. I suggest to you that this is extremely good policy.

I know that we can't use props here in the House, but you will notice on your desk, it's just been distributed from Educate Maine, a report on the status of education in Maine. If you look at the very first page, you will see that the education pipeline shows that only 32 percent of our incoming high school students actually make it through a two or a four-year college. This program, this policy, is aimed to expand that number and, as you know, we have heard everywhere the more people we get into that education pipeline and through two and four-year colleges, the stronger our economy will be, the better that our citizens will be able to take up the jobs of the future that are being offered. I submit to you that overriding this veto today would be an act on our part to invest in the promise of Maine's economic future, so I rise in support of an override of this veto today and hope that the rest of my colleagues in the House will join me in doing that. Thank you, Mr. Speaker.

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

Representative **KUMIEGA**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. My son is a senior at Deer Isle-Stonington High School. It's a small school, less than 200 students. As such, there is a limited variety of classes it can offer to its students. My son has been lucky to be able to take advantage of this program. He took two college courses last semester. He's taking another one this semester. I can think of nothing else to get a student more excited or proud about his academic achievements and more interested in attending college. We got a call the other night from his college professor of one of the classes he took last semester. The professor needed his address so he could write his college letter of recommendation for him. No better tool in the toolbox for getting students to be successful in college. I wholeheartedly agree with the Representative from Boothbay. This is not just good policy. It's great policy. We need to enact the bill and find a way, figure out a way to pay for it. Thank you, Mr. Speaker.

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

Representative **McGOWAN**: Thank you, Mr. Speaker. I would ask you, when you think about this bill, to think about my 16-year-old granddaughter. She goes to the Wells public schools. She is taking a course in psychology at York Community College, and it has made a huge difference in her education and interests. As a result, she is highly motivated to become a child psychologist in the future and to pursue further college education. I think we need to think about why shouldn't every student in Maine have access to such an opportunity. Thank you, Mr. Speaker.

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

Representative **McCLELLAN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Happy New Year. I want to speak to this bill as well. I am on the Education Committee and we did have a great process. This bill was supported, as you've heard already, and you've also heard that after it got passed in committee, a portion of the process, a decision was consciously made not to fund this bill to a level that was deemed appropriate to fund this bill. You've heard all that already. I guess what I stand to speak to is because of being on the Education Committee, I speak, Mr. Speaker, with my schools a lot and one of the things they tell me a lot is how fearful they are of unfunded mandates and what we do up here. We've heard the good things this bill will do, but if we're not willing to pay for it and there is a cost to it, then we're just going to burden the schools. Mr. Speaker, the other day we were speaking in the committee about the funding formula for the coming year and we talked about professional development. We heard from some people that educators in the school systems aren't able to necessarily do the professional development they want to because they are having to do the things we are assigning to them. I understand the Chief Executive supports this bill. He just didn't favor the process and wants to go back and do it again. I think for all concerns, let's go back and do this right, Mr. Speaker.

Representative **BERRY** of Bowdoinham **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. 463V

YEA - Beaudoin, Beavers, Beck, Berry, Boland, Bolduc, Briggs, Brooks, Campbell J, Carey, Casavant, Cassidy, Chenette, Chipman, Cooper, Daughtry, DeChant, Devin, Dickerson, Dill, Dorney, Evangelos, Farnsworth, Fowle, Gattine, Gideon, Gilbert, Graham, Grant, Hamann, Harlow, Hayes, 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, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, Nelson, Noon, Peoples, Peterson, Plante, Powers, Priest, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Saucier, Saxton, Schneck, Shaw, Short, Stanley, Stuckey, Theriault, Tipping-Spitz, Treat, Verow, Villa, Welsh, Werts, Mr. Speaker.

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

ABSENT - Chapman, Crockett, Dion, Frey, Goode, Johnson D, McLean, Pringle, Tyler.

Yes, 88; No, 54; Absent, 9; Excused, 0.

88 having voted in the affirmative and 54 voted in the negative, with 9 being absent, and accordingly the Veto was **SUSTAINED**.

The Following Communication: (H.C. 307)

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

January 10, 2014

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 hereby veto LD 1254, "An Act To Increase Consumption of Maine Foods in All State Institutions."

Let there be no mistake – I believe that the goals of this bill are laudable ones. It seeks to support the sale of Maine products and produce by Maine farmers and fishermen. The way by which it seeks to achieve these goals, however, is misguided. The bill is an unfunded mandate on state government; it sets arbitrary standards that may be difficult or impossible for state agencies to meet and will lead to significant cost increases or disruption of core agency missions. Noteworthy is that State law already requires the State to purchase local food when practicable. The obstacles experienced by the State to date in achieving that outcome have arisen when the quantity of food required is simply not available due to seasonality of crops, the food is not suitable for the purpose intended, or the food available is cost prohibitive from a State procurement standpoint. Despite these obstacles, State agencies continue to aim for the goal of expanded purchase of Maine-derived products but the bill goes too far in its implementation.

In addition, the bill is incongruent with the constitutional principle of separation of powers as the decision-making, management and purchase of food for prisoners is an executive function. To that end, I will be notifying all of my Commissioners that I do support purchase of Maine sourced foods and insist that they continue to do so when practicable, however, this mandate must not stand.

For these reasons, I return LD 1254 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 Consumption of Maine Foods in All State Institutions (MANDATE)

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

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

Representative **HICKMAN**: Thank you, Mr. Speaker. Mr. Speaker, Women and Men of the House. I rise to urge you to vote to override the veto on LD 1254, An Act to Increase Consumption of Maine Foods in All State Institutions.

When are we going to invest in our state's food production? When are we going to invest in the self-sufficiency of the great State of Maine? If not now, then, tell me, when?

LD 1254 is a commonsense economic development measure that would strengthen Maine's food economy and promote job creation for Maine people. Last session, the Legislature agreed to the measure, passing the bill to be enacted by a 2/3 vote in both chambers, a supermajority, to be sure.

LD 1254 would direct all state-funded institutions to purchase a percentage of foodstuffs from Maine food producers. Those

percentages increase incrementally over the next 20 years in order to make them achievable and fiscally responsible.

By committee amendment, schools that participate in the Federal School Lunch Program are exempt. The Joint Standing Committee on State and Local Government, chaired by the good Representative from North Yarmouth, did an outstanding job working this bill. The school exemption was prudent in order to keep this bill moving forward and viable for passage because, as we know, no one likes an unfunded mandate on a local school district. The committee also knew that LD 1431, An Act To Support School Nutrition and Expand the Local Foods Economy, was in the pipeline. That proposal seeks to remedy any problems with local school districts that may have trouble sourcing food from local food producers. This bill, LD 1254, is, therefore, not an "unfunded mandate," as the Chief Executive described in his veto letter, on either local school districts or state government, because if the food is not competitively priced and available, there is no requirement for any state institution to purchase it. That's the reason why there is no fiscal note on this bill.

Now, speaking of the veto letter, the only part of it that reads as accurate, to my eyes, is when it states that current state law already requires institutions to purchase food from Maine food producers. Well, it is this precise current law, Chapter 8-A: FOOD AND FOOD POLICY, Subchapter 1: PURCHASE OF FOODSTUFFS FROM MAINE, that LD 1254 seeks to amend by adding implementation guidelines back into the statute that were removed in 2005 when the price per meal no longer made sense, given the rising cost of food.

Seasonality is also not an issue because, quiet as it's kept, Maine food is available year-round. There are a growing number of farms growing food year-round in state-of-the art, energy efficient and sustainable greenhouses. But even if there aren't yet enough of these to supply fresh greens to our state institutions through the winter, then think of frozen or canned vegetables or frozen blueberries from Maine growers and processors; think frozen or fresh meats and seafoods from Maine meat and seafood producers and processors; think storage beets, carrots, turnips, potatoes, and winter squashes from Maine farmers; think of the frozen sliced root crop from Aroostook County that Northern Girl distributes all over the state. I could go on, but I think you get the idea.

The Chief Executive's note on separation of powers is simply unfounded. The state's correctional facilities are not exempt from the laws of the Legislature, nor have they ever been.

Now, there are some who say that the government has no business telling a food purchaser at a state-funded institution what food to buy. As libertarian as I consider myself, that statement is nonsense. The government is not some thing disembodied from the populace. The food director of a state-funded institution isn't working for a private enterprise. That food director is working for the public, as are all employees of state-funded institutions. As a citizen of this great state, don't I have a say in where the money I contribute, through my taxes, is spent for the food available to me to eat when I attend a conference at a public institution? I, as both citizen and elected lawmaker, have the responsibility to demand or require, take your pick, that those who are purchasing food with my money spend as much of it as is feasible on food grown, caught, processed and produced right here in Maine.

So, I repeat: By current statute, "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 the food is available in

adequate quantity and meets acceptable quality standards, and is priced competitively."

LD 1254 is therefore a small step toward realizing that goal by the implementation guidelines and benchmarks put into this law in order to give an old law new teeth. The University of Maine is one example of an institution that has shifted its purchasing power towards Maine-grown food by already purchasing up to 30 percent of its food from Maine sources. LD 1254 provides an incentive for all our state funded institutions to follow UMaine's lead. Right now, today, because of our contracts, most of our taxpayer dollars that help fund institutional food buying are going to out-of-state corporations like Sysco and Aramark, not Maine farms, not Maine fishermen, the money is not circulating in Maine's economy, therefore strengthening our communities. Mr. Speaker, as I've already said twice, LD 1254 amplifies an existing law that will keep our dollars in our state

In closing, we must be aware that the barriers on local farms to institutional markets are significant, and this bill could help create space for small farms to become mid-sized farms; mid-sized farms to scale up and hire farm help; large farms to gain a new market for their "seconds." Maine's strength can be found in our primary economic engines: our farmers, fisheries and forests, the emblems of our heritage on our state's flag. If we want more jobs for Maine people, we must begin with policies that promote the growth of and strengthen our primary economies, not undercut and divert resources away from our farms and fisheries toward agribusiness, multinational corporate giants whose dollars do not circulate in our own economy. Mr. Speaker, Women and Men of the House, if you believe, as I believe, that we need to spend more of our taxpayer dollars on food produced by Maine people for Maine people so that we can keep more of our taxpayer money in the state, reduce our reliance on foods imported from who knows where, grow a more robust food economy up and down the state, and create desperately needed jobs right here in Maine, then please hold your vote from last session or change it and vote to override this veto today. Maine's hardworking food producers – our farmers, fishermen, processors and distributors, small and large – are counting on you. Thank you, Mr. Speaker.

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

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

The SPEAKER: The Representative may pose his question.

Representative JONES: Thank you, Mr. Speaker. Is there any new information between last session when this bill was passed by a two-thirds vote of this body and now that would indicate, on the merits of the policy, that any of us should indeed change our votes from the last session?

The SPEAKER: The Representative from Freedom, Representative Jones, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from York, Representative McGowan.

Representative MCGOWAN: Thank you, Mr. Speaker. As the recent Co-Chair of the Maine Cancer Commission, I just want to bring to your attention that one of our key learnings and findings for myself was that 30 percent of the cancer in Maine is deemed to be related to people's nutrition, weight and obesity. Eighty percent of the food sold in Maine is sold by corporations of over a billion dollars and none of them are located in Maine. None of them are dedicated to the nutrition and wellbeing of our citizens. So I ask you, when you think about a disease that kills the most people in Maine and its relationship to the quality of food and the people who grow it, I ask you to support this override. Thank you, Mr. Speaker.

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

Representative RYKERSON: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise to support an override of this veto and I rise to ask that everyone in this chamber look at the seal of the great State of Maine. There are two people and a moose on the seal. One of the people is a farmer. It is our heritage to grow food in this state. Eating food that is grown here is good for jobs, good for farms, supports our heritage and is good for our citizens. I urge you all to vote for what is good for Maine. Thank you.

Representative GRAHAM of North Yarmouth 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 Newfield, Representative Campbell.

Representative CAMPBELL: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Last week, Backyard tomatoes, up north, in the large greenhouses, that lost their whole crop a year ago and lost thousands and thousands of dollars, reopened and the Chief Executive officer of the great State of Maine attended the reopening. They are on sale this week at Hannaford and I bought some and they are delicious. I would hope that the Chief Executive officer would back off on this and help this business that lost thousands and thousands of dollars a year ago start some of his tomatoes where they are most needed. Thank you.

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

Representative CRAY: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I was just reading the summary on this bill and, to me, it sounds like it is a mandate that you have to purchase and I could go in and read the whole summary, but it has implementation dates and it says that you must purchase this percentage from your Maine producers. My question is it's just the availability and the seasonality of some of the products that Maine has.

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

Representative JONES: Mr. Speaker, before you open the vote, pursuant to Section 190 of *Mason's* rules, subsection 1 and 2, I request a call of the House to compel members who may be in the building but not in the chamber to be present to vote.

The SPEAKER: The Chair would remind members if you are in your seat, you must vote. The Chair recognizes the Representative from Freedom, Representative Jones.

Representative JONES: Thank you, Mr. Speaker. The purpose of the call of the House is to compel members who are not in their seats to be present to vote.

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

Representative HARVELL: Mr. Speaker, I would ask, is that not the purpose of the bill?

The SPEAKER: Would the Representative please defer?

Representative JONES: Point of Order, Mr. Speaker. This is not a debatable motion.

The SPEAKER: Would the Representative please defer? The Chair would answer in the affirmative. The Chair will open the vote. All members that can hear my voice and the bell please come to the chamber to vote.

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. 464V

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

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

ABSENT - Chapman, Crockett, Dion, Frey, Goode, Johnson D, McLean, Pease, Pringle, Sanderson, Tyler.

Yes, 94; No, 46; Absent, 11; Excused, 0.

94 having voted in the affirmative and 46 voted in the negative, with 11 being absent, and accordingly the Veto was **NOT SUSTAINED**. Sent for concurrence.

The Following Communication: (H.C. 308)

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

January 10, 2014

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 hereby veto LD 1572 "An Act To Correct Minor Technical Errors and Inconsistencies in the Unified Budget Bill."

Although presented as a "minor technical errors" bill, this bill is not minor or technical at all. This bill increases the tax rate on services sold in Maine, including taxes on cable bills, movie rentals, private non-medical institutions, and perhaps most troubling, support for services to those with intellectual disabilities. These tax increases would hurt the already tight household budget of virtually every Maine family and I cannot support them.

During the last regular session of the 126th Legislature, you increased taxes on working Maine people to fund a shortfall created by overgenerous welfare programs. I opposed those tax increases then and I oppose them now. High taxes reduce the prosperity of all Maine people and have the effect of driving businesses, individuals, and families out of our great State. It's time we looked hard and got serious about how we address the ever expanding welfare entitlement shortfalls that occur year after

year. We need to come together and make tough choices rather than turning to tax increases as the answer. We have that opportunity this session and I urge the Legislature to reject these tax increases, and find a sustainable way to balance the state budget going forward.

For these reasons, I return LD 1572 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 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)

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

The Following Communication: (H.C. 310)

**STATE OF MAINE
126TH LEGISLATURE
OFFICE OF THE PRESIDENT**

January 10, 2014

Honorable Millicent M. MacFarland
Clerk of the House

2 State House Station
Augusta, Maine 04333
Dear Clerk MacFarland:

Pursuant to my authority under Joint Rule 354, I have appointed Senator Troy Jackson of Aroostook as Chair of the Joint Select Committee on Joint Rules. He will be replacing former Senator Seth A. Goodall.

Please let me know if you have any questions regarding this appointment.

Sincerely,
S/Justin L. Alfond
President of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 309)

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

January 14, 2014

Honorable Mark W. Eves
Speaker of the House
2 State House Station
Augusta, Maine 04333

Dear Speaker Eves:

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

Criminal Justice and Public Safety

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

Marine Resources

L.D. 1397

An Act To Create Equity and Fairness in the Elver Industry

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

Sincerely,
S/Millicent M. MacFarland
Clerk of House

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

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Bill "An Act Directing the Department of Education To Formulate and Implement a Citizenship Educational Component for the School Curriculum"

(H.P. 1234) (L.D. 1726)

Sponsored by Representative PETERSON of Rumford.

Cosponsored by Senator JOHNSON of Lincoln and Representatives: DAUGHTRY of Brunswick, KORNFELD of Bangor, MacDONALD of Boothbay.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Bill "An Act To Establish Guidelines for the Stocking and Administration of Epinephrine Autoinjectors in Schools"

(H.P. 1235) (L.D. 1727)

Sponsored by Representative PETERSON of Rumford.

Cosponsored by Senator JOHNSON of Lincoln and Representatives: DAUGHTRY of Brunswick, GRAHAM of North Yarmouth, HUBBELL of Bar Harbor, KORNFELD of Bangor, MacDONALD of Boothbay, SCHNECK of Bangor, SHORT of Pittsfield.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Committee on **EDUCATION AND CULTURAL AFFAIRS** suggested and ordered printed.

REFERRED to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed.

Sent for concurrence.

Bill "An Act To Improve Enforcement of Marine Resources Laws"

(H.P. 1233) (L.D. 1723)

Sponsored by Representative DOAK of Columbia Falls.

Cosponsored by Representative: PARRY of Arundel.

Submitted by the Department of Marine Resources pursuant to Joint Rule 204.

Committee on **MARINE RESOURCES** suggested and ordered printed.

REFERRED to the Committee on **MARINE RESOURCES** and ordered printed.

Sent for concurrence.

Bill "An Act To Exempt from Sales and Use Tax Sales of Publications To Be Distributed without Charge and Printed Materials Included in Publications" (EMERGENCY)

(H.P. 1232) (L.D. 1722)

Sponsored by Representative BERRY of Bowdoinham.

Cosponsored by Senator MASON of Androscoggin and Representatives: CHENETTE of Saco, DAUGHTRY of Brunswick, DICKERSON of Rockland, EVANGELOS of Friendship, KRUGER of Thomaston, MORIARTY of Cumberland, NADEAU of Winslow, TIMBERLAKE of Turner, WELSH of Rockport, WERTS of Auburn, Senators: MAZUREK of Knox, WOODBURY of Cumberland.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Committee on **TAXATION** suggested and ordered printed.

REFERRED to the Committee on **TAXATION** and ordered printed.

Sent for concurrence.

Bill "An Act To Make Changes to and Clarify Maine Traveler Information Services Laws"

(H.P. 1231) (L.D. 1721)

Sponsored by Representative THERIAULT of Madawaska.

Cosponsored by Senator COLLINS of York and Representatives: GILLWAY of Searsport, TURNER of Burlington, VEROW of Brewer, Senator: MAZUREK of Knox.

Submitted by the Department of Transportation pursuant to Joint Rule 204.

Committee on **TRANSPORTATION** suggested and ordered printed.

REFERRED to the Committee on **TRANSPORTATION** and ordered printed.

Sent for concurrence.

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

ORDERS

On motion of Representative WILLETTE of Mapleton, the following Joint Order: (H.P. 1236)

ORDERED, the Senate concurring, that the Joint Rules be amended by amending Joint Rule 208, last paragraph to read:

When directed by the sponsor, the Revisor of Statutes shall prepare a bill or resolve in concept form. The bill or resolve shall contain only an enacting clause and a summary of the proposed legislation and shall not be fully drafted by the Revisor of Statutes. The bill or resolve prepared in this form shall be printed and referred to a committee in the same manner as other legislation and may be reported in fully drafted form by that committee in the same manner as other legislation. This method of drafting legislation is not allowed for legislation submitted by the Governor, by agencies or departments of state government, by study commissions, or pursuant to statute. Any request for a bill or resolve submitted after cloture must state if it is a request for a concept draft. Any committee amendment must be germane to the detailed summary of the concept draft, be reported out of committee as "Ought to Pass in New Draft" pursuant to Joint Rule 310, subsection 4, and be referred back to the committee of jurisdiction for a public hearing and work session in the same manner as other fully drafted bill drafts.

; and be it further

ORDERED, the Senate concurring, that the Joint Rules be amended by amending Joint Rule 310, subsection 4 to read:

4. Ought to Pass in New Draft Report. When the changes voted by the committee are major, the committee may elect to report the bill out "Ought to Pass in New Draft," with authorization of the presiding officers; except that when a bill is referred to a committee in concept form, authorization of the presiding officers is not necessary to report the bill out "Ought to Pass in New Draft." When a plurality of the committee recommends this report, the chairs shall submit a request for authority to report the bill out in this fashion. New drafts printed pursuant to these rules must include the legislative document number that the new bill replaces and the names of the original sponsor and cosponsors.

The Secretary of the Senate and the Clerk of the House shall determine the number of copies that must be printed of each new draft.

Joint Select Committee on **JOINT RULES** suggested.

READ and **REFERRED** to the Joint Select Committee on **JOINT RULES**.

Sent for concurrence.

The following items were 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, January 9, 2014, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

Bill "An Act To Protect the Integrity of Funding for Harness Racing Purses" (EMERGENCY)

(H.P. 1203) (L.D. 1680)

(Committee on **VETERANS AND LEGAL AFFAIRS** suggested)

TABLED - January 8, 2014 (Till Later Today) by Representative **BERRY** of Bowdoinham.

PENDING - REFERENCE.

Subsequently, on motion of Representative **LUCHINI** of Ellsworth, the Bill was **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**, ordered printed and sent for concurrence.

SENATE PAPERS

Bill "An Act To Conform Licensing Requirements for Real Estate Appraisers with Federal Law"

(S.P. 685) (L.D. 1724)

Bill "An Act To Provide for the 2014 and 2015 Allocations of the State Ceiling on Private Activity Bonds" (EMERGENCY)

(S.P. 684) (L.D. 1725)

Came from the Senate, **REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed.

REFERRED to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** in concurrence.

On motion of Representative **HICKMAN** of Winthrop, the House adjourned at 11:12 a.m., until 10:00 a.m., Thursday, January 16, 2014.