

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
4th Legislative Day
Thursday, January 16, 2014

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

Prayer by Pastor Trent Boyd, West Buxton Baptist Church.

National Anthem by Mt. Blue Middle School Flute Group, Farmington.

Pledge of Allegiance.

Doctor of the day, Patrick Connolly, M.D., Portland.

The Journal of Tuesday, January 14, 2014 was read and approved.

COMMUNICATIONS

The Following Communication: (H.C. 312)

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

January 16, 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:"

Appropriations and Financial Affairs

L.D. 1461 An Act To Require the State To Divest Itself of Assets Invested in the Fossil Fuel Industry

Energy, Utilities and Technology

L.D. 1004 An Act To Clarify Voting Procedures for Standard Water Districts

Labor, Commerce, Research and Economic Development

L.D. 314 An Act To Create the Office of Marketing State and Local Government

L.D. 211 An Act To Amend the Laws Governing the Limitation on County Assessments

L.D. 1312 An Act To Create a Succession and Knowledge Transfer Plan for State Government

Veterans and Legal Affairs

L.D. 1319 An Act To Authorize a Federally Recognized Indian Tribe in the State To Benefit from the Operation of an Existing Casino

L.D. 1675 An Act To Streamline Gaming Laws

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

The following Bills and Resolve were received, and upon the recommendation of the Committee on Reference of Bills were **REFERRED** to the following Committees, ordered printed and sent for concurrence:

CRIMINAL JUSTICE AND PUBLIC SAFETY

Bill "An Act To Increase the Period of Time for the Calculation of a Prior Conviction for Operating under the Influence"

(H.P. 1237) (L.D. 1729)

Sponsored by Representative MARKS of Pittston.

Cosponsored by Representatives: FOWLE of Vassalboro, KRUGER of Thomaston, MASTRACCIO of Sanford, NADEAU of Winslow, NUTTING of Oakland, ROCHELO of Biddeford, WILSON of Augusta.

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

Bill "An Act To Ensure Transparency and Accountability in Decisions by the Department of Environmental Protection"

(H.P. 1239) (L.D. 1731)

Sponsored by Representative GRANT of Gardiner.

Cosponsored by Senator CAIN of Penobscot and Representatives: COOPER of Yarmouth, GRAHAM of North Yarmouth, HUBBELL of Bar Harbor, KORNFIELD of Bangor, MASTRACCIO of Sanford, POWERS of Naples, SCHNECK of Bangor, Senator: GRATWICK of Penobscot.

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

Committee on **ENVIRONMENT AND NATURAL RESOURCES** suggested.

On motion of Representative WELSH of Rockport, the Bill and all accompanying papers were **INDEFINITELY POSTPONED.**

JUDICIARY

Bill "An Act To Create a Cold Case Homicide Unit in the Department of the Attorney General"

(H.P. 1242) (L.D. 1734)

Sponsored by Representative STANLEY of Medway.

Cosponsored by Senator JACKSON of Aroostook and Representatives: BROOKS of Winterport, CHIPMAN of Portland, DILL of Old Town, EVANGELOS of Friendship, MAKER of Calais, SHORT of Pittsfield, Senators: LACHOWICZ of Kennebec, VITELLI of Sagadahoc.

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

Bill "An Act To Assist Victims of Human Trafficking"

(H.P. 1238) (L.D. 1730)

Sponsored by Representative VOLK of Scarborough.

Cosponsored by Representatives: CASAVANT of Biddeford, KAENRATH of South Portland, MARKS of Pittston, PEASE of Morrill, WILSON of Augusta, Senators: DUTREMBLE of York, MASON of Androscoggin, PLUMMER of Cumberland.

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

Committee on **JUDICIARY** suggested.

On motion of Representative FREDETTE of Newport, **TABLED** pending **REFERENCE** and later today assigned.

Resolve, Directing the Director of the Bureau of Parks and Lands To Convey the Chesuncook Community Church Building in Chesuncook Township to the Greenville Union Evangelical Church

(H.P. 1240) (L.D. 1732)

Sponsored by Representative JOHNSON of Greenville.

Cosponsored by Representative: McCLELLAN of Raymond.

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

Committee on **STATE AND LOCAL GOVERNMENT** suggested.

On motion of Representative GRAHAM of North Yarmouth, the Resolve was **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**, ordered printed and sent for concurrence.

TAXATION

Bill "An Act Regarding the Registration of Motor Vehicles of Deployed Members of the National Guard or Reserves of the United States Armed Forces"

(H.P. 1241) (L.D. 1733)

Sponsored by Representative CROCKETT of Bethel.

Cosponsored by Representatives: DAVIS of Sangerville, MORIARTY of Cumberland.

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

Pursuant to Resolve Family Law Advisory Commission

Representative PRIEST for the **Family Law Advisory Commission** pursuant to Resolve 2013, chapter 12, section 2 asks leave to report that the accompanying Resolve, Extending the Date by Which the Family Law Advisory Commission Must Report on Its Study of the Uniform Parentage Act and Other Similar Laws and Proposals

(H.P. 1243) (L.D. 1737)

Be **REFERRED** to the Committee on **JUDICIARY** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Resolve was **REFERRED** to the Committee on **JUDICIARY** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

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

ORDERS

On motion of Representative RANKIN of Hiram, the following House Order: (H.O. 33)

ORDERED, that Representative Adam A. Goode of Bangor be excused January 14 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Joyce A. Maker of Calais be excused August 29, 2013 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Sharon Anglin Treat of Hallowell be excused January 8 and 9 for legislative business.

READ and **PASSED**.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

the Honorable Richard A. Gould, of Greenville, on the occasion of his 80th Birthday, January 20, 2014. Mr. Gould, who represented Greenville in the House of Representatives for 5 terms from 1987 to 1996, also served as a Selectman for 21 years and was a teacher for 22 years. We extend our congratulations to him on his birthday and send him our best wishes;

(HLS 702)

Presented by Representative JOHNSON of Greenville.

Cosponsored by Senator THOMAS of Somerset.

On **OBJECTION** of Representative JOHNSON of Greenville, was **REMOVED** from the Special Sentiment Calendar.

READ.

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. It gives me a great deal of pleasure today to recognize Dick Gould. When I moved to Greenville 13 years ago, he was the first gentleman that I met and that was because he was the code enforcement officer for the town, at the time, and we were building a new house. I've got to tell you, Dick Gould and I are probably as different as you can imagine, but he is a true gentleman and I consider him one of my best friends. He has represented Greenville in this Legislature for 10 years. He has been on the school board for over a decade. He and I both served since the beginning of the Maine Small Schools Coalition. Dick is probably one of the people who is responsible for me running for this seat. We were all concerned in that early time of our acquaintance with the changes that were being made by the Legislature on school consolidation, and that's when Dick and I helped form the Maine Small Schools Coalition. Dick, being a prominent Democrat, had open doors to almost all of the leadership in the Democratic Party, and I figured we needed somebody that could open those doors on the Republican side as well. I think as we look at the past 13 years of our acquaintance, we have been eye to eye on most issues involving schools. Dick, above all, is committed – committed to his community, to the children of our community and to this great state. It gives me a great deal of pleasure to speak to him today. Thank you very much, Mr. Speaker.

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 also rise to congratulate Dick Gould on the occasion of his 80th birthday. I'd like to say both personally he has helped me through many education issues, particularly understanding the needs of small schools in the State of Maine and I want to thank him for that at this moment. But I also want to thank him on behalf of the Education Committee for his many appearances before us for his cogent, humorous, pithy testimony on any bill in Education that concerned him. Again, thank you, Dick, and congratulations on your 80th birthday.

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 had the opportunity to meet Representative Gould when I first came here when I was on the Education Committee. He is an impressive man. I was amazed. I didn't even know his experience that he had had here, but he was always there and would give us insight

that we didn't see. People stand here and say they can't do things and they can't speak up on certain matters. Representative Gould was able to come with handicaps. No matter if it was snowing out and ice, he was here. He was an inspiration to me and I hope I can serve as well as he has in the past. Thank you very much.

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 had the pleasure of serving with Dick when I first arrived. Like many of us, when we arrive, we look around and it has been said, you say, "Wow, how did I get here?" and then you look around a little bit later and you say, "Wow, how did they get here?" But Dick was not one of those. He was always willing to jump in. Back then, old days, to me, but not to some of those who have been here, we had unlimited cosponsors on bills. Of course, we always rushed to do the bills that everybody truly wanted to support. I was asked by a constituent to put in a title for a Purple Heart license plate. Dick Gould, I guess, was right behind me, so we scrambled around the halls and the bodies and came up with over 75 cosponsors for that plate. Dick had a lot of interest in environmental issues as well, and has recently just gotten off the Board of Environmental Protection and has been a valued member. But as we go on to our next life, we all remember those experiences we had while here and Dick Gould is one of those experiences that we'll never forget.

The **SPEAKER**: The Chair recognizes the Representative from Sangerville, Representative Davis.

Representative **DAVIS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the Maine House. I rise to speak about my friend Richard Gould. I have known him for at least 30 years and I knew him when he was teaching high school at Piscataquis Community High School. I was a state policeman, at the time, and he had me come into the school every now and then to his Government class and speak to them about police work and that sort of thing, and then he got elected to the House of Representatives and I corresponded with him on issues that concerned me during the time he was a member here. He was always not necessarily in agreement with me, but he was always willing to listen, he always responded and always was willing to take the time to meet with me, whatever. Mr. Speaker, the thing that sticks out in my mind the most is one night in the Town of Greenville, we were working up there and I had a vehicle in front of me that was operating very erratically. The fact is he was driving across lawns and down one-way streets and that sort of thing. It didn't take much to get your attention when you were watching him. Subsequently, I stopped him and he was intoxicated and I arrested him. Well, it turns out that he was one of the leading folks in the community. He was a member of an organization that was having a big party that night and they didn't care for the idea, to say the least. They were very upset to think that he would be charged with a crime of OUI or Operating Under the Influence. The next day, they called a meeting in the municipal, I guess it was a part of the fire station, a big room there and the place was packed. Mostly, on their mind was to find some way to get my hide off my back. They did not like what I did. Dick Gould came. He was chairman of the Board of Selectmen, at the time, as well as being a State Representative. I will never forget to my dying day, Mr. Speaker, Dick Gould stood up and he looked at me and he said, "This young man is doing his job." Then he said, "I would arrest my own grandmother for drunk driving" and that brought the place down and that was the end of that confrontation. I have the upmost admiration and respect for Richard Gould. Thank you very much, Mr. Speaker.

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

REPORTS OF COMMITTEE

Change of Committee

Representative **ROTUNDO** from the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Ensure Efficiency in the Unemployment Insurance System" (H.P. 482) (L.D. 690)

Reporting that it be **REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT**.

Report was **READ** and **ACCEPTED** and the Bill was **REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT**.

Sent for concurrence.

CONSENT CALENDAR

First Day

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

(H.P. 988) (L.D. 1385) Bill "An Act To Amend the Reporting Requirements of the Workers' Compensation Management Fund" Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass**

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

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

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment Tuesday, January 14, 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 Improve Degree and Career Attainment for Former Foster Children"

(H.P. 1206) (L.D. 1683)

(Committee on **HEALTH AND HUMAN SERVICES** suggested) **TABLED** - January 8, 2014 (Till Later Today) by Representative **FARNSWORTH** of Portland.

PENDING - REFERENCE.

Subsequently, the Bill was **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**, ordered printed and sent for concurrence.

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)

TABLED - January 14, 2014 (Till Later Today) by Representative BERRY of Bowdoinham.

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

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

Representative **SANBORN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise today to strongly object to the Chief Executive's veto of LD 386. LD 386 provides comprehensive evidence-based coverage in accordance with both the United State Preventative Services Task Force and the United States Public Health Service clinical practice guidelines on treating tobacco use and dependence. The unanimous vote of the HHS Committee and this entire body, save one vote, made the right choice in supporting such coverage.

In the Chief Executive's veto letter, he states, "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." No doubt, he is well intentioned and he may well believe that cost sharing improves the success rate but clinical studies tell us that he is wrong. In a letter from CMS to Medicaid Directors dated 6/24/2011, the Public Health Services guidelines recommend specifically that there be no co-pays or deductibles as "small co-pays or deductibles have been proven to reduce utilization of cessation services." Reductions in patient out-of-pocket costs increase both the use of cessation services and the overall quit rate.

We have a lot of data about tobacco use in our MaineCare population. A full 42.4 percent of the MaineCare population are smokers compared to 17.5 percent of the non-MaineCare population. This is very costly to the state. We also know that Maine's Medicaid population wants to stop smoking at a rate of almost 63 percent. Unfortunately, in 2012 the Maine Legislature eliminated the tobacco cessation benefit with MaineCare as a move to "save money." In reality, it is reducing tobacco use that saves money, and lots of it. Maine taxpayers pay an estimated \$216 million annually to treat tobacco related disease.

Money is saved and disease is prevented for every cigarette that is not smoked. And it doesn't take long. A positive return on investment was seen in Massachusetts's Medicaid tobacco cessation program within one year of implementation. A comprehensive tobacco cessation benefit was demonstrated to save \$3.12 for every dollar invested by reducing the prevalence of smoking and related illness. In addition, a 46 percent decrease in the probability of hospitalization for heart attacks occurred in the same year. That is big savings in health care costs. Better yet, the small fiscal note on this bill can be covered by unspent tobacco settlement funds.

For these reasons, we should eliminate every barrier to helping people quit smoking including cost sharing, prior authorizations or limits on attempts. That is what LD 386 will do. We keep hearing of the shortfalls in our MaineCare budget, year after year. Overriding the ill-informed veto will not only result in improved health outcomes for MaineCare members, but also short-term and long-term cost savings. Please join me in pressing your green button – this is good health policy and good fiscal policy. 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. I did not prepare any written testimony because I felt fairly certain that the good Representative from Gorham would have all those facts to lay out for us. Though it may appear that we differ on all issues of health care policy, in many cases, we do understand the value of certain services and this is one value that we certainly agree with. Forty percent of the individuals on MaineCare smoke. It seems as though if we are really interested in reducing the cost of these services that we must provide folks who utilize our MaineCare program, then we must also fund the programs that will help keep them healthier. I am also incredibly pleased that as we're going into a contentious session, that this is indeed something that we all do agree on. I am going to vote green to override the veto on this and I would urge my fellow caucus members to join with me and do so as well. 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. Obviously, along with each of these vetoes from the Chief Executive comes a letter, so I think it's important for me to read a portion of the Chief Executive's letter as it relates to this particular bill. In it, the Chief Executive states that "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."

Mr. Speaker, Ladies and Gentlemen of the House, we have tough decisions to make this session. We know that we have substantial fiscal challenges that we need to make decisions on and make priorities on. The Chief Executive here is expressing his concern that in this particular program there is no skin in the game by the member, by the person taking advantage of the program. And the Chief Executive certainly, again, recognizes the need and the importance of these kinds of programs but having a degree of personal responsibility, people that are receiving the benefits having something on the table. I think that's laudable. We will be making tough decisions this session on many tough bills. I think this is the beginning of the process into the conversation of where this state is going to be at the end of this session, and, therefore, I urge you to support me in helping to support and sustain the veto. Thank you.

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

Representative **McGOWAN**: Thank you, Mr. Speaker. I rise to ask my colleagues to override this veto. I also read the Chief Executive's letter. I was particularly struck by the statement "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."

I would like to think the success of welfare programs is to keep people alive. This is not a question of cost sharing. Think about these people, roughly \$11,000 to \$15,000 a year. Let me remind you, as the co-chair of the Cancer Commission, 30 percent of all cancers in Maine are tobacco related. One thousand people die in Maine every year due to tobacco related cancers. Two thousand five hundred people experience tobacco related cancer. Think of the cost of treating those diseases versus preventing them. Ninety-eight percent of the smokers start before they are 26 years old. There is a direct correlation between smoking and people's economic level. The highest level of death from cancer in Maine for men and women is lung cancer. Maine receives \$50 million in the tobacco settlement a year. We only spend 27 percent of that money on tobacco related programs. The federal CDC Center recommends that we spend 47 percent. There was \$1.6 million in our Fund for a Healthy Maine budget last year allocated to be spent on tobacco prevention. It was not spent. This is a disease that we can do something about. This is not a fight about cost sharing amongst poor people in our state. I ask you to join me and recognize this as a place that we cannot only save lives; we can save money in the MaineCare program. Thank you, Mr. Speaker.

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

Representative **DORNEY**: Thank you, Mr. Speaker. I think that there is actually evidence that suggests that when there is skin in the game, it actually reduces costs in some ways. For instance, if you have skin in the game and you have to choose whether to have a knee replacement, you might actually put it off for six months. But do we really want to reduce the chance of people quitting smoking, which is what "skin in the game" would mean in this kind of situation. We have the choice. There was a study, for instance, on diabetics, if they have to pay. There was an insurance company that decided to pay for eye screenings for all diabetics with no copays, which found that they actually would go and they were less likely to go blind. Do we really want these people to quit smoking because that actually will save their lives, as other people have said, and it will also save us lots of money in the MaineCare program and we want to do that. In this situation, I would say we don't want skin in the game. We want to get people to actually quit smoking and I hope that you will help me override this veto.

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

Representative **PRINGLE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I agree with the Chief Executive that people should have skin in the game. I disagree with him, however, about what skin in the game is. Skin in the game is not just money. It's showing up for an appointment. It's choosing to quit smoking. It's participating with your tobacco cessation counselor. It's filling your prescription. It's taking your prescription. And it's working to quit smoking. I believe that we need to look at outcomes and overall cost, and I believe that we should have government at the lowest possible cost with a best possible outcome. I strongly encourage you to vote to override the veto. Thank you.

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

Representative **PARRY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I voted for this bill the first time. I will vote to override this bill this time. But I do agree with the Chief Executive on people needing skin in the game. One question I can't quite wrap my hands around is they can't afford the \$2 copay, but they can afford a \$7 pack of cigarettes.

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

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

ROLL CALL NO. 465V

YEA - Beaudoin, Beaulieu, Beavers, Beck, Bennett, Berry, Boland, Bolduc, Briggs, Brooks, Campbell J, Campbell R, Carey, Casavant, Cassidy, Chase, Chenette, Chipman, Clark, Cooper, Cotta, Crafts, Crockett, Daughtry, Davis, DeChant, Devin, Dickerson, Dill, Dion, Dorney, Dunphy, Duprey, Espling, Evangelos, Farnsworth, Fitzpatrick, Fowle, Gattine, Gideon, Gilbert, Gillway, Graham, Grant, Guerin, Hamann, Harlow, Harvell, Hayes, Herbig, Hickman, Hobbins, Hubbell, Jones, Jorgensen, Kaenrath, Kent, Keschl, Kinney, Knight, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby A, Libby N, Lockman, Longstaff, Luchini, MacDonald S, MacDonald W, Maker, Malaby, Marean, Marks, Mason, McCabe, McClellan, McElwee, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau A, Nadeau C, Nelson, Newendyke, Noon, Nutting, Parry, Pease, Peoples, Peterson, Plante, 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, Welsh, Werts, Willette, Wilson, Winchenbach, Winsor, Wood, Mr. Speaker.

NAY - Ayotte, Cray, Doak, Fredette, Gifford, Jackson, Johnson P, Long, Peavey Haskell, Weaver.

ABSENT - Black, Chapman, Frey, Goode, Johnson D, Mastraccio, Pouliot, Powers, Shaw, Tyler.

Yes, 131; No, 10; Absent, 10; Excused, 0.

131 having voted in the affirmative and 10 voted in the negative, with 10 being absent, and accordingly the Veto was **NOT SUSTAINED**. Sent for concurrence.

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)

TABLED - January 14, 2014 (Till Later Today) by Representative BERRY of Bowdoinham.

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

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

Representative **ROTUNDO**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. LD 1572 corrects minor technical errors and inconsistencies in the biennial budget legislation that were made in the drafting of the biennial budget bill, which over two-thirds of this body has already voted for. There is no new policy in the bill before you. It reflects the intent of the unanimous bipartisan report that came from the Appropriations Committee. It corrects errors in the drafting of the unanimous bipartisan report on the biennial budget that came from the Appropriations Committee and that over two-thirds of the members of this chamber have already voted for. I should add that over two-thirds...

The SPEAKER: Will the Representative please defer? I think members are having a hard time hearing the Representative, so if we could keep the chatter to a minimum that would be great. The Representative may proceed.

Representative **ROTUNDO**: Thank you. I would add that over two-thirds of the members of this chamber have already voted for this on more than one occasion during the last Regular Session of the 126th Legislature. I hope we will be consistent in our support of the biennial budget passed earlier in this session and vote to override the veto. 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. I highly respect and consider the good Representative from Lewiston to be a good friend of mine; however, we disagree on this particular bill. Let's be clear about what this bill does. This bill is a tax increase, plain and simple. It's a tax increase. At its most basic level, it's expanding the 5.5 percent sales tax, the 1/2 percent tax increase to services in a number of other items that were not included in the original bill. As an impact, in terms of revenue, roughly \$2.5 million, I believe, in '14, and roughly \$3.5 million in '15. That's revenue, revenue generated by an increase in taxes. Ladies and Gentlemen of the House, I believe Republicans are going to stand firm this session, that we are not going to solve this state's fiscal problems with tax increases, whether on this bill or on future bills. I ask my colleagues on the Republican side now to send the message now that we are going to stand firm and we are going to stand together against tax increases to solve our state's problems. I implore the members of my caucus, now is the time to send a message and I ask you to join me in supporting our Chief Executive so that we can get down to the real hard work of solving the fiscal problems of this state. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Lewiston, Representative Carey.

Representative **CAREY**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I agree with the good Representative from Newport. We need to solve the fiscal problems of this state. Unfortunately, rehashing the debate that we had last June doesn't do that. This is a tax increase that we all voted for when we passed the biennial budget. All of us who voted green to pass that budget and to override that veto voted for this. This was a drafting error that wasn't included in that bill. Nobody knew it at that time. To rehash the debate that happened then doesn't do anybody any good. Let's move forward. Let's solve this year's problems and not try to pick scabs over last year's. Thank you.

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

Representative **BERRY**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise in support of the reconsideration and in support of overriding the veto by the Chief Executive, and I do so without having intended to speak. I just want to also mention that the choice, really, is between one small tax increase or another, and this is a relative small amount. But really the question is do we want to raise property taxes or do we want to raise some other taxes and do so in a way that impacts fewer middle class Mainers. The original budget proposed by the Chief Executive last year consisted of over \$400 million in tax hikes for middle class property taxpayers, and that's really what led to, I think, this body, over two-thirds of the this body supporting the biennial budget and supporting this budget that we now see before us. I hope that we can honor that work that was done together, that work that avoided a major tax shift to middle class property taxpayers, a tax hike to middle class property taxpayers, and also avoided a state shutdown. Thank you, Mr. Speaker.

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. Now is not the time to turn a typo in the biennial budget into a political issue. Please join me in voting to override the veto.

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

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

ROLL CALL NO. 466V

YEA - Beaudoin, Beavers, Beck, Berry, Boland, Bolduc, Briggs, Brooks, Campbell J, Carey, Casavant, Cassidy, Chenette, Chipman, Cooper, Daughtry, DeChant, Devin, Dickerson, Dill, Dion, 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, Marks, Mason, 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, Werts, Winchenbach, Mr. Speaker.

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

ABSENT - Chapman, Frey, Goode, Johnson D, Mastraccio, Powers, Shaw, Tyler.

Yes, 88; No, 55; Absent, 8; Excused, 0.

88 having voted in the affirmative and 55 voted in the negative, with 8 being absent, and accordingly the Veto was **SUSTAINED**.

SENATE PAPERS

The following Joint Order: (S.P. 688)

ORDERED, the House concurring, that when the Senate and House adjourn, they do so until Tuesday, January 21, 2014 at 10:00 in the morning.

Came from the Senate, **READ** and **PASSED**.

READ and **PASSED** in concurrence.

Resolve, To Create a State-run Virtual Academy Providing Maine Students with Access to Online Learning through Their Existing School Districts (EMERGENCY)

(S.P. 689) (L.D. 1736)

Came from the Senate, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed.

REFERRED to the Committee on **EDUCATION AND CULTURAL AFFAIRS** in concurrence.

Bill "An Act To Amend Forester Licensing Requirements"

(S.P. 687) (L.D. 1735)

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.

REPORTS OF COMMITTEE

Change of Committee

Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Ensure Equity in Teacher Retirement Costs for Private Academies" (EMERGENCY)

(S.P. 651) (L.D. 1657)

Reporting that it be **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**.

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**.

Report was **READ** and **ACCEPTED** and the Bill was **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** in concurrence.

SENATE PAPERS

Bill "An Act To Prohibit Possession of a Replica or Simulated Firearm on or near School Property"

(S.P. 686) (L.D. 1728)

Came from the Senate, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed.

REFERRED to the Committee on **EDUCATION AND CULTURAL AFFAIRS** in concurrence.

Pursuant to his authority under House Rule 201.1 (H), the Chair appointed Representative McCABE of Skowhegan to serve as Speaker Pro Tem on Tuesday, January 21, 2014.

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

On motion of Representative CROCKETT of Bethel, the House adjourned at 11:16 a.m., until 10:00 a.m., Tuesday, January 21, 2014 pursuant to the Joint Order (S.P. 688) and in honor and lasting tribute to Samantha Jo "Sam" Wright, of Kingfield.