

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
19th Legislative Day
Wednesday, March 5, 2014

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

Prayer by Pastor Jonathan Jones, Lisbon Falls Baptist Church.

National Anthem by Pineland Suzuki School, Manchester.

Pledge of Allegiance.

Doctors of the day, Bruce Malmer, M.D. and Teresa Malmer, M.D., Bangor.

The Journal of yesterday was read and approved.

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act To Stop Unlicensed Loan Transactions"

(H.P. 1214) (L.D. 1691)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-615) in the House on February 20, 2014.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-615) AND SENATE AMENDMENT "A" (S-408)** in **NON-CONCURRENCE**.

The House voted to **RECEDE AND CONCUR**.

COMMUNICATIONS

The Following Communication: (H.C. 370)

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333-0002**

March 5, 2014

Honorable Millicent M. MacFarland

Clerk of the House

2 State House Station

Augusta, Maine 04333

Dear Clerk MacFarland:

Please be advised that pursuant to his authority, Governor Paul R. LePage has nominated the following:

On March 3, 2014

Shawn H. Moody of Gorham for appointment to the Board of Trustees, University of Maine System.

Pursuant to P&SL 1967, Chapter 229, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Education and Cultural Affairs.

William H. Cassidy of Robbinston,

Honorable Jane S. Knapp of Gorham and

Shawn H. Moody of Gorham for appointment to the Maine Community College System Board of Trustees.

Pursuant to Title 20-A, MRSA, §12705, these appointments are contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Education and Cultural Affairs.

Robert P. Clark of Fort Fairfield for reappointment to the Maine Community College System Board of Trustees.

Pursuant to Title 20-A, MRSA, §12705, this reappointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Education and Cultural Affairs.

Sincerely,

S/Mark W. Eves

Speaker of the House

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

The Following Communication: (S.C. 790)

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

March 4, 2014

Honorable Mark W. Eves

Speaker of the House

2 State House Station

Augusta, Maine 04333

Dear Speaker Eves:

In accordance with 3 M.R.S.A. §158 and Joint Rule 506 of the 126th Maine Legislature, please be advised that the Senate today confirmed the following nominations:

Upon the recommendation of the Committee on Criminal Justice and Public Safety, the nomination of Bruce F. Fitzgerald of South China for appointment as the Maine Emergency Management Agency Director.

Upon the recommendation of the Committee on Environment and Natural Resources, the nomination of Dr. Thomas E. Eastler of Farmington for reappointment to the Board of Environmental Protection.

Upon the recommendation of the Committee on Environment and Natural Resources, the nomination of Thomas W. Dobbins of Scarborough for appointment to the Board of Environmental Protection.

Upon the recommendation of the Committee on Environment and Natural Resources, the nomination of Peter M. SeeHusen of Corinna for appointment to the Maine Outdoor Heritage Fund Board.

Upon the recommendation of the Committee on Judiciary, the nomination of Judge Rick E. Lawrence of Portland for reappointment as a District Court Judge.

Upon the recommendation of the Committee on Judiciary, the nomination of Judge Charles A. Dow of Winthrop for reappointment as a District Court Judge.

Upon the recommendation of the Committee on Judiciary, the nomination of Judge Michael P. Cantara of Biddeford for reappointment as a District Court Judge.

Best Regards,

S/Darek M. Grant

Secretary of the Senate

READ and **ORDERED PLACED ON FILE**.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Resolve, To Require the Installation of a Fence on the Penobscot Narrows Bridge (EMERGENCY)

(H.P. 1295) (L.D. 1804)

Sponsored by Representative BROOKS of Winterport.

Cosponsored by Senator THIBODEAU of Waldo and Representatives: BERRY of Bowdoinham, DION of Portland, FARNSWORTH of Portland, LUCHINI of Ellsworth, SHORT of Pittsfield, STANLEY of Medway, Senators: JACKSON of Aroostook, YOUNGBLOOD of Penobscot.

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

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

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

Sent for concurrence.

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

SPECIAL SENTIMENT CALENDAR

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

In Memory of:

Hartland Cushman, of Dexter, a longtime, dedicated educator. Mr. Cushman was born in Wilton, attended school in East Wilton and at Wilton Academy and was a 1949 graduate of Maine Central Institute in Pittsfield. He attended Farmington State Teachers' College for 2 years before enlisting in the United States Air Force. After 4 years of service, he returned to college and graduated in 1957. Mr. Cushman received his master's degree and a certificate of advanced study from the University of Maine at Orono. He began his career in education as a 5th grade teacher at N.H. Fay School in Dexter and was promoted to principal of that school and of Dexter High School before becoming Assistant Superintendent of Schools of SAD No. 48 in Newport, where he served from 1966-1988. After his retirement Mr. Cushman was an interim Superintendent of Schools for SAD No. 3, Unity, and SAD No. 53, Pittsfield. He was a member of the Dexter Jaycee's, a past president of the Maine School Superintendents Association, a member of the Dexter School Board and of the Dexter Utility District and was a member of the Dexter Golf Course for many years. Mr. Cushman will be greatly missed and long remembered by his loving family, his many friends and the communities he served;

(HLS 747)

Presented by Representative WALLACE of Dexter. Cosponsored by Senator CUSHING of Penobscot.

On **OBJECTION** of Representative WALLACE of Dexter, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **WALLACE**: Thank you very much, Mr. Speaker, Members of the House. I stand today to remember a good friend, Mr. Hartland Cushman. My first introduction to Mr. Cushman was I was in the sixth grade and he came to teach at the N.H. Fay School. He was remembered as a good teacher and a very easy teacher. He got along with everybody. I went from grammar school to the high school in seventh grade and eighth grade. He followed me to the high school. We got to know each other a lot better. I did visit him a few times to say the least. But, like I said, he was a very fair man. He understood what was going on and he was very fair about it. After I graduated, I kind of lost contact with him until I started playing golf, and we ran into each other a lot at the golf course, him and his wife both. I found that as easy as he was in school, he was the same on the outside. He was very easy to get along with, a real nice guy and he did spend a lot of time in education, as you can see, so he was very well respected within his field. It's a great loss to the town, for Dexter. He was well thought of and well admired. Thank you very much.

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

Representative **DAVIS**: Thank you, Mr. Speaker. Mr. Speaker, I am pleased this morning to rise to speak of Hartland Cushman. Mr. Cushman came to Dexter. He was my fifth grade teacher and he also became principal of the N.H. Fay grammar school where I attended from the first grade through, including,

the eighth grade. He quickly gained my respect and that of my classmates because of his fairness and his honesty, and his just plain good way that he handled people and how he took care of people. His classroom was always quiet, it was always orderly, and it was a place to learn. If you came to Mr. Cushman's class, you had better be prepared to learn because he knew and he felt there was a reason why you and he were both there. He didn't put up with any foolishness and I can attest to that personally that he did not. He was one of my heroes in my life, and I know that I and many others will greatly miss him. Thank you, Mr. Speaker.

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

Representative **FREDETTE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I briefly wanted to rise very quickly to recognize also the hard work of Mr. Cushman that, as he progressed in his career, from 1966 to 1988, became the assistant superintendent of SAD #48 in Newport. That was the time when we were doing school consolidation throughout the state, and it was a time when, roughly, seven towns came together in central Maine to form then what was SAD #48, what is now RSU #19, with upwards of 2,000 to 2,500 kids in that school system, and he had served in that capacity for 22 years. During a time when you're trying to create these entities was not an easy thing to do and the strength of the Newport School System today, RSU #19, is really built upon the shoulders of the hard work that Mr. Cushman did, and we are grateful for the hard work that he did and recognize his contributions to the community. Thank you, Mr. Speaker.

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

In Memory of:

Mark D. Hough, of Yarmouth, a longtime active member of his community. Mr. Hough was born in Portland and grew up in Falmouth. He attended Falmouth schools and Tabor Academy in Massachusetts and graduated from Cheverus High School in 1978 as an accomplished athlete in baseball, basketball and football. He also attended the SMVTI NEWRI program. Mr. Hough served on the Yarmouth Town Council from 2004 to 2010, including serving as chair. He was active on numerous town boards, including the zoning board of appeals and the harbor and waterfront committee, and served on the Cumberland County budget advisory committee. He also served on the shellfish conservation commission for Yarmouth and North Yarmouth. He was a dedicated member of the Yarmouth Rotary Club, co-founder of the Royal River Fishing Tournament and co-director of the Yarmouth Clam Festival Parade and served on the Clam Festival Steering Committee. A self-employed building contractor and former owner of Huffy's Sandwich shop on Route 1 in Yarmouth, Mr. Hough also spent time working as a clammer and as a lobsterman. He will be greatly missed and long remembered by his loving family, his many friends and the community he served;

(HLS 750)

Presented by Representative COOPER of Yarmouth. Cosponsored by Senator WOODBURY of Cumberland.

On **OBJECTION** of Representative COOPER of Yarmouth, was **REMOVED** from the Special Sentiment Calendar.

READ.

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. You've heard the list of the many contributions Mark Hough made to his community

aof Yarmouth and I will not go over them, but I would like to add some personal thoughts about Mark and my friendship with him. Mark served on the Town Council with my husband for several years and although they rarely agreed on policy matters, all disagreements were forgotten when they retired with other council members to the local sports bar for a beer and a hamburger. It wasn't long after that tradition began that he started coming over to our house for a cup of coffee and a long chat and we became good friends. He was just a delightful man full of good cheer and generosity, and he was often the first one we would seek out when we needed a little heavy lifting around the house or other chores that we could not manage on our own. He was generous to a fault.

One important role that he played in my life and our lives, after my daughter's death, Mark offered to have his daughter Hillary, then a teenager, play the bagpipes at her memorial service, and Hillary led the mourners from the church to our house, about a mile away, playing the mournful and beautiful strains of "Amazing Grace" over and over again. Frankly, she was exhausted by the time she got to our house. It's just about the only thing I remember from that memorial service which was a terrible time for all of us, but that was such a graceful and generous gesture by Hillary and her father, and I am forever thankful for that.

Finally, I would note that Mark was my opponent in my race for this seat. I mention this last because it bore absolutely no effect on our relationship. We agreed from the very start that this would be a positive campaign and he was true to his word. He remained my friend and I am deeply saddened that he died at an early age, early by my standards anyway. He was 53 when he collapsed and died, and I think he had a great deal of life left in him. I will miss him greatly and the Town of Yarmouth will also miss his many contributions to the community he loved. Thank you.

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

REPORTS OF COMMITTEE

Divided Reports

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Prohibit Possession of a Replica or Simulated Firearm on or near School Property"

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

Signed:

Senators:

JOHNSON of Lincoln
LANGLEY of Hancock

Representatives:

DAUGHTRY of Brunswick
HUBBELL of Bar Harbor
JOHNSON of Greenville
KORNFELD of Bangor
MAKER of Calais
McCLELLAN of Raymond
NELSON of Falmouth
POULIOT of Augusta
RANKIN of Hiram

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-402)** on same Bill.

Signed:

Senator:

MILLETT of Cumberland

Representative:

MacDONALD of Boothbay

Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports the Minority **Ought to Pass as Amended by Committee Amendment "A" (S-402)** Report.

Came from the Senate with the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

READ.

On motion of Representative MacDONALD of Boothbay, the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-401)** on Bill "An Act To Amend the Composition and Duties of the Maine Children's Growth Council"

(S.P. 531) (L.D. 1449)

Signed:

Senators:

CRAVEN of Androscoggin
LACHOWICZ of Kennebec

Representatives:

FARNSWORTH of Portland
CASSIDY of Lubec
DORNEY of Norridgewock
GATTINE of Westbrook
McELWEE of Caribou
PETERSON of Rumford
STUCKEY of Portland

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

Signed:

Senator:

HAMPER of Oxford

Representatives:

MALABY of Hancock
SANDERSON of Chelsea
SIROCKI of Scarborough

Representative BEAR of the Houlton Band of Maliseet Indians - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (S-401)** Report.

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-401)**.

READ.

Representative FARNSWORTH of Portland 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: 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. 511

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, Gattine, Gideon, Gilbert, Goode, Graham, Grant, Hamann, Harlow, Hayes, Herbig, Hobbins, Hubbell, Jorgensen, Kaenrath, Kent, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby N, Longstaff, Luchini, MacDonald W, Marks, Mason, Mastraccio, McCabe, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, Nelson, Noon, Peoples, Peterson, Plante, Pouliot, Powers, Priest, Pringle, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Saucier, Saxton, Schneck, Shaw, Short, Stanley, Stuckey, Theriault, Tipping-Spitz, Treat, Verow, Villa, Welsh, Werts, Winchenbach, Mr. Speaker.

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

ABSENT - Black, Carey, Cray, Crockett, Dion, Frey, Hickman, Jackson, Johnson D, Jones, Timberlake, Volk.

Yes, 90; No, 49; Absent, 12; Excused, 0.

90 having voted in the affirmative and 49 voted in the negative, with 12 being absent, and accordingly the Majority Ought to Pass as Amended Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-401)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-401)** in concurrence.

Majority Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought Not to Pass** on Bill "An Act To Extend the Date for a Business in a Tier 2 Location To Qualify for Pine Tree Development Zone Benefits"

(S.P. 624) (L.D. 1633)

Signed:

Senators:

PATRICK of Oxford

CLEVELAND of Androscoggin

Representatives:

HERBIG of Belfast

CAMPBELL of Newfield

GILBERT of Jay

HAMANN of South Portland

MASON of Topsham

MASTRACCIO of Sanford

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-403)** on same Bill.

Signed:

Senator:

CUSHING of Penobscot

Representatives:

DUPREY of Hampden

LOCKMAN of Amherst

VOLK of Scarborough

WINCHENBACH of Waldoboro

Came from the Senate with the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

READ.

Representative HERBIG of Belfast moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

On further motion of the same Representative, **TABLED** pending her motion to **ACCEPT** the Majority **Ought Not to Pass** Report and later today assigned.

Six Members of the Committee on **VETERANS AND LEGAL AFFAIRS** report in Report "A" **Ought Not to Pass** on Bill "An Act To Implement the National Popular Vote for President"

(S.P. 201) (L.D. 511)

Signed:

Senators:

TUTTLE of York

MASON of Androscoggin

Representatives:

BEAULIEU of Auburn

GIFFORD of Lincoln

KINNEY of Limington

SAUCIER of Presque Isle

Six Members of the same Committee report in Report "B" **Ought to Pass** on same Bill.

Signed:

Senator:

PATRICK of Oxford

Representatives:

LUCHINI of Ellsworth

FOWLE of Vassalboro

LONGSTAFF of Waterville

SCHNECK of Bangor

RUSSELL of Portland

Representative MITCHELL of the Penobscot Nation - of the House - supports Report "A" **Ought Not to Pass**.

Came from the Senate with the Reports **READ** and the Bill and accompanying papers **COMMITTED** to the Committee on **VETERANS AND LEGAL AFFAIRS**.

READ.

On motion of Representative LUCHINI of Ellsworth, the Bill and all accompanying papers were **COMMITTED** to the Committee on **VETERANS AND LEGAL AFFAIRS** in concurrence.

Majority Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought Not to Pass** on Resolve, Directing the Department of Agriculture, Conservation and Forestry To Create a Pilot Program To Support the State's Small Food Processors

(H.P. 1092) (L.D. 1521)

Signed:

Senators:

VITELLI of Sagadahoc
BOYLE of Cumberland
SHERMAN of Aroostook

Representatives:

DILL of Old Town
CRAY of Palmyra
MAREAN of Hollis
TIMBERLAKE of Turner

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-634)** on same Resolve.

Signed:

Representatives:

BLACK of Wilton
HICKMAN of Winthrop
JONES of Freedom
KENT of Woolwich
NOON of Sanford
SAUCIER of Presque Isle

READ.

Representative DILL of Old Town moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

Representative FREDETTE of Newport **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** 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 Not to Pass** Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 512

YEA - Ayotte, Beaudoin, Beaulieu, Beck, Bennett, Berry, Black, Bolduc, Briggs, Brooks, Campbell J, Campbell R, Casavant, Cassidy, Chase, Clark, Cooper, Cotta, Crafts, Cray, Davis, DeChant, Dickerson, Dill, Doak, Dunphy, Duprey, Espling, Farnsworth, Fitzpatrick, Fowle, Fredette, Gattine, Gideon, Gifford, Gillway, Goode, Graham, Grant, Hamann, Harvell, Herbig, Hobbins, Johnson P, Kaenrath, Keschl, Kinney, Knight, Kornfield, Kumiega, Kusiak, Libby A, Lockman, Long, Longstaff, Luchini, MacDonald S, MacDonald W, Maker, Malaby, Marean, Marks, Mason, Mastraccio, McCabe, McClellan, McElwee, McLean, Monaghan-Derrig, Moriarty, Morrison, Nadeau A, Nelson, Newendyke, Nutting, Parry, Pease, Peavey Haskell, Peoples, Peterson, Plante, Pouliot, Powers, Priest, Pringle, Rankin, Reed, Rochelo, Rotundo, Russell, Sanborn, Sanderson, Saucier, Saxton, Schneck, Sirocki, Stanley, Theriault, Timberlake, Treat, Turner, Tyler, Verow, Villa, Wallace, Weaver, Welsh, Willette, Wilson, Winchenbach, Winsor, Wood, Mr. Speaker.

NAY - Beavers, Boland, Chapman, Chenette, Chipman, Daughtry, Devin, Dorney, Evangelos, Gilbert, Guerin, Harlow, Hayes, Hickman, Hubbell, Jorgensen, Kent, Kruger, Lajoie, Libby N, McGowan, Moonen, Noon, Rykerson, Shaw, Short, Stuckey, Tipping-Spitz, Werts.

ABSENT - Carey, Crockett, Dion, Frey, Jackson, Johnson D, Jones, Nadeau C, Volk.

Yes, 113; No, 29; Absent, 9; Excused, 0.

113 having voted in the affirmative and 29 voted in the negative, with 9 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "C" (H-638)** on Bill "An Act To Amend the Expedited Permitting Area for Wind Energy Development under the Jurisdiction of the Maine Land Use Planning Commission"

(H.P. 435) (L.D. 616)

Signed:

Senator:

YOUNGBLOOD of Penobscot

Representatives:

BEAVERS of South Berwick
DUNPHY of Embden
HARVELL of Farmington
LIBBY of Waterboro
NEWENDYKE of Litchfield
RYKERSON of Kittery
TIPPING-SPITZ of Orono

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

Signed:

Senators:

CLEVELAND of Androscoggin
JACKSON of Aroostook

Representatives:

HOBBINS of Saco
GIDEON of Freeport
RUSSELL of Portland

READ.

Representative HOBBINS of Saco moved that the House **ACCEPT** the Minority **Ought Not to Pass** Report.

On further motion of the same Representative, **TABLED** pending his motion to **ACCEPT** the Minority **Ought Not to Pass** Report and later today assigned.

Majority Report of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-646)** on Bill "An Act To Address Rising Electric Transmission Rates"

(H.P. 753) (L.D. 1060)

Signed:

Senators:

CLEVELAND of Androscoggin
JACKSON of Aroostook
YOUNGBLOOD of Penobscot

Representatives:

HOBBINS of Saco
BEAVERS of South Berwick
GIDEON of Freeport
NEWENDYKE of Litchfield

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-647)** on same Bill.

Signed:
Representatives:
DUNPHY of Embden
HARVELL of Farmington
LIBBY of Waterboro

READ.

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

On further motion of the same Representative, **TABLED** pending his motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report and later today assigned.

Majority Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "B" (H-644)** on Bill "An Act To Establish the Maine Length of Service Award Program"

(H.P. 819) (L.D. 1154)

Signed:
Senator:
PATRICK of Oxford

Representatives:
HERBIG of Belfast
CAMPBELL of Newfield
GILBERT of Jay
HAMANN of South Portland
MASON of Topsham
MASTRACCIO of Sanford
VOLK of Scarborough

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

Signed:
Senators:
CLEVELAND of Androscoggin
CUSHING of Penobscot

Representatives:
DUPREY of Hampden
LOCKMAN of Amherst
WINCHENBACH of Waldoboro

READ.

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

On further motion of the same Representative, **TABLED** pending her motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report and later today assigned.

Majority Report of the Committee on **TAXATION** reporting **Ought Not to Pass** on Bill "An Act To Allow a Municipality To Abate Taxes Assessed on Property That Is Destroyed"

(H.P. 1182) (L.D. 1610)

Signed:

Senators:
HASKELL of Cumberland
MILLETT of Cumberland
THOMAS of Somerset

Representatives:
GOODE of Bangor
BROOKS of Winterport
JACKSON of Oxford
MAREAN of Hollis
MOONEN of Portland
STANLEY of Medway

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-643)** on same Bill.

Signed:
Representatives:
BENNETT of Kennebunk
KNIGHT of Livermore Falls
LIBBY of Lewiston
TIPPING-SPITZ of Orono

READ.

Representative GOODE of Bangor moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

On further motion of the same Representative, **TABLED** pending his motion to **ACCEPT** the Majority **Ought Not to Pass** 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:

(H.P. 1173) (L.D. 1601) Bill "An Act To Increase the Amount of Funds Available to Counties for Witness Fees, Extradition Expenses and Prosecution Costs" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-648)**

(H.P. 1186) (L.D. 1614) Bill "An Act Regarding the Laws Governing Liquor Licensing and Enforcement" (EMERGENCY) Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-652)**

(H.P. 1221) (L.D. 1697) Bill "An Act To Provide Funding for the Veterans Treatment Courts" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-649)**

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

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

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

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

UNFINISHED BUSINESS

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

RESOLUTION, Proposing an Amendment to the Constitution of Maine Concerning Early Voting and Voting by Absentee Ballot
(H.P. 131) (L.D. 156)
(C. "B" H-587)

TABLED - February 20, 2014 (Till Later Today) by Representative BERRY of Bowdoinham.
PENDING - **FINAL PASSAGE.**

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. This was a bill that I submitted last year after a very successful pilot program for early voting in my community of Standish. Several other communities and cities participated in the program, and it was found to be wildly successful and popular. Today, people that are coming into vote on Election Day still ask the question "When will we be able to cast our ballots before the election, like we did during the pilot program?" All this bill does is it changes the Constitution. Presently, the Constitution says voting will take place on the Tuesday after the first Monday in November, every second year for the Legislature, including the House and Senate, and every fourth year for Governor. It simply changes that and it asks the people, ultimately, to decide. So if this passes by two-thirds, which I certainly hope it will, the question would go out to the people of the State of Maine, our constituents, and it would simply ask the question "Do you want the Legislature to set up a process for early voting?" If it were to pass, the Legislature would have to craft the laws that would be specific to set up the process, including timeframe, security of the ballot machines and so forth. So I ask that you please vote in favor of Final Passage for this bill. Once again, it was wildly successful and very popular among the people in the pilot programs. Thank you very much, Mr. Speaker.

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

Representative **KESCHL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. All I'm going to do is repeat what I said during the initial debate on this bill, and I believe this bill has a significant constitutional question surrounding it and I urge you to vote Not to Pass.

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 think it's a great opportunity any time when we can expand access to voting, expand access for all folks, and this is another great opportunity and I look forward to voting for this. Thank you.

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

Representative **DUNPHY**: Thank you, Mr. Speaker. Mr. Speaker, I've had a number of conversations with town clerks in the rural areas of Maine and their concern is they work out of their homes. It requires two people to be there. It creates an undue burden on part-time clerks in rural communities, so I would suggest that we vote against this bill.

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. I agree wholeheartedly with the good Representative from Skowhegan that it's always great that we have good and open ballot access and voting ability, but I do agree with the Representative from Embden as well. This is another thing that we're pushing down on the towns without any funding. Currently, right now, Maine has a mechanism in which anyone can vote early, 30 days out. They don't even have to show up to the building. They can vote via mail. I mean, we have a very easy to access electoral system, and I urge all of you to follow my light and vote against the pending motion.

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. As Solomon opined thousands of years ago, "There is nothing new under the sun." There is a little phrase often heard that "As goes Maine, so goes the nation." Now, why did that phrase exist? It existed because in the 19th century and until 1960, Maine had early voting. But, in 1957, the people of Maine decided let's just vote when the rest of the country votes. Are we then to say that our forefathers, that our grandparents knew less than us? I think not.

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. We currently have an 18th century voting system for a 21st century world. We need early voting and I urge you to follow my light.

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. Very briefly, I will remind you of my famous Wytovitlock speech. Wytovitlock is a very small town in southern Aroostook County, which is a typical rural Maine town where the town office is not open often and what not. I believe this bill unfairly favors the large, urban areas where they have the capacity, both financial and staff wise, to house the ability to do this sort of stuff, and in many small towns in rural Maine, they simply do not. In my opinion, this would fundamentally change the "one person, one vote" standard that is required under the Constitution. I ask you to follow my light. Thank you.

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

Representative **RUSSELL**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I remind you that this is actually not about access to voting. It's not about whether we should be able to cast our ballot before Election Day. This is about making it easier to do what we already do. So, one, for folks who are concerned that their rural municipalities will not be able to do this, I ask whether you've ever cast an early absentee ballot, because if you have, then again, you're already doing this and so are they. This makes it significantly easier for our municipal clerks to be able to do their job. That's what this bill is about. Folks can opt out; towns can opt out of doing this. They can opt out. Currently, when you fill out an early absentee ballot, whether you mail it in or you walk into the town office and you fill it out, you put it in an envelope and then seal it. Yes, that tastes gross. But then you hand it to the town clerk and then they have to store it, kind of like what this bill is asking them to do. The only difference is that with this ballot, you get a secret ballot, you get to cast it into, whether it's a box or a machine, it doesn't matter, that box and machine is stored safely and securely, just like it

currently is. The only difference is that the town clerks don't have to have two people to open that envelope back up, check it against the list, and then cast the ballot. So I'm going to say what I've said. This will be the third time. I know nobody is going to listen to me. That's fine. We already do this. We just make it as complicated, convoluted and impossible as we possibly can for our municipal clerks. This has nothing to do with increased access to the ballot box. It has to do with the process of whether or not you cast a secret ballot and whether or not the municipal clerk has to open that envelope back up. If you like sealing envelopes with your tongue, be my guest, continue doing it. That's gross, but hey. If you like being able to have a ballot that someone else gets to look at, not a secret ballot, by all means, vote against this. If you like your municipal clerks to have a difficult time processing the ballots, by all means, vote for this. If you actually like streamlined processes, if you actually like streamlined government, if you actually like secure ballots, by all means, support the pending motion.

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

Representative JONES: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I'd like to respond directly to the good Representative from Newport. Regardless of whether or not this bill creates a burden on municipalities, in terms of tabulating and collecting and recording votes, are we not as elected Representatives responsible for the implementation of proper democracy in our republic? I would argue that there are very, very, very few barriers that are acceptable to recognize, in terms of allowing those who wish to cast their ballot to cast their ballot. Mr. Speaker, this is an issue of access to the ballot and I would argue that this should be promoted by this Representative body. Thank you, Mr. Speaker.

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

Representative TURNER: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I'm not sure how many of you folks are aware, but I was a town clerk for 10 years, one of the best jobs I ever had; however, I have to tell you, it's not complicated to open an envelope up. At any election when I would receive a lot of absentee ballots, all I did was post 10 days beforehand "I will be processing absentee ballots at noon, at 3, and at 8 o'clock." That way there, the public knows they can come in to watch that process, make sure everything is being done correctly. It was not a burden to take a letter opener and open that envelope up and say to the person with the list, "Beth Turner, AV." It's that simple. Right now, people have 30 days to request an absentee ballot and they can do that by simply calling their town clerk and say "I need one mailed to me." It's mailed off, you mail it back in. It can't get any easier. But I take offense to town clerks being burdened opening up envelopes.

The SPEAKER: The Chair recognizes the Representative from Easton, Representative Clark.

Representative CLARK: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. It seems like the people who support this bill want it both ways. They say it opens access to voting, makes it easier for people to vote, it will encourage people to vote, and on the other hand, they say, well, it doesn't change the fundamental "one person, one vote" rule. Well, you can't have it both ways. If the town that does this, it becomes easier and it opens access and more people have the opportunity to vote, and a town that can't afford to do this can't have that opportunity, then it is a constitutional problem that supersedes our Constitution. So that's the problem. You can't have it both ways. If this just is a minor technical thing, then that's what people should be talking about. They shouldn't be

talking about and maybe if we had the funding to do it and make it so all towns had this opportunity maybe I'd support it. But right now, the Town of Easton is probably not going to do this. They're not going to have people come in every day for maybe one or two people voting. I'm sure Portland and Lewiston could. That's my problem and that's where the divide is. You can't have it both ways. Either it opens up access or it makes it easier on the clerks. It's one or the other.

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. I apologize for standing a second time. I just want to clarify a few things. We've heard the word "secret" tossed around as if maybe things may not be secret in the current system. I, for one, can say that I have full 100 percent faith in our ballot clerks that we currently have. I've been standing at the polls for the last two years and any time I've ever cast my vote absentee or otherwise and watched them, how they count it in the end, they have never ever looked at the ballot. They open the envelope and just toss it in the box. They're not looking at our ballots. Second, the resources involved the extra resources. I think the Representative from Portland, Representative Russell, did say it requires extra people to help out out on that one day, on that one day which Maine ballot clerks are already doing. They're already hired to count ballots at the end of the night. I mean, I don't expect Representative Russell to advocate any other way because Portland is a big city. Same thing with the good Representative from Brunswick. They represent cities that probably have staffs so this will be absorbed great in their system, and I would expect them to advocate for that. But for places like Mapleton where our town clerk is the cornerstone of our community town office, where we only have four or five town employees that are at our disposal, this would increase our costs without the state providing any extra resources. Lastly, I think, most importantly, in our electoral system, it should be uniform and fair from Kittery to Fort Kent, and if we pass this today and Portland does it and maybe Mapleton does do it, I don't know, but if we have don't have uniformity, then are we really having a good, clear vote? I really think that we need to strive for uniformity and increased participation, but without funding to help these small communities that can't afford it, we really are dropping the ball here. Thank you, Mr. Speaker.

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

Representative HICKMAN: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I feel compelled to speak because I am from a small town, Winthrop, and what I know about absentee ballots in Winthrop is this: If a ballot is spoiled because it wasn't signed correctly or because the clerk couldn't read it correctly, it's not counted. The clerk does not call back the voter who sent that absentee ballot in to tell them that their vote doesn't count. If there is a way to make sure that every single vote that is cast can be counted, then that is what we should be voting for here. This law would ask us to make sure every vote can be counted in a town, big or small, and we send it out to the people to validate what we're asking them to do. I want to leave it up to the voters to determine whether or not they want their ballot to be secret or possibly spoiled and they have no knowledge of that fact. 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 think we have focused too much at one end of the absentee ballot process

rather than the other. When I voted absentee one year, what struck me was that when I went into vote, it was a time-consuming process for the clerk. She had to find a secure, private place for me to mark my ballot, stop whatever she was doing at the time, wait for me to finish doing my ballot, and then complete the process of my sealing and signing the envelope. I thought this was not a good use of her time and that is why I favor the pending motion. Thank you.

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

Representative **BERRY**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. The action that we take here today will allow a choice to our municipalities and last time I checked, a choice is different from a burden. The burden that we impose is what is done now. There is only one option available. By making a different system, a better system available, we are lifting a burden, not imposing one. My friend, the Representative from Mapleton, Representative Willette, alluded to the security of the ballot, and I want to remind this body that when we debated this earlier, I mentioned a story in the little Town of Bowdoinham that I represent, a very close-knit community that was torn apart over an incident relating to the current absentee balloting system, where a town clerk opened an envelope and inappropriately shared that information with another person on staff in the town office. It was a local election, it was a very hard fought one, and the insecurity of our current system became abundantly aware to me and to every person in the Town of Bowdoinham as a result of that. It was a horrible experience. I wish it on none of you. I wish it on none of your municipalities. Our clerks are asking for this burden to be lifted, they are asking for this choice and whatever we do here today, whether this bill passes or does not, I choose to vote on the right side of history. I choose to vote for our municipalities, for our clerks who have asked for this ability, and for a better, more streamlined, more secure voting system. Thank you, Mr. Speaker.

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 appreciate all the comments that have come here today. I represent the City of Augusta and my vote today will reflect the wishes of my clerk. My clerk participated, as well as my city participated, in the pilot program, and they contacted me and specifically asked me to vote against this bill. They did not appreciate it. They felt that it would increase staff and that they already had a hard enough time finding people to cover on the days of the elections as it currently stands. So I represent a city and the State of Maine and my clerks don't want this. So my vote is, in fact, as the Representative from Bowdoinham suggested, what my clerks want. Thank you.

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. I'd like to just address a few issues that I heard during the debate. Security in the pilot program, the ballots were stored either in vaults or there was a process set up to secure the ballots. There was no problem with security during the pilot programs. In fact, this would be an opt-in program, so your town that didn't do anything, it certainly wouldn't have to participate. If it wanted to participate, it would opt in. We heard "So goes the nation." The nation, in our country, 32 states allow early voting and I will state here, it's very simple, actually. Early voting simply is when the voter puts the ballot into the ballot box instead of an envelope. That's all it

is, folks. Let the people decide. It will go out to them for their approval or not to be approved.

As far as the constitutional question goes, this is a constitutional resolution. We would be changing the Constitution. Therefore, there is no way that it could be unconstitutional. Every clerk that testified at the public hearings for this bill testified in favor because it would relieve the burden. When this is all over, actually, I do plan on calling the city clerk from Augusta and finding out why she decided not to support it, although she didn't testify at the public hearing but it will be interesting to find out the reasons why. Totally voluntary, folks. If your town wants in, it can be in. If it doesn't want to, it doesn't have to. The absentee process stays exactly the same. If you want to do absentee ballot by mail, no change whatsoever. A lot of folks go to the town hall, however, and request the ballot while they are there. Right now, there is a process where you have to fill out some paperwork, then you get the ballot with the envelope. A lot of towns actually set up voter booths, so you go off to the booth, you vote, and at the end, there is more paperwork and then you fold your ballot and put the ballot into the envelope which gets stored until Election Day. In Maine, we do have, sometimes when it's cold and possibly snowing in November, people, maybe veterans, disabled people, working people, the elderly would have a harder time. People do like to vote on Election Day, but if you heard that a storm was coming for Tuesday and it was Friday and your town opted to participate, people would come out on Friday to avoid bad weather. Why not make it easier for them, folks? All this does, it sends the question out to the people of the State of Maine. It says "Do you want this or not?" I say let them decide. Thank you very much, Mr. Speaker.

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

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

The SPEAKER: The Representative may pose her question.

Representative **PRINGLE**: Thank you. Does anyone have the data that tells us whether we've asked, have we polled our town clerks and do we know how many vote in favor of this or would like to see this and how many are opposed? Thank you.

The SPEAKER: The Representative from Windham, Representative Pringle, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Standish, Representative Shaw.

Representative **SHAW**: The Clerks' Association did not take a position officially because they didn't want to influence the vote and that's why the Clerks' Association, as a whole, did not decide to advocate for or against. However, individual clerks did come to the public hearing, all of which testified in favor.

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. Please excuse my speaking for the second time. There have been a few things in the current discussion that I really think should be addressed. The good Representative from Mapleton talked about potential costs to this bill. I would argue before this House that democracy is priceless and any incurred expense to make sure that every single citizen has access to a free and secret ballot, that cost cannot be properly measured. I would also like to reaffirm the comments of my good colleague from Winthrop that we are not deciding this issue, as we should not. This issue should be decided by the men and women of the State of Maine. As the good Representative from Standish pointed out, this merely puts it on the ballot for our brothers and sisters, friends and neighbors

in our communities, and that to hold this up in this House, a bill that would make the franchise potentially more accessible to our citizens, to hold that up in this House is entirely inappropriate. Thank you, Mr. Speaker.

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

Representative **KESCHL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I apologize for speaking for a second time on this issue, but I want to respond to the good Representatives Berry, Russell, and Shaw on the issue of constitutionality. The very fact that this sets up the potential for two voting regimens in this state is the constitutional issue that I'm concerned about. Take out the "opt-in, opt-out" provision, whatever you want to call it, and I might be able to support this, but once you set up two different processes for voting in this state, I believe there is a constitutional issue and I urge you to vote no on this bill.

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

Representative **PARRY**: Thank you, Mr. Speaker. I've heard the words several times "security of our ballots" here today. I think that the title of this bill maybe should be "An Act to Restrict the Ability to Challenge Ballots," because if we have early voting and if 30 days before somebody comes and votes and puts the ballot in, somebody will have to be there on October 3 to challenge that vote. Currently, on anybody that does an absentee ballot, when the clerks are calling the names off and putting the ballots in, somebody can be there on Election Day to challenge that ballot. So this way, either the parties or somebody would have to hire people to work all 30 days before to be at the town halls, just in case somebody came in, to put in a ballot, because that's the only time you can challenge it is when that ballot goes in. Somebody could come in and since we don't have photo ID in Maine and maybe if this bill had photo ID with it, then I probably wouldn't have a problem because then each person coming in would have to prove they're that person. But without having that, somebody could come in on October 3, say that they're Wayne Parry and there might be a new clerk in that office that doesn't know me, know my address, get a ballot and put it in the box. But, if somebody, for an example, did an absentee ballot and it was my good friend from Portland, Representative Russell, except Representative Russell – no, this is a bad example. I was going to say that on Election Day somebody at the ballot knew Representative Russell had passed away three years ago and so, at that point, you can challenge the ballot. With early voting, there will be almost no ability to challenge the ballot, unless you have staff in every town throughout the state and have the ability to challenge ballots if there is any question when the clerk reads the name off, whomever that name may be, that person may have passed away three or four years before. But there is no way to challenge it if on October 3 or 4 or 5 somebody came in and said they were Joe Smith, they could vote, put the ballot in and there would be no question because it would be impossible to challenge. I think if we had photo ID with this bill, I could support it. But until then, I can't support this bill.

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 apologize for rising a second time. I just wanted to let folks know that the rumors of my death have been greatly exaggerated. I'm glad to know what people really think of me, so thanks. You know, we have our political debates and we have our philosophical debates, and I get that. For me, though, the debate ended when we decided as a state to move forward with early absentee voting. This is a

process issue. I don't think anybody is going to change their mind. But there are times when it should be a political debate, because it's really fundamental and we've had those debates. I just have to say I really don't see this as a political debate. I don't see this as a highly partisan, highly ideological issue. Believe me; I'm willing to have those fights. But, at the end of the day, this really is about alleviating a burden from municipal clerks, and they may not have come and testified this year, one way or another, but they have in the past. It was part of the Election Day registration frustration that clerks truly brought to us. So, at this point, I think we should just vote. I'm not going to move the question because I think that would be disrespectful if other people do want to speak, but I do think we all know how we're going to vote. But I'm sad, frankly, that this has become an ideological debate because it really is a process question. Thank you, Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Livermore Falls, Representative Knight.

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

The **SPEAKER**: The Representative may pose his question.

Representative **KNIGHT**: Thank you, Mr. Speaker. I've been listening to the debate and I heard my good friend from Munjoy Hill suggest it's a process problem and it's an opt-out situation. My good friend from Standish, Representative Shaw, says it's an opt-in. They're both on the same side of the issue. I'm just confused. Can someone answer the question is it an opt-in or an opt-out? Thank you very much.

The **SPEAKER**: The Representative from Livermore Falls, Representative Knight, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Standish, Representative Shaw.

Representative **SHAW**: Thank you very much, Mr. Speaker. Actually, all this does is it changes the Constitution to allow the Legislature to adopt a process for early voting. So the debate, at the time, certainly could include voter ID. It certainly could include "opt-in, opt-out." My vision of the laws that would be crafted in the next Legislature would be that you'd have to opt in. That makes it totally voluntary, but that would come at a later process. All this does is it simply changes a couple of words in the Constitution so that it doesn't specifically say that voting will take place on that day. That's what it says right now. Voting will take place on the Tuesday after the first Monday in November, every second year for the Legislature, every fourth year for the Governor. That's what the Constitution says presently. This would allow a change in that to allow the process to be put in place through the Legislature to set up the process for early voting, so when that debate happens, it would be in the Legal and Veterans Affairs Committee and people could add their ideas at the time. We could talk about security of the ballot box, the machine. We could talk about voter ID. We could talk about opt-in and opt-out. This doesn't have anything to do with that. It just sets the process in motion. This is the first step. Thank you very much.

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

Representative **BROOKS**: Mr. Speaker, thank you very much. I had not intended to rise on this, but I apologize for rising for my first time. I'll be brief. I don't intend to talk very long. I do want to say a couple of things, however. I'm going to vote no. I made the speech before. The analogy that I will draw for you – there is a minor deviation of my speech. I forgot what I was going to say. I love this time of year. It's the Rex Sox kind of year. It sounds like it isn't germane, but, to me, it is. They're out there doing their spring training and what is their goal? Their

goal is to peak out sometime around World Series time. That's their best play. Most of the rules that governed elections for many, many years, including now for me at least, is that I want to peak out in November when the Election Day is. Why would I want to do that 20 days earlier? If we have folks going to the polls like we did last year, 2015, 10 days earlier, not that I object to that, you understand, except that I think they may be voting early on a candidate that later loses. Elections are geared so that on Election Day, traditionally, at least in my town, folks get together and turn it into a day off. That's why I've heard many times why we would call Election Days days off, so that we can all have the opportunity to go to the polls. I think that's a great idea. I also support dearly opportunities to vote and to tear down some of the apathy where we can't get 100 percent voting like we have in some other countries.

For many, many years, I worked at the Bangor Daily News, as you know. I designed the election system that they have which covers every city, every town, every municipality in the State of Maine, from the judge of probate to president, every year. I believe in that system. I worked hard on that system. I want to see it prove to be effective. The more we turn the clock back, the least likely we are going to be that that reflect the true wishes of the voters on the November day of elections. I think last year we had a situation where, frankly, I think that we would have elected another person had the days gone longer and I won't get into exactly what happened. Last time, I was chastised. But I will say to you, absentee voting, when someone feels they're not going to be able to come on Election Day for whatever reason, be it a personal injury or out of town or they have a toothache, that's fine, no problem with that. Encouraging for people to vote on the local level, I have no problem with that. That's a great idea. But the farther back we make it, the less effective, I think, that that vote is. Look at the folks who do Clean Elections. The last week before the election, there are reports that are required. Why? Why don't we make them the last month? Is that where we're going to be spending most of our money? No, I don't think so. I put out fires right at the very end during my campaign so that, at the last minute, I will be able to capture a win over my opponent. I hope he's not listening. That's one of my secrets. But that's the reason I really believe that, traditionally, we have elected people on the day of the election. I think we should stick with this, except where it is inconvenient or a problem, and then vote absentee.

As far as the "opt-in, opt-out" is concerned, frankly, that concerns me very little because I'm not going to vote for this. Why in one town are we going to be able to vote and why in another one you can't? What are we doing here? In Winterport, I'd be able to go to the polls, but in Frankfort, in my own district, I won't, or the people who live there will not be able to cast ballots? I'm not understanding the purpose for all of this "opt-out, opt-in." I think that we should all vote on the same day, we should have our polls open, we should make it convenient and we should take the day off. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Norway, Representative Winsor.

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

The SPEAKER: The Representative may pose his question.

Representative **WINSOR**: Thank you. It's been awhile since I've paid attention to election law stuff, surprising as it may seem, but if somebody casts – the question is does anybody know if one casts an absentee ballot, can they return to the clerk their whole absentee ballot and ask it to be destroyed any time before it is placed in the ballot box?

The SPEAKER: The Representative from Norway, Representative Winsor, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Standish, Representative Shaw.

Representative **SHAW**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. The answer is, no, you cannot recall your absentee ballot.

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

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

The SPEAKER: The Representative may pose her question.

Representative **DAUGHTRY**: I'm just wondering. I've heard various phrases about concerns about financial responsibility or burden, but I'm wondering what exactly it is that's making folks so scared about citizens having the ability to vote in an accessible manner? I look at all the voting access fights that are going on around the country and I have to ask, what are we so afraid of for people voting? I urge you to follow my light again.

The SPEAKER: The Representative from Brunswick, Representative Daughtry, has posed a question through the Chair to anyone who may care to respond.

Representative **BERRY** of Bowdoinham **REQUESTED** a roll call on **FINAL PASSAGE**.

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

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

This being a Constitutional Amendment, and a two-thirds vote of the House being necessary, a total was taken.

ROLL CALL NO. 513

YEA - Beaudoin, Beavers, Beck, Berry, Boland, Bolduc, Briggs, Campbell J, Casavant, Cassidy, Chapman, Chenette, Chipman, Cooper, Daughtry, Devin, Dickerson, Dill, Dorney, Evangelos, Farnsworth, Fowle, Gattine, Gideon, Gilbert, Goode, Graham, Grant, Hamann, Harlow, Hayes, Herbig, Hickman, Hobbins, Hubbell, Jones, Jorgensen, Kaenrath, Kent, Kornfield, 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, Beaulieu, Bennett, Black, Brooks, Campbell R, Chase, Clark, Cotta, Crafts, Cray, Davis, DeChant, Doak, Dunphy, Duprey, Espling, Fitzpatrick, Fredette, Gifford, Gillway, Guerin, Harvell, Johnson P, Keschl, Kinney, Knight, Kruger, 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, Wallace, Weaver, Willette, Wilson, Winchenbach, Winsor, Wood.

ABSENT - Carey, Crockett, Dion, Frey, Jackson, Johnson D, Volk.

Yes, 87; No, 57; Absent, 7; Excused, 0.

87 having voted in the affirmative and 57 voted in the negative, with 7 being absent, and accordingly the Resolution **FAILED FINAL PASSAGE**, and was sent to the Senate.

HOUSE DIVIDED REPORT - Majority (12) **Ought Not to Pass** - Minority (1) **Ought to Pass as Amended by Committee Amendment "A" (H-633)** - Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Ensure That Legislators Share the Sacrifice with Civil Servants in the Event of a State Government Shutdown"

(H.P. 1108) (L.D. 1541)

TABLED - March 4, 2014 (Till Later Today) by Representative BERRY of Bowdoinham.

PENDING - Motion of Representative GRAHAM of North Yarmouth to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report. (Roll Call Ordered)

The SPEAKER: A roll call having been previously ordered, the pending question before the House is Acceptance of the Majority Ought Not to Pass Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 514

YEA - Ayotte, Boland, Bolduc, Campbell R, Clark, DeChant, Dickerson, Doak, Duprey, Espling, Evangelos, Fitzpatrick, Gattine, Gideon, Gilbert, Goode, Graham, Hamann, Hayes, Hobbins, Hubbell, Jones, Jorgensen, Kent, Knight, Kruger, Kumiega, Kusiak, Lockman, Long, Longstaff, Luchini, MacDonald W, Malaby, McCabe, McElwee, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau A, Nadeau C, Nelson, Nutting, Pease, Peavey Haskell, Pouliot, Powers, Priest, Schneck, Shaw, Short, Stanley, Stuckey, Villa, Wallace, Wilson, Winchenbach, Winsor.

NAY - Beaudoin, Beaulieu, Beavers, Beck, Bennett, Berry, Black, Briggs, Brooks, Campbell J, Casavant, Cassidy, Chapman, Chase, Chenette, Chipman, Cooper, Cotta, Crafts, Cray, Daughtry, Davis, Devin, Dill, Dorney, Dunphy, Farnsworth, Fowle, Fredette, Gifford, Gillway, Grant, Guerin, Harlow, Harvell, Herbig, Hickman, Johnson P, Kaenrath, Keschl, Kinney, Kornfield, Lajoie, Libby A, Libby N, MacDonald S, Maker, Marean, Marks, Mason, Mastraccio, McClellan, McGowan, Newendyke, Noon, Parry, Peoples, Peterson, Plante, Pringle, Rankin, Reed, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Sanderson, Saucier, Saxton, Sirocki, Theriault, Timberlake, Tipping-Spitz, Treat, Turner, Tyler, Verow, Weaver, Welsh, Werts, Willette, Wood, Mr. Speaker.

ABSENT - Carey, Crockett, Dion, Frey, Jackson, Johnson D, Volk.

Yes, 60; No, 84; Absent, 7; Excused, 0.

60 having voted in the affirmative and 84 voted in the negative, with 7 being absent, and accordingly the Majority **Ought Not to Pass** Report was **NOT ACCEPTED**.

Subsequently, Representative GRAHAM of North Yarmouth moved that the House **ACCEPT** the Minority **Ought to Pass as Amended** Report.

The same Representative **REQUESTED** a roll call on the motion to **ACCEPT** the Minority **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 Buckfield, Representative Hayes.

Representative **HAYES**: Thank you, Mr. Speaker. Mr. Speaker, Women and Men of the House. I refrained from participating in this debate when we first took this issue up, or this matter up, the other day. Now, I'm sitting here and watching a 12-1 Report become a positive vote in this chamber. So you are all going to be subject to pretend you are on the State and Local Government Committee for the next few minutes and I'm going to give you a little bit of education why 12 of us didn't think this was a good idea. I thought this wouldn't be necessary and I apologize

that you've made it so. One of the difficulties with the concept, I love the title, but let's talk about how we're going to implement it. When do we pass a budget? At the very end of the work that we do. It's in June or it's in April, okay? We've already been paid. We have already been paid by then. We have earned all the money and acquired it, except for what we get for driving up here, all right? So let's say we don't pass the budget this April and there's a shutdown or something happens. You know, when it's going to happen? It's going to be taken off your pay six to eight months later, all right? I'm not even going to be here eight months later, so how are you going to take it away from me, all right? There are some others. I'm looking at my other good friends who will be done serving in the House, so practically how you implement this, it just doesn't make sense.

Let's try another "what if" scenario that we talked about in committee. This will probably be my longest floor speech in eight years, all right, but now you're all on the State and Local Government Committee with me. Imagine that we need a two-thirds budget and more than half of us vote for the budget and more than half of the folks on the other end of the hall, we're doing our jobs, we're here, we showed up, we negotiated, we came up with something and we couldn't get that two-thirds margin. Well, by golly, let's dock our pay eight months from now, six months from now. I'm sorry. I love the concept, but in a practical implementation, it just doesn't work. Let's find a way, if we can find a better way, but it's not this way. So it sounds good and you all want to go home and say, "Yes, I voted for this," but it really, from a practical perspective, it doesn't do what we say we want it to do. So if you like the concept, go back to work, find a better way to do this. Don't feel that you have to do it on this bill because this is not the best way to generate that outcome. Twelve of us, this is where it was. It was a 12-1 vote in committee, all right, so if you like the idea, come up with a better way to do it and we'll probably get on board with you, but this isn't the way to do it. Thank you, Mr. Speaker.

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. You've heard me speak on this before. I'd like to commend my colleague from Buckfield for pointing out a lot of the implementation problems with this bill. Look, let's put it right on the table and call it what it is. If this is a political ploy, you have no idea how much political mileage I would get going back to my district and saying, "Oh, if we don't pass the budget, I take a cut in pay. I'm sharing the sacrifice." All that does is create political feel-good for us as we walk into our next election. This bill fundamentally distorts the budgetary process, which is constitutionally a shared responsibility of the Executive and the Legislature. This bill would unfairly be punitive to the Legislature for its failure to not enact a budget in time, but would have no commensurate, punitive measure for the Executive for its inability to negotiate fairly and responsibly in passing a budget. Like I said, even though it's political and it will play well with your voters next election, constitutionally, in terms of our shared responsibility and our constitutional balance of powers, this is a very, very, very bad bill. Thank you.

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

Representative **DICKERSON**: Thank you, Mr. Speaker. I'm actually kind of surprised by this debate we're having right now. I understand the spirit in which this bill was submitted and I understand that we're all tired of gridlock, particularly gridlock in Washington which doesn't really have a whole lot to do with us here in the State House necessarily, and there's a feeling

amongst people in this nation that they are tired of politics and politicians, and there is a sense of hopelessness and overwhelm because people feel as though their lives are in the hands of people who are more interested in agendas and deal making than the personal lives of everyday people struggling to put food on the table and to just get through another day without going bankrupt. That's the climate. However, interestingly enough, many of us sitting here in this chamber are also in the same position as the individuals who are struggling to survive each and every day. I happen to be one of those individuals. I am a single mother, I have two children, one of which is grown, and I have a domestic partner; however, to be here doing this work has already been a tremendous sacrifice. It becomes very evident to me when I go home and talk to my constituents who would love to do this job, they can't do this job because they can't afford to do this job and they say to me "You know, I'd really like to serve in politics. I'd really like to serve my state but I just can't do it." That's the problem. We don't have the kind of representative government that we could have if it were more possible for people to actually serve. The reason I'm able to do this is because I'm absolutely out of my mind and I have about five different jobs and I've got the energy of a freight train. That's the only reason I can do this. I stay up until about 2 o'clock most mornings working, I collapse and then I get up again at 6 a.m. That's the reality. Most people can't do that and occasionally I'll sleep solid for two weeks while somebody else feeds the horses. But you know what, we have to call a spade a spade and I think it's very convenient to do something like this for political reasons and there is a lot of people sitting around me who want to change their votes for political reasons so that they can go home and they can feel as though they played it safe which is one of the things that I find incredibly frustrating about being a legislator. I hate the political game. You ought to vote your heart and you ought to vote your conscience and you ought to vote your district, period. So when I'm sitting here, there is no way I'm going to change my vote because I can't survive on this salary anyway. So let's call this what it is. Let's just really call it what it is and cut the political posturing and just get on with the vote. 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'm sure that we won't be using it as a recruiting tool, but let's be honest about this. More than half of the people in this room are going to seek reelection and if when they face a government shutdown they realize it's even going to impact their wallets more than what they've already had, they should have to face those consequences. We face these consequences with everybody's lives. Why should they not apply and affect ours? This is supposed to be about public service, not about our wallets. And I don't think anybody's getting rich here. I know I'm not. It has already cost me \$10,000 a year to come down here and I haven't complained about it until this moment with my wife, but we are voting when we have shutdowns on everybody else's life and ever be our salary small, if we're saying it shouldn't affect us, that sends a message that what we do here is not about public service. And this is not about public posturing. This is about some common fairness and common decency.

The SPEAKER: The Chair recognizes the Representative from Morrill, Representative Pease.

Representative PEASE: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I totally disagree with my gentleman to the left. I agree with Representative Jones who is from the same county but a different world in that this is pure silliness. This bill is pure silliness. As the Representative

from Buckfield has already stated, this doesn't do anything. We vetted this in committee. It doesn't do anything. By the time a shutdown would occur, we're gone. We're not on salary. The great Representative from Portland introduced this and that's her choice, but it doesn't do anything. Silliness, it rises to the same degree as whoopie pies. Thank you.

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. I am in a little bit of shock today. I am standing shoulder to shoulder with my good friend from Portland, Diane Russell, and my Congressman from Maine's Second Congressional District, Congressman Mike Michaud, in saying that if we do not have a budget, we, as legislators, do not deserve to get paid. This isn't political games. No budget, as the good Representative from Farmington said, means we are impacting many people's lives and we should take a little bit of a hit ourselves if we are not able to come to the table and solve the problems that our state faces. Thank you, Mr. Speaker.

Representative BROOKS of Winterport moved that the Bill and all accompanying papers be **COMMITTED** to the Committee on **STATE AND LOCAL GOVERNMENT**.

Representative BERRY of Bowdoinham **REQUESTED** a roll call on the motion to the **COMMIT** the Bill and all accompanying papers to the Committee on **STATE AND LOCAL GOVERNMENT**.

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 Freedom, Representative Jones.

Representative JONES: Point of Order, Mr. Speaker. Just a point of information. The roll call requested by the good Representative from Bowdoinham is on the tabling motion?

The SPEAKER: It is on the motion to Commit to the State and Local Government Committee. Thank you.

A roll call has been ordered. The pending question before the House is to Commit the Bill and all accompanying papers to the Committee on State and Local Government. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 515

YEA - Beavers, Black, Boland, Bolduc, Brooks, Casavant, Chapman, Chipman, Clark, Cooper, Cotta, Crafts, Cray, Daughtry, DeChant, Dickerson, Dill, Doak, Dunphy, Duprey, Farnsworth, Fitzpatrick, Fowle, Gideon, Gifford, Gillway, Graham, Hamann, Hayes, Hobbins, Hubbell, Johnson P, Jones, Jorgensen, Kent, Knight, Kornfield, Kruger, Kumiaga, Long, Malaby, Mason, Mastraccio, McGowan, Monaghan-Derrig, Moonen, Nutting, Peavey Haskell, Peoples, Priest, Pringle, Saxton, Schneck, Shaw, Short, Stanley, Stuckey, Theriault, Timberlake, Tyler, Verow, Villa, Weaver, Winchenbach, Winsor, Wood.

NAY - Ayotte, Beaudoin, Beaulieu, Beck, Bennett, Berry, Briggs, Campbell J, Campbell R, Cassidy, Chase, Chenette, Davis, Devin, Dorney, Espling, Evangelos, Fredette, Gattine, Gilbert, Goode, Grant, Guerin, Harlow, Harvell, Herbig, Hickman, Kaenrath, Keschl, Kinney, Kusiak, Lajoie, Libby A, Libby N, Lockman, Longstaff, Luchini, MacDonald S, MacDonald W, Maker, Marean, Marks, McCabe, McClellan, McElwee, McLean, Moriarty, Morrison, Nadeau A, Nadeau C, Nelson, Newendyke, Noon, Parry, Pease, Peterson, Plante, Pouliot, Powers, Rankin, Reed, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Sanderson, Saucier, Sirocki, Tipping-Spitz, Treat, Turner, Wallace, Welsh, Werts, Willette, Wilson, Mr. Speaker.

ABSENT - Carey, Crockett, Dion, Frey, Jackson, Johnson D, Volk.

Yes, 66; No, 78; Absent, 7; Excused, 0.

66 having voted in the affirmative and 78 voted in the negative, with 7 being absent, and accordingly the motion to **COMMIT** the Bill and all accompanying papers to the Committee on **STATE AND LOCAL GOVERNMENT FAILED**.

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've been accused of being silly. I'm been accused of creating a political ploy. It's been suggested that I will have died three years ago. When I first ran for office, I had a college degree and \$60,000 worth of student loan debt and the only job I could find paid me \$8 an hour, and I still remain grateful for that job. I would still have that job if someone had not gotten the great idea to burn it down in the middle of the night. One of my coworkers, as a direct result of that, a single mom, who was holding down the fort, ended up homeless because of that action. Until you know what it's like to try to make ends meet, maybe it's easy to just chalk this up to being a political statement. But, for me, it's a personal statement. It's a personal statement that we get what's going on out there. Really, is it that much to ask \$100 a day? That's what it comes down to, \$100 a day. That is a token, saying, you know what, we are putting all of these folks, in particular, not just state workers but folks that actually support our industry and support what it is that we do, potentially putting them out of work. My mom was put out of work during this last state shutdown. My family struggled through that. So this is not a political ploy. I agree with the good Representative from Rockland that folks should vote their conscience on this, not the politics of it, which is precisely why I put this bill in, in the first place. I also have a hard time paying my bills on the salary that I have. If anybody has heard Little Stella, my little car, my 1991 car, it's really loud right now because I can't afford to fix the muffler which means I'm consuming lots of toxic fumes, which may mean that I will end up dying after all.

But let me speak about the specifics of this bill. So I explained the other day, yesterday, that there are very real challenges for how to execute this. The good Representative from Buckfield is absolutely right which is why it's crafted the way it is. One, the Chief Executive is protected by the Constitution from any change in salary whatsoever and as I said yesterday, you can come to me with all these ideas about, well, did you think about that, did you think about this. I did, it's just solid. And I do think the Chief Executive should be held accountable too in equal parity, but that's just not the way the Constitution is written. Two, yes, it's true. By the time the budget passes or fails, our last paycheck has already been gotten which is why we move it into the second session and why it's only for the initial biennial vote, the biennial budget. It's not for the supplemental budget because obviously if we don't pass a supplemental budget this year, there is no place to pull that money from. So there are some challenges to how to put this together. But the bill, as it was presented in the very Minority Ought to Pass Report, takes those issues into account. But I just want to be very clear that there are people out there that are struggling and when I see the report, yes, I get that this is Congress, this isn't here, but when I see the report that \$16 million was taken out of our economy because certain politicians did not choose to do their job right, I have a hard time with that. We make decisions every day that impact the lives of people out here and yet the people we tend to talk to are amongst ourselves, and it's easy to talk amongst ourselves. I spent a lot of time across this state and hearing from people, so I

am going to be voting to support the Ought to Pass motion and I respect however people come down on this issue, and I do think, as I said before, that you should vote your conscience. But I think \$100 a day is a token gesture that says "We are hearing you." The only thing we are asked to do essentially when we come here is to pass a budget, so I believe this is a very small thing we can do, and, yes, we can talk about the financial impact it has on us, we can talk about how we don't actually make that much money. But the budget has been shut down once in over two decades. This is a very rare instance in which this would take effect anyway and I think it sends a different message to Maine people that we are listening and we are willing to share the sacrifice and, in particular, share the sacrifice of our state workers who do work very hard on our behalf. 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. I won't speak long. We had this bill in our committee and the reasons that I voted to not support this bill were that I found it hard to be taking money out of people's pockets that were not allowed to be in the committee to speak on it, that didn't want their pay taken. However, that same day I resolved I thought it was a good idea to put some of myself in the game, and I would submit that an alternative would be for those that really want to voluntarily submit their pay, if the budget closes, because that's what I intend to do. But the other part of that is also is that this happened once, so it's not like it's something that's ongoing, something that affects the people every day. And there were a few other little reasons that we, as a majority, didn't support the bill and, to that point, I will say that instead of doing this and forcing people to take a cut in pay, I can't support the bill but I will voluntarily submit the pay.

The **SPEAKER**: The Chair recognizes the Representative from Waldoboro, Representative Winchenbach.

Representative **WINCHENBACH**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I'm here to do a job for my constituents and I believe our due diligence is to work for our constituents and make sure we do not shut the government down. We need to do the best we can to come up with a budget and keep this Legislature running, the state government running. I oppose this bill because we need to do our due diligence and I'd be the first one to sacrifice my pay, if I needed to, if we have a state shutdown, but the fact is we need to work hard to make sure that doesn't happen. Thank you.

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

Representative **MORIARTY**: Thank you, Mr. Speaker. Good morning, Fellow Members of the House. I want to echo the comments made by my colleague, Representative Pease. We do seem to have slipped into a moment of silliness which I trust was inadvertent and will be short term in duration. I agree, and I think we all agree, with the concept of shared sacrifice, but let's remember. This job, itself, is all about sacrifice, whether we speak in terms of time, finances, impact upon the family or other considerations, we sacrifice every day to be here and we know that getting into the game. The bill is not necessary to create or reinforce the concept of sacrifice from our points of view. We have every motivation in the world in each session to pass a budget on time. No one wants to stay longer than necessary. No one wants to prolong the process, make it more divisive and contentious than it already is. So the motivation to pass a budget on time is there and, fortunately, we do so the vast majority of the time. It's a problem that, by and large, doesn't really exist. It is

the problem of failing to pass one on time. There is, in the concept of the taking of pay from legislators, an implication of the imposition of a penalty for not having fulfilled one's duty or having been derelict in one's duty, and I think that's inappropriate. We should not be motivated by personal, financial considerations to either vote for or against the budget that we don't believe in. We should be at under no incentive to vote prematurely or against our conscience in order to preserve our pay. Therefore, I don't support the bill and I don't think that it really does what it is intended to do at all. There is, of course, a remedy available to anyone who believes that he or she has been irresponsible, derelict, inattentive or somehow responsible for bringing about a shutdown, and that remedy is quite simple. Return your paycheck to the state. Sign the check over to the state. If that's what you feel your personal obligation is to do, then go ahead and do so. But there is no need to impose a penalty against a sacrificed-based body of elected Representatives who may not meet a deadline, not because of malfeasance but because, at a certain point, they sincerely cannot vote a certain way on a budget which precludes that budget from passing at that time.

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

Representative **CAMPBELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. In my 10 years here, every session, there is one of these "make me feel good" bills, whether we're going to cut the House down to 90 or do away with the Senate or something to save the taxpayers money. The bottom line is if the good Representative from Portland wants to go without pay, then she should go without pay, as I say to the same people that say, "Well, we should make the taxpayers pay for health care for the poor people." I say to them, well, the taxpayers are paying your health care, why don't you give it up? So the bottom line is we're just wasting our time on these feel-good bills and we should vote for it and get it out of the way. 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. First and foremost, I have to stand up for the work of our committee. Whenever a bill comes to the floor with a 12-1 Report, I listen, I pay attention because our committee heard the testimony, our committee paid attention. I'm so proud of the work of the committee that I have been honored to chair because any time an issue that had any hint of partisanship or politics, we said no. A law that makes us do our work, it just doesn't make sense. This is public service. I agree with the good Representative from Farmington. I am here as a public servant. I certainly don't do this because I'm making a heck of a lot of money. And I agree with my good colleague from Fort Kent. I will give up my paycheck if this government shuts down, but heaven forbid it ever does because then we have failed. I hear the message. I hear the message. We heard the message. We are accountable to the people of Maine to do our work. With that, I urge you all to vote how you best think you should vote. You've heard enough. I wish you had been in committee to hear the work that we did. Thank you, Mr. Speaker.

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

Representative **CHENETTE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This is really quite simple. Government accountability is not a feel-good measure. I don't know where we come up with that. That's not feel-good to me. It's not a feel-good measure to my constituents in Saco, it's not a feel-good measure to your constituents in your

district. This is about holding us accountable, making sure we do our jobs. It is a law to make us do our jobs. What's wrong with that? Real world consequences for not doing our legislative responsibilities makes sense for us, it makes sense of the state employees that we oversee, and it makes sense to our constituents. Thank you, Mr. Speaker.

Representative WILSON of Augusta **MOVED THE PREVIOUS QUESTION.**

More than one-third of the members present expressed a desire that the **MAIN QUESTION BE PUT NOW.**

The Chair ordered a division on the motion to **MOVE THE PREVIOUS QUESTION.**

A vote of the House was taken. 41 voted in favor of the same and 85 against, and accordingly the motion to **MOVE THE PREVIOUS QUESTION FAILED.**

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

The SPEAKER: The Chair recognizes the Representative from Skowhegan, Representative McCabe, and inquires for what purpose does the Representative rise.

Representative **McCABE**: Thank you, Mr. Speaker. Just a Point of Order clarifying for the body what we're actually voting on at this time.

The SPEAKER: You're voting to move the question, to go to the vote.

Representative **McCABE**: Thank you.

The SPEAKER: The Chair recognizes the Representative from Winterport, Representative Brooks, and inquires for what purpose does the Representative rise.

Representative **BROOKS**: Point of Order, Mr. Speaker. I understand that the previous vote, we did not cut off debate.

The SPEAKER: You are correct.

A roll call having been previously ordered, the pending question before the House is Acceptance of the Minority Ought to Pass as Amended Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 516

YEA - Beaudoin, Beaulieu, Beck, Bennett, Berry, Briggs, Cassidy, Chapman, Chase, Chenette, Chipman, Cooper, Davis, Devin, Dill, Fredette, Frey, Gillway, Grant, Guerin, Harlow, Harvell, Herbig, Hickman, Hobbins, Kaenrath, Keschl, Kornfield, Kruger, Lajoie, Libby A, Libby N, Longstaff, MacDonald S, Marks, Mason, Mastraccio, McClellan, McElwee, McGowan, Noon, Parry, Peterson, Plante, Rankin, Reed, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Sanderson, Saucier, Sirocki, Theriault, Timberlake, Tipping-Spitz, Treat, Turner, Welsh, Werts, Willette, Wood, Mr. Speaker.

NAY - Ayotte, Beavers, Black, Boland, Bolduc, Brooks, Campbell J, Campbell R, Casavant, Clark, Cotta, Crafts, Cray, Daughtry, DeChant, Dickerson, Dion, Doak, Dorney, Dunphy, Duprey, Espling, Evangelos, Farnsworth, Fitzpatrick, Fowle, Gattine, Gideon, Gifford, Gilbert, Goode, Graham, Hamann, Hayes, Hubbell, Johnson P, Jones, Jorgensen, Kent, Kinney, Knight, Kumiega, Kusiak, Lockman, Long, Luchini, MacDonald W, Maker, Malaby, Marean, McCabe, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau A, Nadeau C, Nelson, Newendyke, Nutting, Pease, Peavey Haskell, Peoples, Pouliot, Powers, Priest, Pringle, Saxton, Schneck, Shaw, Short, Stanley, Tyler, Verow, Villa, Wallace, Weaver, Wilson, Winchenbach, Winsor.

ABSENT - Carey, Crockett, Jackson, Johnson D, Stuckey, Volk.

Yes, 64; No, 81; Absent, 6; Excused, 0.

64 having voted in the affirmative and 81 voted in the negative, with 6 being absent, and accordingly the Minority **Ought to Pass as Amended** Report was **NOT ACCEPTED**.

Subsequently, Representative GRAHAM of North Yarmouth moved that the Bill and all accompanying papers be **INDEFINITELY POSTPONED**.

Representative HARVELL of Farmington **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE** the Bill and all accompanying papers.

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 Buckfield, Representative Hayes.

Representative **HAYES**: Thank you, Mr. Speaker. Mr. Speaker, Women and Men of the House. It's okay to change your mind when you have more information. When you have more information, you make better decisions. Thank you.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Indefinite Postponement of the Bill and all accompanying papers. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 517

YEA - Beaudoin, Beaulieu, Beavers, Berry, Black, Boland, Bolduc, Brooks, Campbell R, Casavant, Cassidy, Chase, Chipman, Clark, Cooper, Cotta, Crafts, Cray, Daughtry, DeChant, Dickerson, Dion, Doak, Dorney, Duprey, Espling, Evangelos, Farnsworth, Fitzpatrick, Fowle, Fredette, Frey, Gattine, Gideon, Gifford, Gilbert, Gillway, Goode, Graham, Hamann, Hayes, Herbig, Hobbins, Hubbell, Johnson P, Jones, Jorgensen, Kent, Kinney, Knight, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby N, Lockman, Long, Longstaff, Luchini, MacDonald W, Maker, Malaby, Marean, Marks, Mason, McCabe, McElwee, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau A, Nadeau C, Nelson, Newendyke, Nutting, Pease, Peavey Haskell, Peoples, Powers, Priest, Pringle, Rankin, Rochelo, Rotundo, Sanborn, Saucier, Saxton, Schneck, Shaw, Short, Stanley, Theriault, Treat, Tyler, Verow, Villa, Wallace, Weaver, Welsh, Werts, Wilson, Winchenbach, Winsor, Wood, Mr. Speaker.

NAY - Ayotte, Beck, Bennett, Briggs, Chapman, Chenette, Davis, Devin, Dill, Dunphy, Grant, Guerin, Harlow, Harvell, Hickman, Kaenrath, Keschl, Libby A, MacDonald S, Mastraccio, McClellan, Noon, Parry, Peterson, Plante, Reed, Russell, Rykerson, Sanderson, Sirocki, Timberlake, Tipping-Spitz, Turner, Willette.

ABSENT - Campbell J, Carey, Crockett, Jackson, Johnson D, Pouliot, Stuckey, Volk.

Yes, 109; No, 34; Absent, 8; Excused, 0.

109 having voted in the affirmative and 34 voted in the negative, with 8 being absent, and accordingly the Bill and all accompanying were **INDEFINITELY POSTPONED**. Sent for concurrence.

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

**SENATE PAPERS
Pursuant to Resolve
Department of Education**

Report of the **Department of Education** pursuant to Resolve 2013, chapter 74, section 4 asks leave to report that the accompanying Bill "An Act To Implement the Recommendations

of the Review Committee Established To Examine the Impact of Unfunded Education Mandates and Other Regulatory Burdens"

(S.P. 720) (L.D. 1805)

Be **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and printed pursuant to Joint Rule 218.

Came from the Senate, Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed pursuant to Joint Rule 218.

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

CONSENT CALENDAR

First Day

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

(S.P. 649) (L.D. 1656) Bill "An Act To Increase Safety for Victims of Domestic Violence" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-409)**

(H.P. 1183) (L.D. 1611) Bill "An Act Concerning Learner's Permits" (EMERGENCY) Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-653)**

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

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

ENACTORS

Resolves

Resolve, To Provide Maine Students with Access to Online and Digital Learning Opportunities through Their Existing School Districts

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

(H. "A" H-631 to C. "A" S-392)

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

On motion of Representative **FREDETTE** of Newport, was **SET ASIDE**.

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

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

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

ROLL CALL NO. 518

YEA - Beaulieu, Beavers, Beck, Berry, Boland, Bolduc, Brooks, Campbell J, Carey, Cassidy, Chapman, Chenette, Chipman, Clark, Cooper, Daughtry, DeChant, Devin, Dickerson, Dill, Dion, Dorney, Evangelos, Farnsworth, Fowle, Frey, Gattine, Gideon, Gilbert, Goode, Graham, Grant, Hamann, Harlow, Herbig, Hickman, Hobbins, Hubbell, Jones, Jorgensen, Kaenrath, Kent, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby N, Longstaff, Luchini, MacDonald W, Marks, Mason, Mastraccio, McCabe, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, Nelson, Noon, Peoples, Peterson, Plante, Powers, Priest, Pringle, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Saucier, Saxton, Schneck, Shaw,

Short, Stanley, Theriault, Tipping-Spitz, Treat, Verow, Villa, Welsh, Werts, Winchenbach, Mr. Speaker.

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

ABSENT - Crockett, Jackson, Johnson D, Stuckey, Volk.

Yes, 91; No, 55; Absent, 5; Excused, 0.

91 having voted in the affirmative and 55 voted in the negative, with 5 being absent, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

On motion of Representative WALLACE of Dexter, the House adjourned at 1:07 p.m., until 10:00 a.m., Thursday, March 6, 2014 in honor and lasting tribute to Hartland Cushman, of Dexter and Mark D. Hough, of Yarmouth.