

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
22nd Legislative Day
Wednesday, March 12, 2014

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

Prayer by Reverend Jane Rich, United Church of Christ, Andover.

National Anthem by Glenburn Elementary School Chorus.

Pledge of Allegiance.

Doctor of the day, Robert Chagrasulis, M.D., Casco.

The Journal of yesterday was read and approved.

SENATE PAPERS

Bill "An Act To Increase the Penalty for Failing To Carry Proof of Motor Vehicle Financial Responsibility"

(S.P. 724) (L.D. 1810)

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

Came from the Senate, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed.

REFERRED to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** in concurrence.

Bill "An Act To Appropriate and Allocate Funds To Strengthen the State's Efforts To Investigate, Prosecute and Punish Persons Committing Drug Crimes"

(S.P. 725) (L.D. 1811)

Came from the Senate, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed.

REFERRED to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** in concurrence.

Bill "An Act To Hold an Advisory Referendum on Tax Reform" (EMERGENCY)

(S.P. 726) (L.D. 1813)

Came from the Senate, **REFERRED** to the Committee on **TAXATION** and ordered printed.

REFERRED to the Committee on **TAXATION** in concurrence.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Bill "An Act To Require a Work Search for Job-ready Applicants for Benefits under the Temporary Assistance for Needy Families Program"

(H.P. 1302) (L.D. 1815)

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

Committee on **HEALTH AND HUMAN SERVICES** suggested and ordered printed.

REFERRED to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.

Sent for concurrence.

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

ORDERS

On motion of Representative DILL of Old Town, the following Joint Resolution: (H.P. 1305) (Cosponsored by Senator VITELLI of Sagadahoc and Representatives: BLACK of Wilton, GRAY of Palmyra, HICKMAN of Winthrop, JONES of Freedom, KENT of Woolwich, MAREAN of Hollis, NOON of Sanford, SAUCIER of Presque Isle, TIMBERLAKE of Turner, Senators: BOYLE of Cumberland, SHERMAN of Aroostook)

JOINT RESOLUTION IN HONOR OF AGRICULTURE IN MAINE

WHEREAS, recent statistics show that agriculture in Maine has grown and continues to lead the New England states with 8,174 farms, and the value of Maine's crops and livestock grew 24% over the past 5 years; and

WHEREAS, Maine's agricultural enterprises provide more than \$764,000,000 through the sale of farm products and contribute more than \$2,000,000,000 annually to Maine's economy; and

WHEREAS, Maine people believe that local Maine agricultural products are of better quality and value and these products are increasingly locally available in farmers' markets, schools and institutions; and

WHEREAS, Maine farmers are the stewards of 1.45 million acres of land, a vital resource in maintaining Maine's rural economy as a key component of Maine's agriculture, forests and recreation interests; and

WHEREAS, Maine is first in New England in the production of food, first in the world in the production of wild blueberries, the world leader in the production of brown eggs, third in the Nation in the production of maple syrup, eighth in the Nation in the production of fall potatoes, second in New England in milk and livestock production and the only state anywhere involved in the commercial production of fiddleheads; and

WHEREAS, agriculture has always been a part of Maine's prosperity, and it helps maintain much of Maine's scenic open space, provides recreational opportunities and is the character of Maine's rural communities; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-sixth Legislature now assembled in the Second Regular Session, pause in our deliberations to honor Maine farmers and innovators who have contributed so much to the betterment of our State, to pledge our support and encouragement and to urge the youth of Maine to pursue the growing opportunities for careers in today's technologically advanced agriculture industry; and be it further

RESOLVED: That a suitable copy of this resolution, duly authenticated by the Secretary of State, be transmitted to the Commissioner of Agriculture, Conservation and Forestry, as a token of the esteem in which those in this vital field are held.

READ.

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

Representative **DILL:** Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Today is Agriculture Day here in the Hall of Flags and I'd just like to say a few things about agriculture in the State of Maine. Right now, we currently have over 8,100 farms in our state and we are one of the few states in the nation where farming is expanding. It's over a \$2 billion industry to the state economy, including an increase in a lot of local food sales. Many of the new farmers coming into the State of Maine is interesting from the standpoint of they have no farming experience whatsoever. They are either moving into the state from away or they are young people who already live here but, again, have no farming experience. Here in the State of

Maine, we are the leaders in many different agricultural commodities. Of course, wild blueberries we all know, brown egg production to mention a couple. We have the land base here in the State of Maine to be able to increase agricultural production and, because of that, we have the potential to become a crucial part of the food system in the Northeast with several large markets out there awaiting us – Boston, New York and D.C. Finally, I'd just like to say, if you haven't had a chance, please stop in the Hall of Flags and visit the agricultural productions. Thank you, Mr. Speaker.

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

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

ORDERS

On motion of Representative SAUCIER of Presque Isle, the following Joint Resolution: (H.P. 1308) (Cosponsored by Senator JACKSON of Aroostook and Representatives: AYOTTE of Caswell, CLARK of Easton, FARNSWORTH of Portland, LONG of Sherman, McELWEE of Caribou, NADEAU of Fort Kent, THERIAULT of Madawaska, WILLETTE of Mapleton)

**JOINT RESOLUTION COMMEMORATING THE
175TH ANNIVERSARY OF AROOSTOOK COUNTY**

WHEREAS, Maine's northernmost county is Aroostook County, known throughout the State as "the County," and it has long been nationally recognized for its unique character and for the perseverance and fortitude of its inhabitants; and

WHEREAS, this largest county of the United States east of the Mississippi River, about the size of the states of Rhode Island and Connecticut combined and covering an area of 6,828 square miles, was incorporated by an Act of the Maine Legislature on March 16, 1839 and has become known as "the Crown of Maine" because of its location and size and its prominence in the history and affairs of our State; and

WHEREAS, the County, the ancestral home of the Maliseet and Micmac Indians, was first explored by French and English traders and frontiersmen in the 1600s and was permanently settled in the north by 200 Acadian pioneers at Madawaska in 1785 and in the south by Joseph Houlton, Aaron Putnam and Oliver Taylor at Houlton in 1804; and

WHEREAS, ever since those first settlements, a special spirit of independence has been required to live in the most northern part of the State, and later settlers from southern Maine, New Brunswick, Canada and the Kingdom of Sweden were drawn to the spectacular natural beauty and abundant natural resources of Aroostook County; and

WHEREAS, many people in the northern region of Aroostook County, as the descendants of the people of the original Acadian colony of New France, play a vital role in the preservation of this historic Acadian and French culture; and

WHEREAS, this vast expanse of woodlands, farms and communities serves not only the material needs of New England for lumber, paper, wood products and potatoes, but also refreshes the spirits of countless hunters, hikers, anglers and outdoor sports enthusiasts who come to Aroostook County each year for respite and recreation; and

WHEREAS, the County is an important part of Maine's heritage and mystique and epitomizes the self-reliance and self-sufficiency of the people of Maine; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-sixth Legislature of the State of Maine now assembled in the Second Regular Session, take this occasion to recognize the 175th Anniversary of Aroostook County, to commend the

inhabitants and officials of this area for the success they have achieved for 175 years and to extend our sincere hopes and best wishes for continued success and achievement through the years.

READ.

The SPEAKER: The Chair recognizes the Representative from Presque Isle, Representative Saucier.

Representative SAUCIER: Thank you, Mr. Speaker. I wish to speak to my motion. Ladies and Gentlemen of the House, the 175th Joint Resolution recognizing Aroostook County is an important milestone. Many people here in the body may not know the history of the county and how it became, so if you would indulge me six or eight minutes, I am going to read something to you that maybe some of you know, maybe some of you don't know. It's called the "Aroostook 'Bloodless' War."

"Although the 'Aroostook Bloodless War' resulted in a treaty that was signed between the United State and England with no military action other than some serious posturing, at the time it was dead serious.

"Two primary issues were at hand, first was establishing an international border between the United State of America and the English Realm, and second although less publicized but just as important was navigation rights on the St. John River. The conflict continued to boil over the next several years.

"In 1828 in response to the continued conflict over land rights the Hancock US Army Barracks was established and by 1831 a military road was completed between Mattawamkeag and Houlton paving the way for additional immigration north and a means to move men and materials into and out of region. For a brief period of time Robert E. Lee served as an engineer on a surveying mission at Hancock Barracks. Many of the soldiers stationed in Houlton brought families with them to Houlton making it the first American settlement in this area of the state.

"In March of 1838 then Governor Kent signed a series of resolutions adopted by the legislature declaring that the state would not consent to [a treaty] with Great Britain for a conventional line, but 'that this state will insist on the line established by the Treaty of 1783,' that the state would not agree to a new arbiter and that the state was pushing for the US government to become involved.

"The issue intensified as men returned to southern Maine from Aroostook bringing glowing reports of the richness of the soil, the ease of cultivation, and the abundance of crops. Additionally, many in Augusta felt that if Aroostook could be opened up for settlement, it would help stem the outmigration of people heading west. Therefore establishing the northern border and protecting the states interests was deemed very important. On January 23, 1839 the Maine legislature appropriated \$10,000 to employ a land agent and a sufficient force to arrest and imprison all persons found trespassing on state lands. Upon reaching Masardis at the mouth of the St. Croix stream the men threw up log breastworks and mounted several small cannons.

"Rufus McIntire, the land agent, accompanied by Major Hastings Strickland, sheriff of Penobscot County, and some two hundred men, among whom were Captain Stover Rines and his company of militia from Old Town marched to Aroostook. This force with some sixty-two horse teams headed to what is present day Caribou to confront the trespassing loggers. The two hundred plus loggers were warned of the approaching militia and fled down river to the Tobique Village on the St. John River. The night of February 12th the Militia made camp at Caribou, while Mr. McIntire and two friends traveled to Fitzherbert's tavern in what is present day Fort Fairfield. News of the land agent's presence at the tavern made its way to Tobique and before morning forty or fifty lumbermen had taken the three captive and

hustled them off to Woodstock where they were turned over to British officials who jailed them in Fredericton.

"When news of these events spread, both Maine and New Brunswick flamed with angry excitement. Each side quickly called for an additional 300 men to come to the area of contention to defend their interests. The Forts Fairfield and Kent were constructed and the State of Maine raised additional militia. Under the rumors of actual bloodshed, the US Congress voted to raise 50,000 men and \$10,000,000 to repel any actual invasion of American soil but directed President Van Buren to search out a peaceable end [to] this conflict if possible.

"General Winfield Scott was given the delicate task of getting Maine and New Brunswick to reach an agreement to refrain from further measures until the parent governments could make an attempt to settle the dispute. General Scott was successful in his negotiations, the northern border was agreed upon and in 1842 the conflict was finally put to rest with the signing of the Webster-Ashburton Treaty. Not the least humorous incident of this remarkable war was that when General Scott dated his dispatch: 'Headquarters, Eastern Division, United States Army, Augusta Maine,' his entire force present for duty was one general, one captain, and one lieutenant. One of these officers was Robert Anderson, later of Fort Sumter fame.

"On March 16, 1839, Governor Fairfield approved an act incorporating the County of Aroostook, which took effect on May 1st. The whole number of troops actually called into the field was 3,339 officers and men, and their terms of service ranged from twenty-one days to two months and twenty-five days. The cost of the demonstration to the state was several hundred thousand dollars, but its effect in hastening the tedious controversy to a settlement may have been well worth the cost, even if the federal government had not reimbursed Maine later for the money she had expended."

I guess what I would say in closing, that although it is the Aroostook Joint Resolution that I am putting in, you can see where the Aroostook County has had an effect on most areas of the state. I thank you for letting me speak to my motion.

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

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

REPORTS OF COMMITTEE

Refer to the Committee on Energy, Utilities and Technology Pursuant to Statute

Representative KRUGER for the **Government Oversight Committee** on Bill "An Act To Address Recommendations from the Report by the Office of Program Evaluation and Government Accountability Regarding the Public Utilities Commission"

(H.P. 1303) (L.D. 1816)

Reporting that it be **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** pursuant to the Maine Revised Statutes, Title 3, section 997, subsection 2.

Report was **READ** and **ACCEPTED** and the Bill was **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY**.

Sent for concurrence.

Refer to the Committee on Transportation Pursuant to Public Law

Representative THERIAULT for the **Joint Standing Committee on Transportation** on Bill "An Act To Amend the Law Concerning the State Cost-share Program for Salt and Sand Storage Facilities"

(H.P. 1304) (L.D. 1817)

Reporting that it be **REFERRED** to the Committee on **TRANSPORTATION** pursuant to Public Law 2013, chapter 354, Part O, section 1.

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

Sent for concurrence.

Divided Reports

Majority Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-415)** on Bill "An Act To Further Ensure the Provision of Safe Medical Marijuana to Maine Patients" (EMERGENCY)

(S.P. 641) (L.D. 1674)

Signed:

Senators:

VITELLI of Sagadahoc
BOYLE of Cumberland
SHERMAN of Aroostook

Representatives:

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

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

Signed:

Representative:

HICKMAN of Winthrop

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-415)**.

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-415)** 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-415)** in concurrence.

Majority Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-413)** on Bill "An Act To Amend the Laws Governing Retirement Benefits for Capitol Police Officers"

(S.P. 412) (L.D. 1175)

Signed:

Senators:

HILL of York
CAIN of Penobscot

Representatives:

ROTUNDO of Lewiston
CAREY of Lewiston
CLARK of Easton
FREY of Bangor
JORGENSEN of Portland
KESCHL of Belgrade
ROCHELO of Biddeford

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

Signed:

Senator:

FLOOD of Kennebec

Representatives:

CHASE of Wells
SANBORN of Gorham
WINSOR of Norway

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-413)**.

READ.

On motion of Representative BERRY of Bowdoinham, **TABLED** pending **ACCEPTANCE** of either 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" (S-414)** on Bill "An Act To Support Homeless Shelters"

(S.P. 682) (L.D. 1717)

Signed:

Senators:

CRAVEN of Androscoggin
LACHOWICZ of Kennebec

Representatives:

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

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

Signed:

Senator:

HAMPER of Oxford

Representatives:

MALABY of Hancock
McELWEE of Caribou
SANDERSON of Chelsea
SIROCKI of Scarborough

Representative BEAR of the Houlton Band of Maliseet Indians - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (S-414)** Report.

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-414)**.

READ.

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

The same Representative **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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

The SPEAKER: The Chair recognizes the Representative from Chelsea, Representative Sanderson.

Representative **SANDERSON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to the pending motion. Maine currently has three youth shelters and they are located in Portland, Lewiston and Bangor. Until September of 2013, we also had the Halcyon House in Skowhegan. Due to reductions in federal Emergency Solutions Grant Program funding administered by the Maine Housing Authority, they've had some problems staying open. The department has a strong recognition of need and commitment, and they've made the commitment to support the youth homeless shelters in our state and currently the department uses the RFP process to allocate resources. Part of the equation when measuring levels of funding is determined by capacity and the average number of bed days used in these shelters. For instance, in FY '13, department numbers show that Preble Street in Bangor had a 63 percent occupancy; New Beginnings in Lewiston had a 61 percent occupancy; Shaw House in Bangor had a 76 percent occupancy. All the youth shelters operated at below 80 percent capacity for this timeframe. What this bill seeks to do is to protect funding for one of the specific regions. That's the region that the Halcyon House was in and it also included the homeless shelter, New Beginnings, in Lewiston. It wants to specifically reserve the funding that was allocated for the Halcyon House and protect it so it cannot be transferred to any of the other regions. At a time when resources are scarce and many very important programs are underfunded, I understand this attempt, I really do. However, imposing regional funding restrictions removes the department's ability to be fluent and to direct funding to areas with greater need as numbers in our youth shelters shift within the three regions. Thank you.

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative Gattine.

Representative **GATTINE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise in support of the pending motion. I think we all know that homelessness is a crisis in Maine and one of the greatest tragedies of homelessness is the impact this has on our children and young Mainers. I hope that we can all agree that it is a tragedy and a failure of our society any time a child in our state is in a situation where they need to spend the night in a homeless shelter. Sadly, it happens

all too often. In fact, it happens every night. The unfortunate reality is that there are children in Maine, throughout our state, in all of our communities, who are homeless and each rely on these services which are at the very bottom of the safety net. The situation is so bad that DHHS allocates funds specifically for shelter programs, specifically designed to serve kids. Now, wisely, the department has allocated these services on a regional basis so that homeless kids can remain close to their communities, in proximity to their schools, their families and other supports that they rely on. These children are already at risk and lead very disrupted and chaotic lives. It is important that they get services as close to home as possible. The program, as it's currently set up, recognizes that homelessness and its impact on children is a statewide problem and needs to be attacked in a way that benefits children across the entire state. Again, this bill is very simple. It requires that the regional money stays regional. It was precipitated by, as the Representative from Chelsea said, by the closure of a shelter in central Maine, and it is designed to make sure that those funds stay in that region to help kids in that part of the state. I think this makes sense and I hope that my colleagues will agree and I hope that you will support the Majority Report, support some of our most vulnerable children who are in very difficult situations and need our help. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Chelsea, Representative Sanderson.

Representative SANDERSON: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I apologize for rising twice, but I just had to address a couple of things that the good Representative from Westbrook addressed. We're not talking about a reduction of funding by not passing this bill. No one is talking reduced funding. What this bill wants to do is lock a certain portion of funds and reserve it for only one region for youth shelters, one region. If we should have, unfortunately, and let's hope not, an explosion of homeless youth in our Bangor area or our Portland area, that would not allow the department to be able to be fluid and move some of this precious funding to help cover the costs and serve those individuals too, provided there is a lower census in the Lewiston area. This is going to prevent the department from being able to react to the census numbers and the number of nights that may be spent in our homeless shelters. It's not a reduction of funding. It's not a reduction and I don't believe that what we should be doing is statutorily tying a department's hands and not allowing them to have the fluidity to be able to react to certain situations, depending on what happens. 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 address the good Representative from Chelsea's comments. Indeed, we do live in a time with scarce resources, but as I've said before this body, people always find money for things that are important to them. Regarding the notion that the Legislature should set regional funding restrictions would provide an insulation from the executive body from using that funding for political advantage. For example, okay, the designation of business friendly zones, okay, is an example where identification by the Executive favors one community over another. Men and Women of the House, you've heard me say this before, but we live in the wealthiest nation on the planet and if we cannot find the resources for all of our communities to make sure that everyone who is homeless does indeed find a home and I hate to use the word "shame," but we're definitely remiss in our duties. Thank you, Mr. Speaker.

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

Representative DORNEY: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I was personally very saddened when Halcyon House closed. This was a 24-hour shelter for youth in my community. I regularly had patients who ended up there. I have a teenager now in foster care who was there for a while after her parents ended up with drug addiction problems, and I've referred patients to Halcyon House over the years. There are only a couple of homeless shelters in the State of Maine that are 24-hour shelters which makes it very difficult. As we learned in our committee, the funding for homeless shelters is decreasing. The need for homeless shelters has increased. The need for 24-hour shelters for our youth is an ongoing issue. I guess one of the things that motivated me is the fact that the other homeless shelters in the state supported this bill, wanted the funding to go to Lewiston. Even Lewiston is too far for patients in Skowhegan and Norridgewock and our area to go to, but it's the best that we can do. I hope that you'll support this bill. Thank you.

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

Representative STUCKEY: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I would just reiterate what my friend, Representative Dorney, just referred to. At the public hearing, we heard testimony from the other homeless shelters and from the statewide homeless council, all of which were in support of this legislation, and it's a commonsense solution to what is a challenging and not soon to be resolved problem. Thank you, Mr. Speaker.

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

ROLL CALL NO. 532

YEA - Beaudoin, Beavers, Beck, Berry, Boland, Bolduc, Briggs, Brooks, Casavant, Cassidy, Chapman, Chenette, Chipman, Cooper, Daughtry, Dickerson, Dill, Dion, Dorney, Espling, Evangelos, Farnsworth, Fowle, Frey, Gattine, Gideon, Gilbert, 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, Noon, Peoples, Peterson, Plante, Pouliot, Powers, Priest, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Saucier, Saxton, Schneck, Shaw, Short, Stanley, Stuckey, Theriault, Tipping-Spitz, Treat, Verow, Welsh, Werts, Winchenbach, Mr. Speaker.

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

ABSENT - Ayotte, Campbell J, Carey, Cotta, DeChant, Devin, Doak, Jackson, Johnson D, Malaby, Nadeau A, Peavey Haskell, Pringle, Villa.

Yes, 90; No, 47; Absent, 14; Excused, 0.

90 having voted in the affirmative and 47 voted in the negative, with 14 being absent, and accordingly the Majority Ought to Pass as Amended Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-414)** 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-414)** in concurrence.

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-668)** on Resolve, To Require the Department of Health and Human Services To Initiate a New Rate-setting Procedure for Preschool Services for Children with Disabilities under the MaineCare Program

(H.P. 1119) (L.D. 1552)

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

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

Signed:

Senator:

HAMPER of Oxford

Representatives:

MALABY of Hancock
SANDERSON of Chelsea
SIROCKI of Scarborough

READ.

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

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

Representative **FARNSWORTH**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This is one of those crazy kinds of situations where the department moved in order to deal with one kind of a problem and set rates for services and then changed the need later on and did not change the rates. Let me get into a little bit more of the nitty-gritty. Section 28 was designed to provide in-home support services for children with developmental disabilities and behavioral health issues. The fact is that with the rates that were set, it was designed, basically, to provide the services in people's homes, not in a center-based kind of a situation. However, with the demise of the Section 27, which was a funding mechanism for early childhood services that were center-based, the department then said, okay, then, with that being gone, we'll just use Section 28. Well, the Section 28 rates were not designed to deal with center-based services which do have a lot of additional costs related to center-based operations – heat, light, rent, those kinds of things. As a result, the rates that are currently being offered do not work and of course many of the providers have chosen to take only one of the rates and that is for 1:1 services. But when you are working with

young children, as they develop and grow, you need to be able to offer services on a 1:1 basis for children that have more significant problems. As they grow, you should be able to move to a 1:2 ratio and then to a 1:3 ratio, which ultimately costs less money and of course allows for the growth and development of the child. The 1:2 and 1:3 ratios do not work and so all this does is asks the department to go back and take a second look at the rate setting process to initiate that in order to make it possible for this particular funding mechanism to do the best possible job for preschoolers that have special needs. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Chelsea, Representative Sanderson.

Representative **SANDERSON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. While we were having this hearing, there was a recognition of need to have a look at all of these rates and a review of these rates by everyone on the committee; however, the original bill was changed to a resolve and this resolve has quite an extensive piece to it. I mean, it directs the department to, after consultation with providers, to perform an analysis of MaineCare rates including review rates over the past 20 years, the details on services provided, the needs to the children served, the cost of providing the services. I mean, this is a really big resolve. It's a tremendous amount of work. The department itself acknowledged that they were willing to look at the rates, make sure that they are as they should be. So we voted and the Minority Report is Ought Not to Pass, but we also asked to send a letter to ask the department to do this, to follow up. So I urge you to vote no on this option, this motion. The department is already going to do the work. We do not need a resolve to accomplish the same result. Thank you.

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

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

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

ROLL CALL NO. 533

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

NAY - Beaulieu, Bennett, Black, Campbell R, Chase, Clark, Crafts, Cray, Crockett, Davis, Dunphy, Espling, Fitzpatrick, Fredette, Gifford, Gillway, Guerin, Harvell, Johnson P, Keschl, Kinney, Knight, Libby A, Lockman, Long, MacDonald S, Maker, Marean, McClellan, Newendyke, Nutting, Parry, Pease, Pouliot, Reec, Sanderson, Sirocki, Timberlake, Turner, Tyler, Wallace, Weaver, Willette, Wilson, Winsor, Wood.

ABSENT - Ayotte, Campbell J, Carey, Cotta, DeChant, Devin, Doak, Jackson, Johnson D, Malaby, Nadeau A, Peavey Haskell, Pringle, Villa.

Yes, 91; No, 46; Absent, 14; Excused, 0.

91 having voted in the affirmative and 46 voted in the negative, with 14 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Resolve was **READ ONCE**. **Committee Amendment "A" (H-668)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Resolve was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-668)** and sent for concurrence.

CONSENT CALENDAR

First Day

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

(S.P. 651) (L.D. 1657) Bill "An Act To Ensure Equity in Teacher Retirement Costs for Private Academies" (EMERGENCY) Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-416)**

(S.P. 694) (L.D. 1755) Bill "An Act To Amend the Mandatory Shoreland Zoning Laws To Exclude Subsurface Waste Water Disposal Systems from the Definition of 'Structure'" Committee on **ENVIRONMENT AND NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-417)**

(H.P. 1178) (L.D. 1606) Resolve, Directing the Bureau of General Services To Sell Certain Property To Assist Homeless Veterans by Establishing a Homeless Veterans Shelter Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-678)**

(H.P. 1188) (L.D. 1616) Bill "An Act Regarding Appointments of Certain Positions in the Department of Corrections" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-677)**

(H.P. 1219) (L.D. 1695) Bill "An Act To Allow Fishing Closer to the Fishway on Webber Pond in Vassalboro" Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-673)**

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 as Amended** and sent for concurrence.

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

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

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

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment yesterday, had

preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

HOUSE DIVIDED REPORT - Majority (8) **Ought to Pass as Amended by Committee Amendment "B" (H-644)** - Minority (5) **Ought Not to Pass** - Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Establish the Maine Length of Service Award Program"

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

TABLED - March 5, 2014 (Till Later Today) by Representative HERBIG of Belfast.

PENDING - Motion of same Representative to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

Subsequently, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "B" (H-644)** 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 "B" (H-644)** and sent for concurrence.

Bill "An Act To Allow Maine's Harness Racing Industry To Compete with Casino Gaming"

(H.P. 780) (L.D. 1111)

TABLED - March 6, 2014 (Till Later Today) by Representative LUCHINI of Ellsworth.

PENDING - **ADOPTION OF COMMITTEE AMENDMENT "A" (H-628)**.

Subsequently, Representative MAREAN of Hollis **PRESENTED House Amendment "B" (H-671) to Committee Amendment "A" (H-628)**, which was **READ** by the Clerk.

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

Representative MAREAN: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I'd just like to give you a brief overview of the amendment. It was placed on your desk yesterday. We agreed to bring something forward that was more positive for the State of Maine and positive for the industry. The amendment, the bill provides for a minimum \$50 million licensing fee and the new casino must have a commercial racetrack license in order to operate a casino and it must not be any closer than the existing Scarborough Downs facility to any other casino. The submission of the application will require a \$250,000 fee of which none is refundable. The application fee will be used by the Gambling Control Board to cover the cost of administering the licensing process and the investigations, and to fund a study conducted by the Department of Administration and Financial Services for the purpose of determining what the actual value is to the State of Maine of this license. So it could be considerably more than \$50 million. In order to fully maximize the value of the license, it's going to require a local referendum that will be authorized before any construction is made again. And I bring your attention to the fact that promises made and not kept by Oxford, that in this bill the promises made will be kept because the bill requires that a new facility must be completed and operational before the casino can be opened and that they are required to have a commercial racetrack licensing. The failure for a commercial track to operate will annul the casino license and they must close. The casino, the cascades have changed considerably in the amended form, that 1 percent of the gross revenue right off the top goes into the General Fund for the Gambling Control Board, and from the bottom part, 39 percent of

the slots, 16 percent of the table games and of that 69 percent goes to the General Fund which is estimated to be in excess of \$15 million a year. Once the casino is operational, the fund that is currently in place to encourage racing in Maine, which goes to the two commercial tracks, will be eliminated from the existing Penn National cascade and go directly to the General Fund, about \$2 million. It also will change some tax structures on the Oxford Casino and \$2 million will go directly to their net revenue source. Thank you, Mr. Speaker.

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

Representative **SIROCKI**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise today in support of the pending motion. With such strong feelings on both sides of this proposal, it is important that the good people of Scarborough have the opportunity to weigh in. It is also important to note that Scarborough Downs may be located in Scarborough, my town, but its financial impact has helped many communities since 1950. For instance, in West Newfield, where I grew up, the local training track and stables are well known. There are horsemen, farriers, accountants, staff, farmers, and jockeys, all making their livings in Maine and hundreds of jobs are directly affected by this piece of legislation. Their future and those of many other new jobs are in effect held in our hands. Remember that LD 1111 is not only an expansion of gaming; it is an expansion that also includes a first class hotel, restaurant, retail store, and entertainment. Please follow my light and allow the good citizens of Scarborough the opportunity to make the final decision.

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

Representative **FREDETTE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I have concerns in regards to this series of bills that have come before us, in regards to gaming which seems to lack a coherent, strategic approach from a statewide perspective on how we should properly address any potential expansion of gaming in the State of Maine. And I think we attempted to do that with the Commission and the work that they did, which ultimately resulted in really the lack of a product that this body could technically vote on, I think, in a proper way, so that we could properly balance the interest of the Passamaquoddy, the Penobscots, the Micmacs and the interest of Scarborough Downs. I think that that would have been a proper and the right thing to do for the people of the State of Maine in terms of moving forward. With that being said, that's just not the posture of the situation that we're in today because we don't have such a bill, which leaves us with this bill before us. I am a friend of the harness racing industry. The president of the Maine Harness Horsemen's Association, Tim Powers, is in the gallery. He is a friend of mine. I've done a little work for them at times. I believe that the harness racing industry is a critical component to our economy and our history and our culture here in the State of Maine. At the same time, I don't believe that the current bill properly looks at the issues of what other financial impacts on the two existing facilities that we have in Maine, one in Oxford and one in Bangor, because obviously there will be an impact on them should we pass this bill and it were to become law and the casino were to become what it is. Again, I think that is a lack of proper analysis or a lack of proper information that we have in this time to look at what that impact is on them. But I think we're here to make decisions on what we do know and what is the proper thing to do, in terms of moving forward, and I do believe that the good Representative from Hollis, Representative Mearns, has done a good job at crafting a piece of legislation and an amendment that tries to balance the

interests of the parties, and particularly the state, in regards to a fee of \$50 million plus, plus recurring fees coming into the General Fund. I think it is a proper approach to move forward. It does have a local voting element to it and I think given the fact of the posture of where we are, and particularly in regards to what I think is a piece of economic development for southern Maine, as we know, there are other facilities being looked at in New Hampshire, in Massachusetts. Inevitably, people will go there, if that is the opportunity that they have. And so I would rather see these jobs in Maine and this money in Maine, if that is in fact the option, and so I will be supporting the amendment and I ask, Mr. Speaker, that we have a roll call.

The same Representative **REQUESTED** a roll call on the motion to **ADOPT House Amendment "B" (H-671) to Committee Amendment "A" (H-628)**.

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 Westbrook, Representative Gattine.

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

The SPEAKER: The Representative may pose his question.

Representative **GATTINE**: So during the course of this lengthy debate, it has been stated a number of times that, ultimately, to go forward, that this would require a local referendum. I'm reading the language of the bill now and it looks like it can also be done by simply a majority vote of the municipal officers in the community where the casino would be located. Can someone clarify that for me, please?

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

Representative **RUSSELL**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I am going to be brief for once. I'm just asking, people have put a lot of work into this. We took a lot of great votes last week. This is just making sure that we have dotted our i's, that we've crossed our t's. It supports the harness racing industry. I will not be speaking at all again to anybody today, but I did want to stand up and say that we should be moving this forward and that's all. I hope you'll follow my light.

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

Representative **VOLK**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just have a couple of points that I'd like to make and I want to call attention to the fact that Scarborough is situated in a lovely area where many, many tourists from out of state and even out of the country enjoy visiting. We've got Old Orchard Beach right next door. It's going to be very easy for us to take advantage of that location and draw people that are visiting our state, particularly in the evenings, particularly when we have inclement weather, not that that ever happens in the State of Maine, especially in summer. But we're looking at a real economic opportunity, not just for Scarborough, not just for Cumberland County but for York County and for the entire state. I do want to point out that it was pointed out to me that the Oxford Casino would actually benefit potentially up to \$1 million with the way this cascade falls. So it's not going to be a complete loss of income for them if some of the folks currently from our area just stop visiting Oxford, but we're going to be drawing in a lot of new customers. I, for one, would prefer to see that money stay in Maine or come to Maine as opposed to Seabrook, New Hampshire, which is in the process, as I understand it, of authorizing slot machines.

I moved to Scarborough in 1999, I believe it is. At that point,

in time, Scarborough Downs had already been operating in the town for over 40 years. They have been there. Most of the people in town, I would say probably the majority of people in town, move to Scarborough with gambling already in our backyard. It was one of two facilities that had gambling. They go back, I believe, before the lottery system. So one look at their property, one drive by, and you can see that without the ability to drive more people to their track, they are going to go out of business and it's a real loss to our community, it's a real loss to the heritage of harness racing in the state and all that that entails. I mean, there are farmers in Aroostook County that grow hay that's used to feed these horses and to bed their stalls, so I would really ask that you consider it. You know, Bangor has done a wonderful job and as far as I'm concerned, they've succeeded in really doing this the right way. It has brought a new enlivenment to their downtown, which, in my opinion, before they developed their casino, was really beginning to die. I mean, I lived there when I was in college and there was nothing in downtown Bangor. There was one restaurant and like a deli, and now you go there and there are all of these locally owned thriving restaurants, all sorts of variety, and it's a lively place. People drive there to attend concerts from all over the state and all over New England, and I just hope that you will allow the people of Scarborough to weigh in one more time. We have voted on this twice and it has lost twice, but the last time it was only by 220 votes. Things have changed a lot in town. We have seen a huge decrease in the amount of state funding that we receive and at the same time our town has grown and we've had to increase taxes a number of times. I believe that this is a really wonderful opportunity to expand upon a business that's already been in town for over 60 years, that's given and given to the community until they couldn't afford to continue to give, and I think they gave well beyond when they could have still afforded to be able to give. They are looking forward to providing some real benefits to the citizens of Scarborough. With that, I would ask that you would support the Representative from Hollis's amendment. Thank you.

The SPEAKER: The Chair recognizes the Representative from Bethel, Representative Crockett.

Representative **CROCKETT**: Thank you, Mr. Speaker. Mr. Speaker, Distinguished Members of the House. I was going to rise today and offer the words of a good friend of mine, the Representative from Oxford, Representative Jackson, who many of you know has been ill. Unfortunately, he couldn't be here to speak for himself, but I actually don't share the same views as Representative Jackson from Oxford. I know he is more of a pro gambling guy than I am, although we both have an appreciation for fairness and it has been mentioned today about a comprehensive view that the committee or any of the subsequent task forces have been unable to reach a comprehensive view. This bill doesn't do it either. It carves out another exception, so we still haven't achieved anything to that end, but instead what we have done is created another monopoly. Now, those who argue for the free market and believe gaming should be completely open to anybody who wants to open one in the same way you would a convenience store, that's consistent, that makes sense because you have a solid view. But what we're doing now is we are creating another monopoly, we're slicing the pie up more, so we're even doing it without adding and meeting the same gates that the existing casinos have. We're lowering the standard. We're allowing another one into the state without really any true justification other than it's a good cause, like so many other good causes we have in the state. I'm not going to be as presumptuous to ask you to follow my light, but I would ask you to look at the circumstances and look for consistency. How do

we adopt a public policy in the State of Maine that addresses gaming? We're only carving out another exception today. We're doing nothing. We're bypassing the statewide referendum that is the default position of our state, so I would ask that we vote down the pending measure, but obviously everybody can think for themselves. Thank you.

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

Representative **PARRY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This bill kind of reminds me and I mentioned it last year that I feel like I'm one of the luckiest people in the Legislature here where my two committees, Marine and Transportation, are nonpartisan, we do very little partisan, and I like this debate because this is not a Republican/Democrat debate. This is a philosophical and area debate. You may be against gaming or you may be for the harness racing industry or maybe both, but I'll mention something I said the other day, that every one of us that's running for reelection is going to go out and talk about creating jobs, and I would hope that we won't continue the practice of going out and saying that we want to create jobs in Maine but just not these jobs, because I believe we've done that way too much as a body, that we pick and choose a lot. But I think we need to look at this as a strong job creator, but also if there is going to be gaming in Massachusetts and New Hampshire on their beaches, in those areas of tourism, and if we say no to this, how much of our tourism business is going to move to Seabrook and to different places in New Hampshire and Massachusetts? I believe this is another reason for tourists to come to Maine and I believe the more we can have more tourism in Maine, the better off the entire state will be. Thank you.

The SPEAKER: The Chair recognizes the Representative from Hollis, Representative Mearan.

Representative **MAREAN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. A question was asked about the municipal vote, the local referendum by the municipality. If you look at the amendment, 671, the top of the page, page 6, it says, "Statewide and county referendum; municipal vote." On the bottom of that paragraph, underlined, it says, "To be eligible for a casino operator license, a commercial track that initially applies for a casino operator license after January 1, 2014 is required to receive approval only of the voters of the municipality in which the casino will be located." Thank you, Mr. Speaker.

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

Representative **FREDETTE**: Very briefly, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Important to understanding this piece of legislation is recognizing the importance of \$50 plus million going into the General Fund. That's a big deal. We know our appropriators; they're not even in the room right now. They're off working on trying to craft a budget. So we know that this \$50 million plus for this licensing fee would be a significant windfall for our General Fund, now and moving forward, and so, again, I just encourage you to sort of understand the big picture here, that this is a significant windfall to the General Fund for the State of Maine and not as much for the private sector on this one. Again, I'd ask you to follow my light. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Adoption of House Amendment "B" (H-671) to Committee Amendment "A" (H-628). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 534

YEA - Beaudoin, Beaulieu, Beavers, Bennett, Black, Boland, Bolduc, Campbell R, Casavant, Cassidy, Chase, Chenette, Cray, DeChant, Dickerson, Dill, Evangelos, Farnsworth, Fitzpatrick, Fowle, Fredette, Gifford, Gilbert, Gillway, Graham, Grant, Harvell, Hickman, Johnson P, Jones, Kent, Keschl, Kinney, Knight, Kumiega, Kusiak, Libby A, Long, MacDonald S, Maker, Marean, Marks, Mason, Mastraccio, McCabe, McClellan, McElwee, McLean, Monaghan-Derrig, Moonen, Moriarty, Nadeau C, Nelson, Newendyke, Noon, Nutting, Parry, Pease, Peoples, Peterson, Pouliot, Powers, Priest, Rankin, Russell, Rykerson, Sanborn, Sanderson, Saucier, Saxton, Shaw, Short, Sirocki, Stanley, Theriault, Treat, Turner, Tyler, Volk, Wallace, Willette, Wilson, Winchenbach, Wood.

NAY - Beck, Berry, Briggs, Chapman, Chipman, Clark, Cooper, Crafts, Crockett, Daughtry, Davis, Dion, Dorney, Dunphy, Duprey, Espling, Frey, Gattine, Gideon, Goode, Guerin, Hamann, Harlow, Hayes, Herbig, Hobbins, Hubbell, Jorgensen, Kaenrath, Kornfield, Kruger, Lajoie, Libby N, Lockman, Longstaff, Luchini, MacDonald W, McGowan, Morrison, Plante, Reed, Rochelo, Rotundo, Schneck, Stuckey, Timberlake, Tipping-Spitz, Verow, Weaver, Welsh, Werts, Winsor, Mr. Speaker.

ABSENT - Ayotte, Brooks, Campbell J, Carey, Cotta, Devin, Doak, Jackson, Johnson D, Malaby, Nadeau A, Peavey Haskell, Pringle, Villa.

Yes, 84; No, 53; Absent, 14; Excused, 0.

84 having voted in the affirmative and 53 voted in the negative, with 14 being absent, and accordingly **House Amendment "B" (H-671) to Committee Amendment "A" (H-628) was ADOPTED.**

Subsequently, **Committee Amendment "A" (H-628) as Amended by House Amendment "B" (H-671) 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.**

Representative WINSOR of Norway **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED as Amended by Committee Amendment "A" (H-628) as Amended by House Amendment "B" (H-671) thereto.**

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 Engrossed as Amended by Committee Amendment "A" (H-628) as Amended by House Amendment "B" (H-671) thereto. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 535

YEA - Beaudoin, Beaulieu, Beavers, Bennett, Berry, Black, Boland, Bolduc, Campbell R, Casavant, Cassidy, Chase, Chenette, Cooper, Cray, DeChant, Dickerson, Dill, Dion, Evangelos, Farnsworth, Fitzpatrick, Fowle, Fredette, Gifford, Gilbert, Gillway, Graham, Grant, Harvell, Hickman, Johnson P, Jones, Keschl, Kinney, Knight, Kumiega, Kusiak, Libby A, Long, MacDonald S, Maker, Marean, Marks, Mason, Mastraccio, McCabe, McClellan, McElwee, McLean, Monaghan-Derrig, Moonen, Moriarty, Nadeau C, Nelson, Newendyke, Noon, Nutting, Parry, Pease, Peoples, Peterson, Pouliot, Powers, Priest, Rankin, Russell, Rykerson, Sanborn, Sanderson, Saucier, Saxton, Shaw, Short, Sirocki, Stanley, Theriault, Treat, Turner, Tyler, Verow, Volk, Wallace, Willette, Winchenbach, Wood.

NAY - Beck, Briggs, Chapman, Chipman, Clark, Crafts, Crockett, Daughtry, Davis, Dorney, Dunphy, Duprey, Espling, Frey, Gattine, Gideon, Goode, Guerin, Hamann, Harlow, Hayes, Herbig, Hobbins, Hubbell, Jorgensen, Kaenrath, Kent, Kornfield,

Kruger, Lajoie, Libby N, Lockman, Longstaff, Luchini, MacDonald W, McGowan, Morrison, Plante, Reed, Rochelo, Rotundo, Schneck, Stuckey, Timberlake, Tipping-Spitz, Weaver, Welsh, Werts, Winsor, Mr. Speaker.

ABSENT - Ayotte, Brooks, Campbell J, Carey, Cotta, Devin, Doak, Jackson, Johnson D, Malaby, Nadeau A, Peavey Haskell, Pringle, Villa, Wilson.

Yes, 86; No, 50; Absent, 15; Excused, 0.

86 having voted in the affirmative and 50 voted in the negative, with 15 being absent, and accordingly under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-628) as Amended by House Amendment "B" (H-671) thereto and sent for concurrence.**

ENACTORS

Emergency Measure

An Act To Improve Enforcement of Marine Resources Laws

(H.P. 1233) (L.D. 1723)

(H. "A" H-680 to C. "A" H-672)

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. 127 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.

UNFINISHED BUSINESS

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

SENATE DIVIDED REPORT - Majority (10) Ought Not to Pass - Minority (3) Ought to Pass as Amended by Committee Amendment "A" (S-397) - Committee on TAXATION on Bill "An Act To Make Maine Mills More Competitive by Encouraging the Processing of Forest Products at Mills in the United States"

(S.P. 640) (L.D. 1649)

- In Senate, Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-397).**

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

PENDING - Motion of Representative GOODE of Bangor to ACCEPT the Majority OUGHT NOT TO PASS Report.

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. As we all know, the purpose of the Tree Growth Tax Exemption is to encourage traditional land use in our state and to also ensure the economic vitality of our forestry industry. As it currently is, Mr. Speaker, federal taxes favor Tree Growth by allowing income from timber harvesters to be treated as capital gains. Tree Growth, those who manage forestlands have a tax deduction for regeneration expenses which include site preparation planning, vegetative and control costs. There is a forestry incentive program at the federal level that provides cost-sharing payments to private landowners for conservation practices, and there is a stewardship incentive program that offers technical assistance and cost-share assistance for tree planning, forestry improvement, recreation, wildlife, aesthetics, and soil and water conservation, and, quite

frankly, under the umbrella of the NRCS, I would argue that this list is much longer than that presented. Men and Women of the House, okay, the state foregoes a large amount of tax revenue by forest owners who place their properties – let me back up. The state, through its municipalities, forgoes a large portion of its revenue for fair and equitable property tax assessment of its forestry landowners by providing the property, the forestry exemption to property taxes. And I would argue, Men and Women of the House, that the people of the State of Maine have a right to expect a reasonable return on the investment of that tax revenue that we forgo by allowing landowners to put their land in the forestry exemption for their tax shelter, property tax purposes. Men and Women of the House, we've tried this before, okay, by saying that if your land is in tax growth and you receive this tax advantage from the state, we've tried this before, if your products are not harvested by Maine workers and processed in Maine facilities, we tried the carrot approach that will take away the tax exemption and, obviously, it was not the will of the body that that be done. This is the carrot version of the same approach. Men and Women of the House, is it not reasonable that if you as a citizen with your land in Tree Growth and you receive the tax advantage of the state, okay, is it not reasonable to reward you as a good citizen and member of the state that your harvest be processed in Maine by Maine workers and those products be processed in Maine facilities rather than taking the carrot approach, like I said, which the previous legislation before the body has done, which would penalize woodland owners who processed their woods out of state. I would argue this is a carrot approach which would reward landowners who have their land in Tree Growth by having their wood products harvested by Maine workers and processed in Maine mills. And I'd be happy to answer any questions about the clarity of my comments. Thank you, Mr. Speaker, and Men and Women of the House.

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

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

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

The SPEAKER: The Representative may pose his question.

Representative **DUNPHY**: The bill that we're looking at here sort of mandates that the materials be sold in Maine, and my question would be, sir, what happens if there is no market in Maine? Do we let the wood rot in the forest or do we let it sit on a yard somewhere or what's the recourse if there is no market?

The SPEAKER: The Representative from Embden, Representative Dunphy, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Freedom, Representative Jones.

Representative **JONES**: Thank you, Mr. Speaker, and I'd like to refer to an economic construct called Supply-side Theory which is if we do increase the supply, the demand will materialize. That was a joke, Men and Women of the House. Realistically speaking, if there is no market in Maine and you do not have access to a market for your wood in Maine, one of two things will happen, you will forgo the tax exemption that is presented in this bill or you will find a way to create a market. Thank you, Mr. Speaker.

The same Representative **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

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

Representative **LIBBY** of Lewiston **REQUESTED** that the Clerk **READ** the Committee Report.

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

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

ROLL CALL NO. 536

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

NAY - Beaudoin, Beavers, Boland, Briggs, Chenette, Chipman, Dill, Evangelos, Graham, Harlow, Hickman, Jones, Kaenrath, Kent, Kusiak, Monaghan-Derrig, Russell, Saucier, Stanley, Stuckey, Theriault, Tipping-Spitz, Verow.

ABSENT - Ayotte, Brooks, Campbell J, Carey, Cotta, Devin, Doak, Jackson, Johnson D, Malaby, Nadeau A, Peavey Haskell, Pringle, Villa.

Yes, 114; No, 23; Absent, 14; Excused, 0.

114 having voted in the affirmative and 23 voted in the negative, with 14 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** in **NON-CONCURRENCE** and sent for concurrence.

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

(H.P. 1191) (L.D. 1619)

(C. "A" H-645)

TABLED - March 11, 2014 (Till Later Today) by Representative **HOBBINS** of Saco.

PENDING - **PASSAGE TO BE ENACTED**.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 130 voted in favor of the same and 1 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

SENATE PAPERS

Bill "An Act To Create a Secure, Therapeutic Mental Health Unit"

(S.P. 727) (L.D. 1814)

Came from the Senate, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed.

REFERRED to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** in concurrence.

Resolve, To Create the Task Force To End Student Hunger in
Maine

(S.P. 729) (L.D. 1819)

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

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

REPORTS OF COMMITTEE
Refer to the Committee on Judiciary
Pursuant to Public Law

Report of the **Joint Standing Committee on Judiciary** on
Bill "An Act To Facilitate Public Records Requests to State
Agencies"

(S.P. 728) (L.D. 1818)

Reporting that it be **REFERRED** to the Committee on
JUDICIARY pursuant to Public Law 2013, chapter 229, section 3.

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

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

The **SPEAKER**: The Chair recognizes the Representative
from Bath, Representative DeChant, who wishes to address the
House on the record.

Representative **DeCHANT**: Mr. Speaker and Women and
Men of the House, in reference to Roll Call No. 532, on LD 1717,
had I been present I would have voted yea. In reference to Roll
Call No. 533, on LD 1552, if I had been present I would have
voted yea. Thank you.

ORDERS

On motion of Representative **CAMPBELL** of Newfield, the
following Joint Order: (H.P. 1310)

ORDERED, the Senate concurring, that when the House and
Senate adjourn, the House does so until Tuesday, March 18,
2014, at 9:00 in the morning and the Senate does so until
Thursday, March 13, 2014, at the call of the President of the
Senate and that the Senate reconvene on Tuesday, March 18,
2014 at 10:00 in the morning.

READ and **PASSED**.

Sent for concurrence.

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

On motion of Representative **CROCKETT** of Bethel, the
House adjourned at 12:09 p.m., until 9:00 a.m., Tuesday, March
18, 2014 pursuant to the Joint Order (H.P. 1310).