

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
21st Legislative Day
Tuesday, March 11, 2014

The House met according to adjournment and was called to order by the Speaker.
Prayer by Reverend Doctor Paul A. Day, First Congregational Church, North Berwick.
National Anthem by Raymond Elementary Chorus.
Pledge of Allegiance.
Doctor of the day, Patrick Connolly, M.D., Portland.
The Journal of Thursday, March 6, 2014 was read and approved.

COMMUNICATIONS

The Following Communication: (H.C. 372)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE
COMMITTEE ON APPROPRIATIONS AND FINANCIAL
AFFAIRS**

March 6, 2014

Honorable Justin L. Alford
President of the Senate
Honorable Mark W. Eves
Speaker of the House
126th Legislature
State House
Augusta, Maine 04333

Dear President Alford and Speaker Eves:

Pursuant to Title 3 Maine Revised Statutes, chapter 35, we are pleased to submit the attached findings of the Joint Standing Committee on Appropriations and Financial Affairs from the review and evaluation of the Maine Public Employees Retirement System (MainePERS) under the State Government Evaluation Act.

Sincerely,
S/Senator Dawn Hill
Senate Chair
S/Representative Margaret Rotundo
House Chair

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

**PETITIONS, BILLS AND RESOLVES REQUIRING
REFERENCE**

Bill "An Act To Restore Funding in the Maine Budget Stabilization Fund through Alternative Sources" (EMERGENCY)
(H.P. 1298) (L.D. 1807)

Sponsored by Representative FREDETTE of Newport.
(GOVERNOR'S BILL)

Cosponsored by Senator THIBODEAU of Waldo.
Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested and ordered printed.

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

Sent for concurrence.

Bill "An Act To Reduce the Burden Placed on Students as a Result of Requirements To Take Remedial Courses"

(H.P. 1301) (L.D. 1812)

Sponsored by Representative COTTA of China. (GOVERNOR'S BILL)

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

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

Sent for concurrence.

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

ORDERS

On motion of Representative CAMPBELL of Orrington, the following Joint Resolution: (H.P. 1296) (Cosponsored by Senator BURNS of Washington and Representatives: DOAK of Columbia Falls, Speaker EVES of North Berwick, MAKER of Calais, SOCTOMAH of the Passamaquoddy Tribe, TURNER of Burlington, Senator: President ALFOND of Cumberland)

**JOINT RESOLUTION HONORING
WREATHS ACROSS AMERICA**

WHEREAS, Wreaths Across America is a yearly national program that honors the graves of veterans buried in Arlington National Cemetery; and

WHEREAS, in 1992, the Worcester Wreath Company in Harrington had a surplus of wreaths at the end of that holiday season and owner Morrill Worcester, who had been indelibly impressed by the national cemetery during a boyhood visit, realized he had an opportunity to honor the values of our nation and the veterans who made the ultimate sacrifice for their country; and

WHEREAS, with the help of United States Senator Olympia Snowe, arrangements were made for the wreaths to be placed in Arlington National Cemetery in one of the older sections that had seen fewer visitors through the years; and

WHEREAS, as other individuals and groups stepped in to assist, more grave sites were decorated and the delivery of wreaths became an annual event to quietly honor our country's veterans; and

WHEREAS, in 2005, a photograph of gravestones decorated with wreaths from Maine and covered in snow attracted national attention to Wreaths Across America and requests came pouring in from across the nation to support Wreaths Across America; and

WHEREAS, as so many people in other states wanted to help and emulate the Arlington National Cemetery project at their national and state cemeteries, Mr. Worcester began sending 7 wreaths to every state, honoring the branches of the military and prisoners of war and personnel missing in action; and

WHEREAS, in 2006, with the help of the Civil Air Patrol and other civic organizations, simultaneous wreath-laying ceremonies were held at over 150 locations around the country, with the Patriot Guard Riders volunteering as the escort for the wreaths going to Arlington National Cemetery; and

WHEREAS, the annual Veterans Honor Parade, traveling the East Coast in early December from Harrington to Arlington National Cemetery, has become known as the world's largest veterans parade; and

WHEREAS, Wreaths Across America is now a nonprofit 501(c)(3) organization and throughout the year works to remind people of the importance of the program's mission, "Remember. Honor. Teach."; and

WHEREAS, in 2013, Wreaths Across America delivered more than 142,000 wreaths to Arlington National Cemetery and 900 other cemeteries and memorials across the country; and

WHEREAS, as the 150th Anniversary of the establishment of Arlington National Cemetery approaches in 2014, Wreaths Across America seeks to reach a point where every gravestone in Arlington National Cemetery is honored with a wreath; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-sixth Legislature, now assembled in the Second Regular Session, on behalf of the people we represent, send our appreciation to Morrill Worcester and Wreaths Across America for their extraordinary commitment to honoring the memory of the brave men and women who served this nation so valiantly in the defense of freedom; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to Morrill Worcester and to Wreaths Across America with our appreciation and respect.

READ.

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

Representative **CAMPBELL**: Thank you, Mr. Speaker. It's a great honor that I stand today and present this Joint Resolution. As you can see, the Clerk didn't get down all the way through the Resolution, but if you were to reflect on what you just heard, that was the beginning of what has come to be 20 plus years of an incredible event which started in Downeast Maine. As you read on and come to this present year, I was fortunate enough to go most of the distance. It's over a week convoy. It starts in Columbia Falls and it's an incredible experience that, if you ever have a chance to participate in, I would recommend it. This year we started and one of the instructions we had just as we were to get on the road was "This convoy starts at this high school and doesn't stop until it gets to Arlington Cemetery." I'm saying, "Wow." What they meant was traffic signals, stop signs, you stay with the convoy, you stay up and be careful because brakes go on quickly and you could be rear-ended or rear-end. One of the things that's so impressive is coming out of Washington County. We got on the road, had five miles of convoy, 30 some tractor-trailer trucks loaded with wreaths to go to cemeteries, not only Arlington but over 900 locations across the Nation. This year was a little different because going into the day of presenting the wreaths, the Wreaths Across America was a little short of their goal. They wanted 130,000 wreaths on Arlington this year. Well, they were at about 90,000. The reason was other locations had taken the energy and put it into their locations, their localities. So they went up and went public and the day of, the Saturday where the Wreaths were presented, they presented 142,000 wreaths.

It's interesting because in this convoy you pass a lot of people. Coming out of Washington County, we came by a little church and the whole congregation was out on the lawn in choir robes. Soon after, you'd see a single person standing at attention saluting. This is an incredible, moving experience. The most moving to me was soon after the church, we came upon this long gravel driveway surrounded by woods and this piece of fine furniture sitting at the end of the driveway, a drop-leaf table. It had a folded flag on it and an 8½" x 11" picture of what probably was the parents' son. Everything that is done by these wonderful people is recognized and appreciated. They are the most humble family I've ever met. This is all about the mission. This is all about remembering, honoring and teaching those who aren't quite familiar, and honoring those who have passed and given the ultimate price.

This year is 150 years of Arlington. The Wreaths Across America and the Worcester family's goal is to put a wreath on every site. So I challenge those within the sound of my voice to help with that. It's a small contribution for one wreath. On the way down through, whether it be Freeport or Camden or Portland, and then when you get out of state, you come upon fire departments with two ladder trucks and a big flag over the road. Somewhere in Maryland, I don't know where we were, there was a veterans' group that had us in for lunch and across the street is a big field and, in the distance, a grammar school. The whole grammar school was on the side of the road. It's so impressive what these people have done coming from a few extra wreaths. The greatest thing was coming into Washington, D.C. You stay at College Park the night before and if you've ever been in College Park, there is a divided city street that goes down through and ends up on Pennsylvania, then Constitution Avenue. But all the way in, we had these police escorts that are slingshotting back and forth just to keep us safe at every intersection. This is an incredible experience, a logistical nightmare, but it comes off without a hitch. We arrive, you go around the Lincoln Memorial and across the bridges to Arlington, and there are thousands of people walking across the bridge and going into the cemetery. We got to the cemetery, had a small ceremony.

One of the things I remember from the ceremony is instructions about the wreaths. Our instruction was "Don't anyone think about taking one of these wreaths home. Once they get here, they are the property of the federal government. So don't even think about taking one of these wreaths home." We left at 9:30, we arrived somewhere, we had a short ceremony and then they had the tractor-trailers dispersed around the cemetery. They were instructed to go to the tractor-trailers, take just a few wreaths because we wanted enough for everybody, so they took the wreaths. I'd never been to the cemetery before so I had never been to the Tomb of the Unknown Soldier, so I kind of meandered up from the McClellan Arch to the top of the hill and by the top I got to the top of the hill, it was about 11 o'clock and it looked like I wasn't going to get a wreath. So between 10 and 11 o'clock, 142,000 wreaths had been distributed and set on each of those cemetery tombstones. One hour to distribute 142,000 wreaths. I knew that because the ceremony at the Unknown was at 12 o'clock. I had an hour. This is an incredible experience and it provides so many people an opportunity to give back. I just want to take this minute to remind again, this is the 150th year of Arlington Cemetery so if we can pass the word and today just thank the Worcester family for everything that they have done. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Calais, Representative Maker.

Representative **MAKER**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I stand up today as a proud resident of Washington County. The Worcester family has done much for our veterans. They've also done much for the State of Maine. They provided pride in this state. It is really amazing. I usually go to Calais when they're in Calais and I made definite plans to try to join their group because it does something to your heart that you didn't even realize was there for your caring for people. We paid millions of dollars to sell our State of Maine and I'm sure there is millions of dollars that go in this effort, but I will tell you one thing. It's a proud thing to be in a patrol that goes through Main Street showing the flags of the United States of America and the State of Maine. I just want to wish and thank the Worcester family for all they've done for our veterans and what they've done for Washington County and what they have done for the State of Maine. Thank you.

Subsequently, the Joint Resolution was **ADOPTED**.
Sent for concurrence.

REPORTS OF COMMITTEE

Refer to the Committee on Appropriations and Financial Affairs

Pursuant to Statute

Representative ROTUNDO for the **Joint Standing Committee on Appropriations and Financial Affairs** on Bill "An Act To Implement the Recommendations Contained in the State Government Evaluation Act Review of the Maine Public Employees Retirement System"

(H.P. 1297) (L.D. 1806)

Reporting that it be **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** pursuant to the Maine Revised Statutes, Title 3, section 955, subsection 4.

Report was **READ** and **ACCEPTED** and the Bill was **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**.

Sent for concurrence.

Refer to the Committee on Agriculture, Conservation and Forestry

Pursuant to Resolve

Representative DILL for the **Joint Standing Committee on Agriculture, Conservation and Forestry** on Bill "An Act To Protect the Public from Mosquito-borne Diseases"

(H.P. 1299) (L.D. 1808)

Reporting that it be **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** pursuant to Resolve 2013, chapter 13, section 2.

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

Sent for concurrence.

Refer to the Committee on Judiciary

Pursuant to Statute

Representative PRIEST for the **Joint Standing Committee on Judiciary** on Bill "An Act Concerning Meetings of Public Bodies Using Communications Technology"

(H.P. 1300) (L.D. 1809)

Reporting that it be **REFERRED** to the Committee on **JUDICIARY** pursuant to the Maine Revised Statutes, Title 1, section 411, subsection 6, paragraph G.

Report was **READ** and **ACCEPTED** and the Bill was **REFERRED** to the Committee on **JUDICIARY**.

Sent for concurrence.

Divided Reports

Majority Report of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-405)** on Bill "An Act To Allow Municipalities To Stabilize Sand Dunes Affected by Actions of the Federal Government"

(S.P. 635) (L.D. 1644)

Signed:

Senators:

BOYLE of Cumberland
GRATWICK of Penobscot

SAVIELLO of Franklin

Representatives:

WELSH of Rockport
AYOTTE of Caswell
CAMPBELL of Orrington
CHIPMAN of Portland
COOPER of Yarmouth
GRANT of Gardiner
HARLOW of Portland
McGOWAN of York
REED of Carmel

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

Signed:

Representative:

LONG of Sherman

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-405)**.

READ.

On motion of Representative WELSH of Rockport, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-405)** 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-405)** in concurrence.

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-655)** on Bill "An Act To Expand Coverage of Family Planning Services"

(H.P. 881) (L.D. 1247)

Signed:

Senators:

CRAVEN of Androscoggin
LACHOWICZ of Kennebec

Representatives:

FARNSWORTH of Portland
CASSIDY of Lubec
DORNEY of Norridgewock
GATTINE of Westbrook
McELWEE of Caribou
STUCKEY of Portland
MALABY of Hancock

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

Signed:

Senator:

HAMPER of Oxford

Representatives:

SIROCKI of Scarborough
SANDERSON of Chelsea

READ.

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

On motion of Representative BERRY of Bowdoinham, **TABLED** pending the motion of Representative FARNSWORTH of Portland to **ACCEPT** the Majority **Ought to Pass as Amended** Report and later today assigned.

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-656)** on Bill "An Act To Increase Access to Quality Child Care"

(H.P. 1152) (L.D. 1581)

Signed:

Senators:

CRAVEN of Androscoggin
LACHOWICZ of Kennebec

Representatives:

FARNSWORTH of Portland
CASSIDY of Lubec
DORNEY of Norridgewock
GATTINE of Westbrook
MALABY of Hancock
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:

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" (H-656)** Report.

READ.

On motion of Representative FARNSWORTH of Portland, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-656)** 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" (H-656)** and sent for concurrence.

(S.P. 674) (L.D. 1708) Bill "An Act To Make Allocations from Mairie Turnpike Authority Funds for the Maine Turnpike Authority for the Calendar Year Ending December 31, 2015" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-410)**

(H.P. 1271) (L.D. 1773) Resolve, Regarding Legislative Review of Portions of Chapter 106: Low Sulfur Fuel, a Late-filed Major Substantive Rule of the Department of Environmental Protection (EMERGENCY) Committee on **ENVIRONMENT AND NATURAL RESOURCES** reporting **Ought to Pass**

(H.P. 973) (L.D. 1365) Bill "An Act To Promote New Models of Mobility and Access to Transportation" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-664)**

(H.P. 1168) (L.D. 1597) Bill "An Act To Clarify Provisions of the Maine Medical Use of Marijuana Act" (EMERGENCY) Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-665)**

(H.P. 1169) (L.D. 1598) Bill "An Act To Improve Hospital-based Behavioral Health Treatment for Persons with Intellectual Disabilities or Autism" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-666)**

(H.P. 1208) (L.D. 1685) Bill "An Act To Ensure That All Maine Children Are Protected from Abuse and Neglect" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-667)**

(H.P. 1240) (L.D. 1732) Resolve, Directing the Director of the Bureau of Parks and Lands To Convey the Chesuncook Community Church Building in Chesuncook Township to the Greenville Union Evangelical Church Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-650)**

(H.P. 1268) (L.D. 1770) Resolve, Regarding Legislative Review of Portions of Chapter 33: Agricultural Development Grant Program, a Late-filed Major Substantive Rule of the Department of Agriculture, Conservation and Forestry (EMERGENCY) Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-661)**

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

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

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

CONSENT CALENDAR

First Day

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

(S.P. 636) (L.D. 1645) Bill "An Act To Amend the Motor Vehicle Laws" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-411)**

ENACTORS
Emergency Measure

An Act Regarding the Laws Governing Liquor Licensing and Enforcement

(H.P. 1186) (L.D. 1614)
(C. "A" H-652)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 133 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act To Provide for a Quorum at the Public Utilities Commission

(H.P. 1191) (L.D. 1619)
(C. "A" H-645)

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

On motion of Representative HOBBS of Saco, **TABLED** pending **PASSAGE TO BE ENACTED** and later today assigned.

Emergency Measure

An Act To Amend the Laws Governing Firefighter Absence from Work for Emergency Response

(H.P. 1194) (L.D. 1622)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 120 voted in favor of the same and 3 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act To Increase Safety for Victims of Domestic Violence and Victims of Sexual Assault

(S.P. 649) (L.D. 1656)
(C. "A" S-409)

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

Representative BERRY of Bowdoinham **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

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

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

ROLL CALL NO. 524

YEA - Ayotte, Beaudoin, Beaulieu, Beavers, Beck, Bennett, Berry, Black, Boland, Bolduc, Briggs, Brooks, Campbell J, Casavant, Cassidy, Chase, Chenette, Chipman, Clark, Cooper, Cotta, Crafts, Cray, Crockett, Daughtry, Davis, DeChant, Dickerson, Dill, Dion, Dorney, Dunphy, Duprey, Esplaine, Evangelos, Farnsworth, Fitzpatrick, Fowle, Fredette, Gattine, Gideon, Gifford, Gilbert, Gillway, Goode, Graham, Grant, Guerin, Hamann, Harlow, Harvell, Herbig, Hickman, Hobbs, Hubbell, Johnson P, Jones, Jorgensen, Kaenrath, Kent, Keschl, Kinney, Knight, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby A,

Libby N, Lockman, Long, Longstaff, Luchini, MacDonald S, MacDonald W, Maker, Marean, Marks, Mason, Mastraccio, McCabe, McClellan, McElwee, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, Nelson, Newendyke, Noon, Nutting, Parry, Pease, Peavey Haskell, Peoples, Peterson, Plante, Pouliot, Powers, Priest, Rankin, Reed, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Sanderson, Saucier, Saxton, Schneck, Shaw, Short, Sirocki, Stanley, Stuckey, Theriault, Timberlake, Tipping-Spitz, Turner, Tyler, Verow, Villa, Volk, Wallace, Weaver, Welsh, Werts, Willette, Wilson, Winchenbach, Winsor, Wood, Mr. Speaker.

NAY - NONE.

ABSENT - Campbell R, Carey, Chapman, Devin, Doak, Frey, Hayes, Jackson, Johnson D, Malaby, Nadeau A, Pringle, Treat.

Yes, 138; No, 0; Absent, 13; Excused, 0.

138 having voted in the affirmative and 0 voted in the negative, with 13 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act To Streamline Enforcement of Child Support Orders Issued by the Penobscot Nation

(H.P. 1211) (L.D. 1688)
(C. "A" H-639)

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

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

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 129 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act To Redistrict the Knox County Budget Committee Districts

(H.P. 1258) (L.D. 1753)
(C. "A" H-636)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 129 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, Directing a Study of Social Media Privacy in School and in the Workplace

(H.P. 838) (L.D. 1194)
(C. "A" H-640)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 111 voted in favor of the same and 19 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, Directing the Department of Economic and Community Development To Report on the Use of Funds Appropriated To Support the Code Enforcement Officer Training and Certification Program

(H.P. 1135) (L.D. 1565)
(C. "A" H-641)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 114 voted in favor of the same and 6 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Acts

An Act To Amend the Composition and Duties of the Maine Children's Growth Council

(S.P. 531) (L.D. 1449)
(C. "A" S-401)

An Act To Increase the Amount of Funds Available to Counties for Witness Fees, Extradition Expenses and Prosecution Costs

(H.P. 1173) (L.D. 1601)
(C. "A" H-648)

An Act Concerning Learner's Permits

(H.P. 1183) (L.D. 1611)
(C. "A" H-653)

An Act To Clarify Disclosure Requirements for Political Statements Broadcast by Radio

(H.P. 1185) (L.D. 1613)
(C. "A" H-626)

An Act To Increase the Maximum Gas Safety Administrative Penalty Amounts

(H.P. 1192) (L.D. 1620)
(C. "A" H-637)

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

An Act To Strengthen Enforcement Standards for Potatoes

(H.P. 1157) (L.D. 1586)
(C. "A" H-632)

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

On motion of Representative HICKMAN of Winthrop, was **SET ASIDE**.

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

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

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

ROLL CALL NO. 525

YEA - Ayotte, Beaudoin, Beaulieu, Beavers, Beck, Bennett, Berry, Black, Bolduc, Briggs, Brooks, Campbell J, Carey, Casavant, Cassidy, Chase, Chenette, Chipman, Clark, Cooper, Cotta, Crafts, Cray, Crockett, Daughtry, Davis, DeChant, Dickerson, Dill, Dion, Dorney, Dunphy, Duprey, Espling, Evangelos, Farnsworth, Fitzpatrick, Fowle, Gattine, Gideon, Gifford, Gilbert, Gillway, Goode, Graham, Grant, Guerin, Harvell,

Hertig, Hobbins, Hubbell, Johnson P, Jorgensen, Kent, Keschl, Kinney, Knight, Kornfield, Kruger, Kumiega, Lajoie, Libby A, Libby N, Lockman, Long, Longstaff, Luchini, MacDonald S, MacDonald W, Maker, Marean, Marks, Mastraccio, McCabe, McClellan, McElwee, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, Nelson, Newendyke, Noon, Nutting, Parry, Pease, Peavey Haskell, Peoples, Peterson, Plante, Pouliot, Powers, Priest, Rankin, Reed, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Sanderson, Saucier, Saxton, Schneck, Shaw, Short, Sirocki, Stanley, Theriault, Timberlake, Tipping-Spitz, Turner, Tyler, Verow, Villa, Volk, Wallace, Weaver, Welsh, Werts, Wilson, Winchenbach, Winsor, Wood, Mr. Speaker.

NAY - Boland, Hamann, Harlow, Hickman, Jones, Kaenrath, Kusiak, Mason, Stuckey.

ABSENT - Campbell R, Chapman, Devin, Doak, Fredette, Frey, Hayes, Jackson, Johnson D, Malaby, Nadeau A, Pringle, Treat, Willette.

Yes, 128; No, 9; Absent, 14; Excused, 0.

128 having voted in the affirmative and 9 voted in the negative, with 14 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

An Act To Stop Unlicensed Loan Transactions

(H.P. 1214) (L.D. 1691)
(C. "A" H-615; S. "A" S-408)

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

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

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

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

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

ROLL CALL NO. 526

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

NAY - NONE.

ABSENT - Campbell R, Chapman, Devin, Doak, Frey, Hayes, Jackson, Johnson D, Malaby, Nadeau A, Pringle, Treat.

Yes, 139; No, 0; Absent, 12; Excused, 0.

139 having voted in the affirmative and 0 voted in the negative, with 12 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

An Act To Provide Funding for the Veterans Treatment Courts
(H.P. 1221) (L.D. 1697)
(C. "A" H-649)

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

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

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

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

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

ROLL CALL NO. 527

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

NAY - NONE.

ABSENT - Campbell R, Chapman, Devin, Doak, Frey, Hayes, Jackson, Johnson D, Malaby, Nadeau A, Pringle, Treat.

Yes, 139; No, 0; Absent, 12; Excused, 0.

139 having voted in the affirmative and 0 voted in the negative, with 12 being absent, and accordingly and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Resolve, To Ensure Notification to the Public of the Location in Maine of Persons Convicted in Foreign Countries of Certain Crimes

(H.P. 1160) (L.D. 1589)
(H. "A" H-619 to C. "A" H-600)

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

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

The same Representative **REQUESTED** a roll call on **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. 528

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

NAY - NONE.

ABSENT - Campbell R, Chapman, Devin, Doak, Frey, Hayes, Jackson, Johnson D, Malaby, Nadeau A, Pringle, Treat.

Yes, 139; No, 0; Absent, 12; Excused, 0.

139 having voted in the affirmative and 0 voted in the negative, with 12 being absent, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

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 Thursday, March 6, 2014, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

HOUSE DIVIDED REPORT - Report "A" (9) **Ought to Pass as Amended by Committee Amendment "A" (H-650)** - Report "B" (3) **Ought to Pass as Amended by Committee Amendment "B" (H-651)** - Report "C" (1) **Ought Not to Pass** - Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Improve Maine's Economy and Energy Security with Solar and Wind Energy"

(H.P. 886) (L.D. 1252)

TABLED - March 6, 2014 (Till Later Today) by Representative McCABE of Skowhegan.

PENDING - Motion of same Representative to **ACCEPT** Report "A" **UGHT TO PASS AS AMENDED**.

Representative FREDETTE of Newport **REQUESTED** a roll call on the motion to **ACCEPT** Report "A" **Ought to Pass As Amended**.

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 South Portland, Representative Morrison.

Representative **MORRISON**: Good morning, Mr. Speaker. Good morning, Ladies and Gentlemen of the House. I stand before you in support of the pending motion. The amended version of LD 1252 before us today seeks to reestablish the solar rebate program that expired in December 2010. I sponsored and support the bill for two reasons. The first reason, solar power is a renewable source of clean pollution-free energy that Maine should continue to invest in for clean air and a healthy environment. Solar plays an integral role as we continue to diversify our energy portfolio. As you all know, Maine has invested a great deal into wind and natural gas, so it only makes sense to reestablish this rebate program so solar can play that integral part of the energy mix that we're looking for. Secondly, LD 1252 supports small businesses, businesses like ReVision Energy who, if this bill passes, could grow and employ more Mainers. I've spoken to small business owners across the state who have expressed the need for this rebate program in order to keep their business from going under. This \$2,000 rebate is paid for by a 5¢ a month or a 60¢ a year surcharge to ratepayers and it would go directly into and be managed by the Efficiency Maine Trust. This rebate is projected to leverage \$25 million in private investment and reduce Mainers' overall energy costs.

In a recent *Portland Press* article titled "Maine lawmakers should pass a solar rebate bill," which some of you should have that copy of that article on your desks, I take pieces of the article and I quote, "Maine lags behind two-thirds of the states when it comes to installed solar power per capita.... Wisconsin, Minnesota and all the other states in New England have more solar power than we do.... The main reason we don't have...solar power in Maine is that we haven't pursued it. If we don't pursue it now, [Maine has the potential to miss] out on a powerful...economic [engine in the future.]"

Lastly, I want to really thank the committee for their bipartisan support on this bill. They worked last session through the interim this summer and fall and now into this session, and the bill before us now is a great compromise, has bipartisan support, and I appreciate all the endeavors of the committee to get it this far. Please join me in supporting Maine's small businesses and protecting Maine's environment and clean energy and support LD 1252. Thank you, Mr. Speaker, and again, good morning, Ladies and Gentlemen of the House.

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. There is a couple of amendments on this and we won't divulge into the second one at this point, but I was very interested when I read the fiscal notes on this. The fiscal note for the amendment we're looking at said "other revenues." Other revenues? Where would they be found? Oh, wait a minute, I know. In my pants pocket, not my left one but my right one. No one ever sat down and had an electric bill or a phone bill and no Legislature ever passed a bill to raise their rates by 15, 16, 17, 18, 19 or 20 percent. No, because it was a nickel here and a nickel there. But when you go home and read your electrical bill tonight, when you go home and read your phone bill tonight, you're going to find that there is all these taxes and fees upon it. The interesting thing about it is this is Robin Hood in reverse. We might call it the "Bernie Madoff Amendment" because it taxes the lower ratepayers to fund what it being used fundamentally by the rich. I had one email from this committee that was sent to this committee saying, "I would never have been able to put solar panels on my second home if I hadn't had those rebates." My second home? I thought it was a joke. I

emailed right back and said, "Good one." "No, I'm serious," he said. When you see solar panels on trailers, you will know that everybody is able to take advantage of this. This program should be treated just like everything else in this Legislature. If we want to give rebates, let's give sales tax exemptions, let's let it go to Appropriations and fight for its viability, to fight for its importance, not just add another fee to the ratepayer. And, by the way, someone should take a serious look at Germany because Sigmar Gabriel said recently, two months ago, that renewables in Germany were on course to deindustrialize Germany, something, by the way, that the Eighth Air Force couldn't accomplish.

The SPEAKER: The Chair recognizes the Representative from South Berwick, Representative Beavers.

Representative **BEAVERS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am in support of what is before us. I have received more contact from people, both in my district and outside of my district, from all income levels, representing all parties, saying they support a solar rebate in this state for all the reasons the good Representative from South Portland outlined in his bill. Just so people will know, in the last five years, if you read this article on our desk, the price of photovoltaic panels has dropped 75 percent. This makes it much more affordable for a wider range of income levels. Please support this bill as most of the state does. Thank you.

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

Representative **RYKERSON**: Thank you, Mr. Speaker. Men and Women of the House, Mr. Speaker, I rise in support of this bill. We can't continue with business as usual. The fossil fuel age is ending. This weekend, I attended a conference discussing the North East's resiliency to a changing climate. We're losing land and homes daily to sea level rise. Species are disappearing forever and due to climate disruption, storms and drought are costing us billions of dollars. We have to both protect ourselves against this disruption and eliminate its causes, and solar energy is a major tool in this effort. Solar generation is sometimes more expensive than natural gas, except when it's not, which is when there is a peak demand in high spot market prices. In 2012, new American electrical generation by solar accounted for 10 percent of the total. In 2013, solar was almost 30 percent of new generation. Maine should join the rest of the country. The Energy, Utility and Technology Committee heard over and over in testimony how the Maine solar industry is close to self-sufficiency but just needs a small stimulus that the bill would provide. I urge you to vote in favor of a fossil-free future. Thank you.

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

Representative **McGOWAN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just learned from the good Representative from Farmington that I am part of the rich, so it has lifted my day. I built a new home seven and a half years ago and I borrowed money to install solar hot water in my home. I did get some help from the State of Maine and from the federal government in that. Three and a half years later, that loan and that investment was paid back in the savings. My understanding is one of our big goals in this state is to lower people's energy costs. This has lowered my energy costs, and for other people who have invested their money and gotten some help, simply and directly as solar hot water. We're not even talking about photovoltaics. To put this in perspective for you, my son lives in Tokyo, Japan. There are more solar panels in Tokyo than there are in the United States today. That's how far behind we are falling. The future is not fossil fuels. The future is moving into renewable energy for the sake of my children, my grandchildren, your grandchildren, and the future of Maine and its

economy is dependent upon helping people to build this industry. My solar system was purchased by a Maine dealer. It was installed by a Maine dealer. It's maintained by a Maine dealer. Thank you, Mr. Speaker.

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

Representative **HOBBS**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. First of all, I want to thank the members of my committee for the diligent, hard work that they put into this very important bill. Our committee, as you know, spent five working sessions looking at the issue of renewable energy and, quite frankly, educating ourselves for sometimes the first time because we had nine new members of our committee that were sworn into office in 2013. I can tell you from the efforts that we have made, our committee is up to speed on all these renewable energy proposals, especially solar energy. In our committee, we really did discover that solar energy has arrived as a mainstream energy resource, and we are continuing to educate ourselves about this issue and adopting policies that we deem appropriate. The bill before you is one that takes two different approaches. One approach is to utilize the system benefit charge which would amount to – and if I had a prop and it were not appropriate, I'd hold a nickel up – and that nickel times 12 is 60¢, and that's what \$1 million of rebate money will do to help jumpstart, again, this very important renewable energy source.

Solar power is nationally exploding. According to data released just today, 2013 was the biggest year ever for solar installations in the United States. This country installed nearly 5,000 megawatts of solar capacity, as much as five nuclear power plants, and a significant portion of that was through residential and commercial rooftop solar. Solar represents a whopping 30 percent, as you've heard, of all new electricity generation installed in this country just last year in 2013, the second highest source of new power, that is what it is, the second highest new power that we had last year, and that's up from 10 percent of new generation installed in 2012. There are many reasons for this enormous growth, but ultimately, it comes down to the fact that solar has become sufficiently cost effective and provides the right kind of energy benefits we need for our grid, our environment, and, most importantly, our economy.

LD 1252 is the solar bill this session that will have the greatest immediate impact on installation of solar in Maine and on creating and retaining good jobs. We heard significant testimony before our committee from homeowners, small businesses and workers and owners of solar companies that this program had played a major role in getting solar off the ground in Maine, and supporting the growth of high quality jobs. Once installed, solar panels produce energy in a reliable, cost-free way. The primary barrier to greater private investment in solar is the upfront cost and this program helps address that barrier. Now, it is not the time, this is really not the time, Ladies and Gentlemen of the House, to pull back on this very important renewable energy source. With solar prices falling rapidly and states around us doing much, much more to attract solar investments and jobs than we are, we should not pull back. This bill will help over 1,250 new solar, PV and hot water projects in homes and businesses by lowering the upfront cost for ordinary Mainers. These projects will require Maine based labor, providing steady, good paying jobs for scores of Mainers. And these projects won't just help the business or homeowner who install solar, they will be investing in a distributed renewable energy source that provides significant benefits to the public and to ratepayers broadly. That's because rooftop solar puts energy where we need it, right where we use energy in our homes and businesses,

and when we need it during the hot daylight hours, especially during the summer, all times when the electric grid is at the most stressed stage. That means solar is a key component to reducing expanding transmission and distribution rates, and our committee heard significant compelling testimony about the role of solar and what it could play in reducing electrical costs for ratepayers in the future.

Nearly all of our committee agreed that Maine should provide support to homes and businesses that are prepared to invest in solar energy for our state. The main disagreement was whether to continue this as a ratepayer program, which it has always been, or go to the General Fund to pay for it. There was a partisan effort made by our committee in the Majority Report that is before you for your consideration. I hope you can join with me today and vote yes on the pending motion, moving Maine forward with a modest step that will help the state increase this local, valuable energy resource, and create and retain jobs as a result. Thank you.

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

Representative **GIDEON**: Thank you, Mr. Speaker. Mr. Speaker, Women and Men of the House. Imagine an energy source that is clean and renewable, one that is plentiful, one that is indigenous. Imagine that it's available everywhere in the State of Maine – on the coast, in rural areas, in the mountains, in our cities; in fact, anywhere that you have a roof facing even vaguely south. That energy exists. That's what we're talking about today. It comes from the sun. It should play a greater part in Maine's energy portfolio, much bigger than it does right now. Solar energy is very popular. The idea, I should say, is very popular in the State of Maine. Nearly 90 percent of Maine people believe we should increase our solar energy in this state. Across the country and throughout New England, solar energy is rapidly expanding, but since the expiration of the solar rebate program that we're talking about today, the one that we're trying to reinstate today, Maine has become the only state in New England without a specific policy or program to expand solar energy. Make no mistake: We are missing out and we are falling behind. Now, a big part of the reason for solar's enormous growth is that prices have come down exponentially. Average prices for a solar PV panel fell 15 percent last year. They are down, in fact, 60 percent since the beginning of 2011. That's right, 60 percent. Though that is making solar more cost effective and affordable than ever for homeowners, businesses, colleges, even utilities, we still need this rebate program and that is because, as you've heard from speakers before me, the key barrier that still exists is the upfront cost. The exciting opportunity for solar isn't with big corporations. It's not in building solar farms, at least not right now. The big opportunity is for ordinary Maine households and businesses that want to take control of their energy future and that want to increase our energy independence.

So who are these people? Here are some examples. It's folks like Robert from Scarborough. He installed 6 kilowatts of power on his home last July with the help of the Efficiency Maine program just before it ended. That's plenty of power for his entire home over the course of the year and it means he's done his small but valuable part to reduce summer peak load which is what drives a lot of our electricity costs. In Sydney, that's Rodney. He used a combination of hot water and PV panels to slash his propane bills. He cut his electricity bills by \$60 during some months of the year. What about small businesses in Maine? The Bucksport Motor Inn, in Bucksport, is owned by Eddie Mason. He hired a local contractor from Whitefield to install solar hot water panels on their roof in 2007. Before their

conversion, they were 6,500 gallons of oil per year, quite a bit of it for domestic hot water. With solar, they reduced their oil consumption by over 40 percent by reducing how much their boiler was firing from spring through fall. Then there is the NEWAIM Fiber Mill in Waldoboro. They use a lot of hot water to process the wool at their small facility. They were so pleased with their solar hot water system in 2009 that they added a solar electric PV panel in 2012. Folks, these people are not just the beneficiaries of a program or a policy. They are investors in our Maine economy. Instead of continuing to send energy dollars out of the state for oil or natural gas fired power plants, they are helping employ good Maine workers in good paying jobs, which will not be exported. They are helping reduce air and climate pollution. They are helping mitigate costs that ratepayers would otherwise bear because, make no mistake, the cost of expanded transmission and distribution lines in this state is a growing portion of your electricity bill and my electricity bill. Some in this chamber might be tempted to vote against this bill thinking that it will save ratepayers \$0.60 per year. But, in reality, a vote against solar is probably a vote for higher electric costs as we continue to put our money into costly peak power and more electricity grid build out. 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. I'd like to call to the body's attention to our actions of June 7, 2013, in which, by a vote of 121-11, we approved LD 1559 which authorized up to \$75 million annually to purchase natural gas, pipeline capacity, in Massachusetts, to be paid for through the rate paying structure. This bill before us today is a small and, quite frankly, very modest attempt to level the playing field between an individual's ability to choose an appropriate model for the generation of electricity in his or her home based on their usage and their own perception of their ethical obligations to deal with climate change. Regardless of the anecdote that you may have heard about the multimillion dollar vacation home and pick your neighborhood on the coast, this subsidy would provide needed capital for low-income, working poor, middle class people, such that they could make long-term fiscal decisions, such that, you know what, one day they may not have a power bill far beyond the transmission cost to be connected to the grid. When we talk about energy independence, this could be energy independence for our citizens with a little bit of capital startup money, and isn't that what we all talk about, our barriers to business, our barriers to capital? We're all talking about bringing capital for new projects. This would provide access to capital for normal human beings to gradually wean themselves from our fossil fuel dependent grid and provide a more sustainable economic structure for their own home energy needs. Thank you, Mr. Speaker.

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

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

The SPEAKER: The Representative may pose his question.

Representative WILSON: Thank you, Mr. Speaker. I've asked the question a few times to various people and I've been lobbied quite heavily on this bill, so kudos to those who have been working hard. My question is for the average solar panel project, for a homeowner – I'm less concerned with the commercial side of things – how much will the rebate be and what formula will be used to determine it? I've read the bill and I don't see that. I've read the amendment and I don't see that. So I want to know what is the rebate for an average person, like

myself, that maybe will have a \$20,000 project under this proposal?

The SPEAKER: The Representative from Augusta, Representative Wilson, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Freeport, Representative Gideon.

Representative GIDEON: Thank you, Mr. Speaker. To the Representative from Augusta, the average rebate would be about \$2,000.

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

Representative DUNPHY: Thank you, Mr. Speaker. Mr. Speaker, I'm a huge proponent of solar energy. I've got a couple of solar collectors on my garage and paid for it myself. It's kind of a unique concept that appears in here, but that's nonetheless what I did. So if the solar industry is exploding, as our good chair indicated, why do we need to jumpstart it? We've been jumpstarting it for seven years. We're looking at going from \$450,000 to \$1 million in subsidies. If my car is running, I don't hook it up to a booster cable. It doesn't make any sense to me. I heard that solar prices are dropping rapidly. That's great news. That's great. I paid twice what I should have for mine. But again, why should my constituents in Rockwood, Jackman, Athens, Cornville, wherever, North Anson, New Portland, who are making \$8 or \$10 an hour, pay \$2,000 for somebody to put a solar collector on their home and reap those benefits? So the T and D, the transmission and distribution of this energy, we are localizing it and that's a great idea as well, but who's going to pay for the T and D charges? They continue. There is no stopping them. Central Maine Power or Emera has to provide power to that home, if they're connected. Someone has to pay for those lines and meter readings and the whole nine yards, so there is a hidden cost that apparently no one is talking about here.

Climate change, where are most of these panels made? You know, if you look at it globally, if you sort of pick a 30,000 foot approach at this, most of this stuff is made in China or I think there is some made in Europe, but most of its made in China. So what are their concerns with their mining? There is a lot of precious metals or odd metals in these collectors. Who keeps an eye on their mining? What about shipping it here? What about transporting all of this stuff all around the country? So if you're looking at it globally from climate change, that seems like a stretch to me. So anyway, low-income, working-class, I'm on board with that, so let's put a cap on this bill. Let's put an income cap. If you make more than \$40,000 a year, or pick a number, you don't qualify for these rebates. I'd buy into it 100 percent if we do that, but as it stands right now, I just can't see burdening and I'm sure it's more than \$0.05 a month, but I just can't see burdening my constituents, the working. I mean, we all have working-class constituents, but the working-class people in my district, who absolutely can't afford to put this on their small home or their mobile home, they just can't do it no matter what kind of a rebate we give them. So if you want to take it away from the higher income, I'm on board with that. Let's make it affordable for the very low-income and the revision I heard mentioned, it got great ads. I've seen million dollar homes with \$10 million views putting solar energy on and they want me to subsidize that? It just doesn't make any sense to me. 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. Forgive me, I am losing my voice. If I start sneezing, I apologize in advance. If I start coughing, I apologize in advance. It is winter for a few

more days. I stand here in strong support of this bill. I do wish it actually was a stronger bill, but I wanted to address a few things from the perspective of the Energy Committee. One, something that has not been discussed, is that the forward capacity market has identified a deficit in electricity on the grid in 2017. Let me put that in English for you. The forward capacity market is the market that analyzes how much electricity is going to cost down the line in the future and that's part of the way that people determine what the prices are going to be. So, in 2017, we actually have a deficit coming in terms of how much electricity is on the grid. That deficit exists, even though we passed the omnibus energy bill just last year. Now, speaking to that, this has been mentioned before but I think it bears repeating, we authorized up to \$75 million of ratepayer subsidies in order to increase natural gas capacity to incentivize a new pipeline to be built so that more natural gas can get up to the state, and so that we can actually lower our electricity rates. Now, that's not a done deal. It's an incentive. There is no way to force people, the market, to do it. I'm the one that put the cap, that requested the cap be put on that at \$75 million, otherwise it was going to be open. So I do very strongly care about making sure that we understand that we are spending ratepayer money when we do these things. But the arguments that I keep hearing against this from my very good friends on the other side of the aisle focus on subsidies and if this is about subsidies, then we really need to rewrite our entire energy policy because our entire energy policy, a lot of it has to do with ratepayer subsidies and there are maybe some folks, one of my good friends, who is totally open to that. But, at this point, we do have subsidies for clean energy; we have subsidies for electricity things; we have subsidies for reducing heating costs, for energy efficiency, for energy independence.

The other thing that I think we should understand here is that this bill, frankly, just fixes an oversight. This went through just a few years ago and it would have been fine, it's just that for some reason the rebate part got left off. It was agreed to, everybody was going to move forward with it, but the rebate got left off so we're frankly just fixing an oversight from a few years ago. So I'm disappointed that we can't just do that. The solar industry, if you talk to folks in the solar industry, this is something that they really, really need. They want to keep their workers on, they want to keep jobs, and you know one of the things that, I've said this just last week, in our committee we're looking at how to do we fix things so that we can put people back to work in the Katahdin mill. How do we keep people working? This is one way that we can do that. Not only can we incentivize homeowners to be able to afford the purchase price of solar so that they can do things like reduce their costs for electricity and possibly even for their hot water. But this actually allows us the opportunity to keep people working, and these are local people. You know, when you install these things, you don't pull people in from out of state, per se. The last thing that I would say is that, you know, if what this takes to move forward is an income cap, I am open to that idea, I am more than happy to see the bill tabled so we can put a House Amendment on it to so that. If that's really what it takes to move this forward, to make sure that our solar industry remains strong and vibrant, let's do it. But from what I can see, I don't necessarily know that that's what's going to fix this for folks. You know, solar energy is so popular. You know, let's get outside of the beltway mentality for a minute. You go outside these doors, this is so popular, people love this, and we hear all the time about how wind creates flicker and all these other things, wind power has all these problems. I disagree with that, I really do. But we keep hearing that and now we're hearing that we can't invest in solar either. At some point, Maine needs to move forward on clean energy and there are choices to be made, but these are

good choices, these are positive choices. This allows us to move our economy forward. We are 50th in the nation for private sector growth. I don't think we should be looking a gift horse in the mouth and I think the solar industry has clearly proven that they are able to put people to work and they have asked for a very modest solar rebate and I think it's incumbent upon on us to ensure that those jobs stay vibrant and that we're continuing to inject resources into a local economy because the return on investment here is huge. This small injection of government support, the ratepayer subsidy, really leverages a significant amount of private capital. So make your own decision, but I think if when you walk outside these doors, get outside of Augusta and go back to places, whether it's Portland where I hear from folks, or my hometown, wherever I go, people want solar. So that's my pitch and I hope that you'll consider this and that we can pass this report, Ought to Pass as Amended. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Scarborough, Representative Volk.

Representative **VOLK**: Mr. Speaker, may I pose two questions through the Chair?

The SPEAKER: The Representative may pose her question.

Representative **VOLK**: Thank you. I guess one question would be, this seems like something that could have been funded through Efficiency Maine, so I'm wondering if there was a particular reason why or if that was considered and discarded by the committee, and the other is what is the impact on commercial ratepayers? Thank you.

The SPEAKER: The Representative from Scarborough, Representative Volk, has posed two questions through the Chair to anyone who may care to respond. 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 not going to apologize standing up again. Everybody loves solar until they get the bill. They find out it's about \$20,000, about a 13-year payback, and the warm and fuzzy feeling just begins to fade away. I was stunned in our committee to learn that solar salesmen were down there lobbying for a bill that would give them more money to sell their product. It was stunning to me. It couldn't be. Tell me it's not so. I thought it was an episode of "The Twilight Zone." But let's understand one thing here. Let's understand the principle of pump priming and that is when we subsidize something, it's like priming a pump. We're told to put some water in, you get it started and then it flows itself. When these solar rebates started years ago, if they would have told you that there had been a 60 to 75 percent reduction in them, they would have said, "Oh no, we're going to end it then." That is what they were saying then. Then why are we still doing it? Could it be that it's a search for fool's gold? And while they are suggesting that this is nationally exploding, I will point out that it is internationally imploding.

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

Representative **MacDONALD**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I live in Boothbay, as you may know, and I'm the only one here, perhaps, who has direct experience with an ongoing pilot project run by the PUC and CMP to use solar energy in our region, distributed solar energy down in our peninsula, to avoid an \$18 million investment that they will have to otherwise make in a power line to bring electricity for our tourism businesses and for our homes down in the Boothbay region in the hot summer months. This was a smart investment that's being made by CMP and by the PUC because the PUC is subsidizing some of the upfront costs of putting solar on municipal buildings, on commercial buildings and

on private residences, like mine, so that we can generate enough energy down at the end of the line so that a new line won't have to be built. It's all about the economics. It's not about fuzzy-feeling green power or anything like that. It's about hard economics. We can avoid the necessity. Now and in the future, as our demand grows, we can avoid the necessity of building more transmission lines from expensive centralized power by subsidizing this kind of decentralized solar power out in our communities. I suspect, Mr. Speaker, it's a very smart investment for the future. I know it is. I'm 75 years old. My project on my little house and, by the way, I'm not a rich person. I think that's a misleading statement to be making, that this is some kind of play thing for the rich. I'm somebody who likes to sort of look at costs and do things in the smartest way possible. My \$13,000 a year project would have had something like a 15-year payback, but with a subsidy from the PUC and with a 30 percent federal tax rebate on this kind of investment, I was able to bring the cost down, my out-of-pocket cost down to about \$7,000, \$7,500, with about a 7-year payback. So if I live to be 82, I may see that I finally have a payback on my investment, Mr. Speaker. But even if I don't live to be 82, I suggest to you that this is a smart investment for my future and for the future of everyone else in this state. So I'm supporting this bill. I hope that you will too. Whether you are going to live long enough to see a payback, it's the right move to make. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Topsham, Representative Mason.

Representative **MASON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I don't rise very often. I appreciate all the eloquence that everybody has spoken with on both sides of this issue. I'm unemployed. I've been unemployed since December. I'm lucky that I have a wife that has a good job, but we're still struggling to get by. About four or five years ago, when the oil prices went up, I bought two pellet stoves and I've been heating my house with as much pellets as I can, but guess what? Pellets are gone. I haven't been able to find pellets for two or three weeks now, so what I have to revert to is my oil furnace. So when it comes down to numbers, I'm a bottom-line kind of guy and right now \$3.60, on average, for a gallon of oil versus \$0.60 a month to help find another way off of relying on this oil, just for that \$0.60 a year, I apologize, it's an even better deal. I'm trying to look at this from the perspective of everyday, commonsense people and like the Representative from Boothbay, those of us who are struggling would like to have alternatives and that's what this does. It gives an alternative, when we're looking for other ways, we seal up our homes, we buy pellet stoves, we look at different things, and for many of us, we couldn't afford to look at alternatives without some sort of pump priming, even now. So that is why I am rising in support of this bill. 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. Excellent points have already been made by my colleagues about jobs and reliability and the benefits of a diverse distributed energy supply and making home-owned generation more available to our middle class constituents. I won't repeat those arguments. I want just to add today that in addition to those points, the people of Maine want more solar energy. Time and again, polling has consistently found that over 80 percent of the general electorate supports increased solar energy and as much as 90 percent, by some counts, here in Maine. Making tangible progress on solar energy is also a clear priority of conservation groups and environmental

groups. As you may know, a closely related solar bill is an official priority bill by the Environmental Priorities Coalition. These conservation groups come together to let us know their hopes for us each session. But the bill before us, LD 1252, is particularly important because it is the solar bill that we're going to see this session which makes an immediate impact on the actual installation of solar energy, and on creating and retaining jobs in this sector. So I expect our action here to be closely followed by Maine's people and by these groups as evidence of our desire, Maine's desire, to take tangible action now on solar energy. So, Mr. Speaker, today, we can vote for this bill with confidence in full accord with our conscience, to help our economy and our environment, and also in full accord with our constituents. Mr. Speaker, if I may, I'd like to pose a question for anyone wishing to answer.

The SPEAKER: The Representative may pose his question.

Representative **BERRY**: Thank you, Mr. Speaker. I'm interested in knowing whether because of the concerns that have been advanced, which I don't necessarily share, but I think making things more affordable to the middle class is important, but would an income cap change any minds in this room? Are there people who would vote for the bill, who could name themselves now, who would vote for this if an income cap were applied to it? Thank you, Mr. Speaker.

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

Representative **WILSON**: Thank you, Mr. Speaker. Yes.

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'm not opposed to supporting renewables. I think it's a good thing to do. But I would just like to offer another personal opinion on the issue of energy resources. A real response, in my view, to the current concerns about climate change and fossil fuel is to promote nuclear energy, something that many of us, many in the environmental community have agreed with when I bring it to their attention, but no one is talking about it. So I just throw that out there because I think that is where our real answer to the fossil fuel issue and climate change lies. Thank you.

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

Representative **McGOWAN**: Thank you, Mr. Speaker. I will apologize for rising a second time and not including this brief comment in my earlier statement. The income of Maine is estimated at \$40 billion, \$5 billion we send out of state to buy fossil fuel. A \$40 billion economy, \$5 billion we send out of state to buy fossil fuel from an industry that is subsidized for billions of dollars by the federal government. Thank you, Mr. Speaker.

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

ROLL CALL NO. 529

YEA - Beaudoin, Beaulieu, Beavers, Beck, Berry, Boland, Bolduc, Briggs, Brooks, Campbell J, Campbell R, Carey, Casavant, Cassidy, Chenette, Chipman, Cooper, Daughtry, DeChant, Dickerson, Dill, Dion, Dorney, Evangelos, Farnsworth, Fowle, Frey, Gattine, Gideon, Gilbert, Gillway, Goode, Graham, Grant, Hamann, Harlow, Hayes, Herbig, Hickman, Hobbins, Hubbell, Jones, Jorgensen, Kaenrath, Kent, Kornfield, Kruger, Kumiaga, Kusiak, Lajoie, Libby N, Longstaff, Luchini, MacDonald W, Marks, Mason, Mastraccio, McCabe, McGowan,

McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, Nelson, Newendyke, Noon, Peoples, Peterson, Plante, Pouliot, Powers, Priest, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Saucier, Saxton, Schneck, Shaw, Short, Stanley, Stuckey, Theriault, Tipping-Spitz, Verow, Villa, Welsh, Werts, Winchenbach, Mr. Speaker.

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

ABSENT - Chapman, Devin, Doak, Jackson, Johnson D, Malaby, Nadeau A, Pringle, Treat.

Yes, 95; No, 47; Absent, 9; Excused, 0.

95 having voted in the affirmative and 47 voted in the negative, with 9 being absent, and accordingly Report "A" **Ought to Pass as Amended** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-650)** 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" (H-650)** and sent for concurrence.

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

HOUSE DIVIDED REPORT - Report "A" (6) **Ought to Pass as Amended by Committee Amendment "A" (H-618)** - Report "B" (6) **Ought Not to Pass** - Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Create the Children's Wireless Protection Act"

(H.P. 711) (L.D. 1013)

TABLED - February 26, 2014 (Till Later Today) by Representative **HOBBS** of Saco.

PENDING - **ACCEPTANCE OF EITHER REPORT**.

Representative **HOBBS** of Saco moved that the House **ACCEPT** Report "B" **Ought Not to Pass**.

The **SPEAKER**: The Chair recognizes the Representative from Sanford, Representative **Boland**.

Representative **BOLAND**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I've shared a lot of information with you folks, so I'm not going to belabor it at this point. But LD 1013 asks for the messages for safety on RF exposure that are buried in the manuals or deep in the phones to be more visible to the users so that they can, if they care to, look at that information for best use. It does not ask to get rid of cell phones. It recognizes helpful technology. It's just about helping people to find information they may want to find. You will see what has gone around is a flier that shows what some of the information is in some of the manuals, and I think if you look at that, for instance, the BlackBerry Torch, which says use hands-free operation if it is available and keep the BlackBerry device at least 0.98 inches from your body including the abdomen of pregnant women and the lower abdomen of teenagers; reduce the amount of time spent on calls. In my own manual, it says do not hold or let the antenna come in contact with your body during a call. In the Samsung manual, it even says the FDA has urged the wireless phone industry to take a number of steps, including

to cooperate in providing users of wireless phones with the best possible information on possible effects of wireless phone use on human health. They've been asked by the FDA to cooperate with the states. So I just think that what we need to do here is understand that the so-called warnings or safety advisories that are in the manual are protected of the industry only, and what the law says is that if they inform, then the burden of proof shifts to the consumer and so apparently that's what the will is of those who want to protect the industry against their constituents. I say it that way understanding that that's the only one who would be protected. Currently, there are individual lawsuits going on in Washington at the federal District Court level. It was brought to the Supreme Court and they turned them back to the federal District Court. It's going forth right now. The compelling state reason for having a label helping consumers find the safety information is the concern about potential health risks. All manufacturers say to keep the cell phone at a distance from the head and to not carry it against the body. Do you know that? Do your children know that? So I think I would just ask you to defeat the present motion.

As you probably know, we have an offer from a Harvard law school professor, nationally renowned, heavy hitter, offering to help defend the State of Maine, or if Maine does not want to defend itself, he has offered to do it on his own pro bono, all the way up to the Supreme Court. He announced that in Portland at a public lecture yesterday. So you've heard from the President of Microsoft Canada advising you to go forward. You've heard from the World Health Organization, the American Academy of Pediatrics. The bill is not about the science. Really? It's about just letting people know what is in the manuals. There is science on both sides, you can say it's undetermined, but there is an awful lot of science that we've brought many scientists here to Maine. Many of you have seen them and have heard their speeches. You can see them on YouTube in Maine hearings. So the science has been well presented to this state. The last time we voted on this, all the Democrats except about five voted in favor, including our present leadership and the leadership of all the committees there at the time and all that leadership and a good number of Republicans, so it's not without precedent that we would go forward. So I ask you to please defeat this motion and allow the amendment to come forward that would be really the best policy outcome and allow us to have a lot of support in dealing with any challenges that come our way. 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've got a 14 year old daughter and today if you would outlaw cell phones for those 14 and under, I definitely would support this bill. Last session, I got an education in labeling law because I moved a GMO labeling bill and while this bill was coming forth out of committee, I was learning quite a lot about labeling law and let me tell you the three things I learned. This bill will not pass constitutional muster nor come close. It's been killed in the Ninth Circuit already. The GMO bill may suffer a fate like that, but it didn't for two reasons. One, there had been no case yet, and two, the FDA did not test GMO products. The FCC and the FDA have purview over this area, it's preempted, and while the law professor from Harvard would be willing to defend us pro bono, what he's not going to do is be willing to write the check for the State of Maine to the opposing legal team when we lose it.

The **SPEAKER**: The Chair recognizes the Representative from South Berwick, Representative **Beavers**.

Representative **BEAVERS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I oppose the

pending motion. Some of you will remember how the tobacco industry stated cigarette label warnings were unconstitutional and we all know how that turned out. I was delighted to hear the Harvard law professor, Lawrence Lessig, publicly announce his support of LD 1013 during his ethics lecture at USM this past Sunday afternoon. No, I don't think he will pay the bill because he doesn't think there will be a bill. There is actually a preponderance of evidence on both sides of the safety issues regarding cell phones; however, let's not rely on literature produced by scientists working for the cell phone companies. We must ask why hasn't the cell phone industry answered why the warnings are in their own manuals. Why are they trying to hide it? With warnings buried in small print in the manual on a page most users do not normally get to, it is imperative for the public safety to put a label on the packaging drawing the user's attention to the safety related statements. As was indicated earlier, the former President of Microsoft Canada and current CEO of Canadians for Safe Technology states that using a cell phone before the age of 20 results in a fivefold increase in glioma, which is brain cancer. This is confirmed by the International Agency for Research on Cancer, the American Academy of Pediatrics and Dr. David Carpenter of the Institute for Health and Environment at the State University of New York. Finally, I highly recommend that every legislator read the book by Dr. Devra Davis, entitled, *Disconnect*, and also view the 1.5 minute YouTube video where she actually shows you a scan of a child's brain versus an adult's brain next to a cell phone and I think it might change your mind. Thank you.

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. This is a bill like, you say, the old penny. It keeps coming back. Well, I was pretty instrumental in killing this bill over five years ago. I thought it was gone, but I'm back and so is the bill. We talk about this doctor and that doctor from Massachusetts; five years ago, they were from Europe. Back five years ago, Dr. Dora Anne Mills, our former Director of the Maine CDC, she said, "At this point in time, we believe the preponderance of evidence does not suggest a defined brain cancer or other cancer risk associated with the use of cell phones." This is the same bill that we heard five years ago, only it's got a new title, "To Create a Children's Wireless Protection Act," but it says basically the same thing. I would ask my colleagues on both sides of the aisle to vote against this bill and I don't mean parts of it, I mean the whole bill itself. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Brewer, Representative Verow.

Representative **VEROW**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Personally, I rise to oppose the pending motion. Just a little bit of history from my own background, my daughter passed away four years ago from brain cancer and she was of very average use of her cell phone. Now, I don't know if that had anything to do with it, but perhaps it did. I see no reason why putting the label on the package would really cause any difficulty. I don't think it's going to put any of the cell phone companies out of business, that small warning label or label telling you to look inside for additional information. Looking back, my father-in-law passed away from mesothelioma, from asbestos cancer. Well, asbestos was used in our mills and our shipyards. For many years, it was considered safe, and time has proven that that was not the case. The final thing I would say about labeling is has anybody purchased a ladder lately with all the stickers on there about warnings, about all the dangers of the ladder? As a society, I think we do have a number of labels on a

lot of our products: cigarettes, ladders and different things. Putting another label on the cell phone package, I don't think will cause any great financial considerations for the companies that sell those products. I think labeling would be a good idea. Thank you, Mr. Speaker.

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

Representative **DUNPHY**: Thank you, Mr. Speaker. I'm not a real warm, fuzzy guy, but I am supporting this bill because I think it makes sense. I heard a gentleman from across the aisle talk about a preponderance of evidence from the CDC and I've used these examples before, but I would suggest that perhaps our government really isn't watching out for us the way it should. As an example, a heroin cough suppressant was developed by Bayer Labs in 1898. It was discontinued by Bayer in 1910, but not outlawed by the government until 1924. Did you know, also, that tobacco was used as a disinfectant, relieved headaches, colds and fatigue, and I'm sure all of you have heard the medical term "blowing smoke." Well, that's true. It was used with a smoke blower. Nine out of 10 doctors actually smoked Camel cigarettes, too, by the way, and now we post extreme warnings on every single pack of cigarettes. So I'm not sure, 2009, Vitaminwater, Coke states that Vitaminwater is clearly and properly labeled so consumers will not be led to thinking this product is a healthy beverage. So we'll put it on something like a water bottle or a bottle of Vitaminwater, but not on something crucial that perhaps is emitting RF, radio frequency waves. Cell warnings, notices, are in the manuals of my car buried, but they are nonetheless in the manuals of my car. I found one in a manual and it was in a subfolder, and I brought it into our committee and most people had no idea it was there. This isn't a prop, this is an iPhone, and in the iPhone, I wonder how many people here actually know that there is a very specific RF warning located inside your cell phone? So if you have an iPhone and you go to "General," "About," "Legal," "RF Exposure," it's buried four subfolders down. So with that being said, you know, I heard that it's a burden to put a sticker on a box to tell you where to find the info concerning potential safety issues. It seems more logical to me and it seems proactive, so I'm going to be supporting the bill with, I hope, an amendment. Thank you, Mr. Speaker.

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 first have to disagree with my good friend from Embden, Representative Dunphy. He is in fact warm and fuzzy. He does not like people to know that. The reason I stand in opposition to the pending motion, I had a professor in college whose wife was dying of brain cancer and they were reasonably confident that the brain cancer stemmed almost exclusively from her cell use. And so I do like evidence, I do think that the evidence that's out there right now is back and forth, it's equal in my mind, but I have that personal connection and I just can't walk away from that. We talk about, well, the FDA and all these other places think everything is fine. The FDA approved Fen-Phen. That worked out really well for people. We've heard about the tobacco industry and the five CEOs that stood in front of Congress and said it was absolutely not carcinogenic. We now know that either they were either lying through their teeth or painfully misinformed. You know, the one thing that I find striking is when people actually change their mind, and science is this fascinating thing where it's constantly evolving. There was a period of time where we thought the earth revolved around the sun or we thought that the world was flat. Sanjay Gupta is America's favorite doctor, and he was, for

example, very opposed to medical marijuana up until very recently and did an about-face on that. So when the science does come to a place where the research is solid, scientists can change their mind because there is new evidence. For me, I think we're not at that place yet where the science is solid, but I do think that we're at a place, if I can find it here on my iPhone, it's already buried in my iPhone, what's the harm in having a little label on the outside of the box that says, "Hey, check inside. You might want to know about the RF warning that the cell phone companies already gave you." If the cell phone companies were not putting this on in here, that would be one thing. But I would argue that if you're going to state that in your legal section, I knew that you probably have some legal concerns, and, therefore, maybe, just maybe, there's something to the idea because, otherwise, why would you need to worry about protecting yourself? So folks vote how they will vote. I will be voting Ought Not to Pass in honor of my professor and his wife. Thank you, Mr. Speaker.

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

Representative **RYKERSON**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I voted Ought Not to Pass in committee on this bill and I'm still not sure about the health effects, but I do know that when industry threatens expensive court action to oppose a message saying "Read the instructions in the package," that's when I say bring it on, because we can't let industry bully us into voting a certain way because they are going to sue us. I urge you to vote against the Ought Not to Pass. Thank you.

The SPEAKER: The Chair recognizes the Representative from Pittsfield, Representative Short.

Representative **SHORT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition of the pending motion. During my career as representative of labor, I had the opportunity to present many cases before arbitrators. As many of you may know, the responsibility of an arbitrator is very similar to that of a judge. As a matter of fact, the whole process does closely resemble that of a courtroom hearing. Because LD 1013 comes out of committee with a 6-6 vote, I believe that this body has the same responsibility as a judge or an arbitrator regarding the settlement of this dispute. It is our responsibility to weigh all the evidence before us today and based on that evidence, we must hand down a decision. First, Mr. Speaker, I'd like to address the fact that no other state in the country has passed legislation like this. For that, I say someone has to be first and why shouldn't it be Maine? As goes Maine, so goes the nation. That was a saying that originated back in the early 1800s and it was tagged by our great state for many years. I can't think of a better reason for us to once again become the bellwether state of this country than to pass LD 1013 in an effort to protect our children. On another note, Mr. Speaker, we have been presented with opposing opinions on whether or not this bill is constitutional. Once again, I have to draw from my experience with arbitration. I found, back then, that no matter what the case was that I presented to an arbitrator, I could come up with decisions passed down by other arbitrators to support my position. I would then present those cases to the arbitrator as reasons why he should rule in my favor. The problem with that was the lawyer on the other side of the issue could do the same and come up with many decisions to support their case. So, in most cases, they pretty much cancelled each other out, and I believe the same is true regarding the constitutionality of this bill and what's been presented to us today. I find that what would be required of cell phone companies by the passage of LD 1013 to be more than

reasonable, as has been stated by others. Mr. Speaker, last week, debating LD 1682 in this chamber, the Representative from Bowdoinham said there is nothing more important than our children. I agree absolutely with Representative Berry's heartfelt statement and I believe it holds true in this case as well. Therefore, I will be voting against the pending motion. Thank you, Mr. Speaker.

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

Representative **HARLOW**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This is information that's already in the manual. All this does is make it more clearly presented to us, the consumer. I'm not sure why we're debating this when it comes to human health. We're asking for more clear information so that we can make better decisions about our health as humans. 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 rise in support of the pending motion. I disagree strongly that putting a label on a product regarding a service attesting to its potential dangerousness is a harmless act. Our society is not served well when we frighten our citizens with predictions of harm that are not based on sound science. This issue has not been settled yet as far as the science. So far as I know, the weight of the evidence is against there being any harm. There may very well come a day when better documentation satisfies a court or other scientific or reputable organizations that cell phones are dangerous, but that day has not come. If it does, I will be the first to stand here and say we need a great, big black box on those products warning people. But until that day, we do not serve the public well by frightening them based on unsound science or unproven science. Thank you.

The SPEAKER: The Chair recognizes the Representative from Harrison, Representative Villa.

Representative **VILLA**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The American Academy of Pediatrics urged the Federal Communications Commission, the FCC, to consider its radiation standards for children. They said children are not little adults and are disproportionately impacted by all environmental exposures, including cell phone radiation. In fact, according to the International Agency for Research on Cancer, when used by children, the average radio frequency energy disposition is two times higher in the brain and 10 times higher to the bone marrow in the skull, compared to the mobile phone use by adults. This does impact children. Children's brains are growing and the radio frequency is directly affecting their brain and this is why the American Academy of Pediatrics has urged the FCC to reconsider its standards. Times are changing and we need to set the precedence in this. I urge you to vote Ought Not to Pass. Thank you.

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

Representative **JONES**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I'd like to tie together two comments or two sides of the story. We've heard, today, one from the good Representative from Farmington, the other from the good Representative from Yarmouth. This House and the upper house decided that it was important enough for our citizens to label genetically modified foods, even though there was no clear convincing evidence that genetically modified foods are indeed harmful. We labeled those foods or we passed legislation to label those foods because we felt that citizens really should be

able to know. We also have a four-state trigger in the amendment that hopefully we'll be considering after this motion fails, as we did with the genetically modified labeling bill, spreads the risk of litigation among other states as well. Rather than live in a world of fear using labeling to create fear in a consumer, I would argue that proper labeling can generate proper knowledge in a consumer, and if there is any doubt about the safety, for example, of genetically modified foods or RF frequencies from cell phone usage, the label should create knowledge in the consumer that there is indeed a potential but not unequivocal risk. So I would urge the defeat of this motion and I would urge, in the interest of transparent marketplace, that we do label these devices. Thank you, Mr. Speaker.

Representative SHORT of Pittsfield **REQUESTED** a roll call on the motion to **ACCEPT** Report "B" **Ought Not to Pass**.

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 Belgrade, Representative Keschl.

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

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

Representative **KESCHL**: I understand that blenders, toasters, food processors, coffeemakers, hairdryers, lamps, lighting fixtures, fans, electric heaters and electric blankets, heating hairdryers, computers, on and on and on, all of these devices produce EMF. Does anyone know whether or not all of these devices require similar labeling? Thank you.

The **SPEAKER**: The Representative from Belgrade, Representative Keschl, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from South Berwick, Representative Beavers.

Representative **BEAVERS**: Thank you, Mr. Speaker. I will pose a question back to the good Representative Keschl. Do you put any of those devices to your ear? Do you put them to the ear of your children, particularly small children? I don't think so.

The **SPEAKER**: The Chair recognizes the Representative from Saco, Representative Hobbins.

Representative **HOBBS**: Thank you, Mr. Speaker. Mr. Speaker, Women and Men of the House. If I could address the question that was asked and try to provide some type of answer and then I would like to make some other comments with respect to this bill. Radio frequency emissions come from daily products like light bulbs, wireless internet, microwaves, ironically, baby monitors, other Wi-Fi devices that we have in our committee rooms, in our hallways and even in this chamber. There is a difference between emitting nonionizing radiation, which do not have the capacity to change cell structure and are billions of times less intense than the sun and far less intense than x-rays and similar rays. Essentially, we have a situation where there is labels, as you know, on wireless devices that are inside on an instruction. The interesting part about those labels is that it is not a warning. The instructions you have in your book, or if you look at your box which comes with the device, accessories and an explanation, that is not a warning. The manuals that you find is for the FCC compliance purposes. The FCC requires an affirmative statement of compliance attesting that devices comply with FCC limits for RF exposure. The FCC provided some sample language which varies based on testing procedures. The FCC has further stated, and I quote, "...some parties recommend taking measures to further reduce exposure to RF energy. The FCC does not endorse the need for these practices, but provides information on some simple steps that you can take to reduce your exposure to RF energy from cell phones." The standards for cell phones are very conservative. The current FCC wireless

device standard has a wide safety margin where RF limits are set "at a level of the order of 50 times below the level at which adverse biological effects have been observed." Let me say that again. The current FCC wireless device standard has a wide safety margin where RF limits are set "at a level of the order of 50 times below the level at which adverse biological effects have been observed." The FCC further noted that their safety standards relate to "thermal effects from RF," i.e., heat. The FCC also evaluated non-thermal effects but found no established link. The reason I say that is because the leading U.S. and international health agencies, including the FDA, the National Cancer Institute, agree that the scientific evidence does not support a conclusion that cell phones pose a danger to users.

Please understand that all of us have our own opinions and I might have my own opinion, and after looking at all the judgment, I concur with the opinion that the FDA, the National Cancer Institute, have taken in this regard. Also, I remember having served in the Legislature, in 2010, that the Maine CDC director, Dr. Dora Anne Mills, testified against a bill that would have required warning labels on cell phones. She basically said, and I quote, "First, to warn against something, there should be a defined risk." "At this point in time, we do not feel the scientific evidence warrants a specific warning placed on cell phones related to potential brain cancer risks among children or pregnant women." Now, that's the opinion, at the time, and I believe that she concurs now with that statement. I also want to bring to your attention that the FCC and the World Health Organization have also made similar statements. The World Health Organization said, "A large number of studies have been performed....To date, no adverse health effects have been established as being caused by mobile phone use." The World Health Organization's name has been loosely thrown around in public hearings and debates and literature that has been passed out, but that is the position of the World Health Organization. The FCC said, "All cell phones must meet the FCC's RF exposure standard, which is set at a level well below that at which laboratory testing indicates, and medical and biological experts generally agree, adverse health effects could occur." But that's their official statement.

Now, I want to just talk a little bit about another Mills, besides Dr. Dora Mills who is brilliant, someone else who I have the highest respect for is our Attorney General of the State of Maine. I believe all of you have on your desks or have read, I hope, a letter addressed to Senator Cleveland and myself and members of the Joint Standing Committee on Energy, Utilities and Technology which is a legal opinion of the Attorney General. At the Democratic caucus today, Attorney General Mills attended the caucus and was asked a very important question, that is probably premature at this point but I think important, and that is "Have you reviewed any possible or potential amendments through this bill?" She basically says if it relates to the certain aspects that were outlined in this bill about the First Amendment, about the Commerce Clause, she basically had the same opinion as she would with any amendment that could be placed on this bill, especially if this bill survives this pending motion. I have put myself in a funny position because I've always been one to root for the underdog. I don't know if anyone has ever watched a Rocky movie or not, but I never supported in those fights Apollo Creed or the other four fighters that he fought. But I have to tell you, it's easy to get emotionally tied up in this and deviate from science and deviate from the Constitution and deviate from the law because it's easy to do, and I find myself doing that on many occasions, even though I'm trained as a lawyer. I have the highest respect for the tenacity and the dedication and the sincerity of the battle or crusade that the good Representative has regarding this particular bill. In fact, she came before our

committee on several other issues which, quite frankly, our committee listened to her testimony on one of them, the EMP issue, and we asked the Public Utilities Commission to do an intense study which they didn't finalize the report and are continuing with information provided by the good, gentle lady and my colleague, Representative Boland, to our committee. So it's not because I dismiss these issues, EMP or RF or those issue. But, in this particular case, I think it's a weighing of the values of do you want to take the consequences, and I know some people do because they want to fight for the underdog and they don't care what will happen if we go against an opinion of our Attorney General or decide to fight a battle and sometimes those battles, although courageous, can be lost.

There was one case that you should know, that the State of Maine and the State of Vermont took a case all the way to the United States Supreme Court and to the First Circuit Court of Appeals regarding prescription drugs and regarding the issues involving physicians and prescriptions. Unfortunately, the Supreme Court overturned the ruling of the First Circuit Court of Appeals and the State of Maine was obligated to pay Pfizer, the white hats of Pfizer, 700 and some odd thousand dollars. In Vermont, taxpayers' money in Vermont had to pay \$4 million. Were those fights worth the fight? At the time, they might have been. But that's the other consequence and so when I look at this bill, I'm not just looking at the emotion of the bill. I'm not just looking at fighting the fight for the sake of fighting the fight. I try to balance it. In this particular case, I don't believe the scientific data is there, and it could be there some day, I don't know, but I do know this, is that we would be the first state in the country to ever pass a bill such as this. I don't know whether or not a label which they say is insignificant is worth the overall fight and that's saying nothing against whether or not there is a correlation between, a causal effect between brain cancer or children's issues and the development of the brain and cell phone use. Because the reality is that there are 300 million cell phones in the United States right now and that number is growing all the time, so I'm sure that this issue is going to get a lot more intense study and review by the different medical associations, the different groups, and also the FCC and the FDA. So I would ask you to consider those other aspects before you vote, but whatever you decide to do, I respect your judgment because this is an emotional issue. Thank you.

The SPEAKER: The Chair recognizes the Representative from Sanford, Representative Boland.

Representative **BOLAND**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise again in defense of this bill that I have worked on for five years. I get characterized as nice, emotional, courageous, dedicated, tenacious, all those sorts of things, those little cold words to try to minimize my value as a legislator and as a Representative of the people of Maine. I have brought some of the best scientists in the world, even from across our shores, to this State House to give the science. It's not a matter of opinion. There is plenty of science if you want to argue science, but that goes on forever and ever because of course a multitrillion-dollar industry like the wireless industry can pump out science very easily. It's called "science for hire." About 50 percent of the science that you see says that there is little effect. The other 50 percent says there is effect. The ones that say there is effect are not funded by industry. Well, 75 percent basically on either side and 75 percent that say there is no effect are funded by industry. We are not stupid here and neither are our constituents, and they see it all the time and they ask, "Who are we trying to protect, in many ways, when we bring legislation?" This is not about opinion, it's about facts. Really, when we bring up Dora Mills, the former

CDC director, what she brought to that hearing, what she read from was a flier and it was from the UK Department of Health. What she read is, this is in 2010, the current balance of evidence does not show evidence of health problems caused by using mobile phones. She did not read the second sentence; however, the research does show that using mobile phones affects brain activity. There are also significant gaps in our scientific knowledge. Because the head and nervous system is still developing into the teenager years, the expert group considered that if there are any recognized health risks from mobile phone use, then children and young people might be more vulnerable than adults. A final sentence that I thought was interesting; the expert group has therefore recommended that in line with the precautionary approach, the widespread use of mobile phones by children under the age of 16 should be discouraged for nonessential calls. That position has not changed, but we are not here to argue the science. If it is seen, as one of the Representatives said, that putting a label on that says, "To find RF frequency exposure, refer to the materials provided by the manufacturer" is scary, if that is really scary, then that's argument enough to defeat the present motion and allow the amendment to come forward that will spread any risk from this industry that operates by threat and not by care for the people who buy their cell phones.

The FCC has been brought up. I put together some very brief information about the FCC and the FDA for a talk I was asked to give at USM. In their own words, the FCC says the Federal Communications Commission has stressed repeatedly that it is not a health and safety agency. Of course not. They don't have doctors there. The FCC relies on the FDA and other health agencies for safety questions. What does the FDA say? The FDA says under the law, FDA does not review the safety of radiation emitting consumer products such as mobile phones before they can be sold as they do with drugs or medical devices. The FCC, again, says, there is no federally developed national standard for safe levels of exposure to radio frequency, RF energy. There is no federally developed national standard. What the CTIA, the wireless industry says, "We don't say cell phones are safe. The FCC says cell phones are safe." So, obviously, there is little comfort to be had in going to the FCC or the FDA or the wireless association that says "We don't say they are safe. The FCC says they are safe." I'd like to also point out to you that, in the case of Attorney General Janet Mills, in her own letter, and this time concerning GMO labeling, she had pointed out that "a law may pass muster" – this is from court evidence – "a law may pass muster if it is reasonably related to preventing consumer deception or, potentially, if it promotes some other legitimate state interest." The legitimate state interest is the opportunity to allow people to make decisions on the health of their children and themselves. Imagine the heartbreak of a parent finding out too late. Also, she pointed out, "The Second Circuit, applying the *Zauderer* test, has twice upheld state laws requiring mandated disclosures where the requirements were reasonably related to promoting public health." This is about public health and, in fact, the last item that I'd like to share with you is something you can look up, constitutionality and the legal duty to warn and instruct. It says, I'm reading from one piece related to this, in late 2006, "Standards for developing warning labels have been in existence for many years. However, in late 2006, the committee that created the warning label standards also created a new standard for instruction manuals." "Product sellers must provide 'reasonable warnings and instructions' about their products' risks." "'Warnings alert users and consumers to the existence and nature of product risks so that they can prevent harm....'" "Instructions 'inform persons how to use and consume products

safely." "A court has held that warnings, standing alone, may have no practical relevance without instructions and that instructions without warnings may not be adequate." In this case, we have what the industry calls instructions in the manuals, so all this bill asks for is that, in fairness to the consumer, in their own words, all it says is either put those where the consumer will see them on the packaging or put a label that would say, "For RF exposure information, refer to the materials the manufacturer has provided." That's all it says in little tiny letters. So, again, it's not about the safety. Really? It's not about constitutionality. Really? You've heard arguments on both sides. The manufacturers have a duty to inform. Have they done it in a way that we can see it? If we are elected to protect the people of our state, the least we can do is let them be able to find what is printed by the manufacturers in their own words. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Glenburn, Representative Guerin.

Representative GUERIN: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Many of us say the debate never changes anything, but today I've changed my mind by listening to the debate. The two deciding factors for me today are, first, as a businesswoman, I can assure you that no business speaks ill of their products unless there is a clear and researched reason to do so. The notices of danger in the manuals are certainly proof of the dangers to our children, in my book. Secondly, on the question of the effectiveness of the label, Representative Boland has talked to me many times about the dangers and I have modified my behavior in not putting the phone to my head as often, but I had repeatedly told her I didn't think the labels would do any good. But in today's debate, I changed my mind. Many times, I have spoken to my teenage sons about the danger of overuse of their phones. They always laugh and say, "Oh mom, they are not dangerous." In today's debate, someone brought up the labels on cigarettes and the connection clicked in my mind. My dad, who later died of emphysema, had always laughed at the danger of cigarettes. The danger labels changed our cultural view of cigarettes. We, over time, accepted the reality of the danger. It is time to protect our children. Please join me in voting red.

The SPEAKER: The Chair recognizes the Representative from Harrison, Representative Villa.

Representative VILLA: I apologize for rising again, Mr. Speaker. The American Academy of Pediatrics is dedicated to improving pediatric health care standards. Pediatrics is a branch of medicine that deals with medical care of infants and children, ranging from birth to 18 years of age. They aren't dedicated to improving the FCC, the cell phone industry, Big Pharma or corporations. They are dedicated to improving pediatric health care standards, and when their concern is that children are not little adults and when using cell phones, the FCC treats them like that, there is a red flag that they raised, and when the International Agency for Research on Cancer says that children receive radio frequency energy deposition two times higher in the brain and 10 times higher in the bone marrow than adults, we have a problem here. So we have two very important organizations, one that represents the prevention of cancer and the other that represents improving pediatric health care standards for children. I ask you again to please follow my light and vote red.

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, but I heard the word "emotional" several times and it really got under my skin and I'll tell you why. There is this

movie called "Gaslighting" by George Cukor and it's about a guy that uses subtle cues to make a woman feel like she's crazy, and "gaslighting" has actually become a term. If used, it's definition really comes around when you are reframing a woman as irrational. Using words like "emotional," "crazy," "hysterical," these are very subtle but very effective ways to dismiss the credibility of women. It's a very convenient way to make people think, "Oh, we shouldn't listen to her." With due respect to my colleagues, I don't believe that using these subtle cues on the floor of the House is appropriate. The good Representative from Sanford has legitimately put forth a body of evidence from legitimate scientists. Whether it rises to the level that people feel like it's beyond a reasonable doubt, I think that's a fair question to ask. But using the term "emotional" does nothing but dismiss that body of evidence as coming from someone who is irrational, and I don't think that is appropriate.

One thing, the reason I was really going to rise originally, is this: We talked about the iPhone label inside the phone, we've talked about how these labels exist, but I want to read into the record what it is so people can actually hear it. There is a whole bunch of gobbledygook, but the real important part reads, "To reduce exposure to RF energy, use a hands-free option, such as the built-in speakerphone, the supplied headphones or [other] similar accessories. Carry iPhone at least 10mm away from your body to ensure exposure levels remain at or below the as-tested levels. Cases" – like my little pink case here that I'm not showing you -- "with metal parts may change the RF performance of the device, including its compliance with RF exposure guidelines, in a manner that has not been tested or certified." Now, it does say that the iPhone has been tested and meets applicable limits for radio frequency exposure. I want to point that out too. But the fact that they actually give you instructions on how to reduce exposure to RF energy, I think, is a pretty important component and I hope that you will consider that as you deliberate on whether the scientific body of evidence meets the threshold or not. Thank you, Mr. Speaker.

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

ROLL CALL NO. 530

YEA - Beaulieu, Beck, Bennett, Berry, Bolduc, Brooks, Campbell J, Campbell R, Chase, Clark, Cooper, Crockett, Dill, Dion, Dorney, Farnsworth, Fowle, Fredette, Frey, Gattine, Gideon, Gillway, Graham, Grant, Harvell, Herbig, Hobbins, Hubbell, Jorgensen, Keschl, Kinney, Kornfield, Libby A, Libby N, Lockman, Luchini, Marean, Marks, Mastraccio, McCabe, McLean, Monaghan-Derrig, Moriarty, Nelson, Nutting, Pease, Peterson, Plante, Powers, Priest, Rankin, Rochelo, Rotundo, Sanborn, Sanderson, Saxton, Schneck, Sirocki, Tipping-Spitz, Turner, Tyler, Volk, Weaver, Welsh, Werts, Willette, Winsor, Mr. Speaker.

NAY - Beaudoin, Beavers, Black, Boland, Briggs, Casavant, Cassidy, Chenette, Chipman, Cotta, Crafts, Cray, Daughtry, Davis, DeChant, Dickerson, Dunphy, Duprey, Espling, Evangelos, Fitzpatrick, Gifford, Gilbert, Goode, Guerin, Hamann, Harlow, Hayes, Hickman, Johnson P, Jones, Kaenrath, Kent, Knight, Kruger, Kumiega, Kusiak, Lajoie, Long, Longstaff, MacDonald S, Maker, Mason, McClellan, McElwee, McGowan, Moonen, Morrison, Nadeau C, Newendyke, Noon, Parry, Peavey Haskell, Peoples, Pouliot, Reed, Russell, Rykerson, Saucier, Shaw, Short, Stanley, Stuckey, Theriault, Timberlake, Verow, Villa, Wallace, Wilson, Winchenbach, Wood.

ABSENT - Ayotte, Carey, Chapman, Devin, Doak, Jackson, Johnson D, MacDonald W, Malaby, Nadeau A, Pringle, Treat.

Yes, 68; No, 71; Absent, 12; Excused, 0.

68 having voted in the affirmative and 71 voted in the negative, with 12 being absent, and accordingly Report "B" **Ought Not to Pass** was **NOT ACCEPTED**.

Subsequently, on motion of Representative HOBBS of Saco, Report "A" **Ought to Pass as Amended** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-618)** was **READ** by the Clerk.

Representative BOLAND of Sanford **PRESENTED House Amendment "A" (H-674)** to **Committee Amendment "A" (H-618)**, which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Sanford, Representative Boland.

Representative BOLAND: Thank you, Mr. Speaker. I have to say I've got two amendments before me. There is only one that I want to present and I'm looking at this H stuff and I don't have the number clearly with me, but the amendment that I'm presenting asks the following: That this bill, it will come into effect only when four other states have adopted similar legislation. That way, it gives us time to consider everything and to see what other states are doing, and it leaves us in a place where we have company when it comes to possibly having to defend against the industry. There are other states that have worked hard and are continuing to, most currently Hawaii, but there are others too. Pennsylvania, New Mexico, Connecticut, other ones. So if four of those develop a piece of legislation that their Legislature adopts, at that time, this bill would come into effect. So I think we've got plenty of room to relax about all of this and to feel some confidence about it. I hope you will support this amendment. It also specifies that of course this only deals with cell phones sold in Maine. Thank you very much, and I hope you will support this. I ask for a roll call.

The same Representative **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-674)** to **Committee Amendment "A" (H-618)**.

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 Winterport, Representative Brooks.

Representative BROOKS: Thank you, Mr. Speaker. Would you or the Clerk identify the name and number of the amendment?

The SPEAKER: It is currently posted on the board. H "A" (H-674).

A roll call has been ordered. The pending question before the House is Adoption of House Amendment "A" (H-674) to Committee Amendment "A" (H-618). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 531

YEA - Beaudoin, Beaulieu, Beavers, Black, Boland, Bolduc, Briggs, Brooks, Casavant, Cassidy, Chenette, Chipman, Cotta, Crafts, Cray, DeChant, Dickerson, Dorney, Dunphy, Duprey, Espling, Evangelos, Fitzpatrick, Gattine, Gifford, Gilbert, Gillway, Goode, Guerin, Hamann, Harlow, Hayes, Hickman, Johnson P, Jones, Kaenrath, Kent, Knight, Kruger, Kumiega, Kusiak, Libby N, Lockman, Long, Longstaff, MacDonald S, Maker, Mason, McClellan, McElwee, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, Newendyke, Noon, Parry, Pease, Peavey Haskell, Peoples, Pouliot, Reed, Russell, Rykerson, Saucier, Shaw, Short, Stanley, Stuckey, Theriault, Timberlake, Tipping-Spitz, Verow, Villa, Volk, Wallace, Werts, Wilson, Winchenbach, Wood.

NAY - Beck, Bennett, Berry, Campbell J, Campbell R, Chase, Clark, Cooper, Crockett, Daughtry, Davis, Dill, Dion, Farnsworth, Fowle, Fredette, Frey, Gideon, Graham, Grant, Harvell, Herbig,

Hobbins, Hubbell, Jorgensen, Keschl, Kinney, Kornfield, Lajoie, Libby A, Luchini, Marean, Marks, Mastraccio, McCabe, Nelson, Nutting, Peterson, Plante, Powers, Priest, Rankin, Rochelo, Rotundo, Sanborn, Sanderson, Saxton, Schneck, Sirocki, Turner, Tyler, Weaver, Welsh, Willette, Winsor, Mr. Speaker.

ABSENT - Ayotte, Carey, Chapman, Devin, Doak, Jackson, Johnson D, MacDonald W, Malaby, Nadeau A, Pringle, Treat.
Yes, 83; No, 56; Absent, 12; Excused, 0.

83 having voted in the affirmative and 56 voted in the negative, with 12 being absent, and accordingly **House Amendment "A" (H-674)** to **Committee Amendment "A" (H-618)** was **ADOPTED**.

Committee Amendment "A" (H-618) as Amended by **House Amendment "A" (H-674)** thereto was **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" (H-618)** as Amended by **House Amendment "A" (H-674)** thereto and sent for concurrence.

CONSENT CALENDAR

First Day

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

(H.P. 1233) (L.D. 1723) Bill "An Act To Improve Enforcement of Marine Resources Laws" Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended** by **Committee Amendment "A" (H-672)**

On motion of Representative KUMIEGA of Deer Isle, was **REMOVED** from the First Day Consent Calendar.

The Unanimous Committee Report was **READ** and **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-672)** was **READ** by the Clerk.

Representative KUMIEGA of Deer Isle **PRESENTED House Amendment "A" (H-680)** to **Committee Amendment "A" (H-672)**, which was **READ** by the Clerk.

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

Representative KUMIEGA: Thank you, Mr. Speaker. The House Amendment corrects a conflict in existing law between existing law and the criminal code, and it's on advice of the Criminal Law Advisory Committee that we drafted it and submit it. Thank you.

Subsequently, **House Amendment "A" (H-680)** to **Committee Amendment "A" (H-672)** was **ADOPTED**.

Committee Amendment "A" (H-672) as Amended by **House Amendment "A" (H-680)** thereto was **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" (H-672)** as Amended by **House Amendment "A" (H-680)** thereto and sent for concurrence.

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

LEGISLATIVE RECORD - HOUSE, March 11, 2014

On motion of Representative MORRISON of South Portland, the House adjourned at 1:39 p.m., until 10:00 a.m., Wednesday, March 12, 2014.