

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
12th Legislative Day
Thursday, February 13, 2014

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

Prayer by Pastor Dick Ray, Vineyard Church of Mechanic Falls.

National Anthem by Honorable Seth A. Berry, Bowdoinham.
Pledge of Allegiance.

Doctor of the day, Honorable Ann E. Dorney, M.D.,
Norridgewock.

The Journal of Tuesday, February 11, 2014 was read and approved.

COMMUNICATIONS

The Following Communication: (S.C. 628)

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

January 10, 2014

The 126th Legislature of the State of Maine
State House
Augusta, Maine

Dear Honorable Members of the 126th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I hereby veto LD 1353, "An Act To Further Reduce Student Hunger."

This bill presents an irresponsible unfunded mandate. It tells school administrative units who have 50 percent of their students qualify for free or reduced lunch to operate a summer lunch program or collaborate with another institution to provide a lunch program. It directs schools to impose a program without providing the funding. This is the very problem that we see arise time and time again between the State and local government and I do not support it.

I have a deep concern about our poor students and communities, but current law allows those communities to opt-in to a school lunch program. This bill goes further, requiring schools to provide such programs without paying for it. Additionally, although the bill contains an opt-out program, the school administration may only opt-out after such requirement has been imposed. To that end, the opt-out provision is merely a gimmick allowing the state to impose the requirement without also providing the requisite funding.

For these reasons, I return LD 1353 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,
S/Paul R. LePage
Governor

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

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

The accompanying An Act To Further Reduce Student Hunger (MANDATE)

(S.P. 472) (L.D. 1353)

(S. "A" S-359 to C. "A" S-70)

In Senate, February 11, 2014, this Bill, having been returned by the Governor, together with objections to the same, pursuant to the provisions of the Constitution of the State of Maine, after reconsideration, the Senate proceeded to vote on the question:

'Shall this Bill become a law notwithstanding the objections of the Governor?'

25 voted in favor and 10 against, and 25 being more than 2/3 of the members present and voting, accordingly it was the vote of the Senate that the Bill become law and the veto was overridden.

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

Representative **BERRY**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise today in support of overriding this veto. Now, as a teacher for 20 years, first in intercity New York and then for another 10 years in rural Maine, I saw a lot of children who didn't learn as well as they could have because of hunger or because they weren't getting healthy enough food. Today, that problem has increased - 1 in 4 children now in Maine are hungry or at risk of hunger. Maine is, in my experience, now in no better situation in this respect than the areas, the neighborhoods that I taught in, for 10 years, in intercity New York, such as East Harlem. Too many children are unable to learn because of hunger. We have the third highest rate of hunger in the entire country and almost 70,000 qualifying children don't have access to summer meals paid for entirely by federal funds which we can do something about here today. Mr. Speaker, I hope that we can join together in moving forward and not back to address child hunger in Maine and to help young people learn. There is no requirement for local school boards, except that they look at this opportunity and make a decision about it. Thank you, Mr. Speaker.

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

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

The SPEAKER: The Representative may pose his question.

Representative **JONES**: Thank you, Mr. Speaker. Is a Quorum of the House present?

Representative **JONES** of Freedom inquired if a Quorum was present.

The SPEAKER: The Quorum of the House has not been called. By appearance, there is certainly a Quorum.

The Chair declared a Quorum present by observation.

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

Representative **CHIPMAN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of a vote to override the Chief Executive's veto of LD 1353. I represent a district that includes Portland High School, King Middle School, a local Boys and Girls Club, several after-school programs, service centers, and urban playgrounds where meals are served to children, even in the summer months. I have seen the data and witnessed firsthand the true crisis of student hunger in our state. When a child does not have adequate access to nutritious meals, it not only impacts the child's chances of success and learning, but also in performance at every level in life going forward. We know that students with inadequate nutrition are more likely to have behavioral issues or even drop out of school. This legislation would require towns in school districts where at least 50 percent of the students qualify for free or reduced lunch to make a decision whether or not to participate in the federal Summer Food Services Program, which is administered and paid for by the U.S. Department of Agriculture. For many reasons, this bill makes a lot of sense. Mr. Speaker, I have seen many children that line up to receive meals at a park located just behind City Hall in Portland, during the summer months, when their parents cannot afford to provide nutritious meals. There is no doubt in my mind there is a need for this policy and it is in fact overdue. Mr. Speaker, Ladies and

Gentlemen of the House, this bill could provide tremendous benefit to over 70,000 low-income children across this state. I strongly encourage you to join me in doing the right thing for Maine children by voting in favor of this override. Thank you.

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

Representative **KORNFIELD**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. We know that 1 out of 4 children in Maine are hungry. We know that during the school year, these children count on free and reduced lunch as their one good nutritious meal of the day, and we know that these children are no less hungry during the summer than they are during the school year. I have had students every year whose whole family lives in a single hotel room rented on a weekly basis. These children need to be fed during the summer. Vetoing this bill did not save state funds. Instead, it leaves federal money on the table. This is not an unfunded mandate. Currently, Maine receives about \$1 million a year and if there were full participation, Maine would see that climb to \$11 million. Frankly, I am surprised the Chief Executive vetoed this bill, because the Summer Lunch Program is truly the "compassion" that he spoke about in his State of the State message. Thank you.

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

Representative **JOHNSON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of sustaining the Governor's veto. Now, why would I do this? I do it because, even according to the President of the other body, this morning on the radio, he said this would cause the adults in the community to have a conversation. The fact that we have to pass a law to have the adults have a conversation says something about our confidence in the citizens of our state. I believe that most communities are aware of this ability to have a federally subsidized lunch program in the summer. As a matter of fact, the communities that I represent already have access to those. It was done by the citizens of the community. They provide for the staffing of this. I think we should have the confidence in our citizenship to allow them to do that without passing another mandate. Thank you very much.

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. Happy Valentine's Day. Here we are gathered debating an important issue. We're discussing leaving federal money on the table while some children don't actually have food on their own table. I find it very interesting. I also find it ironic, ironic that I recently just purchased my children a couple of boxes of chocolate to sort of celebrate Valentine's Day and I think we have an opportunity today, an opportunity to rise above the politics of this issue and do what's really right for children in the State of Maine. I also rise to tell you a story. I tell you a story about, in the summer months, in Skowhegan, we actually have a summer feeding program, a summer feeding program that is administered through our recreation department. This is a program that was started based on concern, concern for many areas of businesses in Skowhegan, that our children were going hungry. Our feeding program serves breakfast and lunch. It serves breakfast and lunch to families. The adults that come with the children pay a fee to be able to eat breakfast or lunch and children are fed a healthy meal. This meal also includes local food. I actually celebrate this. I see firsthand how successful this is because I run a summer program myself. For four weeks, each summer, I have children that come. They come enjoy the outdoors. They

come swim. They do drama. They do arts and crafts. Some of them are my own constituents. Some are constituents of the Representative from Palmyra, Representative Cray. They come. They enjoy the outdoors, it's paid for through the recreation department, and it's amazing. It's amazing to see those children line up each day, line up to get a free milk, line up to get a wholesome lunch, and it's a life changing experience. It really is. I also have teenagers that are part of that program as volunteers and counselors. They recognize that, without this program, these children would be hungry. They may have some sort of food, in some cases, but it's really not nutritious food and it's really not adequate. I encourage folks to do as the Education Committee did last year. When they actually passed this bill, I believe it was unanimous in that committee and suddenly it's back before us with a veto. I hope that everyone will join me in doing the right thing today.

The **SPEAKER**: The Chair recognizes the Representative from Augusta, Representative Wilson.

Representative **WILSON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise today to share my opinion and just discuss a little bit quickly about this. Well, first off, I was one of these children that, over the course of the summer, that had a difficult time simply getting fed. I've told you folks before, so it's no surprise, that I grew up quite poor and relied on food from the food pantry. You know, I was one of these children and I also did receive free breakfast and free lunch from the school, and I'm thankful for that because it was definitely a blessing for my family, there's no question. Today, I rise in support of overriding the veto because I think it's just the right thing to do. I feel that we have an opportunity here to feed children, and I think that if we ever have that opportunity, that we should go for it. Maine is definitely not in a great place, we recognize that, and I know that some of you are definitely going to be reluctant to fund any additional programming, but I think this is one that we have an obligation to find money for. You know, additionally, my community is one of the communities that will be eligible for this program and I want to see the children that are in my community have the ability to just simply have lunch and be fed. I'm going to be short and sweet. I hope everybody has a good day and a safe trip home.

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

Representative **MacDONALD**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I'd like to echo what we've just heard from the good Representative from Augusta with respect to this bill and just, as chair of the committee, point out what happened in our committee when this bill came to us. We had 22 testimonials at the hearing. Only two were neither for nor against. There were no testimonials against it and the committee vote, I believe, was unanimous in support of this bill when it came forward. When we had this hearing in front of the committee, we learned that we're the most food insecure state in New England. We have the seventh highest rate of hunger in the nation and 1 in 4 Maine children experience food insecurity. I say, given these facts about our food insecurity, especially among children, and given the strong connection that there is between a child's ability to learn and whether or not they have proper nutrition, this makes, to me, a mandate on us that we need to do as much as we can to support this kind of legislation. Yes, it is a mandate, but if you look at the mandate language, it's an insignificant cost statewide. All it requires that a local school district do is to provide notice to parents and hold a public hearing as to whether or not they want to go ahead with taking federal money to provide food to children in summer school. I think, Mr. Speaker, this ought to be an easy vote for us to take to override the Governor's

veto here and vote in support of adequate learning possibilities for Maine's children. Thank you, Mr. Speaker.

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

Representative **KUSIAK**: Thank you, Mr. Speaker. I rise in support of the motion before us. We must override this unfortunate veto of LD 1353, An Act To Further Reduce Student Hunger. One of the school districts I represent, MSAD 49, where I served on the school board, has cooperatively participated in the Summer Food Service Program, or SFSP, for a number of years. We serve children and youth who attend a community supported summer recreation program and children who attend a summer school program. Other school districts in my legislative district have summer food programs also, as just described by Representative McCabe. My county, Somerset, has over 55 percent of our children qualifying for the federal School Lunch Program. Our county, like other poor counties in the state, have children who rely on the summer lunch programs for their basic nutrition. Children and youth, up through the age of 18, who live within the geographic boundary of a school district with such a high participation in the school lunch program, are permitted to participate in the Summer Food Service Program.

The SFSP is funded by the U.S. Department of Agriculture and it run by the Maine Department of Education. The Maine DOE already encourages school districts to participate in the program. Look at their child nutrition program page. There is plenty of information about getting an SFSP started and suggestions for making the reporting and paperwork relatively easy. I'm going to read a little bit from the DOE website. "The Summer Food Service Program provides meal reimbursement to eligible summer programs. Communities throughout Maine have opened the door to the SFSP and helped close the door on summer hunger. Sponsors include schools, community recreation programs, nonprofit organizations and camps. Maine has over 87 sponsors with an estimated 254 sites for children to have a summer meal at no cost. Almost 481,000 meals and snacks were served in 2012." Again, that's from the Maine DOE site.

Yet, even with this number of sponsors and number of sites, still the Maine Center for Economic Policy calculated, in 2011, that Maine was using only 10 percent of the federal USDA funds that we were eligible to receive for the Summer Food Service Program. That means that children and youth in Maine who are eligible for the program are not able to participate, and they are likely going hungry or not eating balanced meals. More Maine children and youth can be served through SFSP. Holding more school districts responsible for it is the right thing to do. Opting out is permitted. A school board need only publicize that it will be conducting a public hearing on opting in or out of the program and vote on the question in a public meeting. A school board may opt out, for example, after noting and telling the community that a local recreation program already offers the SFSP for children and youth of the community. However, where no such program is provided, this bill – and I will argue this does start a conversation – this bill will encourage local school districts to participate in the program or provide an opportunity for local residents to urge, through the public meeting, that schools participate in the program. It's very simple. Overriding this bill is the right thing to do for our hungry, developing, meaning growing, children and youth who need good nutrition and it provides support for poor and working class families. Thank you.

The SPEAKER: I would just remind the House that the House is in order. There are multiple conversations going on. I'm having a little hard time hearing, so I imagine that folks are probably having a hard time hearing up there.

The Chair recognizes the Representative from Raymond, Representative McClellan.

Representative **McCLELLAN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I'm on the Education Committee as well and I think always as we deal with problems like this, I always kind of think we don't think about why there is a problem. You know, we look for a Band-Aid in how to solve it, but what's the root of the student hunger problem? Recently, I was at a function where the Chief Executive spoke on a variety of issues like this and his answer, over and over and over, was family, family, family, family was the answer. It just strikes me, if we don't look at issues like this and come up with the root of the problem, why it's happening, then this is simply a Band-Aid and we'll be back here in a year or two dealing with this again, Mr. Speaker. I heard it mentioned there is federal money and we've got to grab it. We don't want to leave it on the table. This week, actually, in the Education Committee, we dealt with a bill that was to fund an HIV education program. It was a federal program and the federal monies, we grabbed it, and all accounts are it's a wonderful program and in fact it's making good work in Maine. HIV rates are down, I understand, and everything is great and the funding is gone now, so we were asked to fund this program. It was \$150,000 and you would say that's not that big of deal, except for how many \$150,000 programs do we look at in the course of a year? That's when it becomes concerning, when we have to just look at this over and over, and again, we're not solving problems, we're just kind of fixing them for the moment. It's been said already that towns can already do this, and a lot do, a lot of communities do this, and it's been said already this bill is a mandate so I have issues with that. I'll just say, Mr. Speaker, I guess, in closing, I've been on the Education Committee my three years here and I used to say a lot when I spoke of education. I look at what we do. We take our schools and we make them babysitters, transportation centers, doctors, food services, social workers and all kinds of things, and then, Mr. Speaker, we get surprised when they don't teach or we don't think they teach well. I don't think it's fair to just keep burdening our schools with these things. I'm going to support the Chief Executive and I hope that, at some point, we can sit down and really talk about the root of why kids are hungry in Maine. Thank you, Mr. Speaker.

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

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

The SPEAKER: The Representative may pose his question.

Representative **TIMBERLAKE**: My question is, Mr. Speaker, to anybody who can answer it, is this not allowed in the schools already, or do we have to pass this law in order to make it legal or can it already been done?

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

Representative **BERRY**: Thank you, Mr. Speaker. It is allowed in schools already, but unfortunately, many school boards are unaware. They have, unfortunately, only about 14 percent of young people who are eligible for this free summer nutrition program are able to access it. That is the problem that we are trying to address here. Tomorrow is Valentine's Day. I'm going to be buying some chocolates. I hope we can send a valentine to low-income, hungry, young people as well. Thank you.

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

Representative **GRAHAM**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise to support the pending motion to override the Chief Executive's veto. I've committed my entire professional life to caring for the health and wellbeing of children. Children don't learn, grow and stay healthy when they're hungry. I'd like to quote from an article that appeared in the *Portland Press Herald* by Reverend Dr. William M. Barter, Executive Director of the Maine Council of Churches in Portland. He says:

"The physiological and psychological impact of hunger and food insecurity in children is well documented. Numerous recent long-term studies by the National Institutes of Health show overwhelming evidence that hunger and food insecurity can lead to low test scores, poor scholastic performance, anxiety, depression, aggression and a lowered immune response to disease.

"Hungry kids are statistically high users of the mental health system, at great cost to these children and to our society.

"In Maine, thousands of schoolchildren stay healthy and nourished through the school year in part because of the successful national school lunch program. When summer comes, these low-income, often working, families struggle to provide those extra meals to their children each week."

I think of a friend in my community, a single mom, two beautiful girls, fourth graders, currently heating her home with space heaters because she has no oil in her tank. Those are the children we need to look to. They have a wonderful mother, but she doesn't make enough money to make ends meet and it's not right to have her children go hungry because she's struggling. It just doesn't make sense to me that we nourish kids, help them grow for nine months through the school year, but then we let them go hungry in the summer. I urge you to override the Chief Executive's veto.

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

Representative **RUSSELL**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I have full confidence today that we're going to do the right thing because this is a really important issue in this chamber. I just rise to ask the question, how did we get here? How did we get to a place in society where we are actually debating whether or not to reduce student hunger? It just seems so bizarre, considering we are the wealthiest country in this world, that we would actually have to have a debate on the floor of a legislative body about whether or not we should reduce student hunger. Again, I'm fully confident that we're going to do the right thing because I think we all walk away with the better angels and, after all, tomorrow is Valentine's Day. How better to show love for our people than to make sure our kids can eat? But, at the end of the day, I just wonder why we are even debating this and how we got here as a society. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Bath, Representative DeChant.

Representative **DeCHANT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise to support the override as well. Back in 1992, fresh out of college, my first job was an anti-hunger organization. At that point, we were a part of the national Campaign to End Childhood Hunger. This is when I learned the very elementary part that there is school breakfast and there is school lunch, which often provides two-thirds of the daily nutritional intake for at-risk children, and back in the day, back in 1992, is when we called people at risk of hunger, we called them hungry. At that point, it was alarming to me to figure out that, in the summer, when two-thirds of those of the source was removed, that the summer program was so

underutilized. Twenty-two years later, we're having the same conversation about expanding the summer food program? It's moved past alarming into shocking and almost appalling. Is this a mandate? It's a mandate on us. It's a mandate on us to make sure that there is this nutritional aspect that is available in the summer to help support families and children at risk who are hungered. This is a problem. This is not a Band-Aid measure. This is a federal program that's available with federal money, that's grossly underutilized in the State of Maine. These are not "Joe six-pack's" kids. These are our children. I encourage you to override the veto. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative **KESCHL**: Yes, this question is in response to Representative Berry's answer to Representative Timberlake's question. If indeed the question is that there is a lack of awareness to the existing program, wouldn't it be more of an appropriate response to educate the local communities about the existing program rather than to force them, mandate them to vote on the issue? Thank you.

The SPEAKER: The Chair recognizes the Representative from Gardiner, Representative Grant.

Representative **GRANT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. All through my school years, I had the opportunity to participate in the free school lunch program. I would never, in public, ever call my family poor because we were rich in ways that cannot be measured by money, but I would say that the lunch was very helpful. I don't talk about growing up disadvantaged in public and unlike some people who spend a lot of time talking about being disadvantaged growing up, I never believed in pulling the ladder down behind me for those who came along after me. I have three words for this House: feed hungry children. There is nothing more basic of a civilization. If we can't do that, I don't know why we're here. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Rockland, Representative Dickerson.

Representative **DICKERSON**: Thank you, Mr. Speaker. My teenage son, who is a high school student, had some very passionate words about this vote last night when I saw him. I was a little surprised because although he is politically aware and he does take an active interest in history and politics, he isn't often as passionate as he was last night. My son is 15 years old and he's a student at Oceanside High School where I am also a teacher. In our community of Rockland, Maine, we have over 40 percent of families in the low to moderate-income range, even though we are a beautiful community by the sea with many shops and art galleries which I'm sure many of you have enjoyed, the truth underneath that beautiful veneer is that there is shocking and appalling poverty that these children live with, day in and day out. In my career as a teacher, I have sat down with a child and attempted to teach Algebra, only to discover that the child has had nothing to eat that day. Anyone who is a teacher in this House, or listening in our state today who is a teacher, knows that we all keep snacks in our desks. We keep nonperishable foods in our classrooms for just those emergencies because we know that every day we're going to have a child in our classroom who has not eaten, and I'm not just talking has not had enough to eat. I'm talking has not eaten at all before they got to school. Now, we can talk about what the root causes of this are, but I personally understand that when somebody is hungry, you need to feed them because hunger doesn't wait. You can't wait

because that child is growing. It's life threatening. It's not just that the child can't learn. It's not just that they're distracted. Food is the fuel by which we run and if we don't eat, it is life threatening. It doesn't do any good for us to consider what the root causes are until we eat something first. My mother has a favorite saying that she liked when I was growing up. When things were getting hard or I was upset about something, she'd say to me, "When was the last time you had something to eat?" because I'm a workaholic and I tend to forget to eat. I'd think about it and she'd say, "You know, you need to sit down and you need to have something to eat." Now, what if that wasn't an option? What if I didn't have anything? So my son, last night, in his passionate speech to me, he said, "Mom, those kids don't have a choice. They can't do anything about their circumstances." He said, "It's your job to go to Augusta and convince the people there that the kids need help. And it doesn't matter. They just need help." So I ask you to realize that the children know what's right to do, the children have told me what's right to do, and it's incumbent upon us to listen to our younger constituents who don't have the power to do anything about their circumstances and yet we have all the power in the world to help change their world. 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 rise to answer a question from the good Representative from Belgrade, Representative Keschl, who asked a question in regards to the need for this bill and I believe sort of the lack of awareness. It really seems that there is a lack of awareness for the funding source that's available, so I would say that's sort of why this bill is coming forward, that's why the bill was amended to have an opt out, but to just really raise awareness and address the issue of hungry children in the State of Maine. Thank you.

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

Representative **JONES**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I'd like to remind us of our duty as agents of the Constitution which, in the State of Maine, says our purpose is to promote our common welfare. Regardless of how that term "welfare" has been twisted, distorted and redefined for political advantage, I will say this. We do many things here that belie that charge, but those are not on the floor for discussion today. I will say that it is most discouraging, disheartening, frustrating and unacceptable if this House cannot agree that the feeding of hungry children does not fall under our charge as promoting our common welfare. Thank you, Mr. Speaker.

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 just wanted to clarify some points about the bill in front of us. This bill requires every district to either come up with a plan or policy on how to take advantage of the Summer Lunch Program or to opt out. It requires them to sit down and figure out what their game plan is going to be for ensuring that the neediest students in their district have a lunch. But it also doesn't require them to spend any money that they don't have. It's not a financial mandate and that was an important part of this bill, for me, to support it. We heard an overwhelming amount of support for this measure from school nutritional professionals. They expressed that this was the perfect way to help educate other districts about how to institute this in their own area, and we only heard two folks, as the good Representative from Boothbay said, who were neither for nor

against. We didn't have any opposition to this bill. Look, folks, we need to do all we can to combat childhood hunger. When you're hungry, you can't succeed in school, you can't think properly, you get tired, you get cranky. I mean, look at all of us, for example. Think about the last debate. We're here at 3 p.m., you're getting really cranky, you want people to stop talking about revenue sharing, and you really are starting to think about that burger. You can't legislate when you're hungry, you can't go to school when you're hungry. Let's do the right thing and make sure we feed our kids. Please follow my light and let's overturn this veto.

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

Representative **HAMANN**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. Yesterday, I visited a food pantry at an elementary school in Biddeford. I saw wonderful families file through, gratefully gathering their groceries. Volunteers greeting them at the door and offering their help. Hannaford was there. They had a nutrition specialist ready to answer questions and offer recipe suggestions specific to the types of food that was being distributed by the food pantry. There were even some Girl Scouts there who set up a table and were giving out free books. This is where community happens. In our schools, our community activities and our activity centers. That's why it's the perfect place to implement and optimize an available federal resource – the Summer Food Service Program – to address child hunger, something that no reasonable person would consider anything other than a dire concern.

Hunger doesn't happen just 9 months out of the year. The hunger pains don't go away just because a child begins their summer vacation. They have three months to wait to get back to school, and get back to more predictable nutrition. That's not right. That student doesn't come back in September equally as prepared as their peers, equally as a student who spent their summer knowing where their next meal was coming from. It's simply not fair. And that is what the Summer Food Service Program is designed to address, and why this food is fully funded by the federal government.

We talk about opportunity, self-reliance, education, an educated workforce. The building blocks of all those things is food security in childhood. If we want a world-class labor force, we need to treat our students like world-class students. We need to make sure that kids' stomachs are full and their developing brains are getting the nutrients they need. In that respect, the Chief Executive's veto of LD1353 is shortsighted. Why would we ever want to handicap our next generation's workforce? Why wouldn't we do everything in our power to ensure that we are delivering Maine's business community the best employees possible? A generation raised free from food insecurity. This bill is a great step in that direction.

At a time when pantry lines are almost longer than the list of excuses why we can't rise to the challenge of addressing child hunger, hopefully this vote is unanimous to reflect how both parties unequivocally support the morally right and responsible effort to address child hunger. Hopefully, both sides of the aisle can work together in the future as well to take further steps to address what ought to be one of the most bipartisan nonpartisan issues in the State House, protecting a child's next meal. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Buckfield, Representative Hayes.

Representative **HAYES**: Thank you, Mr. Speaker. Mr. Speaker, Women and Men of the House. I thought for a moment whether I was going to stand to speak, but I just came from an ethical leadership class and this is such a wonderful debate.

Based on what we were talking about this morning, I had to stand and share that with you. I want to start by trying to answer the question asked by the good Representative from Portland, how did we get here? Well, we got here because we see the schools as the only social services agency in most of our communities, so when we see a need that exists in the community, we look to the schools first to fill that need. I am concerned about that because I think it's a good example of mission creep. We're not satisfied in many ways with the outcomes we get from our public schools, but we continue to add to their lists of things they must do on things that aren't necessarily directly related to their primary goal. That doesn't mean that I sit here and want children to be hungry in the summertime. I don't and I'm going to vote in favor of the veto override. But I've got to tell you, there is a really good rationale for looking at this from the other perspective which is why is it the school's job to do?

These meals were provided in one of my communities last year, last summer. I visited the meal site. It was not done by the school, but it was made available to the youngsters who were participating in a summer program and others who chose to show up to eat. Nobody was turned away. So it can work without putting the burden on the schools. My concern is that this is another example of something else we put to that particular organization in a community, and when we're not happy with how they perform on their core mission, we have to be willing to take some of the responsibility for that and, maybe in the future, we'll look at alternate means of meeting these social needs in our communities that don't necessarily put an undue burden on the schools. I keep thinking about the story about the frog, that if you put a frog in a pot of water and you slowly and gradually turn up the heat, the frog will eventually die because it won't notice the change in its environment. Our schools, this is what we're doing to them and I just want to be thinking about that in a very collaborative way can we meet these needs by some other means in our community besides turning it to the school. As I said, I'm going to vote in favor of the override, but I don't have a better choice in front of me and I would challenge us to come up with a better choice in the future. Thank you, Mr. Speaker.

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

Representative **McGOWAN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise to respond to the good Representative from Belgrade, as I understood his question, why would we not leave this to local awareness. I believe that this body decided not to leave to local awareness whether military uniforms could be worn into schools. I personally would believe that this cause is far more important than that. Thank you, Mr. Speaker.

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

Representative **WALLACE**: Thank you, Mr. Speaker. I'd like to ask a question to all of us older members of the House. When you were younger, before food stamps came into being, when you had breakfast at home, what did you have? A bowl of oatmeal supplied by the parent. When you went to school, what did you have for lunch?

The SPEAKER: Would the Representative defer? Will the Representative focus debate through the Chair. Thank you so much.

The Chair reminded Representative **WALLACE** of Dexter to address his comments toward the Speaker.

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

Representative **WALLACE**: A peanut butter and jelly sandwich? It was the parents that did this. It was not the

schools. It was not the state. It was the parents. I grew up in a family of eight children. My mother raised every one of us by herself without food stamps, without welfare. I know she worked hard and we had oatmeal for breakfast. We had a peanut butter sandwich or maybe a bologna sandwich for lunch. I did not suffer in school from hunger. I did not suffer in my classes because I was hungry. There is a limit. Let the parents raise their child. Right now, parents are on welfare. They get food stamps. What are they spending their food stamps money on, are they spending it on food or something else? I mean I agree, okay, hungry kids should be fed, but who's going to feed them? Let the parents feed them. We give them the ability to feed them, either with food stamps or welfare. Let them take care of them. If they're not going to feed them, cut the welfare, plain and simple. If they're using their welfare check for something else, cut the welfare and then we'll feed the children. We'll take care of the children ourselves. But, one way or the other, to override this bill, this veto, is wrong. This is one step we can start. I'm going to vote to sustain the veto. Thank you.

The SPEAKER: The Chair recognizes the Representative from the Passamaquoddy Tribe, Representative Soctomah.

Representative **SOCTOMAH**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. It is beyond me how this body could debate hunger of children. I never thought I would see this day in the Maine Legislature. I am a Native woman who was brought up on a reservation when it was a state reservation and not federally recognized. We lived as paupers under the state, under the rules that your state made. My people had to be subsidized by USDA commodities because we needed to be taken care of. We were the indigent poor of the State of Maine. It is very difficult for me to speak. I am very emotional because it is my past and I bear it here before you. You have children in the State of Maine who go hungry. I cannot understand why you would even debate the issue and you're only talking about summer school feeding programs for children. You're not even talking about babies. I lived on the reservation until I became a young adult and I watched my people look forward to the commodities that were brought to us, even though my people fished and we hunted, but we didn't have things like butter and cheese and milk. There were regular deliveries from the government that were supported through the State of Maine because they had to feed the poor people. We did not know how wealthy we were in owning so much land in the State of Maine back then, and that we did not have to live that way, but we did. I am here today to ask you feed the hungry, feed your hungry. If it was good enough for the tribal people that lived within the State of Maine, supported by your government, to see fit to subsidize our diet in that way, why would you not feed your own children? Thank you.

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

Representative **JOHNSON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I represent one of the poorest counties in the State of Maine with about over 10 percent unemployment, and in the school district that I live in, we have 55 percent of our kids qualify for free and reduced lunch. The other school that is in my district has 65 percent that qualify for free and reduced lunch. I certainly want to see those children get fed. As a matter of fact, the people in my town and the people in the other town that hosts the school ensure that they get fed. They have a summer program and they have a program to send food home with children that are disadvantaged on the weekends so they don't go hungry. It mystifies me a little bit that some of the people here in this body don't have enough confidence in their local school boards and town officials, that

they won't let them do what is already available. Now, we've heard that there is a lack of information on it. We've also heard that this is listed on the Department of Education website. All superintendents, I dare say, and most principals regularly visit the Department of Education website. The Commissioner of Education puts out periodic notes to the schools. I am sure that this has been the subject of those notes, so I don't think it is necessary for this body, as a matter of fact, I think it's condescending for this body to think that we have to pass a law to tell responsible individuals to take care of their citizens. Thank you very much.

Representative TREAT of Hallowell **REQUESTED** that the Clerk **READ** the Committee Report.

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

The SPEAKER: The Chair recognizes the Representative from Biddeford, Representative Beaudoin.

Representative **BEAUDOIN**: Thank you, Mr. Speaker. I cannot believe that we are arguing about whether we should vote for children to eat or not to eat. I can't believe that our Chief Executive also vetoed this. A lot of people are out of work today and not on welfare. They have no jobs. I think it's time for us to get together, put our feelings aside and vote for these children to eat. We're lucky enough to have plenty of food in our homes, so let's think of them and let's pass this bill. Thank you.

The SPEAKER: The Chair recognizes the Representative from Freeport, Representative Gideon.

Representative **GIDEON**: Thank you, Mr. Speaker. Mr. Speaker, Women and Men of the House. I rise to share two things with you. The first is this: I think we can all agree that there is no child who chooses to be hungry. No child chooses to be hungry. I also want to share a very, very brief story with you. When I began serving breakfast at Mass Landing School in Freeport, which is a relatively wealthy community that also has some people who don't have enough money to put food on our tables, I took the tray of food down to the room where I was going to serve breakfast and I had been given very strict instructions from the women in the lunchroom. They said, "One dairy, one fruit, one grain per child." Well, I went to the room and the kids started filing in and the gym teacher came in and she pulled me aside and she said, "Sara, I know you have instructions on how much food to give these kids, but not only did these kids not have breakfast at home, some of them didn't have dinner the night before either. Give them what they need." Thank you.

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

Representative **HARVELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I was interested in the comments saying how could we debate this. Why not? We debate everything. We've already debated childhood obesity, why not childhood hunger? The good Representative from Buckfield actually hit the nail on the head and that is that we are downloading all of the societal problems with the young upon the teachers. We are a caring society in a caring community and we should be that. It is a Christian imperative and it is a moral duty, but it is also not wrong and this conversation has gone on too long, that those that are receiving aid, what is their responsibility in return. I ask this body, is it too much to ask people that are receiving state aid to have their children fed and dressed when they show up for school? I don't think it is because I think that giving and caring is a two-way street and I think when you start to alleviate people from responsibility as a whole, your society is not better off and it is not better served.

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. "Hunger makes you restless. You dream about food, not just any food but perfect food, the best food, magical meals, famous and awe-inspiring. The one piece of meat, the exact taste of buttery corn, tomatoes so ripe they split and sweeten the air, beans so crisp they snap between the teeth, gravy like mother's milk singing through your bloodstream." Those are the words of Dorothy Allison from a book entitled *Bastard out of Carolina* about a young girl, who was thrown from here to there, and it made me think of when I was a kid in Milwaukee, Wisconsin, our family struggled to make ends meet. Yes, my father worked the first shift at Pabst Blue Ribbon Company in the mailroom. A World War II veteran with little education, he was basically the company mailman because that was the only job he could get. My mother held a string of part-time jobs to help put food on the table for their two children. As hard as they both worked, and they worked hard, we needed food stamps in order to survive. Still, my parents made it clear in both word and deed that no matter how little we had, someone else had less and we needed to help them however we could.

I'll never forget the day. I was about three or four years old when a young girl who smelled of dried urine knocked on our door. My father was at work, my sister at school. My mother let the girl in and escorted her to the bathroom where she drew a bath for the girl, who couldn't have been more than 12. After bathing her, my mother gave her a blouse and a pair of pants and sat her down at the kitchen table for a steaming bowl of Cream of Wheat, bacon and toast. I could not believe how fast that little girl devoured it all. It was an image that stuck with me, like good preaching. She ate another bowl of cereal, another piece of toast, some more bacon and then my mother let her take a nap on our couch. Later, when it was time for her to leave, my mother handed the girl a brown paper bag with a change of clothes and a peanut butter and jelly sandwich inside.

I could not count how many girls came knocking on our door over the next months, but they came nonetheless. My mother cared for them in exactly the same way, almost like a ritual. Our home became an underground railroad for throwaway girls. It's no surprise, then, that I would turn my current home into place where anyone, no matter their need, can come at any time, no questions asked, and receive food. If it takes a village to raise a child, it takes an entire community to feed an entire community. This morning, before coming here, I was at Maranacook Community School in Readfield at the Student Health Center where a group of students were gathered to show us the work that they do to make sure that the students in their communities are healthy and safe and strong. One of the young men asked me "Are you going to vote today to override the Chief Executive's veto on LD 1353?" I said, "Absolutely." He said, "Great. Make sure you get everybody else to do the same" So from Tyler, to you, I ask you to vote to override this veto because whatever your reservations are, we need to have a conversation in our communities about how deep hunger is. People live on dirt floors, right now, today, on Mount Pisgah in Winthrop. We need to vote to override this veto. Thank you, Mr. Speaker.

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

Representative **MORIARTY**: Thank you, Mr. Speaker. Mr. Speaker, Fellow Members of the House. This has been a far ranging and emotional debate this morning. I understand that the issue resonates deeply with all of us, but a few thoughts occur to me, which I think require us to sort of refocus our attention. This is not a comprehensive child hunger prevention bill. It's far more limited than that and yet in our exuberance, whether we are a pro

or a con, we have, in my judgment, digressed far from the substance of the bill itself and I would suggest that we draw ourselves in and address the issue at hand. It simply provides that a school which offers a summertime program of instruction or recreation provide food lunch services for children enrolled in the program. It is not an open-door cafeteria for all children, for all summer long, for all year long. It does not require towns which operate rec programs to provide lunches at all. They may choose to do so, but that's not covered by this bill, nor are the other 9 months of the calendar year covered by this bill. It's simply a summertime only program for schools which provide rec and instruction. I would like to have seen the bill perhaps be drafted more comprehensively than it was. It's clear from the tenor of the debate that many of us feel the same way, but that's not the bill that's before us this morning, recognizing that fact. Let's simply refocus on the terms of the bill, debate the pertinent issues and deal with the matter at hand. Thank you, Mr. Speaker.

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

Representative **FITZPATRICK**: Thank you, Mr. Speaker. I don't generally rise but hearing some of the comments from the other side of the aisle from the people that I respect, I'm kind of insulted that they think I would take food away from children. This bill is not taking away the law that we have. They can do that now. The Department of Education is promoting that. I looked it up on their website to be sure that they are being clear about that and our Commissioner has put out a press release asking for sponsors. In his press release, he says, "Thanks to 97 sponsors, 2013 marked the first year the program was able to offer meals in all 16 Maine counties, and the Department hopes to expand to even more sites this summer." So I know they are working very hard on it and so I just feel like if we vote against it, we're voting against kids and we do not feel that way. Thank you.

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

Representative **HAMANN**: Thank you, Mr. Speaker. I apologize for rising a second time. There was a question posed to the House that I would like to answer. It was directed toward the older members of the House. I'm too old for the Youth Caucus, so I assume that means me as well. The assertion was that when he was growing up that the family provided food at home, so why do we need to feed kids at school. Also, when he was younger, the buying power of the minimum wage has declined year after year, so an hour of work actually buys less food today than it did then. So why is it necessary to increase the availability of food in schools? Math. As for the assertion that food stamps are being used for something other than food, that assertion is inaccurate, false and shamefully misleading. Food stamps can only be used for food. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Hiram, Representative Rankin.

Representative **RANKIN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise today because I know firsthand what student hunger is like. As many of you know, I spent my career as a school nutrition professional and that was for almost 50 years. I started out and worked for 10 years in an elementary school and I was the chief cook and bottle washer. I worked hard. I know how hard the school lunch people work to serve the kids. You didn't always have some of the nice things they have to work with today. But anyway, in the interim, I decided that seeing these poor kids and how much their meals meant to them, that I wanted to do more. I wanted to become a

food service director, so I went back to school and it was quite an education. I can tell you the things that I've heard here today, there are many, many misconceptions about school nutrition. The summer feeding program is just something that has been added to it because it really is badly needed. Every day after I became a food service director, which I was for almost 40 years – yes, I was in school nutrition for almost 50 years, very proud to do so – and my superintendent asked me, when I was about to graduate from college, "What do you want to teach, Helen?" because I always thought I wanted to be a teacher. I said, "I'm not going to be a teacher. I'm going to be a school nutrition director because I know that the foundation of the school system is healthy children, children that can learn" And, believe me, hungry kids cannot learn, not up to their full potential certainly. Every day, as the kids poured into the cafeteria in the six schools that I was supervisor of, the more and more and more I realized the importance of their having a good meal, and when the school year ended I knew these hungry students would not be getting a good meal, perhaps in many cases, and they would not have access to food. Hunger does not take a summer vacation.

I have many notes here that I'm not going to repeat because you've heard most of them already about, for instance, that Maine is the third highest in insecurity with food in the country. Over 70,000 eligible students do not have access to a summer food program. You have to be there to know. I reviewed all the free and reduced applications that came in and I tell you sincerely there are not that many dishonest people as people seem to think. When you see their income and they have to be able to prove what they wrote on their application, when you see that, you wonder how they can exist, so this is a miraculous thing for them to be able to have a free or reduced lunch. These are statistics that we should be alarmed about and, at this point, I want to go back, way back to the '40s, when young men were being drafted for military service and many, many of those men were denied to become a member of the service because of malnutrition issues. I would hate to think, God forbid, that we should ever have another crisis where we need to revitalize the draft and we had to turn people down because they had health issues, because they had not eaten properly. This is just absolutely unacceptable. As has been said, this is not a mandate, summer feeding. You can bring it to your school board; you can vote on it and get a waiver or permission. You do not have to have it. It's encouraging people to help these children because there are more and more of them that are in dire straits today. Also, I would like you to know that a school food service program of any kind does not require teachers to be babysitters. As a matter of fact, it's a boon to the teachers. Teachers used to have to collect milk money from the kids before they had a lunch program and now the school food service people do all of those things. The teachers know how much better behaved the children are when they have the proper food, how much better they study. I'm reluctant to repeat things here, so pardon me while I look at these notes just a bit here. I know some of you are worried about local control and, as I just said, if a school district decides for whatever reason that they don't want a summer food site, they don't have to have it.

Also, as far as dealing with recreation programs, you can work with a rec program in conjunction with them. In other words, in order to have a summer food service program, you've got to have some kind of activity to go along with it. So you definitely keep your local control. I'm going to ask you a question here, very serious. Ask yourselves, have you ever been hungry? Do you know what it's like to be a child and go home and not have any food for the weekend? It happens all the time. You would be amazed. It just makes me ill to think about kids having

to go through things like that, but they do. I've been hungry and I know there are other people in this room that have been. More than one person has been poor as a child, even the Governor. The Governor knows what it's like to be hungry. We've heard him talk about it many, many times. Many of us have overcome hardships, though I hope you will give that some serious thought before you vote. I'm going to end and I hope you will listen to this as well. I sit on the Education Committee. I never dreamed in my wildest dreams that I'd ever end up with this position. I'm very proud to be here and it just shows. The school nutrition people on the Education Committee mean that they must have some worth. Of all the people that come to us every day in our committee, we hear urgency from parents, higher education and the business of community, that we need our students to be critical thinkers, clear communicators and strong collaborators. They all stress that Maine students must be prepared for college, careers and being part of our communities. Students cannot perform as well as we need them to if they are worried about where they are going to get their next meal. Please join me today and let us override this veto. Our youngest children and our students are counting on you to help them.

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

Representative **BRIGGS**: Thank you, Mr. Speaker. For me, looking at the big picture, today, the dynamics of life in society are not as they were 40 or 45 years ago. The dysfunctions, sicknesses, diseases that are openly exposed today are no longer in the closet. I know. I lived it. Things are handled or done differently today. This bill is merely another way or avenue to feed our children or grandchildren. Thank you, Mr. Speaker.

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

Representative **COOPER**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I've been listening closely to the views expressed by opponents of this bill and in support of the veto, and it strikes me that, for many, the opposition arises from their image of the failings of the parents involved. They, perhaps, see these parents as not frugal enough, not hard working enough or whatever. I'm not going to argue that point. What is important, I think, here, is to put those conceptions aside, whether they be accurate or not, and remember that we are talking only about the children who have absolutely no blame in this situation. Thank you.

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

Representative **LONGSTAFF**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise to respond to the good Representative from Dexter. I don't want this to be personal, but I believe that I am older than he is. I was born at the height of the Great Depression. My father died when I was four years old. There were no jobs. There were no food stamps. Most of the time, there were no peanut butter sandwiches. I don't want to return to those days. This is the time for a new day and we need new solutions. LD 1353 is a start and I plan to vote to override the veto and urge you to do the same.

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. 492V

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

NAY - Beaulieu, Bennett, Black, Campbell R, Chase, Clark, Cotta, Crafts, Cray, Crockett, Davis, Dunphy, Espling, Fitzpatrick, Fredette, Gifford, Gillway, Guerin, Harvell, Jackson, Johnson P, Keschl, Kinney, Knight, Lockman, Long, MacDonald S, Malaby, Marean, McClellan, McElwee, Newendyke, Nutting, Parry, Pease, Reed, Sanderson, Sirocki, Timberlake, Turner, Tyler, Wallace, Weaver, Willette, Winsor.

ABSENT - Ayotte, Carey, Dion, Doak, Duprey, Goode, Johnson D, Libby A, Nadeau A, Peavey Haskell, Pringle, Villa, Volk, Wood.

Yes, 92; No, 45; Absent, 14; Excused, 0.

92 having voted in the affirmative and 45 voted in the negative, with 14 being absent, and accordingly the Veto was **NOT SUSTAINED**.

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

**ENACTORS
Acts**

An Act Related to the Report of the Tax Expenditure Review Task Force

(H.P. 1264) (L.D. 1762)

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

On motion of Representative BERRY of Bowdoinham, was **SET ASIDE**.

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

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

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

ROLL CALL NO. 493

YEA - Beaudoin, Beaulieu, Beavers, Beck, Berry, Black, Boland, Bolduc, Briggs, Brooks, Campbell J, Campbell R, Casavant, Cassidy, Chapman, Chenette, Chipman, Cooper, Cotta, Crafts, Crockett, Daughtry, Davis, DeChant, Devin, Dickerson, Dill, Dorney, Dunphy, Espling, Evangelos, Farnsworth, Fowle, Fredette, Frey, Gattine, Gideon, Gilbert, Gillway, Graham, Grant, Guerin, Hamann, Harlow, Harvell, Hayes, Herbig, Hickman, Hobbins, Hubbell, Jones, Jorgensen, Kaenrath, Kent, Kinney, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby N, Long, Longstaff, Luchini, MacDonald W, Maker, Marean, Marks, Mason, Mastraccio, McCabe, McElwee, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, Nelson, Noon, Nutting, Parry, Peoples, Peterson, Plante, Pouliot, Powers, Priest, Rankin, Reed, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Sanderson,

Saucier, Saxton, Schneck, Shaw, Short, Sirocki, Stanley, Stuckey, Theriault, Timberlake, Tipping-Spitz, Treat, Turner, Tyler, Verow, Wallace, Weaver, Welsh, Werts, Willette, Wilson, Winchenbach, Mr. Speaker.

NAY - Bennett, Chase, Clark, Cray, Fitzpatrick, Gifford, Jackson, Johnson P, Keschl, Knight, Lockman, MacDonald S, Malaby, McClellan, Newendyke, Pease, Winsor.

ABSENT - Ayotte, Carey, Dion, Doak, Duprey, Goode, Johnson D, Libby A, Nadeau A, Peavey Haskell, Pringle, Villa, Volk, Wood.

Yes, 120; No, 17; Absent, 14; Excused, 0.

120 having voted in the affirmative and 17 voted in the negative, with 14 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

The Following Communication: (H.C. 356)

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

February 13, 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. 1587 An Act To Temporarily Ban the Use of Neonicotinoid Pesticides

Education and Cultural Affairs

L.D. 1635 An Act To Clarify the School Budget Development Process in Certain Charter Municipalities (EMERGENCY)

Taxation

L.D. 1609 An Act To Establish an Education and Skills Training Tax Credit for Veterans

L.D. 1715 An Act To Provide Property Tax Relief to Persons Receiving Long-term Care (EMERGENCY)

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

Sincerely,

S/Millicent M. MacFarland

Clerk of House

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

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Bill "An Act To Assist Military Service Members with Access to the Federal Uniformed Services Employment and Reemployment Rights Act of 1994"

(H.P. 1273) (L.D. 1775)

Sponsored by Representative McCABE of Skowhegan.

Cosponsored by Senator TUTTLE of York and Representatives: DEVIN of Newcastle, GATTINE of Westbrook, GILBERT of Jay, GRAHAM of North Yarmouth, JONES of Freedom, KORNFIELD of Bangor, LONGSTAFF of Waterville, LUCHINI of Ellsworth, NADEAU of Winslow, PEOPLES of Westbrook, SAUCIER of Presque Isle, SCHNECK of Bangor, WERTS of Auburn, Senators: President ALFOND of Cumberland, BOYLE of Cumberland, CAIN of Penobscot, CRAVEN of Androscoggin, DUTREMBLE of York, GERZOFKY of Cumberland, GRATWICK of Penobscot, HILL of York, JACKSON of Aroostook, JOHNSON of Lincoln, LACHOWICZ of Kennebec, MAZUREK of Knox, MILLETT of Cumberland, PATRICK of Oxford, VALENTINO of York, VITELLI of Sagadahoc, WOODBURY of Cumberland.

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

Committee on **VETERANS AND LEGAL AFFAIRS** suggested and ordered printed.

REFERRED to the Committee on **VETERANS AND LEGAL AFFAIRS** 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. 37)

ORDERED, that Representative Henry E. M. Beck of Waterville be excused February 6 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Brian M. Duprey of Hampden be excused January 28 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Charles R. Priest of Brunswick be excused February 4 and 6 for health reasons.

READ and **PASSED**.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

the following members of the Leavitt Area High School Football Team, the Homets, on their winning the 2013 Class C State Championship: Julian Kirouac, Mitchel Davis, Matt Thibodeau, Nate Coombs, Sam Green, Clay Rowland, Max Green, Jack Sylvester, Billy Bedard, Tyler Chicoine, Alex Gilbert, Christian Fowler, John Rousseau, Nate Rousseau, Levi Craig, Seth Adams, Ashton Dozois, Nick Angello, Adam Poulin, Scott Sleeper, Matt Albert, Conor O'Malley, Josh Chouinard, Nate Ouellette, Joe Duchette, Garrett Morin, Dalton Dyer, Kyle Knight, Kyle Campbell, Keegan Morris, Zach Rollins, Chad Morin, Will Parkin, Levi Morin, Kevin Knight, Matt Roddy, Derek Moore, John Davis, David Estabrook, Matt Child, Gage Machado, Jake Pike, Matt Powell, Chandler Lajoie, Nick Nason, Gage Jordan, Danny Sanford, Riley Ouellette, Andrew Baumann, Noah Pierce, Bryce Cobb, Scott McLaughlin, Adam Smith, Cody Campbell, DJ James, Hunter Sirois, Zach Rousseau, Taylor Woodbury and Tyler Green; head coach Michael Hathaway; and assistant coaches Dave Bochtler, Mark Bonnevie, Chris Gray, Jim Theiss, Pete Higgins, Randy Chicoine, Darryl Coombs, Larry Hathaway, Doug Conn, Larry Angello, Kolin Gauthier and Shawn Fanjoy.

We extend our congratulations to the members of the team on this achievement;

(HLS 733)

Presented by Representative **TIMBERLAKE** of Turner. Cosponsored by Senator **MASON** of Androscoggin, Representative **WOOD** of Sabattus, Representative **KNIGHT** of Livermore Falls.

On **OBJECTION** of Representative **TIMBERLAKE** of Turner, was **REMOVED** from the Special Sentiment Calendar.

READ.

On motion of the same Representative, **TABLED** pending **PASSAGE** and later today assigned.

REPORTS OF COMMITTEE

Refer to the Committee on Agriculture, Conservation and Forestry

Pursuant to Resolve

Representative **DILL** for the **Joint Standing Committee on Agriculture, Conservation and Forestry** on Resolve, To Amend the Resolve To Promote the Expansion of the Maine Maple Sugar Industry

(H.P. 1274) (L.D. 1777)

Reporting that it be **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** pursuant to Resolve 2011, chapter 132, section 8.

Report was **READ** and **ACCEPTED** and the Resolve was **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**.

Sent for concurrence.

Divided Report

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-380)** on Bill "An Act To Establish Reasonable Restrictions on the Use of Fireworks"

(S.P. 57) (L.D. 168)

Signed:

Senators:

GERZOFKY of Cumberland
DUTREMBLE of York

Representatives:

DION of Portland
CASAVANT of Biddeford
KAENRATH of South Portland
LAJOIE of Lewiston
MARKS of Pittston
PLANTE of Berwick
WILSON of Augusta

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

Signed:

Senator:

PLUMMER of Cumberland

Representatives:

LONG of Sherman
PEASE of Morrill

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-380).

READ.

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

Majority Report of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought Not to Pass** on Bill "An Act Regarding Wind Power Siting in the Unorganized Territory"

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

Signed:

Senators:

CLEVELAND of Androscoggin
JACKSON of Aroostook

Representatives:

HOBBINS of Saco
BEAVERS of South Berwick
GIDEON of Freeport
HARVELL of Farmington
RUSSELL of Portland
RYKERSON of Kittery
TIPPING-SPITZ of Orono

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-601)** on same Bill.

Signed:

Senator:

YOUNGBLOOD of Penobscot

Representatives:

DUNPHY of Embden
LIBBY of Waterboro
NEWENDYKE of Litchfield

READ.

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

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought Not to Pass** on Bill "An Act To Improve the Maine Sex Offender Registry"

(H.P. 1160) (L.D. 1589)

Signed:

Senators:

GERZOFKY of Cumberland
PLUMMER of Cumberland

Representatives:

DION of Portland
CASAVANT of Biddeford
KAENRATH of South Portland
LAJOIE of Lewiston
MARKS of Pittston
PLANTE of Berwick
TYLER of Windham

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-600)** on same Bill.

Signed:
Senator:
DUTREMBLE of York

Representatives:
LONG of Sherman
PEASE of Morrill
WILSON of Augusta

READ.

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

CONSENT CALENDAR

First Day

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

(S.P. 643) (L.D. 1651) Bill "An Act To Update Citations of Recodified Federal Regulations in the Maine Consumer Credit Code" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass**

(S.P. 678) (L.D. 1712) Bill "An Act To Make Technical Corrections to the Maine Consumer Credit Code To Facilitate the Multistate Licensing Process" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass**

(S.P. 263) (L.D. 725) Bill "An Act To Implement the Recommendations of the Judicial Compensation Commission" (EMERGENCY) Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-383)**

(S.P. 440) (L.D. 1278) Bill "An Act To Ensure Equitable Support for Long-term Energy Contracts" Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-384)**

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

There being no objection, the Senate Papers were **PASSED TO BE ENGROSSED** or **PASSED TO BE ENGROSSED as Amended** in concurrence.

ENACTORS

Emergency Measure

An Act To Increase Funding for Start-ups

(S.P. 568) (L.D. 1512)

(C. "A" S-382)

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

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 emergency enactor before us is a great bill. It comes out of a unanimous report from the Insurance and Financial Services Committee. An Act To Increase Funding for Start-ups will solve a problem that my committee, the Committee on Maine's Workforce and Economic Future has been delving into lately. We had a commercial banker come before our committee just the other day and tell us that because of issues with access to capital in the current lending environment, many excellent small businesses and midsized and larger businesses as well are having trouble growing. They have opportunities, they have markets, they have workers available, but they need access to capital and sometimes to close a deal, the banks can only get so far. They

need that extra little bit. An Act To Increase Funding for Start-ups will allow Maine people to invest in Maine businesses in a secure way, in a way that allows many of these deals to happen and many of our small businesses to grow. I urge this body to enact this bill today, and Mr. Speaker, when the vote is taken, I request that it be a roll call.

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

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

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

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

ROLL CALL NO. 494

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

NAY - Long.

ABSENT - Ayotte, Beavers, Carey, Dion, Doak, Duprey, Fitzpatrick, Goode, Johnson D, Libby A, Mason, Nadeau A, Peavey Haskell, Reed, Rykerson, Stuckey, Theriault, Villa, Volk, Willette, Wood.

Yes, 129; No, 1; Absent, 21; Excused, 0.

129 having voted in the affirmative and 1 voted in the negative, with 21 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

SENATE PAPERS

The following Joint Order: (S.P. 705)

ORDERED, the House concurring, that when the Senate and House adjourn, they do so until Tuesday, February 18, 2014 at 10:00 in the morning.

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

Acts

An Act To Require Health Insurance Coverage for Hearing Aids for Young Adults

(S.P. 213) (L.D. 523)
(C. "A" S-378)

An Act To Improve the Accuracy of Fuel Tax Reporting

(S.P. 341) (L.D. 996)
(C. "B" S-381)

An Act To Amend the Territory of the Bayville Village Corporation

(S.P. 677) (L.D. 1711)

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

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

REPORTS OF COMMITTEE

Refer to the Committee on Health and Human Services

Pursuant to Joint Rule

Report of the **Joint Standing Committee on Health and Human Services** on Bill "An Act To Implement the Recommendations of the Commission To Study Long-term Care Facilities" (EMERGENCY)

(S.P. 704) (L.D. 1776)

Reporting that it be **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** pursuant to Joint Rule 353.

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**.

Report was **READ** and **ACCEPTED** and the Bill was **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** in concurrence.

CONSENT CALENDAR

First Day

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

(H.P. 1179) (L.D. 1607) Bill "An Act To Reinstate Statutory Authority for Local Property Tax Assistance Programs" (EMERGENCY) Committee on **TAXATION** reporting **Ought to Pass**

(H.P. 1232) (L.D. 1722) Bill "An Act To Exempt from Sales and Use Tax Sales of Publications To Be Distributed without Charge and Printed Materials Included in Publications" (EMERGENCY) Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-609)**

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

There being no objection, the House Papers were **PASSED TO BE ENGROSSED** or **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

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

On motion of Representative RANKIN of Hiram, the House adjourned at 12:03 p.m., until 10:00 a.m., Tuesday, February 18, 2014, pursuant to the Joint Order (S.P. 705).