

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
8th Legislative Day
Thursday, January 30, 2014

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

Prayer by Reverend Kevin Bellinger, Bethel Alliance Church.
National Anthem by University of Southern Maine Chamber Singers, Gorham.

Pledge of Allegiance.

Doctor of the day, Geoffroy Noonan, D.O., Portland.

The Journal of Tuesday, January 28, 2014 was read and approved.

COMMUNICATIONS

The Following Communication: (H.C. 329)

**MAINE PORT AUTHORITY
16 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0016**

January 28, 2014

Honorable Mark W. Eves

Speaker of the House

2 State House Station

Augusta, Maine 04333

Honorable Justin L. Alfond

President of the Senate

3 State House Station

Augusta, Maine 04333

Dear Speaker Eves and President Alfond:

Pursuant to P.L. 2011, c. 616: An Act to Implement the Recommendations of the Office of Program Evaluation and Government Accountability and the Government Oversight Committee Regarding Quasi-independent State Entities, the Maine Port Authority is pleased to submit the following report to the Legislature as required under section 12023.

For the period July 1, 2012 to June 30, 2013, the Maine Port Authority had no procurements exceeding \$10,000 except for those for equipment repair and maintenance, which are exempted from competitive procurement under Policy 200-1 of the port authority.

Liebherr Nenzing, new stabilizer cylinder for crane \$35,085

Liebherr Nenzing, replacement pumps for crane \$18,000

New Hampshire Hydraulics, refurbish stabilizer cylinder \$12,569

Contributions were made to the following organizations:

American Wind Energy Association, Dues \$2,200

Cruise Line International Association, Dues \$2,750

Cruise Line International Association, Leadership Forum sponsorship \$5,000

Maine International Trade Center, Trade Day sponsorship \$1,500

Michael J. Pierson Associates, Cruise3Sixty Conference sponsorship \$5,000

American Association of Port Authorities, Dues \$6,049

InterCruises Shoreside & Port Services, CruiseCanada/New England

Symposium sponsorship \$7,500

The Authority amended its Policies and Procedures Manual as approved by the Board of Directors on January 29, 2013.

Policy 200-3 Travel, Per Diem and Expenses, to clarify limitations

Policy 200-5 Promotions and Sponsorships, to establish procedures to ensure relation to mission and accountability

Policy 700 Lobbyists, to establish policy prohibiting retention of lobbyists

The mission of the Maine Port Authority is to improve the global competitiveness of Maine businesses and to stimulate commerce by developing marine and rail facilities for the intermodal movement of people and cargo in support of economic development. The port authority plays a vital role in serving the interests of the people of Maine. We look forward to working with you to realize these objectives.

Sincerely,

S/John H. Henshaw

Executive Director

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 330)

**STATE OF MAINE
126TH MAINE LEGISLATURE**

January 15, 2014

Honorable Paul R. LePage

Governor of Maine

1 State House Station

Augusta, Maine 04333

Dear Governor LePage:

We are pleased to invite you to deliver the State of the State address at a Joint Session of the 126th Maine Legislature on Tuesday, February 4, 2014 at 7:00 p.m.

We look forward to seeing you then.

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. 328)

**MAINE TURNPIKE AUTHORITY
2360 CONGRESS STREET
PORTLAND, MAINE 04102**

January 24, 2014

Honorable Mark W. Eves

Speaker of the House

2 State House Station

Augusta, Maine 04333

RE: An Act to Implement the Recommendations of the Office of Program Evaluation and Government Accountability and the Government Oversight Committee Regarding Quasi-Independent State Entities

Dear Speaker Eves:

Enclosed are the reports required under 5 M.R.S.A. §12023, due February 1, 2014. The reports include a list of all procurements in 2013 exceeding \$10,000 for which competitive procurement was waived and a list of contributions made in 2013 that exceed \$1,000.

In 2013, the Maine Turnpike Authority made \$60 million in payments to 700 vendors. The vast majority of these payments, approximately \$52 million, were for competitively bid products or services or were legally or legislatively required. The Authority sole-sourced approximately \$8.1 million in 2013. Most of these products or services were either proprietary in nature or were procured under long-term contracts. As these long-term contracts expire, the Authority will seek competitive bids.

Section 12023(2c) requires a description of changes to the written policies and procedures required by Section 12022.

There were no changes to the policies and procedures required by this section in 2013, therefore, there is nothing to report.

Respectfully,
S/Peter Mills
Executive Director

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

The Following Communication: (H.C. 331)
**NORTHERN NEW ENGLAND
PASSENGER RAIL AUTHORITY
75 WEST COMMERCIAL STREET
PORTLAND, MAINE 04101-4631**

January 27, 2014
Honorable Mark W. Eves
Speaker of the Maine
2 State House Station
Augusta, Maine 04333

RE: Statutory Citation P.L. 2011 c. 616: An Act to Implement the Recommendations of the Office of Program Evaluation and Government Accountability and the Government Oversight Committee Regarding Quasi-Independent State Entities

Dear Speaker Eves:

Please find enclosed the Northern New England Passenger Rail Authority's annual report as required under section 12023 (2) "Ongoing Reports" of the Statutory Citation referenced above.

Required Reports:

2A. A list of all procurements exceeding \$10,000 in the preceding year (NNEPRA Fiscal Year 2013) for which competitive procurement was waived under the policies adopted pursuant to section 12022, subsection 3 – Attached.

2B. A list of all persons to which the entity made contributions greater than \$1,000 in the preceding year and the total amount contributed to each – Attached.

2C. There were no changes made to the written policies and procedures required by section 12022 or to the procedures used by the governing body to monitor compliance with those policies and procedures.

Sincerely,
S/Mr. Martin Eisenstein, Chairman
Northern New England Passenger Rail Authority
S/Ms. Patricia Quinn, Executive Director
Northern New England Passenger Rail Authority

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

The Following Communication: (H.C. 332)
**STATE OF MAINE
CLERK'S OFFICE
2 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0002**

January 30, 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:"

Agriculture, Conservation and Forestry
L.D. 500 An Act To Permit Tribal Members To Have Access to Wood Fiber for Fuel, Shelter and Traditional Woodcraft Production

Appropriations and Financial Affairs
L.D. 138 An Act To Amend the Laws Governing the Issuance of Bonds That Have Been Ratified by the Citizens of the State

Education and Cultural Affairs
L.D. 1361 An Act To Strengthen the Teaching of Writing and Mathematics and Improve Maine High School Graduates' College and Career Readiness

Energy, Utilities and Technology
L.D. 1396 An Act To Create the Lisbon Water District
L.D. 1434 An Act To Clarify the Laws Governing Noise from Wind Turbines

Environment and Natural Resources
L.D. 794 An Act To Amend Setback Requirements and Standards Related to Species Migration under the Laws Regulating Development near Vernal Pools

Labor, Commerce, Research and Economic Development
L.D. 788 An Act To Provide Vehicle Owners and Repair Facilities Access to Vehicle Diagnostic and Repair Information and Equipment

Marine Resources
L.D. 832 An Act To Enable Small-scale Cooperative Management of Sea Urchin Resources

Taxation
L.D. 816 An Act To Reduce the Property Tax Burden and Improve the Circuitbreaker Program
L.D. 916 An Act To Promote Investment in Maine's Communications Network and Natural Gas Network

L.D. 1402 An Act To Amend the Taxes Imposed on Alcohol and Lodging

L.D. 1535 An Act To Provide Maine's Businesses Tax Relief for Destroyed or Stolen Products

Veterans and Legal Affairs
L.D. 1494 An Act To Alter the Distribution of Maine Clean Election Act Funds

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.**

The Following Communication: (S.C. 672)
**MAINE SENATE
126TH LEGISLATURE
OFFICE OF THE SECRETARY**

January 28, 2014
Honorable Millicent M. MacFarland
Clerk of the House
2 State House Station
Augusta, Maine 04333
Dear Clerk MacFarland:

House Paper 888, Legislative Document 1254, "An Act To Increase Consumption of Maine Foods in All State Institutions," 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 13 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.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Bill "An Act To Authorize a General Fund Bond Issue To Support the Growth of and To Build Infrastructure for the Marine and Biotechnology Sectors of the State's Economy"

(H.P. 1260) (L.D. 1756)

Sponsored by Speaker EVES of North Berwick.
Cosponsored by Senator BURNS of Washington and Representatives: BERRY of Bowdoinham, CASSIDY of Lubec, HUBBELL of Bar Harbor, Senators: President ALFOND of Cumberland, KATZ of Kennebec, LANGLEY of Hancock, VALENTINO of York.

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

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

REFERRED to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed.

Sent for concurrence.

Bill "An Act To Amend the Laws Governing the Location of Motor Vehicle Excise Tax Collection for Motor Vehicles Owned by Public Utilities"

(H.P. 1259) (L.D. 1754)

Sponsored by Representative HARVELL of Farmington.
Cosponsored by Representatives: BENNETT of Kennebunk, DUNPHY of Embden, ESPLING of New Gloucester, HOBBS of Saco, JACKSON of Oxford, KNIGHT of Livermore Falls, McCABE of Skowhegan.

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

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

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

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. 35)

ORDERED, that Representative Mark N. Dion of Portland be excused January 21 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Madonna M. Soctomah of the Passamaquoddy Tribe be excused January 21 and 23 for legislative business.

READ and PASSED.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

the members of the Bonny Eagle High School Football Team, of Standish, who won the 2013 Class A State Championship: Antonio Bruni, Stephen Hannigan, Joe Bissonnette, Dillon Reynolds, Dylan Ricci, Zach Dubiel, Zack Brannon, Daniel Smith, Christian Dunbar, Eben Cram, Justin Bryant, Ben Malloy, Robie Martin, Jon Woods, Dalton Sanborn, Adam Landry, Keegan Meyer, Zach Walker, Matt Smith, Nikk Pierce, Luke Winslow, Brian Rollins, Brandon Johnson, Mike Arsenault, Parker Gammon, Davis Hughes, Nick Fortin, Zach Reynolds, Alec Tardy, Adam Goodwin, Lukkas Pierce, Mason White, Kirby Morrell, Sami Afiri, Wiley Hollen, Isaiah Reynolds, Joe MacDonald, Kyle Cushman and Russell Barlow; manager Becca Howell; head coach Kevin Cooper; assistant coaches Ben Ledue, Nat Germond, Behn Brooks and Matt Rollins; and freshman coaches Terry Bowen, Donald Hildreth, Brooks Bowen and Jordan Adams. We extend our congratulations and best wishes to the members of the team on this achievement;

(HLS 711)

Presented by Representative MAREAN of Hollis.
Cosponsored by Senator PLUMMER of Cumberland, Representative McCLELLAN of Raymond, Representative KINNEY of Limington, Representative SHAW of Standish, Representative SANBORN of Gorham, Senator TUTTLE of York, Senator VALENTINO of York.

On **OBJECTION** of Representative MAREAN of Hollis, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER**: The Chair recognizes the Representative from Hollis, Representative Marean.

Representative **MAREAN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. It is a privilege for me this morning to stand on behalf of the four towns, which make up RSU 6 – Buxton, Hollis, Limington, and Standish. I am particularly proud of the players that participate from Hollis and Buxton because that is the district that I represent. Also, representing the Legislature here are other members of the Legislature who represent those towns and, on behalf of them, I am happy to congratulate the team for their effort. The Bonny Eagle sports program, throughout our entire district, encompassing all sports, has been very successful. The passion, the dedication of our coaches, and the support of our teachers and parents are paramount to the continued achievement as champions. Today is a very special day for the Bonny Eagle High School Football Team as they are the 2013 State Class A football champs. This is the first visit that any of these players have made to these chambers, but certainly, it is not the first visit for Coach Cooper who has been here many times -- 2004, 2005, 2007, and 2008. Bonny Eagle sports has created a magnet of sorts for our four communities. These kids draw unbelievable crowds wherever they play, at home or away. It is not uncommon for the Bonny Eagle teams that travel that will draw a larger crowd at the event than the home teams. I know because I have been to most of the games that the Bonny Eagle

Football Team has played. These Bonny Eagle sports teams have pulled our communities together. Bonny Eagle Scots, we are very proud of you in your efforts and your achievements as winners, and we congratulate you again on your championship and we congratulate Kevin Cooper, the coach, for his guidance. Thank you, Mr. Speaker.

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

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

REPORTS OF COMMITTEE

Divided Reports

Majority Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Repeal the Bonding Authority of the Maine Governmental Facilities Authority"

(H.P. 541) (L.D. 790)

Signed:

Senators:

HILL of York
CAIN of Penobscot
FLOOD of Kennebec

Representatives:

ROTUNDO of Lewiston
CAREY of Lewiston
FREY of Bangor
JORGENSEN of Portland
ROCHELO of Biddeford
SANBORN of Gorham

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-588)** on same Bill.

Signed:

Representatives:

CHASE of Wells
CLARK of Easton
KESCHL of Belgrade
WINSOR of Norway

READ.

Representative ROTUNDO of Lewiston moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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. The Maine Governmental Facilities Authority was created in the 1980s to issue bonds because the general obligation bond referenda for court facilities were routinely failing and the state had to address its obligation to provide safe and adequate facilities for the administration of justice. All projects bonded through the Authority must be authorized on a project-by-project basis. Repayments of the bonds are budgeted and made by the respective branch of government. I know there has been criticism of the Authority as being unconstitutional. I wanted to share with you that, in fact, the constitutionality of the Authority has been challenged and it was dismissed. The challenge was dismissed by the Maine Supreme Judicial Court. Thank you.

Subsequently, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "B" (H-587)** on RESOLUTION, Proposing an Amendment to the Constitution of Maine Concerning Early Voting and Voting by Absentee Ballot (H.P. 131) (L.D. 156)

Signed:

Senators:

HILL of York
CAIN of Penobscot

Representatives:

ROTUNDO of Lewiston
CAREY of Lewiston
FREY of Bangor
JORGENSEN of Portland
ROCHELO of Biddeford
SANBORN of Gorham

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

Signed:

Senator:

FLOOD of Kennebec

Representatives:

CHASE of Wells
CLARK of Easton
KESCHL of Belgrade
WINSOR of Norway

READ.

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

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

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

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

Representative **LUCHINI**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise in strong support of this constitutional resolution enabling early voting. As I'm sure most of you experienced in your individual campaigns, Maine currently has a system of early absentee voting. You can either do it by mail or you can go into the city hall or town office, fill out a ballot, seal it and place it into an envelope. That envelope gets stored by the clerks and doesn't get reopened until Election Day. Many of you have talked to your town clerks. This process can be quite tedious and strenuous. It takes a lot of time on Election Day to unseal the envelopes, run them through the machines and count them that way. As a result, all of the municipal clerks have been in support of a change that would allow real in person early voting. So if passed by the Legislature and then by a referendum of the people, this would enable the process of real early voting, meaning exactly as it occurs on Election Day, where you put it into the machine, the ballots get stored and then they get tabulated on Election Day.

Two important points that I just want to highlight on this bill. First of all, this does not mandate that all municipalities have to have early voting. It just simply allows it. Secondly, if we pass this today and it's passed by the voters later, this will not have an immediate impact on the conduct of our elections. Comprehensive changes would still need to be made in statute and enacted by the Legislature, so there would be plenty of debate right here and the statutes would have to go through the normal process. Just as a final point, those of you who served in the 125th Legislature may remember that this body voted to create the 2012 Elections Commission, which was formed by then Secretary of State Charlie Summers. This was a bipartisan group, established to look at several topics related to elections and early voting. This bipartisan group voted unanimously to support the national trend of early voting and cited the following reasons for their support. First of all, pilot projects have been very successful in the state, both in 2007 and 2009. Nearly all testimony received was positive. It's likely that early voting will increase turnout at our elections, and it would relieve municipal officials of the burden related to handling the absentee ballots. So for these reasons and many others, I strongly urge this body to support the pending motion. Thank you, Mr. Speaker.

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

Representative FREDETTE: Thank you, Mr. Speaker. Just a Point of Order. My recollection is that we voted on this last session and my understanding was this is a bill that went to committee, went to the other body, and I'm questioning whether or not the bill was properly before the body.

Representative FREDETTE of Newport asked the Chair to **RULE** if the RESOLUTION was properly before the body.

The SPEAKER: The Chair would answer in the affirmative. The bill is properly before the body. It was committed back to committee at the end of our First Regular Session by Joint Order.

Subsequently, the Chair **RULED** that the RESOLUTION was properly before the body.

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

Representative BERRY: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. The bill before us is about access to what is, I think, without debate, the most fundamental right of citizens in a democratic society, and it's about the access to that right, as well as the security of our exercise of that right. In my little town of Bowdoinham, we had an incident a couple of years ago where, under the current absentee balloting system, a staff member, employee of the town voted absentee and another staff member who was curious about the voter's choice in that municipal election chose to open the ballot, knowing, because of the signature on the back of the envelope, whose ballot it was. Obviously, that was a violation of current law and inappropriate in many respects. If the Town of Bowdoinham were to adopt and exercise its right under LD 156 to hold early voting the same way that other voting occurs, this violation could not have occurred and the temptation that the staff member gave into to look inside that envelope would not have been there. The security of our ballot and the access to that ballot is extremely important to all of us, in the State of Maine and in this democracy that we're so privileged to live in. I believe that's why when we voted on this last year, before the Joint Order, Mr. Speaker, all members on this side of the aisle voted to pass the bill. I believe it's because of the access to the ballot and the security of the ballot that every one of my Independent friends in this room voted to pass this bill. And I believe that because of access and security, also, that that is the reason that some of my friends on the other side of the aisle voted to pass this bill as well.

I hope we will do the same again today, that we will proceed as we voted last year, pass this bill and give our municipalities the option of increasing the security of and the access to the ballot. 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. Let this be one of those rare opportunities that I speak on the floor. My colleagues around me don't think that it's rare that I do this. Let me also say that it is probably even more rarer that I'm going to stand in opposition to this bill. I only have one major concern. I have been covering elections as a reporter and set up the *Bangor Daily News* elections program to collect the results statewide. My gosh, it must be 40 years ago or 50. They are still using that system. I am very proud of it because, at least in the circulation area of eastern Maine the newspaper covered, there was a significant increase in the number of folks who came to vote because of the public attention we were giving it. Anything, almost anything that happens with the election process that encourages more people to vote, I support. Anything that gives the courts, the people who are responsible for counting votes, an easier night of it, I support. I hate those nights when you go to bed at 4 o'clock in the morning and you still don't know whether you've won or lost or whether others have. But if you have ever absentee voted, you probably know that when you are curious or interested in coming to the polls on Election Day, you can change your vote. You can ask for that absentee ballot back. Remember those old excuses about if you're out of town, you can do it and all of that? Well, you don't need one now. You can go back in and vote again. You can't, under this particular proposal, once you lock it in and give the clerk the ballot, sign the back of it, it's gone. Our Clean Elections money, at the end of the campaign, is predicated upon reports that you may file or may be filed in your campaign by your opponent about spending money, money on fliers, money on polling, money on candidates calling voters. That, I believe, can change an election. Let me tell you one little story. Working at the *Bangor Daily News* there was a guy by the name of James Longley who was trailing slightly in the gubernatorial race. We took a survey and on Saturday morning, we had the opportunity to publish a story that said Jim Longley was now the predicted winner. Well, because of our own internal policies and our fear that we might impact the election results, we chose not to. But we had the facts and figures in front of us. I do remember our political editor John Day being furious that he had a great story that showed that this Independent was going to win, and he did, by the way, as you all know. Last election, I don't think that our Chief Executive would be our Chief Executive today had we gone on a little longer or if the numbers of people who had voted early could have changed the vote....

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

Representative FREDETTE: Mr. Speaker, I think that those comments are out of order.

On **POINT OF ORDER**, Representative FREDETTE of Newport asked the Chair if the remarks of Representative BROOKS of Winterport were germane to the pending question.

The SPEAKER: The Chair would remind the Representative from Winterport, Representative Brooks, to remain germane and to steer clear of any speculation.

The Chair reminded Representative BROOKS of Winterport to stay as close as possible to the pending question and to steer clear of any speculation.

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

Representative **BROOKS**: Thank you, Mr. Speaker. I thank the Minority Leader for his comments. It was no insult intended. These are the facts. However, according to the voting results, the Independent in that race may have won had we not had that early voting. So I say to you my only reason for opposition to this is that once you do the early voting, 10 days, 15 days, 20 days, a lot could happen between now and the election, between then and the election, and I say to you if there was an opportunity for people to go back and recast their ballots, then I would be in full support of this because of the ease that it makes for the ballot clerks and for the voters. 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. I'm sure that in about every election those people would like to go back and recast their ballots and maybe a lot of us wouldn't be here as well. But dare we say that citizenship comes with obligations? The founding fathers, in the Constitution, set the days of national elections to one day a year, and they did it when people took horses to the polls, walked, rode a sleigh or a wagon. Today, you can vote absentee ballot, near as I can figure, just about the time the New Year comes around. You don't need an excuse anymore. The ballot is there, it's signed, it's held in the clerk's office, they will read these off to the poll watchers there on the day of the elections as they feed them through, and the absurdity that because someone is willing to violate the law to open an envelope, they are going to be so law-abiding they won't bother with the ballot box. It's not too much to ask people to be engaged to show up and vote. Are we going to be at the place where we can all just take them the ballot and, by the way, fill it out for them?

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

Representative **SHAW**: Thank you very much, Mr. Speaker. Mr. Speaker, Men and Women of the House. Just a couple things. Times change, you know. When the state was just forming, getting together back in 1820, just like the good Representative from Farmington said, people came without cars. They rode in on horseback. Today, people work two, sometimes three jobs and I, myself, work kind of an odd shift. I work from usually noon until about 10 at night. So could I stop by on the morning of the election? Most likely, yes. But what if I encountered long lines? This would certainly reduce lines at the polling places. People would find it more convenient. In regards to the absentee voting process, actually this does not change the absentee voting process at all. I think the good Representative from Winterport made a point about the absentee process. If you still wanted to vote absentee, you could certainly still request the ballot by mail, you could still send it in by mail, and that will be run on the day of the election, just as it is today. We had a pilot program in Maine. It was very successful. Standish participated in that. I have a quote from the Standish Town Clerk Mary Chapman. She said, "During the pilot project, many residents expressed that they were pleased for the opportunity to cast their ballot early and that there are no waiting lines." Still to this day, Standish Town Clerk Mary Chapman said, "Residents ask when we will be doing the early voting again." I think it was mentioned earlier that there was a bipartisan commission appointed by then Secretary of State Charlie Summers and the chair was Judge John Atwood. Judge Atwood came to the committee room and testified on the bill and his committee, which was bipartisan, unanimously recommended that we send this out to the people

and set up a process for early voting. So good news today. I seem to be losing my voice; hence, my speech will be very short, as hopefully it usually is anyways. But I do ask that you all consider this is for the people. You know, it's not for us. It's not for the Democrats. It's not for the Republicans. This makes access to the ballot easier for your constituents. So please stand with me, send the question to the voters and let them decide. It's a constitutional resolution. If it gets passed here, it goes on to the voters. If they don't like the idea, they will reject it. Thank you very much.

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. Because this bill allows individual towns, on a town-by-town basis, to adopt an early voting process, I question whether or not there is a constitutional issue involved and a violation of the one person, one vote for those towns that do not accept the early voting process. Therefore, I am opposed to the bill and I urge you not to pass.

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

Representative **RUSSELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. When the founding fathers wrote the election laws, the founding mothers were not allowed to vote. If they had been, perhaps voting would have been allowed at 3 a.m. If you're going to be up with the baby, you might as well vote too. I guess the point is that the laws have changed since then. To my good friend from Winterport whose argument largely was centered around the fact that you can't recall your ballot under the early voting system, you can't do that now. Under the current system that we have, you're not allowed to recall that ballot and change your mind. Here's the thing and this is what this bill really centers around. We already do this. We already vote early, so regardless, you can make the argument that someone is lazy or that they should have gotten there sooner, but the reality is this is already settled. We've already done this. We've just decided to make the process as difficult, as complicated and as convoluted as possible for our municipal clerks. Now, every single one of us who is going to run for election again, or who has run in the past, has filled out the signature form and who do you go to when you want to make sure that those signatures have been verified? You go to your municipal clerk. I would argue that it's in our best interest as individuals to make sure that we are making our municipal clerks' jobs as easy as possible, particularly in an election year when they can determine whether someone's is valid on that petition or not. Obviously, they are going to do the right thing. They're not going to hold us to that. But we should do the right thing by our municipal clerks and we should make sure that we are making their job as easy as possible. This is not about making it easier for voters to vote. We've already done that. What we are doing here is making it easier for our municipal clerks to execute their jobs. We are also making it a more secure ballot. Instead of signing your name to a ballot and knowing that someone is going to open that, two people, actually, and see who you voted for, instead you'll be in a position, if you choose to vote early, to cast that ballot so that no one knows who it is that you voted for. So it boils down to two things: We're already doing it, why not make it a little bit easier for our clerks? And two, why not make our democratic process, our voting process as secure and secret as possible, which is precisely what our founding fathers and I would argue if our founding mothers were allowed to set up the system, our founding mothers would have agreed to, that's precisely what they would hope for. Thank you, Mr. Speaker.

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

Representative **WILLETTE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. Yesterday, I was looking through the calendar and saw that this was going to be on the agenda. I started thinking about, you know, a speech and to my surprise and great luck, there was an article published in *Politico* just yesterday from two law professors about the very subject that sums it up, I think, better than I could possibly state. So I will just read two basic paragraphs as part of the article, although I urge you all to go to *Politico* and read the article. But they said:

"For all its conveniences, early voting threatens the basic nature of citizen choice in democratic [and] republican government. In elections, candidates make [compelling] appeals to...people and provide them with the information necessary to be able to make a choice. Citizens also engage with one another, debating and deliberating about the best options for the country. Especially in an age [with] so many nonpolitical distractions, it is important to preserve the space of a general election campaign — from the early kickoff rallies to the last debates in October — to allow voters to think through, together, the serious [problems facing our state and nation.]"

"More fundamentally, early voting changes what it means to vote.... Voting then becomes an incoherent summing of how various individuals feel at a series of moments, not how the nation feels at a particular moment. This weakens civic cohesiveness, and it threatens to substitute raw preferences and momentary opinion for rational deliberation. Of course, those eager to cast early will be the most ideological — but these are precisely the voters who would benefit most from taking in the full back and forth of the campaign." Thank you, Mr. Speaker.

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

Representative **NADEAU**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. It was mentioned a while ago that this would probably help as far as voter fraud and I would contend that if that was the intent that a group of people would get behind voter IDs to prevent fraud, I would also say that we've done so many things as far as the people's vote. I haven't had any complaints from any constituents or any people that are in my territory about the ability to go out and vote, so until I do, I will not support this bill.

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 am the assistant town clerk in my municipality and I agree with all the supporters of what was said regarding this bill today and wholeheartedly support this bill. As former Senator George Mitchell said last Tuesday in this House chamber, listen to the people. Thank you, Mr. Speaker.

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. As a former town clerk for north of 30 years, I have a lot of experience with municipal elections and our elections in general. Since we had same day voter registration, that has increased the amount of paperwork and the amount of demand for our election officials at the polling place on Election Day. You couple that with the fact that currently they have to handle 200 or 300 or more absentee ballots in their envelopes and remove those and process those. It does make for a long day and the chances for mistakes happening are greater, so I think this early voting would be a

good solution to take care of some of those problems. 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 would like to thank Representative Russell for her comments in regarding to extending the right to vote to women, which has also been extended to many other people including convicted felons. Convicted murderers even get the right to vote in our state and we reach out to people in many ways to be able to have that right to vote. The good Representative from Bowdoinham, Representative Berry, indicated that we did vote on this in the last session and it didn't pass the muster in order to meet the threshold that would be necessary in regards to a constitutional amendment. So I ask why are we here debating this again today. We debated this last session, we voted on it last session and here we are again. I'll make the same argument today that I made then which I think that this creates a fundamental unfairness in our state. We have big cities who have the capacity, who have the resources and the ability to allow for early voting. My folks live in Bangor. They vote two or three weeks. They walk into the voting booth before an election and they vote. That's great that they have the opportunity to do that in the City of Bangor. But where I grew up in Washington County, in the little town of Danforth, where there is a lot of poverty, they don't have the ability to have early voting. They can't afford it. They don't have the resources. So what would happen in the end is that we would have inequity. We would have large cities — Lewiston, Bangor, Portland, Augusta — that would be having open polls forever to almost and you'd have many small towns in rural Maine, in areas that are impoverished, that wouldn't have this same ability to simply go and vote in early voting. So I think that this creates a fundamental unfairness between the urban areas of the state and the rural areas of the state. It's a vote we voted on last session. I would ask you to be consistent with that vote then and vote against the proposed motion. Thank you, Mr. Speaker.

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

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

The SPEAKER: The Representative may pose his question.

Representative **HARVELL**: If I'm not mistaken, when we did pass opposition to same day voting two years ago and the people repealed that in a referendum, the piece of that that was left was at least the three-day limit on absentee ballots being collected. In other words, they had to stop prior to the three days. That portion of the bill stayed because we had heard from the clerks and that was decided, so that's still enforced, if I'm not mistaken. So the idea that the clerks were overwhelmed with absentee ballots, that argument seems to me rather redundant if this in fact is correct.

The SPEAKER: The Representative from Farmington, Representative Harvell, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Portland, Representative Russell.

Representative **RUSSELL**: Thank you, Mr. Speaker. I rise to answer the question of my good friend from Farmington. Actually, the reason that that was put into place in the first place is that we haven't been able to get early voting to pass. The current system that we have on that three-day window is largely in place only because clerks have been asking and asking and asking for year, upon year, upon year, to pass early voting and we have chosen not to do that to date. I think it's time to change

that and move it back.

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 want to remind everyone that the most crucial part of our democracy, heck, the foundation of our democracy, is voting. So I have to admit I find it troubling that we're even arguing about this. In order to be a citizen of our democracy, we need to vote and our system that we're discussing of having the first Tuesday of every November is when we come to vote, that's a system that was based on farming. It's antiquated. It's outdated. Until we make Election Day a federal holiday and people have no excuse not to go to the polls, we need to make sure that with a modern economy, with folks with different schedules, that we create every opportunity for people to vote. Early voting is what needs to happen with the 21st century America and with the 21st century Maine. Shouldn't we be ensuring that all Mainers and all Americans have a chance to get to the polls? This seems like it's the corner of our democracy and I think we should be doing everything to encourage folks to get out and vote. I urge you to follow my light.

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 stand representing the booming metropolis of Skowhegan, a community that when I spoke with my clerk felt that this was actually beneficial. It would help do something that we all promise to do come election time, which is streamline, make things more efficient, and make government decisions more accessible, accessible for all people. This is very interesting. We are sort of debating back and forth what political attorneys say, what's written in *Politico*. Really, for me, this is an issue about what the people say, the boots on the ground, the clerks in the front offices in places like Mexico, places like Skowhegan and places across rural Maine. Thank you, Mr. Speaker.

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

ROLL CALL NO. 468

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

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

ABSENT - Carey, Goode, Johnson D.

Yes, 92; No, 56; Absent, 3; Excused, 0.

92 having voted in the affirmative and 56 voted in the negative, with 3 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The RESOLUTION was **READ ONCE**. **Committee Amendment "B" (H-587)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the RESOLUTION was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "B" (H-587)** and sent for concurrence.

SENATE PAPERS

The following Joint Order: (S.P. 696)

ORDERED, the House concurring, that when the Senate and House adjourn, they do so until Tuesday, February 4, 2014 at 10:00 in the morning.

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

Bill "An Act To Amend the Mandatory Shoreland Zoning Laws To Exclude Subsurface Waste Water Disposal Systems from the Definition of 'Structure'"

(S.P. 694) (L.D. 1755)

Came from the Senate, **REFERRED** to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** and ordered printed.

REFERRED to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** in concurrence.

The following Joint Resolution: (S.P. 695)

JOINT RESOLUTION RECOGNIZING JANUARY 31ST AS EITC AWARENESS DAY

WHEREAS, in order to promote the federal earned income tax credit, which enhances family household budgets, we recognize January 31, 2014 as EITC Awareness Day; and

WHEREAS, it is estimated that every year 20 percent of Maine residents do not apply for the federal earned income tax credit, which demonstrates the importance of raising awareness of this credit and urging individuals to find out if they qualify for it; and

WHEREAS, throughout the State, IRS-certified volunteer tax preparers who are members of CASH Maine and AARP Tax-Aide, a collaboration of 10 statewide coalitions including 50 nonprofit and for-profit partners, provide free federal and state tax preparation; and

WHEREAS, in 2013, these volunteers helped Maine residents save more than \$3,200,000 in filing fees and claim \$5,480,000 in earned income tax credits, returning \$21,450,000 to Maine residents in federal income tax refunds; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-sixth Legislature now assembled in the Second Regular Session, on behalf of the people we represent, take this opportunity to recognize January 31, 2014 as EITC Awareness Day; and be it further

RESOLVED: That we send our appreciation to all the volunteers who participate in EITC Awareness Day for the benefit of Maine citizens and we urge participation in this worthy cause.

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

READ and **ADOPTED** in concurrence.

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

REPORTS OF COMMITTEE

Divided Reports

Majority Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-590)** on 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 (EMERGENCY)

(H.P. 1137) (L.D. 1567)

Signed:

Senators:

VITELLI of Sagadahoc
BOYLE of Cumberland
SHERMAN of Aroostook

Representatives:

DILL of Old Town
BLACK of Wilton
CRAY of Palmyra
KENT of Woolwich
MAREAN of Hollis
NOON of Sanford
SAUCIER of Presque Isle
TIMBERLAKE of Turner

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

Signed:

Representatives:

HICKMAN of Winthrop
JONES of Freedom

READ.

On motion of Representative DILL of Old Town, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Resolve was **READ ONCE**. **Committee Amendment "A" (H-590)** was **READ** by the Clerk.

Representative JONES of Freedom moved that **Committee Amendment "A" (H-590)** be **INDEFINITELY POSTPONED**.

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. Committee Amendment "A" strips the emergency provisions of this bill. Parenthetically, I'd like to remind the House that Second Session legislation is reserved for legislation perceived to be of an emergency nature. You know what, we might, in the course of our work during the Second Session, consider this constitutional provision to be, currently, at least liberally applied and some of us may think it's frequently abused. But be it as it may, Article IV, Section 17 of the Constitution circumscribes emergency legislation strictly to being immediately necessary for the peace, health and safety of this citizenry. LD 1567 and the following two bills regarding the same substantive matter don't rise to this standard. This is a bill to create preparedness for a perceived but inchoate and not imminent threat from mosquito borne illnesses in the State of Maine. I am not convinced and I

welcome my colleagues to produce evidence before the body that indicates the immediacy, the emergency nature of this needed legislation. I ask my fellow legislators to reject Committee Amendment "A" and treat this matter as important before the body and before the people of the State of Maine, but not as an emergent or urgent item. I respectfully request a roll call.

The same Representative **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE Committee Amendment "A" (H-590)**.

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

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

Representative **DILL**: Thank you, Mr. Speaker. Certainly, arthropod-borne diseases are increasing in the State of Maine and we are all aware of that, it's in the newspaper. What this does, it does actually just get us prepared for the upcoming possibility of an emergency, if it should arise, as declared by the CDC. The reason the emergency was stripped by this amendment; there is no need for it to be an emergency from the standpoint of it's not imminent that it will happen early in the summer. All of our research to this point shows that a mosquito borne problem does not occur in this state before the end of August, hence, the emergency is not needed for that reason. However, it will be there so that we would be prepared it come being the end of the summer. Thank you.

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

Representative **McCABE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I don't rise to speak on the policy discussion but rather what's before us is an Indefinite Postponement which seems to be much more a way around sort of debating some of the policy, the acceptance of this Committee Amendment. I hope as we go forward this session that each time we come before the body, that we don't have a manner where we're always trying tomfoolery or to seem like we're much more of a parliamentarian than the next person. Thank you, Mr. Speaker.

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

Representative **HICKMAN**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. It was clear to me, as part of this committee, that the reason why the emergency preamble was stripped was because it might not pass otherwise. By stripping the emergency, we are actually turning the bill inside out because there will be a two month, I believe, it was, discussed window of time when this bill will not be in effect. So if it really was an emergency, I would think that we would need to have this bill in effect so that there will be no hole in case this emergency would be needed. I was against stripping the emergency preamble from the bill in committee and I support this motion to strip it on the floor of the House. Thank you.

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

Representative **JONES**: Thank you, Mr. Speaker. Please forgive me Men and Women of the House for rising again. I reject the notion that this is merely parliamentary tomfoolery. Parliamentary process is in place to protect independent voices in this House and I would certainly hope that as independent Representatives we recognize that. Thank you, Mr. Speaker.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of Committee Amendment "A" (H-590). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 469

YEA - Beavers, Boland, Brooks, Chapman, Chipman, Cotta, DeChant, Devin, Dickerson, Dunphy, Evangelos, Harlow, Hickman, Jones, Kaenrath, Kumiega, Kusiak, McGowan, Peavey Haskell, Peoples, Rykerson, Stuckey.

NAY - Ayotte, Beaudoin, Beaulieu, Beck, Bennett, Berry, Black, Bolduc, Briggs, Campbell J, Campbell R, Casavant, Cassidy, Chase, Chenette, Clark, Cooper, Crafts, Cray, Crockett, Daughtry, Davis, Dill, Dion, Doak, Dorney, Duprey, Espling, Farnsworth, Fitzpatrick, Fowle, Fredette, Frey, Gattine, Gideon, Gifford, Gilbert, Gillway, Graham, Grant, Guerin, Hamann, Harvell, Hayes, Herbig, Hobbins, Hubbell, Jackson, Johnson P, Jorgensen, Kent, Keschl, Kinney, Knight, Kornfield, Kruger, Lajoie, Libby A, Libby N, Lockman, Long, Longstaff, Luchini, MacDonald S, MacDonald W, Maker, Malaby, Marean, Marks, Mason, Mastraccio, McCabe, McClellan, McElwee, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau A, Nadeau C, Nelson, Newendyke, Noon, Nutting, Parry, Pease, Peterson, Plante, Pouliot, Powers, Priest, Pringle, Rankin, Reed, Rochelo, Rotundo, Russell, Sanborn, Sanderson, Saucier, Saxton, Schneck, Shaw, Short, Sirocki, Stanley, Theriault, Timberlake, Tipping-Spitz, Treat, Turner, Tyler, Verow, Villa, Volk, Wallace, Weaver, Welsh, Werts, Willette, Wilson, Winchenbach, Winsor, Wood, Mr. Speaker.

ABSENT - Carey, Goode, Johnson D.

Yes, 22; No, 126; Absent, 3; Excused, 0.

22 having voted in the affirmative and 126 voted in the negative, with 3 being absent, and accordingly the motion to **INDEFINITELY POSTPONE Committee Amendment "A" (H-590) FAILED.**

Subsequently, **Committee Amendment "A" (H-590) was ADOPTED.**

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

Under further suspension of the rules the Resolve was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-590)** and sent for concurrence.

Majority Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-591)** on 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 (EMERGENCY)

(H.P. 1138) (L.D. 1568)

Signed:

Senators:

VITELLI of Sagadahoc
BOYLE of Cumberland
SHERMAN of Aroostook

Representatives:

DILL of Old Town
BLACK of Wilton
CRAY of Palmyra
KENT of Woolwich
MAREAN of Hollis
NOON of Sanford
SAUCIER of Presque Isle
TIMBERLAKE of Turner

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

Signed:

Representatives:

HICKMAN of Winthrop
JONES of Freedom

READ.

Representative DILL of Old Town moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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

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

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

ROLL CALL NO. 470

YEA - Ayotte, Beaudoin, Beaulieu, Beck, Bennett, Berry, Black, Boland, Bolduc, Briggs, Campbell J, Campbell R, Casavant, Chase, Chipman, Clark, Cooper, Crafts, Cray, Crockett, Daughtry, Davis, DeChant, Dill, Dion, Doak, Dorney, Dunphy, Duprey, Espling, Farnsworth, Fitzpatrick, Fowle, Fredette, Frey, Gattine, Gideon, Gifford, Gillway, Graham, Grant, Guerin, Hamann, Harvell, Hayes, Herbig, Hobbins, Hubbell, Jackson, Johnson P, Jorgensen, Kent, Keschl, Kinney, Knight, Kornfield, Kruger, Lajoie, Libby A, Libby N, Lockman, Long, Longstaff, Luchini, MacDonald S, MacDonald W, Maker, Malaby, Marean, Marks, Mason, Mastraccio, McCabe, McClellan, McElwee, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau A, Nadeau C, Nelson, Newendyke, Noon, Nutting, Parry, Pease, Peoples, Peterson, Plante, Pouliot, Powers, Priest, Pringle, Rankin, Reed, Rochelo, Rotundo, Sanborn, Sanderson, Saucier, Saxton, Schneck, Shaw, Short, Sirocki, Stanley, Theriault, Timberlake, Treat, Turner, Tyler, Verow, Villa, Volk, Wallace, Weaver, Welsh, Werts, Willette, Wilson, Winchenbach, Winsor, Wood, Mr. Speaker.

NAY - Beavers, Brooks, Cassidy, Chapman, Chenette, Cotta, Devin, Dickerson, Evangelos, Gilbert, Harlow, Hickman, Jones, Kaenrath, Kumiega, Kusiak, McGowan, Peavey Haskell, Russell, Rykerson, Stuckey, Tipping-Spitz.

ABSENT - Carey, Goode, Johnson D.

Yes, 126; No, 22; Absent, 3; Excused, 0.

126 having voted in the affirmative and 22 voted in the negative, with 3 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED.**

The Resolve was **READ ONCE. Committee Amendment "A" (H-591) was READ** by the Clerk.

Representative JONES of Freedom moved that **Committee Amendment "A" (H-591) be INDEFINITELY POSTPONED.**

Representative McCABE of Skowhegan **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE Committee Amendment "A" (H-591).**

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

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

Representative **DILL**: Thank you, Mr. Speaker. Just to put the whole emergency issue into context, this bill came before us at the end of the session last time in June. The emergency was put on because if you waited until 90 days after we got out of session, we were actually into the disease portion of the mosquito season. This year, it was taken off because it's not an emergency, because when we get done in April, 90 days later, we're only into June or July, that is just the beginning, for the

most part, of our mosquito season and not the disease emergency season, hence, the reason it was taken off.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of Committee Amendment "A" (H-591). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 471

YEA - Beavers, Boland, Brooks, Chapman, Chipman, Cotta, Devin, Dickerson, Evangelos, Harlow, Hickman, Jones, Kaenrath, Kumiega, Kusiak, McGowan, Peavey Haskell, Peoples, Rykerson, Stuckey.

NAY - Ayotte, Beaudoin, Beaulieu, Beck, Bennett, Berry, Black, Bolduc, Briggs, Campbell J, Campbell R, Casavant, Cassidy, Chase, Chenette, Cooper, Crafts, Cray, Daughtry, Davis, DeChant, Dill, Dion, Doak, Dorney, Dunphy, Duprey, Espling, Farnsworth, Fitzpatrick, Fowle, Fredette, Frey, Gattine, Gideon, Gifford, Gilbert, Gillway, Graham, Grant, Guerin, Hamann, Harvell, Hayes, Herbig, Hobbins, Hubbell, Jackson, Johnson P, Jorgensen, Kent, Keschl, Kinney, Knight, Kornfield, Kruger, Lajoie, Libby A, Libby N, Lockman, Long, Longstaff, Luchini, MacDonald S, MacDonald W, Maker, Malaby, Marean, Marks, Mason, Mastraccio, McCabe, McClellan, McElwee, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau A, Nadeau C, Nelson, Newendyke, Noon, Nutting, Parry, Pease, Peterson, Plante, Pouliot, Powers, Priest, Pringle, Rankin, Reed, Rochelo, Rotundo, Russell, Sanborn, Sanderson, Saucier, Saxton, Schneck, Shaw, Short, Sirocki, Stanley, Theriault, Timberlake, Tipping-Spitz, Treat, Turner, Tyler, Verow, Villa, Volk, Wallace, Weaver, Welsh, Werts, Willette, Wilson, Winchenbach, Winsor, Wood, Mr. Speaker.

ABSENT - Carey, Clark, Crockett, Goode, Johnson D.

Yes, 20; No, 126; Absent, 5; Excused, 0.

20 having voted in the affirmative and 126 voted in the negative, with 5 being absent, and accordingly the motion to **INDEFINITELY POSTPONE Committee Amendment "A" (H-591) FAILED.**

Subsequently, **Committee Amendment "A" (H-591) was ADOPTED.**

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

Under further suspension of the rules the Resolve was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-591)** and sent for concurrence.

Majority Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-592)** on 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 (EMERGENCY)

(H.P. 1139) (L.D. 1569)

Signed:

Senators:

VITELLI of Sagadahoc
BOYLE of Cumberland
SHERMAN of Aroostook

Representatives:

DILL of Old Town
BLACK of Wilton
CRAY of Palmyra
KENT of Woolwich

MAREAN of Hollis
NOON of Sanford
SAUCIER of Presque Isle
TIMBERLAKE of Turner

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

Signed:

Representatives:

HICKMAN of Winthrop
JONES of Freedom

READ.

Representative DILL of Old Town moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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

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

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

ROLL CALL NO. 472

YEA - Ayotte, Beaudoin, Beaulieu, Beck, Bennett, Berry, Black, Bolduc, Campbell J, Campbell R, Casavant, Chase, Chipman, Cooper, Crafts, Cray, Daughtry, Davis, DeChant, Dill, Dion, Doak, Dorney, Dunphy, Duprey, Espling, Farnsworth, Fitzpatrick, Fowle, Fredette, Frey, Gattine, Gideon, Gifford, Gillway, Graham, Grant, Guerin, Hamann, Harvell, Hayes, Herbig, Hobbins, Hubbell, Jackson, Johnson P, Jorgensen, Keschl, Kinney, Knight, Kornfield, Kruger, Lajoie, Libby A, Libby N, Lockman, Long, Longstaff, Luchini, MacDonald S, MacDonald W, Maker, Malaby, Marean, Marks, Mason, Mastraccio, McCabe, McClellan, McElwee, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau A, Nadeau C, Nelson, Newendyke, Noon, Nutting, Parry, Pease, Peoples, Peterson, Plante, Pouliot, Powers, Priest, Pringle, Rankin, Reed, Rochelo, Rotundo, Sanborn, Sanderson, Saucier, Saxton, Schneck, Shaw, Short, Sirocki, Stanley, Theriault, Timberlake, Treat, Turner, Tyler, Verow, Villa, Volk, Wallace, Weaver, Welsh, Werts, Willette, Winchenbach, Winsor, Wood, Mr. Speaker.

NAY - Beavers, Boland, Briggs, Brooks, Cassidy, Chapman, Chenette, Cotta, Devin, Dickerson, Evangelos, Gilbert, Harlow, Hickman, Jones, Kaenrath, Kent, Kumiega, Kusiak, McGowan, Peavey Haskell, Russell, Rykerson, Stuckey, Tipping-Spitz.

ABSENT - Carey, Clark, Crockett, Goode, Johnson D, Wilson.

Yes, 120; No, 25; Absent, 6; Excused, 0.

120 having voted in the affirmative and 25 voted in the negative, with 6 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED.**

The Resolve was **READ ONCE. Committee Amendment "A" (H-592)** was **READ** by the Clerk.

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

Representative **JONES**: Thank you, Mr. Speaker, and I beg the House's indulgence once again. This bill creates preparedness for an inchoate and not immediate threat. It does not rise to the level of emergency legislation. Once again, I ask the House to Indefinitely Postpone Committee Amendment "A" and treat it as an actual emergency. Thank you, Mr. Speaker.

The same Representative moved that **Committee Amendment "A" (H-592)** be **INDEFINITELY POSTPONED.**

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

Representative DILL: Thank you, Mr. Speaker. I hate to sound like a broken record, but again, this is a carryover bill. It didn't come in this session as emergency legislation. It did last session, only because of the disease season. That's the reason why it was an emergency last session. It does not need to be an emergency this session because if it is just passed through the normal session, it will be before the disease time.

Representative McCABE of Skowhegan **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE Committee Amendment "A" (H-592)**.

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 Indefinite Postponement of Committee Amendment "A" (H-592). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 473

YEA - Beavers, Boland, Brooks, Cassidy, Chapman, Chipman, Cotta, Devin, Dickerson, Evangelos, Harlow, Hickman, Jones, Kaenrath, Kumiega, Kusiak, McGowan, Peavey Haskell, Peoples, Rykerson, Stuckey.

NAY - Ayotte, Beaudoin, Beaulieu, Beck, Bennett, Berry, Black, Bolduc, Briggs, Campbell J, Casavant, Chase, Chenette, Cooper, Crafts, Cray, Daughtry, Davis, DeChant, Dill, Dion, Doak, Dorney, Dunphy, Duprey, Espling, Farnsworth, Fitzpatrick, Fowle, Fredette, Frey, Gattine, Gideon, Gifford, Gilbert, Gillway, Graham, Grant, Guerin, Hamann, Harvell, Hayes, Herbig, Hobbins, Hubbell, Jackson, Johnson P, Jorgensen, Kent, Keschl, Kinney, Knight, Kornfield, Kruger, Lajoie, Libby A, Libby N, Lockman, Long, Longstaff, Luchini, MacDonald S, MacDonald W, Maker, Malaby, Marean, Marks, Mason, Mastraccio, McCabe, McClellan, McElwee, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau A, Nadeau C, Nelson, Newendyke, Noon, Nutting, Parry, Pease, Peterson, Plante, Pouliot, Powers, Priest, Pringle, Rankin, Reed, Rochelo, Rotundo, Russell, Sanborn, Sanderson, Saucier, Saxton, Schneck, Shaw, Short, Sirocki, Stanley, Theriault, Timberlake, Tipping-Spitz, Treat, Turner, Tyler, Verow, Villa, Volk, Wallace, Weaver, Welsh, Werts, Willette, Winchenbach, Winsor, Wood, Mr. Speaker.

ABSENT - Campbell R, Carey, Clark, Crockett, Goode, Johnson D, Wilson.

Yes, 21; No, 123; Absent, 7; Excused, 0.

21 having voted in the affirmative and 123 voted in the negative, with 7 being absent, and accordingly the motion to **INDEFINITELY POSTPONE Committee Amendment "A" (H-592) FAILED**.

Subsequently, **Committee Amendment "A" (H-592) was ADOPTED**.

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

Under further suspension of the rules the Resolve was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-592)** and sent for concurrence.

Change of Committee

Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Redesign Maine's School Funding Model"

(S.P. 149) (L.D. 369)

Reporting that it be **REFERRED** to the Committee on **TAXATION**.

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **TAXATION**.

Report was **READ** and **ACCEPTED** and the Bill was **REFERRED** to the Committee on **TAXATION** in concurrence.

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

On motion of Representative PEAVEY HASKELL of Milford, the House adjourned at 12:07 p.m., until 10:00 a.m., Tuesday, February 4, 4014 pursuant to the Joint Order (S.P. 696) and in honor and lasting tribute to Kevin G. Cleary, of Milford.