

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
24th Legislative Day
Wednesday, March 19, 2014

Representative THERIAULT of Madawaska assumed the Chair.

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

Prayer by Reverend Paul Plante, Our Lady of The Lakes Parish, Oquossoc.

Colors presented by Franco American War Veterans' Color Guard, Post 31, Lewiston.

National Anthem by Melanie Saucier, Fort Kent.

Pledge of Allegiance.

Doctor of the day, Craig Curtis, M.D., Holden.

The Journal of yesterday was read and approved.

SENATE PAPERS

Non-Concurrent Matter

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)

Majority (10) **OUGHT NOT TO PASS** Report of the Committee on **TAXATION READ** and **ACCEPTED** in the House on March 12, 2014.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Minority (3) **OUGHT TO PASS AS AMENDED** Report of the Committee on **TAXATION** was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-397)** in **NON-CONCURRENCE**.

On motion of Representative BERRY of Bowdoinham, **TABLED** pending **FURTHER CONSIDERATION** and later today assigned.

COMMUNICATIONS

The Following Communication: (H.C. 375)

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

March 19, 2014

Honorable Millicent M. MacFarland

Clerk of the House

2 State House Station

Augusta, Maine 04333

Dear Clerk MacFarland:

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

On March 17, 2014

Christine M. Phillips of Calais for appointment to the Washington County Development Authority.

Pursuant to Title 5, MRSA, §13083-C, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Labor, Commerce, Research and Economic Development.

Robert A. Harmon of Raymond for appointment to the Gambling Control Board.

Pursuant to Title 8, MRSA, §1002, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Veterans and Legal Affairs.

Robert W. McEvoy of Brunswick for appointment to the Northern New England Passenger Rail Authority.

Pursuant to Title 23, MRSA, §8112, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Transportation.

Joel A. Merry of West Bath for appointment to the State Board of Corrections.

Pursuant to Title 34-A, MRSA, §1802, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Criminal Justice and Public Safety.

Please be advised that pursuant to his authority on behalf of the Maine Municipal Association, Governor Paul R. LePage has nominated the following:

On March 17, 2014

Richard T. Metivier of Lewiston for reappointment to the Board of Trustees, Maine Public Employees Retirement System.

Pursuant to Title 5, MRSA, §17102, this reappointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Appropriations and Financial Affairs.

Sincerely,

S/Mark W. Eves

Speaker of the House

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

The Following Communication: (S.C. 811)

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

March 18, 2014

Honorable Millicent M. MacFarland

Clerk of the House

2 State House Station

Augusta, Maine 04333

Dear Clerk MacFarland:

Senate Paper 689, Legislative Document 1736, "Resolve, To Provide Maine Students with Access to Online and Digital Learning Opportunities through Their Existing School Districts," having been returned by the Governor, together with objections to the same, pursuant to Article IV, Part Third, Section 2 of the Constitution of the State of Maine, after reconsideration, the Senate proceeded to vote on the question: "Shall this Resolve become a law notwithstanding the objections of the Governor?"

23 voted in favor and 12 against, and accordingly it was the vote of the Senate that the Resolve not become a law and the veto was sustained.

Best Regards,

S/Darek M. Grant

Secretary of the Senate

READ and **ORDERED PLACED ON FILE.**

ORDERS

On motion of Representative LAJOIE of Lewiston, the following Joint Resolution: (H.P. 1319) (Cosponsored by Representative THERIAULT of Madawaska and Representatives: BEAUDOIN of Biddeford, BECK of Waterville, CASAVANT of Biddeford, DION of Portland, GILBERT of Jay, LONGSTAFF of Waterville, MASTRACCIO of Sanford, NADEAU of Winslow, POULIOT of Augusta, VEROW of Brewer, Senators: CRAVEN of Androscoggin, TUTTLE of York)

**RÉSOLUTION CONJOINTE HONORANT
LES FRANCO-AMÉRICAINS**

Considérant que, l'état du Maine est nommé après la province du Maine en France et que les villages de Paris et Calais portent les noms de la capitale de France et du port français de Calais, respectivement; et

Considérant que, plus d'un tiers de la population du Maine est de descendance française et canadienne, et les franco-américains du Maine ont contribué beaucoup à la beauté et la qualité de cet état; et

Considérant que, le français est la première langue de milliers de citoyens du Maine, et il y a eu une augmentation de l'utilisation de la langue française et une appréciation croissante de l'héritage franco-américain à travers l'état; et

Considérant que, des clubs et des associations pour promouvoir la culture et la langue française sont nés à travers l'état, y inclus le caucus francophone à la capitale; et

Considérant que, les gens qui parlent couramment le français et l'anglais sont une ressource économique et culturelle pour l'état du Maine; et

Considérant que, le tourisme culturel sera accru par les véritables centres franco-américains à travers l'état et la grande présence de franco-américains dans le Maine peut renforcer davantage nos relations avec le Canada, la France, et les autres pays francophones; et

Considérant que, le premier Jour Franco-Américain a été célébré mercredi, 6 mars, 2002, à la Capitale de l'État; maintenant, alors, qu'il soit

Résolu, que nous, les membres de la Cent-Vingt-sixième Législature, assemblés dans la deuxième session régulière, au nom des gens que nous représentons, proclamons que mercredi, 19 mars, 2014 est le Jour Franco-Américain, soit célébré à la Capitale de l'État; et qu'il soit aussi

Résolu, que le Jour Franco-Américain soit célébré pour commémorer la riche histoire du peuple français dans l'état du Maine et aux États-Unis d'Amérique.

**JOINT RESOLUTION RECOGNIZING
FRANCO-AMERICAN DAY**

WHEREAS, the State of Maine is named after the Province of Maine in France, and the towns of Paris and Calais owe their names to the capital city of France and the French port city of Calais, respectively; and

WHEREAS, more than 1/3 of the population of Maine is of French and Canadian descent and Franco-Americans in Maine have contributed much to the beauty and quality of this State; and

WHEREAS, French is the primary language of thousands of Maine citizens and there has been a resurgence in the use of the French language and a heightened appreciation of the Franco-American heritage throughout the State; and

WHEREAS, clubs and organizations to promote French culture and language have sprung up throughout the State, including the Francophone Caucus at the State Capitol; and

WHEREAS, fluent French-English bilingual people are a cultural and economic resource to the State; and

WHEREAS, cultural tourism can be greatly enhanced by the genuine Franco-American centers throughout the State, and the large Franco-American presence in Maine can further strengthen our relationships with Canada, France and the rest of the francophone world; and

WHEREAS, the first Franco-American Day was celebrated on Wednesday, March 6, 2002 at the State Capitol; 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, proclaim that Wednesday, March 19, 2014 is Franco-American Day, to be celebrated at the State Capitol; and be it further

RESOLVED: That Franco-American Day be celebrated to commemorate the rich history of the French people in the State of Maine and the United States of America.

READ.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Lewiston, Representative Lajoie.

Representative LAJOIE: Thank you, Mr. Speaker. The Clerk has basically stated everything I wanted to state; however, I do want to welcome our Canadian neighbors in New Brunswick as well. I think it's important to keep up the tradition. We do have a large number of Franco-Americans within our state and the border, being as close as it is in Canada, we want to make sure we stay friends for quite a long time. Otherwise than that, again, I welcome everybody and thank you for attending.

Subsequently, the Joint Resolution was **ADOPTED**.

Sient for concurrence.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

the coaches and students of Greely High School of MSAD No. 51, Cumberland and North Yarmouth, on the school's capturing 3 State Championships during the 2013-2014 school year; the Boys Soccer Team, on its winning the Class B State Championship; the Boys Swim Team, on its winning the Class B State Championship; and the Girls Alpine Ski Team, on its winning the Class A State Championship. We extend our congratulations and best wishes to the members of the teams on their achievements;

(HLS 760)

Presented by Representative MORIARTY of Cumberland.

Cosponsored by Senator WOODBURY of Cumberland, Representative GRAHAM of North Yarmouth.

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

READ.

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

Recognizing:

the late Joseph Plamondon, of Biddeford, on his posthumous induction into the Franco-American Hall of Fame. Mr. Plamondon dropped out of high school to join the Merchant Marines during World War II. He returned to Sanford High School and in 1948 he graduated and joined the United States Army. He was discharged as a Major. He attended the University of Maine and earned a fellowship to study for a master's degree in social studies at Syracuse University. Mr. Plamondon taught at Kennebunk High School and Biddeford High School. He helped to found the Parents, Friends and Teachers Association of St. Andre's Parish and York County Counseling Services. He helped form the York County Community Action Corporation and he was the director of the Biddeford Neighborhood Corps. Mr. Plamondon is the founder of La Kermesse, the Franco-American Festival in Biddeford. We acknowledge Mr. Plamondon's service to his community and to the State, and we honor his memory on the occasion of his induction into the Franco-American Hall of Fame;

(HLS 767)

Presented by Representative CASAVANT of Biddeford.

Cosponsored by Representative BEAUDOIN of Biddeford, Senator DUTREMBLE of York, Senator VALENTINO of York, Representative ROCHELO of Biddeford, Senator TUTTLE of York, Representative MASTRACCIO of Sanford, Representative VEROW of Brewer, Representative FREDETTE of Newport, Representative ROTUNDO of Lewiston, Representative BEAULIEU of Auburn, Representative PEAVEY HASKELL of Milford, Representative McELWEE of Caribou, Representative DeCHANT of Bath, Representative JACKSON of Oxford, Representative NADEAU of Fort Kent, Representative NADEAU of Winslow, Representative LONGSTAFF of Waterville, Representative POULIOT of Augusta, Representative CROCKETT of Bethel, Representative BOLDUC of Auburn, Representative LIBBY of Lewiston, Representative THERIAULT of Madawaska, Representative SAUCIER of Presque Isle, Representative AYOTTE of Caswell, Representative WERTS of Auburn, Representative LAJOIE of Lewiston, Representative BECK of Waterville, Representative GILBERT of Jay, Representative BOLAND of Sanford, Representative BEAR of the Houlton Band of Maliseet Indians, Senator CRAVEN of Androscoggin, Senator CLEVELAND of Androscoggin, Senator JACKSON of Aroostook, Senator KATZ of Kennebec, Senator LACHOWICZ of Kennebec.

On **OBJECTION** of Representative CASAVANT of Biddeford, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Biddeford, Representative Casavant.

Representative **CASAVANT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, and honored guests. As mayor of the City of Biddeford, as a member of this body and as a resident of the City of Biddeford, it is truly an honor to have the opportunity to give special attention and sentiment to two individuals from Biddeford. I think it's important that we put this day in context. A couple of weeks ago, there were some students from Nantes, France, that came here, they were staying with families in Biddeford and Saco, and during the break, as they were touring the State House, they were being led by an individual who spoke French and then they met a judge from the State of Maine who spoke French. Their eyes got very, very big because they were stunned to see the French language spoken in a country not their own and so they learned the importance of history, of what has transpired over many, many years. In Biddeford, the State of Maine, and Quebec, of course, we can go

all the way back to Champlain, back to 1604 and 1607. And again, I think that's important to understand that the French have been here for a long, long time. In Biddeford's case, of course, after the Civil War, especially the late 19th century and 20th century, they began to work in the mills and the shoe shops, and they became more and more vocal and involved in politics, and they presented a rich heritage that was the envy of many. But, at the same time, and I mentioned this last year, it's important to note also there was discrimination. There was an underbelly, an underside to everything that they brought with them. In the 1920s, of course, the Ku Klux Klan was in Maine and, in many cases, it wasn't just the French, it was the Irish and other ethnic groups that were persecuted because of who they were. But yet, with French speaking individuals, it was a stereotype, especially in southern Maine. Some of the people that I knew, for example, changed their names. People like Boisvert changed it to Greenwood because of the negative stereotype, which was really unfortunate, but it was because of all the pressures that they felt. Other people like me, for example, didn't learn the language. My Meme and my Pepe spoke French. My father spoke French. If I tried to speak French off the sheet today, I'd stumble through it. Some might argue I stumble through English, but that's a different story. But it was part of that negative stereotype and so having an event like this is really, really important. But yet, despite all of that, there were individuals who always valued their ethnic pride and Joe Plamondon was one of those individuals.

Many, many years ago – many, many, many years ago, some would say – Joe Plamondon was my teacher. He taught me U.S. history, but he taught me more than that. He taught me about life. He taught me about ethnic habits, ethnic values – hard work, responsibility, telling me that I could be better than I am. He was a role model for so many of us and he was involved so much in the community. When I posted on Facebook that I was going to be doing this, people wrote to me saying, "He got me my first job." "He did this for me." "He did that for me." He cared about people, community spirit, but at the same time, he valued his ethnicity. He was proud to be Franco and he conveyed that to everyone. Now, he did a lot of things within the community, but one of the things that was really striking was back in 1983, when he went to Lewiston and went to a Franco festival, and he thought, "What a wonderful thing that would be for Biddeford." So he and his wife Migonne and his family and a group of friends began to plan what would become La Kermesse. La Kermesse is still going on, thanks to that particular vision, and it's a remarkable event because it's all about ethnic pride and it's not centered just on Franco pride because Joe was really particular in saying every ethnic group, as part of the fabric of America, should be proud of their history. And so he had this idea, this vision, but he passed away before he could accomplish that, but his family, his wife, his son Jim and other members of the family picked it up and we still have it, as I said, today. Now, Joe Plamondon probably should have been in this particular Hall of Fame many, many years ago. I was stunned last year, when I picked up and I realized he wasn't there, so today we're righting a wrong because he is so important to the Franco community of Biddeford. And, Mr. Speaker, I can say that looking at myself today, where I am, being involved in politics and being a schoolteacher for 35 years, part of the reason why I'm standing here is because of Joe Plamondon, because he had that much of an effect on me. Thank you, Mr. Speaker.

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

Recognizing:

Father Renald Labarre, of Biddeford, on his induction into the Franco-American Hall of Fame. Father Labarre graduated from St. Louis High School in Biddeford and attended St. Francis College before entering the ministry. He served as a priest in Brewer, Lewiston, Caribou, Millinocket, Auburn, Portland and Biddeford. He was the prime mover in the renovation of St. Joseph's Church and Rectory. Father Labarre was in charge of the state Catholic Youth Organization for many years. He is the current chaplain for St. Jean Baptiste de Bienfaisance, the local Knights of Columbus and the Friends of Father Zenon Decary. He retired from the ministry in 2006, but still keeps busy with responsibilities at the Good Shepherd Parish and says the French Mass at St. Joseph's. We acknowledge his dedicated service to his community and to his heritage, and we congratulate Father Labarre on his induction into the Franco-American Hall of Fame;

(HLS 768)

Presented by Representative CASAVANT of Biddeford.

Cosponsored by Representative BEAUDOIN of Biddeford, Senator DUTREMBLE of York, Senator VALENTINO of York, Representative ROCHELO of Biddeford, Representative VEROW of Brewer, Representative FREDETTE of Newport, Representative ROTUNDO of Lewiston, Representative MASTRACCIO of Sanford, Representative BEAULIEU of Auburn, Representative PEAVEY HASKELL of Milford, Representative McELWEE of Caribou, Representative DeCHANT of Bath, Representative JACKSON of Oxford, Representative NADEAU of Fort Kent, Representative NADEAU of Winslow, Representative LONGSTAFF of Waterville, Representative POULIOT of Augusta, Representative CROCKETT of Bethel, Representative BOLDUC of Auburn, Representative LIBBY of Lewiston, Representative THERIAULT of Madawaska, Representative SAUCIER of Presque Isle, Representative AYOTTE of Caswell, Representative WERTS of Auburn, Representative LAJOIE of Lewiston, Representative BECK of Waterville, Representative GILBERT of Jay, Representative BEAR of the Houlton Band of Maliseet Indians, Senator CRAVEN of Androscoggin, Senator CLEVELAND of Androscoggin, Senator JACKSON of Aroostook, Senator KATZ of Kennebec, Senator TUTTLE of York, Senator LACHOWICZ of Kennebec, Representative BOLAND of Sanford.

On **OBJECTION** of Representative CASAVANT of Biddeford, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Biddeford, Representative Casavant.

Representative **CASAVANT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. "La Foi – La Langue – La Culture." That's a title of a book that was written by a man named Michael Guignard from Biddeford, that talked about the importance of the culture, the language and the faith, in terms of the Franco. I would also add *la famille*, the idea of family. Father Labarre is not here today because his nephew was operated on from cancer a couple of days ago and he wanted to be with him, which I understand. But that's typical of Father Labarre, being wrapped up in family and community. I have known him for about 10 or 15 years and he's very popular and respected in the City of Biddeford, and, as indicated by his Sentiment, he has been in many, many cities in the State of Maine. He is very involved in Franco activities. He immerses himself in activities, such as St. Jean Baptiste de Bienfaisance, which is an old Franco-American cultural group that goes back to 1865. He speaks the language fluently and, of course, has indicated, even though he retired in 2006, he still gives the French mass in the City of Biddeford. Interestingly, a lot of who

he is today goes back to something that happened when he was a child, when he accidentally fell into a pot of boiling water and he was severely burned, and he was brought to the hospital and the doctor said, "You better call a priest," because it was that severe. They called the priest and the priest's name was Father Zenon Decary. Father Decary came to the hospital, looked over the child and did the necessary prayers and told his mother "Take him home. He'll be okay. He has more important work to do." Father Labarre was brought home and he was cured. Because of that event, Father Labarre is now involved in the canonization, which means the moving towards sainthood of his Father Decary, who was a cultural icon in the City of Biddeford. I mention that because, again, *la foi*, the faith. Father Labarre lived his life wrapped up in his faith and his culture and, of course, his language, and he practices that, loves that, immerses himself in that every day. Thank you very much, Mr. Speaker.

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

Recognizing:

the late Cecile Dufour Pozzuto, of Madawaska, upon her posthumous induction into the Franco-American Hall of Fame. Mrs. Pozzuto was a teacher in Madawaska for over 30 years, during which time she raised her 4 children and also worked toward earning her bachelor's degree from Fort Kent State College. Receiving her degree from the school was particularly rewarding, since she and her husband, George Pozzuto, traveled to Augusta to testify before lawmakers in support of extending bachelor's degree opportunities at Fort Kent. Mrs. Pozzuto's passion for education eventually developed into her championing programs to enhance students' ability to read. After her retirement, she authored several historical books for the organizations she cherished, taking the lead role in writing the history of St. Thomas Aquinas Parish. Mrs. Pozzuto took great pride in being a descendant from the first settlers of Acadia, the founding families of Quebec and the original settlers of Madawaska. She was a member of the Madawaska Historical Society and helped establish the Acadian Festival. She assisted in writing the history of Madawaska for its centennial in 1969. We acknowledge Mrs. Pozzuto's service to her community and to the State, and we honor her memory on the occasion of her induction into the Franco-American Hall of Fame;

(HLS 769)

Presented by Representative AYOTTE of Caswell.

Cosponsored by Senator JACKSON of Aroostook, Representative THERIAULT of Madawaska, Representative VEROW of Brewer, Representative BEAUDOIN of Biddeford, Representative FREDETTE of Newport, Representative ROTUNDO of Lewiston, Representative MASTRACCIO of Sanford, Representative BEAULIEU of Auburn, Representative PEAVEY HASKELL of Milford, Representative McELWEE of Caribou, Representative DeCHANT of Bath, Representative CASAVANT of Biddeford, Representative JACKSON of Oxford, Representative NADEAU of Fort Kent, Representative NADEAU of Winslow, Representative LONGSTAFF of Waterville, Representative POULIOT of Augusta, Representative CROCKETT of Bethel, Representative BOLDUC of Auburn, Representative LIBBY of Lewiston, Representative SAUCIER of Presque Isle, Representative WERTS of Auburn, Representative LAJOIE of Lewiston, Representative BECK of Waterville, Representative GILBERT of Jay, Representative BOLAND of Sanford, Senator CRAVEN of Androscoggin, Representative BEAR of the Houlton Band of Maliseet Indians, Senator DUTREMBLE of York, Senator CLEVELAND of Androscoggin,

Senator KATZ of Kennebec, Senator TUTTLE of York, Senator LACHOWICZ of Kennebec.

On **OBJECTION** of Representative AYOTTE of Caswell, was **REMOVED** from the Special Sentiment Calendar.

READ.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Caswell, Representative Ayotte.

Representative **AYOTTE**: Monsieur le Président, Mesdames et Messieurs de la Chambre. Mr. Speaker, Ladies and Gentlemen of the House. It is a special honor and a privilege for me to recognize and nominate Mrs. Cecile Dufour Pozzuto to the Franco-American Hall of Fame. It is unfortunate that this honor could not have been given her during her lifetime. We hear much about how the people of French heritage should keep their language, maintain their culture and keep their French traditions alive.

We hear the older people say, "Be proud to be French. Tell your children about our struggle, how we overcame great adversity and discrimination. Observe your French holidays and study your French history. Tell your children about how we worked hard when we reached the new world. Tell your children about the unbelievable difficult winters and how we overcame sickness and starvation."

Yet how many people actually take the time or make the effort to do just that without asking for reward or recognition? Mr. Speaker, that is why today I am so proud to nominate and recognize Mrs. Cecile Dufour Pozzuto. Mrs. Pozzuto was a dedicated schoolteacher who found the time to give willingly of herself, to keep the French culture alive. She told the stories of the people of the great Saint John Valley. She took the time to put in writing so that the beautiful land of Evangeline, the land of Acadia, the land of field and forest would be kept alive and vibrant.

As a former schoolteacher myself, I know firsthand the time and effort it takes to prepare classes, teach the students and correct papers. Mrs. Pozzuto went above and beyond the ordinary, above and beyond the call of duty so that her culture, her language and traditions would never be forgotten. She told of the many difficulties and struggles her ancestors had to overcome so that they would not have lived in vain. Today, I am so proud that we have Franco-American Day here in Augusta, so that we are able to recognize these people because, Mr. Speaker, by their own nature, they would have chosen to remain silent. Mr. Speaker, I also want to take the opportunity to thank you, Representative Charles Ken Theriault, for your work in organizing Franco-American Day here at the State House in our state capital here in Augusta. Thank you, Mr. Speaker.

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

Recognizing:

Gene Perreault, of St. Francis, upon her induction into the Franco-American Hall of Fame. Mrs. Perreault worked in lumber camps for 2 decades as a bookkeeper and grew to appreciate the importance of the industry. Later, she married Hubert Perreault, and the couple raised 4 children together. While taking night classes and again working as a bookkeeper for her husband's lumber business, Mrs. Perreault pursued a lifelong dream of attending college, graduating in 1972 with majors in History, English, and Special Education. For 25 years she worked as a special education and resource teacher. As an educator, she instilled in her students a passion for writing and local Acadian history. Mrs. Perreault wrote and published a collection of stories on Acadian heritage told by lumbermen

entitled *Memories Grow on Trees*. Mrs. Perreault went on to become involved in many local organizations and her church after retiring. Mrs. Perreault is a volunteer and treasurer of the St. Francis Historical Society, where she oversaw grants to restore the Bangor and Aroostook Railroad turntable, which was built in 1904. The projects continued with a nature trail, the expansion of the museum, picnic tables, a gazebo, and much more. To this day, Mrs. Perreault and her husband can be found weeding, cleaning, and painting the museum, in which they take great pride. We acknowledge her dedication to her community and her heritage, and we congratulate Mrs. Perreault on her induction into the Franco-American Hall of Fame;

(HLS 771)

Presented by Representative NADEAU of Fort Kent.

Cosponsored by Senator JACKSON of Aroostook, Representative VEROW of Brewer, Representative BEAUDOIN of Biddeford, Representative FREDETTE of Newport, Representative ROTUNDO of Lewiston, Representative MASTRACCIO of Sanford, Representative BEAULIEU of Auburn, Representative PEAVEY HASKELL of Milford, Representative McELWEE of Caribou, Representative DeCHANT of Bath, Representative CASAVANT of Biddeford, Representative JACKSON of Oxford, Representative NADEAU of Winslow, Representative LONGSTAFF of Waterville, Representative POULIOT of Augusta, Representative CROCKETT of Bethel, Representative BOLDUC of Auburn, Representative LIBBY of Lewiston, Representative THERIAULT of Madawaska, Representative SAUCIER of Presque Isle, Representative AYOTTE of Caswell, Representative WERTS of Auburn, Representative LAJOIE of Lewiston, Representative BECK of Waterville, Representative GILBERT of Jay, Representative BOLAND of Sanford, Representative BEAR of the Houlton Band of Maliseet Indians, Senator CRAVEN of Androscoggin, Senator DUTREMBLE of York, Senator CLEVELAND of Androscoggin, Senator KATZ of Kennebec, Senator TUTTLE of York, Senator LACHOWICZ of Kennebec.

On **OBJECTION** of Representative NADEAU of Fort Kent, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **NADEAU**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Mrs. Perreault has been an example and a living tribute working in lumber camps, bookkeeping, raising four children, taking night classes, attending college, a resource teacher, educator, publishing and writing books, involved in local organizations and her church, volunteer, treasurer, and continues to work on projects today in the trails, still working, still weeding and still taking care of family. It's an honor for me to stand here today and look upon this as a life well lived, but it's also a privilege that they're here today, husband and wife, and that she is here for the induction into the Franco Hall of Fame. As was spoken earlier, some were not here and not able to be here, and some have gone on and passed. I'm just thankful that we are doing this for this family and Mrs. Perreault while they are still here to enjoy it. I'm proud to be part of this celebration and I want to thank you all and especially Mrs. Perreault for being here with us today. Thank you.

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

Recognizing:

Leo Joseph Pepin, of Augusta, on his induction into the Franco-American Hall of Fame. Mr. Pepin was born in Augusta, the son of George and Margaret Pepin, and attended Augusta schools. He was inducted into the United States Army during World War II, and served 3 years with the 365th Medical Battalion in the European Theater of Operations, attached to the 65th Infantry Division. After being discharged from the service, Mr. Pepin continued his education, majoring in business, and was later employed by the Department of Health and Welfare. Having been inspired by his father, who was his first music teacher, Mr. Pepin pursued a life-long career in music. He was a graduate of Frank Gaviani Conservatory in Boston, Mainete School of Music in Lewiston and the Northern Conservatory of Music in Bangor, earning degrees in Music Education and Composition. In 1959 he opened his own studio, Leo Pepin School of Music, and taught instrumental music until his retirement in 1989. "The Dirigo March," which was composed by Mr. Pepin in 1961, is the official march of the State. We acknowledge Mr. Pepin's service to his community and to the State, and we send him our congratulations on the occasion of his induction into the Franco-American Hall of Fame;

(HLS 772)

Presented by Representative POULIOT of Augusta. Cosponsored by Senator KATZ of Kennebec, Representative WILSON of Augusta, Representative FOWLE of Vassalboro, Representative VEROW of Brewer, Representative BEAUDOIN of Biddeford, Representative FREDETTE of Newport, Representative ROTUNDO of Lewiston, Representative MASTRACCIO of Sanford, Representative BEAULIEU of Auburn, Representative PEAVEY HASKELL of Milford, Representative McELWEE of Caribou, Representative DeCHANT of Bath, Representative CASAVANT of Biddeford, Representative JACKSON of Oxford, Representative NADEAU of Fort Kent, Representative NADEAU of Winslow, Representative LONGSTAFF of Waterville, Representative CROCKETT of Bethel, Representative BOLDUC of Auburn, Representative LIBBY of Lewiston, Representative THERIAULT of Madawaska, Representative SAUCIER of Presque Isle, Representative AYOTTE of Caswell, Representative WERTS of Auburn, Representative LAJOIE of Lewiston, Representative BECK of Waterville, Representative GILBERT of Jay, Representative BOLAND of Sanford, Representative BEAR of the Houlton Band of Maliseet Indians, Senator CRAVEN of Androscoggin, Senator DUTREMBLE of York, Senator CLEVELAND of Androscoggin, Senator JACKSON of Aroostook, Senator TUTTLE of York, Senator LACHOWICZ of Kennebec.

On **OBJECTION** of Representative POULIOT of Augusta, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Augusta, Representative Pouliot.

Representative **POULIOT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am proud to recognize Augusta's own Leo Pepin as one of our four inductees into the state's Franco-American Hall of Fame. You've just heard the great accomplishments of Mr. Pepin. As a fellow Franco-American, I can say the Franco-American community here in Maine has a proud, long history, thanks for great citizens like Mr. Pepin. Franco-American history and people have enriched our state for hundreds of years and I know I speak for the entire Augusta community when I say we take pride in our history, our culture and our diversity. I am so appreciative of Mr. Pepin and his contributions to the Augusta community and to our great state

as a whole. Thank you, Mr. Pepin. I am honored to have you here with us today.

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

Recognizing:

Mary Rice-DeFosse, of Lewiston, on her induction into the Franco-American Hall of Fame. Professor Rice-DeFosse is a Professor of French and Francophone Studies at Bates College and the Chair of the Division of Interdisciplinary Programs. She earned her bachelor's degree in French at Boston College and her M.A., MPhil., and Ph.D. at Yale University. She also studied at the Ecole Normale Superieure in Paris. Professor Rice-DeFosse developed a course on Franco-American history, literature and culture at Bates with Maine as its focus and began to work with student researchers and interns to collect the oral histories of Franco-Americans. Professor Rice-DeFosse served as Vice President of the Board of Directors of the Franco-American Heritage Collection at Lewiston-Auburn College and is a Member of the Board of the Franco-American Heritage Center. Professor Rice-DeFosse served as lead scholar on the effort to secure a grant from the Maine Humanities Council to establish the Franco Center's permanent exhibit on the Sisters of Charity in Lewiston/Auburn: "The Grey Nuns: They Came, They Served/Les Soeurs Grises: Elles Sont Venues, Elles Ont Servi." She served as Vice-President and President of Women in French, an international organization devoted to the study of women writers of French expression from all historical periods and geographical venues. We acknowledge Professor Rice-DeFosse's service to her community and to the State, and we congratulate her on her induction into the Franco-American Hall of Fame;

(HLS 773)

Presented by Representative ROTUNDO of Lewiston. Cosponsored by Representative WERTS of Auburn, Senator CRAVEN of Androscoggin, Representative LAJOIE of Lewiston, Representative CAREY of Lewiston, Representative LIBBY of Lewiston, Representative VEROW of Brewer, Representative BEAUDOIN of Biddeford, Representative FREDETTE of Newport, Representative MASTRACCIO of Sanford, Representative BEAULIEU of Auburn, Representative PEAVEY HASKELL of Milford, Representative McELWEE of Caribou, Representative DeCHANT of Bath, Representative CASAVANT of Biddeford, Representative JACKSON of Oxford, Representative NADEAU of Fort Kent, Representative NADEAU of Winslow, Representative LONGSTAFF of Waterville, Representative POULIOT of Augusta, Representative CROCKETT of Bethel, Representative BOLDUC of Auburn, Representative THERIAULT of Madawaska, Representative SAUCIER of Presque Isle, Representative AYOTTE of Caswell, Representative BECK of Waterville, Representative GILBERT of Jay, Representative BOLAND of Sanford, Representative BEAR of the Houlton Band of Maliseet Indians, Senator DUTREMBLE of York, Senator CLEVELAND of Androscoggin, Senator JACKSON of Aroostook, Senator KATZ of Kennebec, Senator TUTTLE of York, Senator LACHOWICZ of Kennebec.

On **OBJECTION** of Representative ROTUNDO of Lewiston, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Lewiston, Representative Rotundo.

Representative **ROTUNDO**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I am so proud today to rise to recognize Professor Mary Rice-DeFosse, of Lewiston, and

all she has done to promote Franco culture in this state. Dr. Rice-DeFosse is a greatly respected teacher, scholar and member of our community. For years, Professor Rice-DeFosse has been teaching her Bates students about the richness of Franco culture. Through her courses, students have contributed to preserving Franco culture in many ways, including the recording of the oral histories of hundreds of Francos in our community. Her scholarship is focused on Franco-American history, literature and culture, and I urge you when you're next in Lewiston to visit the Franco Center permanent exhibit on the Sisters of Charity which she oversaw. In addition to her teaching and scholarship, Dr. Rice-DeFosse has given generously of her time and expertise to her community, serving on the boards of numerous organizations that promote Franco culture. Mary is a generous, modest and brilliant teacher, scholar and community member. I am grateful for all she has contributed and continued to contribute and continues to contribute to the Franco community of Maine. She is deeply deserving of this honor. Thank you.

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

In Memory of:

Donat B. Boisvert, of Lewiston, an active member of the community and chronicler of Franco-American history in Lewiston. Mr. Boisvert was born in Lewiston and was a graduate of St. Dominic High School. He graduated from Providence College with honors and received a Master of Library Science degree from the University of Rhode Island. After working briefly at the library at Boston College, Mr. Boisvert returned to Lewiston, where he worked at Le Centre d'Heritage Franco-Americain. He also was a longtime director of the Maine-Canadian Legislative Advisory Office and the first coordinator of the Franco-American collection established at the University of Southern Maine's Lewiston-Auburn College. Mr. Boisvert will be greatly missed and long remembered by his loving family and his friends;

(HLS 770)

Presented by Representative ROTUNDO of Lewiston. Cosponsored by Senator CRAVEN of Androscoggin, Representative WERTS of Auburn, Representative LAJOIE of Lewiston, Representative CAREY of Lewiston, Representative LIBBY of Lewiston.

On **OBJECTION** of Representative ROTUNDO of Lewiston, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Lewiston, Representative Rotundo.

Representative **ROTUNDO**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I worked with Donat when he oversaw the Franco-American heritage collection at Lewiston-Auburn College, and he worked with care and love on this collection to preserve Franco heritage, the Franco heritage for generations to come. We are grateful for this gift that Donat has given us, and he has left us with an important legacy for the people of Maine. Thank you.

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

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

The Speaker resumed the Chair.
The House was called to order by the Speaker.

REPORTS OF COMMITTEE
Refer to the Committee on Transportation
Pursuant to Resolve

Representative THERIAULT for the **Joint Standing Committee on Transportation** on Bill "An Act To Allow Signs for Areas of Local, Regional and Statewide Interest on the Interstate System"

(H.P. 1320) (L.D. 1831)

Reporting that it be **REFERRED** to the Committee on **TRANSPORTATION** pursuant to Resolve 2013, chapter 14, section 4.

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-428)** on Bill "An Act To Further Delegate Permit-granting Authority to the Bureau of Forestry"

(S.P. 657) (L.D. 1673)

Signed:

Senators:

VITELLI of Sagadahoc
BOYLE of Cumberland
SHERMAN of Aroostook

Representatives:

DILL of Old Town
BLACK of Wilton
CRAY of Palmyra
MAREAN of Hollis
NOON of Sanford
TIMBERLAKE of Turner

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

Signed:

Representatives:

HICKMAN of Winthrop
JONES of Freedom
SAUCIER of Presque Isle

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-428)**.

READ.

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

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

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-426)** on Bill "An Act To Establish the Criminal Law Revision Commission" (EMERGENCY)

(S.P. 700) (L.D. 1765)

Signed:

Senators:

GERZOFISKY of Cumberland
DUTREMBLE of York

Representatives:

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

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

Signed:

Senator:

PLUMMER of Cumberland

Representatives:

LONG of Sherman
PEASE of Morrill

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-426)**.

READ.

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

The Bill was **READ ONCE. Committee Amendment "A" (S-426)** 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-426)** in concurrence.

Majority Report of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-424)** on Bill "An Act To Prohibit Motorized Recreational Gold Prospecting in Certain Atlantic Salmon and Brook Trout Spawning Habitats" (EMERGENCY)

(S.P. 646) (L.D. 1671)

Signed:

Senators:

BOYLE of Cumberland
GRATWICK of Penobscot
SAVIELLO of Franklin

Representatives:

WELSH of Rockport
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:

Representatives:

AYOTTE of Caswell
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-424)**.

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-424)** 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-424)** in concurrence.

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-431)** on Bill "An Act To Clarify the Law Governing Public Disclosure of Health Care Prices"

(S.P. 633) (L.D. 1642)

Signed:

Senators:

CRAVEN of Androscoggin
HAMPER of Oxford
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
SANDERSON of Chelsea
SIROCKI of Scarborough

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-432)** on same Bill.

Signed:

Representative:

STUCKEY of Portland

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-431)** 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-431).

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" (S-431)** 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-431)** in concurrence.

Majority Report of the Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-412)** on Bill "An Act To Amend Insurance Coverage for Diagnosis of Autism Spectrum Disorders"

(S.P. 127) (L.D. 347)

Signed:

Senators:

GRATWICK of Penobscot
WOODBURY of Cumberland

Representatives:

TREAT of Hallowell
BEAUDOIN of Biddeford
BECK of Waterville
COOPER of Yarmouth
MORRISON of South Portland
PRINGLE of Windham

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

Signed:

Senator:

WHITTEMORE of Somerset

Representatives:

DOAK of Columbia Falls
FITZPATRICK of Houlton
McCLELLAN of Raymond
WALLACE of Dexter

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-412)**.

READ.

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

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

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act Directing the Department of Education To Formulate and Implement a Citizenship Educational Component for the School Curriculum"

(H.P. 1234) (L.D. 1726)

Signed:

Senators:

MILLETT of Cumberland
JOHNSON of Lincoln
LANGLEY of Hancock

Representatives:

MacDONALD of Boothbay
HUBBELL of Bar Harbor
JOHNSON of Greenville
KORNFIELD of Bangor
MAKER of Calais
McCLELLAN of Raymond
NELSON of Falmouth
RANKIN of Hiram

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-676)** on same Bill.

Signed:

Representatives:

DAUGHTRY of Brunswick
POULIOT of Augusta

Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports the Minority **Ought to Pass as Amended by Committee Amendment "A" (H-676)** Report.

READ.

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

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-683)** on Resolve, To Improve Access to Emergency Behavioral Health Services and Increase Public Safety

(H.P. 1165) (L.D. 1594)

Signed:

Senators:

CRAVEN of Androscoggin
LACHOWICZ of Kennebec

Representatives:

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

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

Signed:

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**.

Representative WILLETTE of Mapleton **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. 538

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

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

ABSENT - Carey, Cotta, Frey, Hobbins, Jackson, Johnson D, Pease, Powers, Rochelo, Sanborn.

Yes, 89; No, 52; Absent, 10; Excused, 0.

89 having voted in the affirmative and 52 voted in the negative, with 10 being absent, and accordingly the Majority **Ought to Pass as Amended Report** was **ACCEPTED**.

The Resolve was **READ ONCE**. **Committee Amendment "A" (H-683)** 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-683)** and sent for concurrence.

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-684)** on Bill "An Act To Cancel the No-bid Alexander Group Contract To Produce Savings in Fiscal Year 2013-14" (EMERGENCY)

(H.P. 1286) (L.D. 1794)

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" (H-684)** Report.

READ.

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

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

Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-692)** on Bill "An Act To Leverage Expert, State-based Resources for Emergent Intervention and Long-term Comprehensive Resource Protection of Lakes" (EMERGENCY)

(H.P. 1198) (L.D. 1626)

Signed:

Senators:

DUTREMBLE of York
HASKELL of Cumberland

Representatives:

SHAW of Standish
BRIGGS of Mexico
EVANGELOS of Friendship
KUSIAK of Fairfield
MARKS of Pittston

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-693)** on same Bill.

Signed:

Senator:

BURNS of Washington

Representatives:

CRAFTS of Lisbon
DAVIS of Sangerville
ESPLING of New Gloucester
SHORT of Pittsfield
WOOD of Sabattus

READ.

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

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

Majority Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought Not to Pass** on Bill "An Act To Streamline the Work Permitting Process for Minors and To Conform Allowable Places That Minors May Work to Federal Law" (EMERGENCY) (H.P. 1222) (L.D. 1698)

Signed:

Senator:

PATRICK of Oxford

Representatives:

HERBIG of Belfast

CAMPBELL of Newfield

GILBERT of Jay

HAMANN of South Portland

MASTRACCIO of Sanford

Minority Report of the same Committee reporting **Ought to Pass** on same Bill.

Signed:

Senator:

CUSHING of Penobscot

Representatives:

DUPREY of Hampden

LOCKMAN of Amherst

MASON of Topsham

WINCHENBACH of Waldoboro

READ.

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

Representative FREDETTE of Newport **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass Report**.

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

The SPEAKER: The Chair recognizes the Representative from Amherst, Representative Lockman.

Representative **LOCKMAN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to the pending motion. This bill was offered as an emergency legislation so the bill will be effective in time for the summer of 2014. Everyone who testified at the public hearing testified in support, everyone. Minors came from school to testify. The Department of Labor worked with the Maine School Management Association. They support the bill and testified in support. Some on the committee think there was a problem because in their town the process works well. That is not the experience of all school districts across the state, particularly rural districts. We need this minor, commonsense change in the law to give all minors the opportunity to earn money, explore types of occupations in industries, and gain important soft skills that will aid them throughout their careers. Some on the committee were concerned that minors should be in school. If a minor were in summer school, the Department of Labor would check with the superintendent's office to ensure the minor is in good standing. If the minor were to represent any aspect of the

application, the permit could be revoked. In closing, I ask you to take this into account: Consider the parents. It is ultimately up to the parents if their teen gets a summer job. Thank you, Mr. Speaker.

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

Representative **MASTRACCIO**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I think the real question here is should the superintendent remain an integral part of the work permitting process for 14 and 15 year olds. Who knows better than the local school district if a student is in good standing or not? The process and communication issues that were identified have already been addressed without any change in statute. We just think that it's really important that the law remain the way it is, so I urge you to support the Ought Not to Pass motion.

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 bill does nothing but back up the labor laws, the child labor laws. This bill was in the House a couple of times before, even when the other party had control, and it failed and here it is back again. The labor laws in Maine make it harder for Maine businesses to hire teens, which is a good law. Maine has some of the strictest child labor laws in the U.S. This will weaken those laws. The children are going to school to learn and get an education, not to satisfy business with cheap labor, and that's just what it's about. Before, when the superintendent and the parents took care of it, it was fine. Why now do we want the Department and bureaucrats and politicians telling the children whether they can work or not? I hope you'll follow my light and vote against this bill. Thank you.

The SPEAKER: The Chair recognizes the Representative from Lincoln, Representative Gifford.

Representative **GIFFORD**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. At the time this bill was in committee, I was not able to be there to attend that hearing, but I am speaking as a grandfather and a father whose children actually want to go to work when they are not of age. I think the parents should be the person that determines this, not the school system, and I am speaking from experience because I have a 15-year-old grandson who actually wanted to go to work and make some money to help himself in school and buy some gas for his snow sled. I think it's wrong for us here to make legislation, make laws that bypass parents' supervision. So that's why I'm voting against this bill today. I think the parents should have that right. If the school system is working fine in your district, that's fine. But they don't work too well in my area, so I'm going to be voting to vote against this today. Thank you.

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, too, rise in opposition to the pending motion and I'd like to call attention to the fact that I'm actually not listed because I was absent the week that we voted this out of committee, but otherwise this would be a 6-6 vote in committee. You'll also note that we're missing a vote from a Senator who chose not to take a position, so there is a potential that we don't know which way he would have gone, unfortunately. I do want to read from some of the testimony. This is one of these bills that, yes, we have worked a couple of times in the Department of Labor. This bill started with a larger scope. It was brought back and we worked very hard, the Department of Labor worked very hard with Maine School Management on this bill, and I'm going to read from their

testimony later. But this is some of the testimony that we heard.

We had a number of teenagers come up and testify and this is from a young man named Ben Evans and he says, "Those with the desire or need to work may be able to do so in a more expedient manner, especially in the summertime when there are fewer educational pursuits to commit to. Minors can save the money they make for higher education instead of relying on the government [sic] for a loan and then wallowing in debt for a few years." I think many of us with student loans would know that actually it's a lot more than a few years when you have your student loans to pay back. "It is important for youngsters to have a financial base from which to begin mature citizenship in our state. Despite what a few may think, it takes work to improve our economy and it is work for independently-minded citizens that this bill is promoting."

"Of late, minors have been receiving their work permits well into the summer as employers hold jobs. This process needs to be sped up, this bill will provide at least a start to that. As far as to allowing minors to work in establishments such as bowling alleys and theatres, why prohibit it? This bill allows employers and employees to have more economic freedom."

I would like to point out that Maine is one of the few states still prohibiting minors from working in bowling alleys and movie theaters. I'm sure, at some point in time, that law made sense. It's been changed on the federal level a number of years ago and we heard testimony that Maine is, in fact, one of the last states to still have those laws on our books and, honestly, I can't imagine why. What's dangerous about a bowling alley? But I suppose there is something.

This is from the Maine Innkeepers Association: "The process of getting a work permit can be cumbersome at best and probably for good reason and we all know that Superintendents of Schools work very long and hard hours and that the best time for them to catch a break is in the summer, when school is not in session. It may be a help to a student or an employer to have them work a couple of weeks or a month in the busiest time or when a student realizes that he or she has free time. It is at that time that access to the superintendent is the most difficult. By giving this capability to the Department of Labor with the same verification rules and regulations, this opportunity will not be squandered."

"I understand the concerns of working during the school year and the need for the administration to be able to properly assess that student's capability to work and attend school, but I would [think that] we would all agree that a student with idle time on their hands in the summer would be better served to work if that is theirs' and their parents' desire." And please note, parents do have to sign off on a work permit for a minor. "In polling Maine Restaurant Association Members, I had many great responses. More than I have had for much bigger issues. About 25% of the respondents have had issues at times with their student workers procuring work permits in the summertime, but every one of them endorsed a program that would make it easier for employers and employees to connect with good jobs in time when school is not in session."

From the Retail Association of Maine: "We have had members tell us that there is often a longer than necessary lag time from the time a job offer is made to the time the work permit is signed and the youth can start work. LD 1698 simply streamlines the existing process. One point I want to emphasize" – this is again the Retail Association of Maine – "...is that regardless of who authorizes the permit, the parent or legal guardian has to sign the permit as well." And you will all be receiving a copy of what a work permit looks like, so you can see

for yourself. There is even contact information so that parental consent can be verified.

Last but not least, this is from the Department of Education: "This amendment would allow teens to continue to get their work permit by going through their superintendent's office, or alternatively, to obtain the permit directly from the Bureau. This would save time for the teens and allow them to start work more quickly. It would also minimize challenges to employers who may be hesitant to hire teens due to delays in obtaining work permits."

"This amendment also clarifies the authority of the Bureau and Superintendent's Offices with respect to issuing...permits. The slight changes in proposed verbiage strive to clarify that the role of the superintendent in this process is that of certification." And again, we did hear from Maine School Management and I had thought that I had a copy of their testimony but I don't. You can hopefully look it up online. They did support this bill. "According to existing statute, the superintendent's responsibility is verifying the minor's age, making the determination of eligibility requirements to ensure that a minor is in good standing, completing the applicable information on the permit application, and sending it to the Bureau for approval and issuance. The Bureau's role is that of issuing the permit and oversight. The proposed adjustments provide measures for 'ensuring that a minor is in good standing' during the school year and during the summer if the student is attending summer school."

"The slight changes proposed in this amendment are intended to give all minors the opportunity to earn money, explore types of occupations and industries, as well as gain important soft skills that will aid them [through] their careers."

This is a very simple bill. I really don't understand the opposition to this bill at all. This is not allowing children to work at a younger age. It does add two places that they can work which, in almost every other state, they currently can work and under federal law, they're allowed to work. This still requires certification from the superintendent. They are not cut out of this process, but it allows the child to contact the Bureau of Labor for their permit. In the event that they can't get in touch with their superintendent or choose not to for whatever reason, the superintendents will still be contacted. I urge you to oppose the pending motion and follow my light. 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. Even though the title of this bill is "An Act To Streamline the Work Permitting Process for Minors," let's call it what it is, men and women. This is a child labor liberalization law not to benefit children but to allow for their exploitation. We all know, men and women, that the key to prosperity for the poorest among us is education and who better to attest to the fact that a child is properly being educated than the school district which he or she attends. I beg to differ with the good Representative from Scarborough. This bill does indeed cut superintendents or may cut superintendents out of the process of actually verifying that a 14 or 15-year-old child is properly performing educationally, and, as I mentioned, education is the key to their success. Once again, look, 14 and 15-year-olds have employment opportunities informally already. We agree, this, cutting their neighbor's grass, although it's probably illegal, helping their elderly neighbor with their chores or tasks, probably illegal as well, but those informal opportunities still exist. This is a formal opportunity, okay, for employers to exploit children without the superintendent's verification that they are indeed achieving educationally and I would urge you to accept the pending motion. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Jay, Representative Gilbert.

Representative **GILBERT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I'd like to address the one thing with the Representative from Freedom. It's not illegal for a youngster to cut the neighbor's grass. That's domestic work and that does not fall under labor laws. There's no need to change or weaken child labor laws. I worked as a job service manager for 22 years serving rural, western Maine and this issue that's being brought up in this bill has never been brought to my attention, nor the attention of the councilors and employment specialists that worked for me. I also managed supermarkets for 10 years and I never had a problem in getting work permits from the kids that were going to school at Livermore Falls High School or Jay High School. I've represented my district, a rural district, four towns – Mercer, Starks, Chesterville and New Sharon and the Town of Jay – and in six years, I've never heard of this problem. This is just a move to start to go down the slippery slope to weaken child labor laws. I would urge you to support the motion Ought Not to Pass.

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

Representative **CAMPBELL**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. This is one of those bills that you say, "Well, I'm not going to rise on this," but I have some personal experience. We all have our constituent experience that you spend a lot of time on. I had a young lady that had an interest in going back to a job at a theater. This was actually a nonprofit theater in Bucksport. She had worked there before, but she had a real problem with the interpretation or a new notification to the theater owner that she couldn't come back to work. It took us about six months to get her an opportunity to go back to the job that she had. So if there is anything that can help these young people get back to these jobs or get jobs that they actually want to do and learn something more about the world. Now, education is wonderful, but there is no better education than going to work. Thank you.

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

Representative **PEOPLES**: Thank you, Mr. Speaker. Mr. Speaker, Colleagues of the House. I have only one objection to this change. It seems to me that even though if the student is not supposed to have a work permit, if this doesn't happen, we don't find this out until halfway through the summer, if they had an opportunity to go to summer school, that's lost. What happens is that they've already gone to work, the opportunity for whatever remediation that they should have been having hasn't taken place. So I think it's really important to know ahead of time, both in fairness to the child, in fairness to the employer and in fairness to the school system, that we only give these work permits to 14 and 15-year-old children when we know they are in good status with the school. Thank you.

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

Representative **WILSON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I wanted to just quickly rise and let you all know that my first job was when I was 10 years old and I worked at a chicken farm, and I can remember it to this day that I had almost an impossible time carrying the two 5 gallon buckets of grain. But, nonetheless, I don't think that I was exploited at all. I chose to do that job. I was young. I know that. I was very thankful that I was even given the opportunity, but I don't think I was exploited. I think that the only thing that came out of it is that I was taught to work hard at a young age and perhaps maybe in some ways my job at that chicken farm

and my sore arms at the end of the day, maybe that might have led to me being here today in this body. Thank you.

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

Representative **TIMBERLAKE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Some of you may think that this is the child's education, but I call it the dumbing down of America, okay? The problem with the children today is it's not that they don't want to work. Every one of them wants to work, but we don't let them work. We don't let them be able to go to work and get a job to help them buy the gas they need for the car or to buy the toys that they'd like to have because we've taught them we just give it to them, and I think it's the wrong way to go and this bill is leading us to more regulation and more stuff. On the farm back when we was kids, we all picked brush in the spring. The high school kids came in and picked brush. We can't do that anymore because we've created laws that don't allow me to have a kid under 18 years old in the orchard in a tractor in the same orchard. Folks, we don't need more laws to protect the kids. We've got them protected. We need to support our children, teach them how to work, teach them how to make a living, teach them that there is more to life than sitting home, playing on their laptop, playing with their iPad. We need to get them back so they know what life is about and that's teach them life. Don't support this bill. Please vote against it. Thank you.

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

Representative **DAUGHTRY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise to answer a question that was posed by the good Representative from Scarborough. She mentioned she wondered what anyone could be opposed to within this bill. While I can't speak for everyone, I will speak for myself. There are multiple elements, but what I'm really getting hung up on is it's a reversal of the current process. Instead of having the student go to their superintendent first and get the signature, they go straight to the Department of Labor and then we have it on good faith that the Department of Labor will then check with the superintendent. But the way I read the bill is that the student could start working before that clearance comes through from the superintendent. So, for example, a 14-year-old may have found a job that they love, start it and find out through the process that they weren't in good standing and have to have that work permit revoked. Also, it looks like it removes a little bit of the subjective discretion of the superintendent on being able to sign off for the child. Now, a child might be in great academic standing, but the superintendent might know something about that child. They might need a little extracurricular work or something that doesn't show up in a standardized format that they can sit down and talk about with the parent and with the child. So I sort of see this taking control away from schools and from children's best interests which is always their education. I have to say I'm very frustrated by some of the things I'm hearing that, you know, we need to roll back labor laws in order to teach children how to work because apparently our school systems aren't teaching children how to work. I worked ever since I was 10 or 12 on family businesses and it taught me how to work. But one thing, students already have that availability to work with their neighbors, mow their lawn, create their own business babysitting, but what we don't want to see is a rollback to when 10-year-olds were working in our canneries and our mills and losing fingers. Take a look. Google "Lewis Hine." Take a lot at his pictures of child labor in Maine and tell me how anyone could vote to roll back labor laws.

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

Representative **CAMPBELL**: Thank you, Mr. Speaker. I'm sorry about getting up a second time, but after I spoke the first time, I picked up this "Impact" from the Chamber of Commerce. I think it's very unethical that Representative Volk would stand up and speak for 10 minutes and then I see an ad that's got her company's name on the back of it supporting the same bill.

The **SPEAKER**: : Would the Representative defer? I remind the member not to question the motives of other members on current bills before us.

The Chair reminded all members that it was inappropriate to question the motives of other members of the House.

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'm not sure what that's all about. I didn't receive anything like that. But, anyway, I just do want to point out a couple of things. Again, the Retail Association of Maine says that they had members tell that there is often a longer than necessary lag time from the time a job offer is made to the time the work permit is signed and the youth can start work. From the Maine Innkeepers Association, 25 percent of respondents have had issues at time with their student workers procuring work permits in the summer. Every one of them supported this. I also want to say that the Bureau can easily ensure that minors are in good standing for the small minority of teens enrolled in summer school. They will be verifying that the minor is in good standing by checking with the superintendent's office, completing the permit and verifying the age of the minor. I don't believe that students would be able to begin work before the permit was completed. I also want to say that most kids who are taking summer school are not taking a full slate of summer classes. Typically, they're maybe taking Math again. They may be taking Science again. They may be taking English again. This is not something that they're spending an entire day doing. So that still leaves a number of hours during the day in which they could be working at a part time job. Again, and I've just received verification that, yes, in fact, they would need to receive the signoff from the superintendent before they could begin working, that the student was in good standing, this does not cut superintendents out of the process. Again, Maine School Management did not oppose this bill. Thank you very much.

The **SPEAKER**: The Chair recognizes the Representative from Belfast, Representative Herbig.

Representative **HERBIG**: Thank you, Mr. Speaker. Mr. Speaker, Women and Men of the House. Child labor laws were put into place to protect young Mainers and, if altered, should be done most carefully because while changes may be well intended, they could have negative consequences. To give you a little more information on this bill, LD 1698 really seeks to fix a problem that doesn't exist. Last year, in our committee, the Department of Labor modernized the minor permitting process to avoid any lag times. They did this by placing the necessary forms online and included faxing as part of the process. They really modernized the system, something that needed to happen. Legislation was not needed to make those changes. A bill that looked just like this one was defeated last year and legislation is not needed now. Since the permitting process was improved by the Department, they've received only two complaints. Again, 1698 seeks to fix a problem that does not exist. Removing the superintendent from this process will not improve it, but is negligent and could put at risk some of our most vulnerable students, those that are in summer school. Work should be a supplement to education, not a replacement and certainly not something that puts them at risk. Education should always be

our priority, particularly when it comes to Maine students under the age of 16. I urge you to support the pending motion.

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

ROLL CALL NO. 539

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

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

ABSENT - Carey, Frey, Jackson, Johnson D, Malaby, Pease, Powers, Rochelo.

Yes, 85; No, 58; Absent, 8; Excused, 0.

85 having voted in the affirmative and 58 voted in the negative, with 8 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought Not to Pass** on Resolve, To Continue Consultation and Conditions Prerequisite to the Sale or Lease of Certain Real Property in Hallowell (EMERGENCY)

(H.P. 817) (L.D. 1152)

Signed:

Senators:

LACHOWICZ of Kennebec
COLLINS of York

Representatives:

BOLDUC of Auburn
CHENETTE of Saco
COTTA of China
HAYES of Buckfield
MacDONALD of Old Orchard Beach
NADEAU of Winslow
NADEAU of Fort Kent
PEASE of Morrill

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A"** (H-679) on same Resolve.

Signed:

Representatives:

GRAHAM of North Yarmouth

BOLAND of Sanford

READ.

On motion of Representative GRAHAM of North Yarmouth, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Seven Members of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** report in Report "**A**" **Ought to Pass as Amended by Committee Amendment "A" (H-669)** on Bill "An Act To Enact the Maine Small Business Investment Protection Act"

(H.P. 1043) (L.D. 1458)

Signed:

Senators:

CLEVELAND of Androscoggin
CUSHING of Penobscot

Representatives:

DUPREY of Hampden
LOCKMAN of Amherst
MASON of Topsham
VOLK of Scarborough
WINCHENBACH of Waldoboro

Five Members of the same Committee report in Report "**B**" **Ought to Pass as Amended by Committee Amendment "B" (H-670)** on same Bill.

Signed:

Senator:

PATRICK of Oxford

Representatives:

HERBIG of Belfast
GILBERT of Jay
HAMANN of South Portland
MASTRACCIO of Sanford

One Member of the same Committee reports in Report "**C**" **Ought Not to Pass** on same Bill.

Signed:

Representative:

CAMPBELL of Newfield

READ.

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

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

CONSENT CALENDAR

First Day

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

(S.P. 720) (L.D. 1805) Bill "An Act To Implement the Recommendations of the Review Committee Established To Examine the Impact of Unfunded Education Mandates and Other Regulatory Burdens" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass**

(S.P. 693) (L.D. 1752) Bill "An Act To Preserve Certain Rights Granted to Maine Public Service Company before Its Merger with Bangor Hydro Electric Company" Committee on

ENERGY, UTILITIES AND TECHNOLOGY reporting **Ought to Pass as Amended by Committee Amendment "A" (S-429)**

(S.P. 706) (L.D. 1779) Bill "An Act Relating to Nursing Facility and Inpatient Hospice Patients and Medical Marijuana Use" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-430)**

(S.P. 709) (L.D. 1782) Bill "An Act To Make Technical Amendments to the Criminal History Record Information Act and the Intelligence and Investigative Record Information Act and a Related Provision in the Maine Revised Statutes, Title 20-A" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-427)**

(H.P. 1267) (L.D. 1768) Bill "An Act To Allow All Veterans To Be Eligible for In-state Tuition Rates" (EMERGENCY) Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-695)**

(H.P. 1290) (L.D. 1798) Bill "An Act To Implement the Recommendations of the Task Force Convened by the Maine Labor Relations Board Regarding Compensation for the Panel of Mediators" Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-702)**

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

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

ENACTORS

Emergency Measure

An Act To Clarify Provisions of the Maine Medical Use of Marijuana Act

(H.P. 1168) (L.D. 1597)

(C. "A" H-665)

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 14 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act To Ensure Equity in Teacher Retirement Costs for Private Academies

(S.P. 651) (L.D. 1657)

(C. "A" S-416)

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. 121 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 Further Ensure the Provision of Safe Medical Marijuana to Maine Patients

(S.P. 641) (L.D. 1674)
(C. "A" S-415)

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. 112 voted in favor of the same and 16 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act To Protect the Integrity of Funding for Harness Racing Purses

(H.P. 1203) (L.D. 1680)
(C. "A" H-654)

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. 125 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.

Emergency Measure

Resolve, To Strengthen the Protection of Children from Abuse and Neglect

(H.P. 1208) (L.D. 1685)
(C. "A" H-667)

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. 128 voted in favor of the same and 0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Emergency Measure

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

(H.P. 1268) (L.D. 1770)
(C. "A" H-661)

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. 125 voted in favor of the same and 0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, Regarding Legislative Review of Portions of Chapter 106: Low Sulfur Fuel, a Late-filed Major Substantive Rule of the Department of Environmental Protection

(H.P. 1271) (L.D. 1773)

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 1 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Acts

An Act To Promote New Models of Mobility and Access to Transportation

(H.P. 973) (L.D. 1365)
(C. "A" H-664)

An Act To Improve Hospital-based Behavioral Health Treatment for Persons with Intellectual Disabilities or Autism

(H.P. 1169) (L.D. 1598)
(C. "A" H-666)

An Act Regarding Appointments of Certain Positions in the Department of Corrections

(H.P. 1188) (L.D. 1616)
(C. "A" H-677)

An Act To Allow the City of Saco To Stabilize the Coastline and Coastal Sand Dune System Adjacent to the Saco River

(S.P. 635) (L.D. 1644)
(C. "A" S-405)

An Act To Amend the Motor Vehicle Laws

(S.P. 636) (L.D. 1645)
(C. "A" S-411)

An Act Regarding Fishways

(H.P. 1219) (L.D. 1695)
(C. "A" H-673)

An Act To Make Allocations from Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Calendar Year Ending December 31, 2015

(S.P. 674) (L.D. 1708)
(C. "A" S-410)

An Act To Amend the Mandatory Shoreland Zoning Laws To Exclude Subsurface Waste Water Disposal Systems, Geothermal Heat Exchange Wells and Wells or Water Wells from the Definition of "Structure"

(S.P. 694) (L.D. 1755)
(C. "A" S-417)

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.

Resolves

Resolve, To Assist Veterans by Authorizing the Bureau of General Services To Sell Certain Property To Be Used for Transitional Housing for Veterans

(H.P. 1178) (L.D. 1606)
(C. "A" H-678)

Resolve, To Support Homeless Youth Shelters

(S.P. 682) (L.D. 1717)
(C. "A" S-414)

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

(H.P. 1240) (L.D. 1732)
(C. "A" H-660)

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

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 (9) **Ought Not to Pass** - Minority (4) **Ought to Pass as Amended by Committee Amendment "A" (H-643)** - Committee on **TAXATION** on Bill "An Act To Allow a Municipality To Abate Taxes Assessed on Property That Is Destroyed"

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

TABLED - March 5, 2014 (Till Later Today) by Representative GOODE of Bangor.

PENDING - Motion of same Representative to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

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. To understand this bill, first let me give you a little history. Almost a year ago, there was an enormous explosion in my Town of Yarmouth. A propane tank exploded. It was so massive that Representative Berry told me later that as he was driving down 295, the earth literally shook, although it was a mile away, and he and other drivers pulled over to the side to see what was going on. What happened is that a tank had exploded in this group of condominiums about a mile away. It destroyed six condominiums and an adjoining house behind. It killed one man and displaced the inhabitants of all those other houses. The explosion was so massive that the actual cause of the malfunction that led to the explosion was never determined. The people who were displaced had an enormously difficult time putting their lives back together. If you've ever lost a home to fire or flood or anything like that, you know that insurance is a poor substitute for remaining in your home. It covers some expenses but certainly not everything, and it certainly doesn't cover the expense or the emotional stress of having to leave your home and your friends, losing your possessions of a lifetime and so forth. But the bitterest pill of all for these people was that about two months later, they received their property tax bill, and, lo and behold, it was for the full value of their houses, their condominiums. For many, those condominiums were nothing but a pile of rubble, nothing. They went to the town office, the town hall; spoke to the assessor who said, "I'm sorry. My heart goes out to you, but the law says that there is nothing I can do, that the only way that I can reassess the value of your property is in cases of your inability to pay." That is the existing law. Now, these people were not wealthy but nor were they destitute, nor were they, frankly, willing to go before the town council and plead poverty. They are middle class people. The law protects the destitute, allows them an exception to this rule, allows them to go to the assessor and get their property reevaluated, but there is nothing in the law as it's now written that allows a reassessment for property that basically no longer exists. Now, what I'm talking about here is property taxes on the home, not the land. The land still exists. So the property tax should, in my estimation, be lowered to reflect the fact that the property has been destroyed.

In committee, the proposal was opposed by the Maine Municipal Association. Among other objections that they raised was that the proposed change was unconstitutional, that the law of the Constitution and in statute provided that assessments must be set as of April 1 with no exception. If that's the case, what about the exception for inability to pay? Well, that seemed to be fine with everybody and it remains on the books and it has never been challenged in our courts successfully. That's still on the

books. Well, I did some legal research, thanks to the Law Library. It turns out that the provision that I originally attempted to amend by adding property destroyed by fire, flood, or other natural disasters destroyed up to 50 percent of its value. Until about 1912 or so, it provided exceptions for poverty and infirmity. Two years ago, it was changed to poverty and hardship. Now, many people on the committee thought that this took care of the situation of houses burning down. In fact, that's why the bill was presented and, lo and behold, they were shocked and appalled to find out this year that the bill did no such thing because the law continued to include a provision that said that the applicant had to show inability to pay. So the amendment process went through successfully two years ago and it made absolutely no difference. So I went back further in time and, lo and behold, even more shocking, I found that at the very dawn of this state's creation, in 1821, the first Legislature of Maine, the law gave the assessor of the town or municipality the authority to reassess at any time for any reason. Well, if that's not the founding fathers' true intent, I don't know how else you can prove it. These were the very same men, and I assume that they were all men, who wrote the Maine Constitution. I have offered this bill out of a simple desire to achieve fairness. Why should only the poor be treated fairly or those willing to go before the public authorities and claim an inability to pay, basically claiming that they are destitute. The loss of a home is devastating. Salt should not be put in the wounds by making people pay for homes that are no longer existing. It's a basic fundamental question of fairness. When I tell ordinary people about this proposed law, to a person, they are dumbfounded that the law doesn't already allow this. They can't believe that we cannot see the fundamental unfairness of this and, frankly, I can't either and that is why I urge you to reject the pending motion, Ought Not to Pass. If we so vote, I will offer an amendment that, in many ways, conforms to the compromise reached with the Maine Municipal Association and I will explain it at that time. Thank you.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Goode.

Representative **GOODE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I wasn't planning on speaking for very long on this bill since there is a lot of work before us today, the Representative from Yarmouth who has worked very hard on this. I would just say that abatements are very difficult. From my perspective, I could talk a lot about the bill, but I feel like there's a current process for abatements. It is reserved for economic hardship issues, but I feel like that's appropriate at this time. There are lots of different dynamics that the committee had to deal with. One of them had to deal with the date of commitment, so the current bill, I believe, just covers homes that are lost between April 1 and the date of commitment, which can vary from municipality to municipality. That's part of the compromise worked out with Maine Municipal Association. I didn't intend to give a big speech, but since the Maine Municipal Association position was mentioned at the end, I just wanted to reference email correspondence that I've had with Geoff Herman, the lobbyist for Maine Municipal Association, and he told me that I can share this on the floor. Mr. Herman has stated that Maine Municipal Association's first preference is Ought Not to Pass on the bill. He then states that their second preference is the Minority Committee Report because it was a compromise worked out in good faith. Then, I think, to my understanding that Maine Municipal Association is very concerned of any changes to the bill that would change the date of commitment issue, it was already worked out in the Minority Report. So I hope that's helpful. Thank you, Mr. Speaker.

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

Representative **KNIGHT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to the pending motion and in support of Representative Cooper. This is a very, very difficult issue. It's one the committee wrestled with at great length. The fact of the matter is the other body, all members of the other body, have voted with the recommended motion, so I think we all know how this comes out at the end of the day. Also, the facts are, as our good House Chair of the Taxation Committee pointed out, a lot of other complex issues are involved. But before we take the vote, I would ask the Clerk to read the Committee Report, if possible. Thank you.

The same Representative **REQUESTED** that the Clerk **READ** the Committee Report.

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

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

Representative **COOPER**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Since the issue has been raised, I wanted to explain the question of date of commitment. April 1 is the date on which assessments must be completed by the municipal assessor. Date of commitment is when your tax bill goes out, so that's the last day in which the community can decide how to spread the cost of running its municipal government among all the property owners. In some towns, like mine, that date is in June or July, so if you limit the availability of any redress, any abatement, between April 1 and the date of commitment, you're talking about a couple of months, which seemed to me a very narrow window and one that really made no sense since there are many other ways in which the towns solvency and degree of exposure can be controlled, and when I speak to my amendment, I will explain that further. It's not as if a town is going to be left with a Lake Megantic type of situation. Fires, explosions, are relatively rare events and so this type of redress would certainly not bankrupt a community, and it's also important to remember that this is totally discretionary. The town does not have to enact an ordinance allowing this, does not have to give the abatement. It simply unties their hands. As the assessor said, "My hands are tied." Well, let's untie them. If the town wants to be compassionate, let them. In fact, I've heard during my research of several instances, and it may be more common than I know of, of towns giving such abatements. They basically ignore the law because they know it's not there. Well, let's put it on the books. Let's allow every community to have the power of the law behind them when they make these decisions. Finally, Mr. Speaker, I ask for a roll call.

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.

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

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

The SPEAKER: The Representative may pose her question.

Representative **BRIGGS**: I was looking at the original bill and it stated "unorganized territory," and in viewing the amendment, I don't see that acknowledged on there so I'd just like clarification. Is this for the entire State of Maine or is it just for unorganized territory?

The SPEAKER: The Representative from Mexico, Representative Briggs, has posed a question through the Chair to

anyone who may care to respond. The Chair recognizes the Representative from Yarmouth, Representative Cooper.

Representative **COOPER**: Yes, thank you, Mr. Speaker. As originally proposed, the bill had to do with abatements in the sense that we all understand. The amended bill creates an ordinance system whereby the community decides how it wishes to administer these types of reductions in taxes. Unorganized territories were mentioned in the first bill because they don't have tax assessors, so the state tax assessor was given that role. In the second, in the amended version, it's a benefit program that would also be administered in unorganized territories in the appropriate way. So, yes, it is intended to be a statewide application.

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. 540

YEA - Beaudoin, Berry, Black, Bolduc, Brooks, Campbell J, Campbell R, Chase, Clark, Cotta, Crafts, Cray, Davis, Dill, Dorney, Dunphy, Duprey, Farnsworth, Fitzpatrick, Fowle, Fredette, Gattine, Gideon, Gifford, Gilbert, Gillway, Goode, Hamann, Harvell, Hayes, Herbig, Hobbins, Hubbell, Johnson P, Jones, Jorgensen, Kaenrath, Keschl, Kinney, Kornfield, Kruger, Kumega, Lajoie, Libby A, Long, Luchini, Maker, Marean, Marks, McCabe, McElwee, Monaghan-Derrig, Moonen, Morrison, Noon, Nutting, Parry, Peterson, Plante, Priest, Pringle, Rankin, Reed, Rotundo, Russell, Rykerson, Sanborn, Sanderson, Saucier, Saxton, Schneck, Shaw, Sirocki, Stanley, Stuckey, Timberlake, Trear, Turner, Tyler, Villa, Volk, Wallace, Welsh, Werts, Willette, Winchenbach, Winsor, Wood, Mr. Speaker.

NAY - Ayotte, Beaulieu, Beavers, Beck, Bennett, Boland, Briggs, Cassidy, Chapman, Chenette, Chipman, Cooper, Crockett, Daughtry, DeChant, Devin, Dickerson, Doak, Espling, Evangelos, Graham, Grant, Guerin, Harlow, Hickman, Kent, Knight, Kusiak, Libby N, Lockman, Longstaff, MacDonald S, MacDonald W, Mason, Mastraccio, McClellan, McGowan, McLean, Moriarty, Nadeau C, Nelson, Newendyke, Peavey Haskell, Peoples, Short, Tipping-Spitz, Verow, Weaver, Wilson.

ABSENT - Carey, Casavant, Dion, Frey, Jackson, Johnson D, Malaby, Nadeau A, Pease, Pouliot, Powers, Rochelo, Theriault.

Yes, 89; No, 49; Absent, 13; Excused, 0.

89 having voted in the affirmative and 49 voted in the negative, with 13 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

SENATE DIVIDED REPORT - Majority (9) **Ought to Pass as Amended by Committee Amendment "A" (S-413)** - Minority (4) **Ought Not to Pass** - Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Amend the Laws Governing Retirement Benefits for Capitol Police Officers"

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

- In Senate, 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)**.

TABLED - March 12, 2014 (Till Later Today) by Representative BERRY of Bowdoinham.

PENDING - **ACCEPTANCE OF EITHER REPORT**.

Subsequently, on motion of Representative BERRY of Bowdoinham, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-413)** 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-413)** in concurrence.

SENATE PAPERS

Bill "An Act To Increase Employment Opportunities for Veterans"

(S.P. 735) (L.D. 1832)

Came from the Senate, **REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed.

REFERRED to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** in concurrence.

Bill "An Act To Require the Commission on Governmental Ethics and Election Practices To Make Public Declarations following a Determination of a Campaign Statement's Falsity"

(S.P. 737) (L.D. 1834)

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

REFERRED to the Committee on **VETERANS AND LEGAL AFFAIRS** in concurrence.

REPORTS OF COMMITTEE

Refer to the Committee on Labor, Commerce, Research and Economic Development Pursuant to Resolve

Report of the **Joint Standing Committee on Labor, Commerce, Research and Economic Development** on Bill "An Act To Improve Workers' Compensation Protection for Injured Workers Whose Employers Have Wrongfully Not Secured Workers' Compensation Insurance"

(S.P. 736) (L.D. 1833)

Reporting that it be **REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** pursuant to Resolve 2013, chapter 40, section 2.

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT**.

Report was **READ** and **ACCEPTED** and the Bill was **REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** in concurrence.

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

The House recessed until 6:30 p.m.

(After Recess)

The House was called to order by the Speaker.

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

COMMUNICATIONS

The Following Communication: (H.C. 376)

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

March 18, 2014

The 126th Legislature of the State of Maine
State House

Augusta, Maine

Dear Honorable Members of the 126th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 39, "An Act To Expand the Number of Qualified Educators."

This is an attempt to roll back hard-won reforms put in place in 2011. It allows teachers to retire but keep teaching for up to ten years, five of them at 100% of their original salary. This is clearly wrong and if a significant number of teachers take advantage of this it will become a financial burden to the teachers' retirement fund. Teachers who are not ready to retire should simply continue teaching, not add to the financial burden on the pension system for their own financial gain.

While the bill is designed to aid rural schools in recruiting teachers, it is not limited in any way to rural communities. In addition, it would also "clog up" the teaching profession with teachers at or beyond retirement age, making it more difficult for younger teachers to find positions.

Keeping our retirement fund solvent is important to all state employees and educators who are the beneficiaries of these funds. Allowing people to benefit financially at the expense of these retirement funds is not fair to those hard-working teachers who choose not to start drawing their pension until they are truly ready to retire.

For these reasons, I return LD 39 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage

Governor

READ and ORDERED PLACED ON FILE.

The accompanying item An Act To Expand the Number of Qualified Educators

(H.P. 34) (L.D. 39)

(C. "A" H-621)

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

Representative **JOHNSON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in overriding the Governor's veto. This bill was a bill I presented. It has had a unanimous vote in both the Education and the Appropriations Committee. It is a limited bill that allows high-quality teachers to be rehired at 100 percent of the wage that the school board offers for five 1-year contracts. This improves access to high skilled teachers in some of our remote areas of the state and, frankly, even in some of our larger schools. There is no cost to the state. This saves money for the district and it protects the prerogative of the school, the local school board, by allowing five 1-year contracts and to hire them at the rate that they choose. I would hope that everybody would join me in support of overriding this veto. Thank you.

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

Representative **FREDETTE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This bill before us does present some challenges on a number of policy levels, in terms of providing opportunities for new, young teachers. It provides some challenges on an issue of double dipping, which we've talked about both this session and in the 125th, and those are all legitimate arguments. There's two or three things, at the end of the day, that persuade me to vote to override the Governor's veto on this particular bill, and one of them is just my experience growing up in a small, rural town in Washington County where teachers who came to that community were lifelong friends and teachers. But sometimes when those teachers retired, it was tough to find new teachers in that small town in Washington County, Maine, and so if this provides an opportunity for a teacher to stay engaged with teaching students and that's a good teacher and the local school board, having local control, can use this opportunity with wise discretion. I think it provides an opportunity for providing the best for that student and I think that that's really what ought to be the issue here. I do believe also that other people that are engaged in employment have an opportunity to retire and take a second job after retirement and continue to work, and so I see some sort of equalization here that is important. So while I agree with the Chief Executive on the issue of the double dipping in many respects, I think as it applies to teachers, in this context, I think we have a slight disagreement. I would close on the note where we have done a lot, I believe, in policy here in the State of Maine, in the Legislature, to try to encourage dentists to go to rural areas. We've also done a lot to try to have attorneys not just be practicing in Portland but having attorneys available in Washington County and Aroostook County, where we have a very aging attorney workforce. So why is it any different for teachers who are also professionals and want the same opportunities in these rural communities? So, to that extent, I'm going to support the good work of the chair, of the Republican lead, on this matter and I will be following his light to override. Thank you, Mr. Speaker.

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

The **SPEAKER**: The pending question before the House is 'Shall this Bill become a law notwithstanding the objections of the Governor?' All those in favor will vote yes, those opposed will vote no.

After reconsideration, the House proceeded to vote on the question, 'Shall this Bill become a law notwithstanding the objections of the Governor?' A roll call was taken.

ROLL CALL NO. 541V

YEA - Beaudoin, Beaulieu, Beavers, Beck, Bennett, Berry, Black, Boland, Bolduc, Briggs, Brooks, Campbell J, Campbell R, Carey, Casavant, Cassidy, Chapman, Chase, Chenette, Chipman, Clark, Cooper, Cotta, Crafts, Crockett, Daughtry, Davis, DeChant, Devin, Dill, Dion, Doak, Dorney, Dunphy, Duprey, Espling, Evangelos, Farnsworth, Fitzpatrick, Fowle, Fredette, Frey, Gattine, Gideon, Gilbert, Gillway, Graham, Grant, Harlow, Harvell, Hayes, Herbig, Hickman, Hobbins, Hubbell, Johnson P, Jones, Jorgensen, Kaenrath, Kent, Keschl, Kinney, Knight, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby N, Lockman, Long, Longstaff, Luchini, MacDonald S, MacDonald W, Maker, Malaby, Marean, Marks, Mason, Mastraccio, McCabe, McClellan, McElwee, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau A, Nadeau C, Nelson,

Newendyke, Nutting, Parry, Peavey Haskell, Peoples, Peterson, Plante, Rankin, Reed, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Sanderson, Saucier, Saxton, Schneck, Shaw, Short, Sirocki, Stanley, Theriault, Timberlake, Tipping-Spitz, Treat, Turner, Tyler, Verow, Villa, Volk, Wallace, Weaver, Welsh, Werts, Wilson, Winchenbach, Winsor, Wood, Mr. Speaker.

NAY - Ayotte, Cray, Gifford, Guerin, Libby A.

ABSENT - Dickerson, Goode, Hamann, Jackson, Johnson D, Noor, Pease, Pouliot, Powers, Priest, Pringle, Stuckey, Willette.

Yes, 133; No, 5; Absent, 13; Excused, 0.

133 having voted in the affirmative and 5 voted in the negative, with 13 being absent, and the Veto was **NOT SUSTAINED**.

The Chair laid before the House the following item which was **TABLED** earlier in today's session:

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)

Which was **TABLED** by Representative **BERRY** of Bowdoinham pending **FURTHER CONSIDERATION**.

Subsequently, on motion of Representative **McCABE** of Skowhegan, the House voted to **INSIST**.

The Chair laid before the House the following item which was **TABLED** earlier in today's session:

SENATE DIVIDED REPORT - Majority (9) **Ought to Pass as Amended by Committee Amendment "A" (S-428)** - Minority (3) **Ought Not to Pass** - Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Further Delegate Permit-granting Authority to the Bureau of Forestry"

(S.P. 657) (L.D. 1673)

Which was **TABLED** by Representative **DILL** of Old Town pending his motion to **ACCEPT** the Majority **Ought to Pass as Amended Report**.

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

Representative **HICKMAN**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise in opposition to the pending motion. I serve on the committee of oversight and this bill was presented to us by the department through a Senator. There were four pieces of testimony and if you will indulge me, I'd like to read one piece of testimony to the chamber. It was submitted by the Sportsman's Alliance of Maine. Excerpts of it read as follows.

"Our organization seeks clarification as to the purpose of LD 1673, and we believe there are several important questions that must be resolved before this legislation moves forward. We are curious as to why this bill is necessary. Currently, the Natural Resource Protection Act (NRPA) delegates timber harvesting, gravel mining, and road-building permitting authority to the Dept. of Conservation in unorganized towns and on state property, while the Dept. of Environmental Protection is the issuing authority in the organized townships. What has changed that now we must consolidate that authority within one agency? Will there be checks and balances in place that will prevent abuse of this authority?"

"Will LD 1673 change timber harvesting standards contained within the Maine Forest Practices Act? Specifically, will the Bureau of Forestry Director have the authority to issue permits for timber salvage operations that exceed cutting standards under the Maine Forest Practices Act? If so, will this authority be used

to extract timber in advance of the next spruce budworm outbreak? If a permit is granted for spruce and fir salvage, would there be any restrictions on harvesting other tree species unaffected by the outbreak, [such as] beech, oak and cedar which are important to deer and other wildlife? Will timber harvesting standards be relaxed within riparian zones as currently regulated under LURC, the Maine Forest Practices Act, and the Shoreland Protection Act?

"Will gravel mining standards currently in place be relaxed? And what impact would this have on trout habitat and overall water quality?"

"Would this permit authority affect timber harvesting restrictions and Best Practices standards in deer wintering areas under cooperative agreements or LURC zoned deer yards? Will Inland Fisheries and Wildlife biologists continue to have input into harvesting that occurs in mapped deer wintering areas and will they have authority to reject permits if they disagree with them?"

"It is our understanding that recently, the Bureau of Forestry has quietly accelerated timber harvesting on state lands to the extent that timber stumpage sales have generated more than \$1 million in revenue. Has this accelerated timber harvesting required modification of established rotation lengths or long-term expectations for production of sawtimber on state lands? If so, will LD 1673 facilitate similar changes in timber supply on privately-owned lands in the future? What effect will accelerated timber removal have on Wildlife and the hunting economy [in] Maine?"

"SAM urges the committee to thoroughly consider these and other questions before passing LD 1673."

In my opinion, our committee did not thoroughly consider these and other questions before we voted this out of committee. I was concerned that if a solution to a problem that has not been identified is presented to us, it raises a red flag. I was also concerned that DEP did not ask for us, for the Department of Forestry, to take this away from them. I am concerned that there is no Board of Appeals in the Department of Forestry. What we got at the end of our discussion when we voted was a letter from the Director of the Forest Service promising us that the regulations would be the same as our DEP, but it was only a promise in writing and nothing more. And so I stand in opposition to this motion and I ask people to vote with me. Mr. Speaker, I humbly request a roll call.

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 Old Town, Representative Dill.

Representative **DILL**: Thank you, Mr. Speaker. I certainly agree with what the good Representative from Winthrop read from the testimony from the Director of SAM, but to the best of my recollection, they also came back because we worked this bill several times and I believe they finally left it that they were okay with the bill, with the way it was headed. So I would just say please follow my light on this one. 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. LD 1673, the bill before us, seeks to transfer all Natural Resources Protection Act permitting authority related to timber and harvesting practices from the Department of Environmental Protection to the Maine Forest Service. Let me explain that one more time. All permitting authority related to timber harvesting activities, this bill would

transfer all of those activities, the permitting authority, from the DEP to the Maine Forest Service. Now, all couple of things. The Natural Resources Protection Act is a complex statute that really should be primarily overseen by the agency with the most experience applying the statute, the DEP. Furthermore, Mr. Speaker, this bill makes the Maine Forest Service responsible for these permitting activities on approximately five to seven million acres of forestlands in Maine's organized towns, with no transfer of funding or personnel to implement this increased responsibility. Finally, the Natural Resources Protection Act is a Title 38 statute. Typically, changes to this statute are handled by the Environment and Natural Resources Committee and I do believe that that committee is better able, better poised to judge whether the Maine Forest Service is equipped to handle these responsibilities. So I concur with my good fellow from Winthrop. I urge my fellows, Men and Women of the House, to reject the current motion and to further recommit this bill to the proper committee. Thank you, Mr. Speaker.

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

Representative **McGOWAN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. As a member of the Environment and Natural Resources Committee, I also ask you to oppose this bill. Thank you.

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. I apologize for rising a second time, but I would also say that I would again agree with my good colleague from Freedom. One of the things is, though, that was kind of left out in the statement, was that currently the DEP does have jurisdiction of forest harvesting permitting in the UT where the ACF has the same authority in the organized territory. So this is just putting it all into one place. So it's not like giving them carte blanche control. It's just moving into one agency. Thank you.

Representative **FREDETTE** of Newport **REQUESTED** that the Clerk **READ** the Committee Report.

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

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

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

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

Representative **HARLOW**: Thank you, Mr. Speaker. I was wondering if DEP weighed in on this issue at your hearing. I'm looking online and it doesn't appear that they did.

The **SPEAKER**: The Representative from Portland, Representative Harlow, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Old Town, Representative Dill.

Representative **DILL**: Thank you, Mr. Speaker. Yes, we had representatives from DEP there and representatives from ACF, and the representative from DEP was perfectly clear that they were fine with ACF taking over these responsibilities as long as the guidelines were as strict or stricter than what DEP had in place. We were assured by ACF that that would be the case and that they would present those findings to us with the new requirements in place.

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. Just as a matter of interest, the sponsor of the bill was in fact Senator Boyle who is also the Senate Chair of the Natural Resources Committee.

He sponsored this bill and had it sent to us, so I think he's pretty comfortable with that. So if any of you are concerned that it was in the wrong place, I don't think that it was. 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. Please forgive my rising a second time. I just want to reiterate one point that I think we all should be really cognizant of. This bill makes the Maine Forest Service responsible for the Natural Resources Protection Act permitting on an additional five to seven million acres of forestland with no additional resources allocated. Thank you, Mr. Speaker.

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

Representative **SAUCIER**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am on the Minority Report on this bill also. If you had a chance yesterday to read the *Bangor Daily News*, you would have seen an article in there where the Maine Forest Service actually, behind closed doors, had increased the cut on Bureau of Public Lands from 23 cords down to 21½ cords. What does this mean? It means that on public lands they were cutting 93,000 cords of wood and they've increased that to 115,000 to 141,000 to 160,000 to 180,000 for 20 years. That is three times the amount of wood being cut on public lands. When the committee questioned Mr. Harris about the report, we were told that it was about...

The SPEAKER: Will the Representative defer? The Chair recognizes the Representative from Palmyra, Representative Cray, and inquires as to why the Representative rises.

Representative **CRAY**: Point of Order. I don't see where this is going anywhere with the bill that we're discussing.

On **POINT OF ORDER**, Representative CRAY of Palmyra asked the Chair if the remarks of Representative SAUCIER of Presque Isle were germane to the pending question.

The SPEAKER: The Chair would remind members to remain germane to the bill that is before us, LD 1673.

The Chair reminded all members to stay as close as possible to the pending question.

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

Representative **SAUCIER**: Mr. Speaker, you will see how this is germane. So, in the report, we were told that the reason why the Bureau of Public Lands was being cut was because of spruce budworm and...

The SPEAKER: Would the Representative defer? The Chair recognizes the Representative from Turner, Representative Timberlake, and inquires as to why the Representative rises.

Representative **TIMBERLAKE**: Mr. Speaker, I would disagree, that he's not being germane to this bill.

On **POINT OF ORDER**, Representative TIMBERLAKE of Turner asked the Chair if the remarks of Representative SAUCIER of Presque Isle were germane to the pending question.

The SPEAKER: Would the floor leaders approach the well of the House, as well as Representative Saucier, Representative Timberlake and Representative Cray?

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

Representative **SAUCIER**: Thank you, Mr. Speaker. So I'll deviate from what I was talking about, about cutting public lands, but the point being is that ACF is going to have a lot more authority to do what they want, whether it's on public land or private land, and DEP is basically relinquishing their authority to the ACF. Now, we can sit here and decide whether or not we want that to happen or not. To me, I think it's giving the ACF way

too much authority to make those decisions on any land, whether it's public or private, and that's all I'll say.

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

Representative **HICKMAN**: Mr. Speaker, I apologize for rising a second time. I just would like to reiterate one sentence from this testimony. It was said, "It is our understanding that recently, the Bureau of Forestry has quietly accelerated timber harvesting on state lands to the extent that timber stumpage sales have generated more than \$1 million in revenue." The reason why the good Representative from Presque Isle brought what he was up to say has to do with what's in this testimony regarding this bill, so it absolutely is related in my mind. But, more importantly, the only thing more important than food is water and right now shoreland zones are regulated by the DEP. They are the Board of Appeals there. If we move this regulating authority to the Bureau of Forestry and trust their word and they slow water, there is no way for anyone to appeal that when they are doing this advanced accelerated timber harvesting in shoreland zones, and that is my problem with this bill. It is a bad bill, in my opinion. I do not think we should pass it.

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

Representative **TIMBERLAKE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I stand before you to give my version of what I think this is about. This bill is about before the DEP was issuing permits in the UT and the Department of Conservation and Forestry was issuing permits if you were in townships. All we're doing is moving it all to one place. If you are a landowner and you have land in the UT or if you have land in the townships, you all go to one place to get your permit. You're not filling out a different application with two different people in two different places, where sometimes people who own large tracks of lands overlap from the UTs to the townships. So all this bill does is put all the ownership into one place and we all know what it's like to go get a permit and it's not a lot of fun when you have to go to four different places to get a permit. This just lets you go to one place to get the permit so that we can progress jobs in the State of Maine. Thank you.

The SPEAKER: The Chair recognizes the Representative from Woolwich, Representative Kent.

Representative **KENT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I was not in committee the day of this vote. I would have voted with my fellow members on the Minority Report. This is yet another disturbing example of a shift of authority to the Maine Forest Service. It is not a good bill.

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. As a member of the Environment and Natural Resources Committee, I would just note that this evening was the first time that we, in the House, were made aware of this bill. We have, on many occasions, taken up bills having to do with shoreland zoning regulation and other measures designed to protect the purity of our lakes and streams. The fact that we were not included in these discussions, even informally, is greatly disturbing to me. Thank you.

The SPEAKER: The Chair recognizes the Representative from Palmyra, Representative Cray.

Representative **CRAY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I believe this bill has gone way over from where it was. This bill only gives the permitting authority to the ACF. It doesn't change any laws other

than the ACF has the permitting authority. There is no laws that have changed it. The natural/environmental, it's the same law that it was before.

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

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

The SPEAKER: The Representative may pose her question.

Representative DAUGHTRY: To anyone who can answer it, I was wondering if I could get some clarification about the statement about this bill would change water resources through the DEP.

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

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. 542

YEA - Ayotte, Beaudoin, Beaulieu, Beck, Bennett, Berry, Black, Campbell R, Casavant, Chase, Clark, Cotta, Crafts, Cray, Crockett, Davis, DeChant, Dill, Dion, Doak, Dunphy, Duprey, Espling, Fitzpatrick, Fowle, Fredette, Gattine, Gideon, Gifford, Gillway, Grant, Guerin, Harvell, Hayes, Herbig, Hobbins, Hubbell, Johnson P, Keschl, Kinney, Knight, Kumiega, Libby A, Lockman, Luchini, MacDonald S, MacDonald W, Maker, Marean, Mastraccio, McCabe, McClellan, McElwee, Moriarty, Nadeau A, Nadeau C, Newendyke, Nutting, Parry, Peavey Haskell, Peterson, Pouliot, Reed, Sanderson, Saxton, Sirocki, Theriault, Timberlake, Turner, Tyler, Volk, Wallace, Weaver, Willette, Wilson, Winchenbach, Winsor, Wood, Mr. Speaker.

NAY - Beavers, Boland, Bolduc, Briggs, Brooks, Campbell J, Carey, Cassidy, Chapman, Chenette, Chipman, Cooper, Daughtry, Devin, Dorney, Evangelos, Farnsworth, Frey, Gilbert, Graham, Harlow, Hickman, Jones, Jorgensen, Kaenrath, Kent, Kornfield, Kruger, Kusiak, Lajoie, Libby N, Longstaff, Malaby, Marks, Mason, McGowan, McLean, Monaghan-Derrig, Moonen, Morrison, Nelson, Peoples, Plante, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Saucier, Schneck, Shaw, Short, Stanley, Tipping-Spitz, Treat, Verow, Villa, Welsh, Werts.

ABSENT - Dickerson, Goode, Hamann, Jackson, Johnson D, Long, Noon, Pease, Powers, Priest, Pringle, Stuckey.

Yes, 79; No, 60; Absent, 12; Excused, 0.

79 having voted in the affirmative and 60 voted in the negative, with 12 being absent, and accordingly the Majority Ought to Pass as Amended Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-428)** 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-428)** in concurrence.

The Chair laid before the House the following item which was **TABLED** earlier in today's session:

SENATE DIVIDED REPORT - Majority (8) **Ought to Pass as Amended by Committee Amendment "A" (S-412)** - Minority (5) **Ought Not to Pass** - Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Amend Insurance Coverage for Diagnosis of Autism Spectrum Disorders"

(S.P. 127) (L.D. 347)

Which was **TABLED** by Representative MORRISON of South Portland pending his motion to **ACCEPT** the Majority **Ought to Pass as Amended Report**.

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

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

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

ROLL CALL NO. 543

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

NAY - Ayotte, Black, Chase, Clark, Cotta, Crafts, Cray, Crockett, Davis, Doak, Dunphy, Espling, Fitzpatrick, Fredette, Gifford, Guerin, Johnson P, Keschl, Kinney, Libby A, Lockman, Maker, Malaby, Marean, McClellan, McElwee, Nadeau A, Newendyke, Nutting, Peavey Haskell, Reed, Sirocki, Timberlake, Turner, Tyler, Wallace, Winsor, Wood.

ABSENT - Dickerson, Goode, Hamann, Jackson, Johnson D, Long, Noon, Pease, Powers, Priest, Pringle, Stuckey.

Yes, 101; No, 38; Absent, 12; Excused, 0.

101 having voted in the affirmative and 38 voted in the negative, with 12 being absent, and accordingly the Majority Ought to Pass as Amended Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-412)** 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-412)** in concurrence.

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 (10) **Ought to Pass as Amended by Committee Amendment "A" (H-646)** - Minority (3) **Ought to Pass as Amended by Committee Amendment "B" (H-647)** - Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Address Rising Electric Transmission Rates"

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

TABLED - March 5, 2014 (Till Later Today) by Representative HOBBS of Saco.

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

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

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

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

Representative **RYKERSON**: Thank you, Mr. Speaker, I wish to speak in support of the bill and against the Ought to Pass, the study. Would you rather see a string of power lines or a solar rooftop array? If we can distribute electrical generation where it is needed, we can save money on line construction, lose less power through line losses, increase grid reliability and reduce carbon emissions through our atmosphere. It not only makes theoretical sense, non-transmission alternatives actually work in reality. Last year, in Boothbay, rather than build new power lines for peak electrical loads for a few days in the summer at a cost of \$18 million, an alternative was developed. With solar generation, energy conservation and electrical storage, the hybrid solution avoided line construction and saved almost two-thirds of the costs to ratepayers. This is the kind of innovative solutions that are needed to bring our state forward to a clean energy future. Thank you.

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. 544

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

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

ABSENT - Dickerson, Goode, Hamann, Jackson, Johnson D, Long, Noon, Pease, Powers, Priest, Pringle, Stuckey.

Yes, 86; No, 53; Absent, 12; Excused, 0.

86 having voted in the affirmative and 53 voted in the negative, with 12 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-646)** 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-646)** and sent for concurrence.

SENATE DIVIDED REPORT - Majority (11) **Ought Not to Pass** - Minority (2) **Ought to Pass as Amended by Committee Amendment "A" (S-396)** - Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Establish the Renewable Energy Feed-in Tariff"

(S.P. 367) (L.D. 1085)

- In Senate, Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

TABLED - March 4, 2014 (Till Later Today) by Representative HOBBS of Saco.

PENDING - Motion of same Representative to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

Subsequently, the Majority **Ought Not to Pass** Report was **ACCEPTED** in 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. 536) (L.D. 1452) Bill "An Act To Allow Municipalities with Shellfish Conservation Ordinances To Request Permission To Prohibit Marine Worm Harvesting" Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-434)**

(H.P. 1212) (L.D. 1689) Bill "An Act To Encourage and Protect Innovation in Fisheries, Aquaculture and Seafood Processing" Committee on **MARINE RESOURCES** reporting **Ought to Pass**

(H.P. 1230) (L.D. 1720) Bill "An Act To Improve the Operations of the Office of the Attorney General" (EMERGENCY) Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-707)**

(H.P. 1242) (L.D. 1734) Bill "An Act To Create a Cold Case Homicide Unit in the Department of the Attorney General" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-708)**

(H.P. 1275) (L.D. 1778) Bill "An Act To Revise the Description of Commercial Fishing Vessels That Are Exempt from Attachment" (EMERGENCY) Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-709)**

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

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

REPORTS OF COMMITTEE

Divided Reports

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-696)** on Bill "An Act To Amend the Laws Regarding the Maine Correctional Center"

(H.P. 1159) (L.D. 1588)

Signed:

Senators:

GERZOFISKY of Cumberland
DUTREMBLE of York
PLUMMER of Cumberland

Representatives:

DION of Portland
CASAVANT of Biddeford
KAENRATH of South Portland
LAJOIE of Lewiston
MARKS of Pittston
PEASE of Morrill
PLANTE of Berwick
TYLER of Windham
WILSON of Augusta

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-697)** on same Bill.

Signed:

Representative:

LONG of Sherman

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-696)** 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-696)** and sent for concurrence.

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-698)** on Bill "An Act To Implement Certain Recommendations of the Criminal Law Advisory Commission Relative to the Maine Bail Code, the Maine Juvenile Code and the Maine Criminal Code and Related Statutes"

(H.P. 1266) (L.D. 1764)

Signed:

Senators:

GERZOFISKY of Cumberland
DUTREMBLE of York
PLUMMER of Cumberland

Representatives:

DION of Portland
CASAVANT of Biddeford
KAENRATH of South Portland
LAJOIE of Lewiston
MARKS of Pittston
PEASE of Morrill

PLANTE of Berwick

TYLER of Windham

WILSON of Augusta

Minority Report of the same Committee reporting **Ought to Pass** on same Bill.

Signed:

Representative:

LONG of Sherman

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-698)** 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-698)** and sent for concurrence.

Majority Report of the Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-703)** on Bill "An Act To Amend Maine's Aquaculture Laws"

(H.P. 1177) (L.D. 1605)

Signed:

Senators:

JOHNSON of Lincoln
MAZUREK of Knox
WOODBURY of Cumberland

Representatives:

KUMIEGA of Deer Isle
DEVIN of Newcastle
DOAK of Columbia Falls
KRUGER of Thomaston
PARRY of Arundel
SAXTON of Harpswell
WEAVER of York
WINCHENBACH of Waldoboro

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

Signed:

Representative:

CHAPMAN of Brooksville

READ.

Representative KUMIEGA of Deer Isle moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

The **SPEAKER**: The Chair recognizes the Representative from Brooksville, Representative Chapman.

Representative **CHAPMAN**: Thank you, Mr. Speaker. Mr. Speaker, Friends and Colleagues of the House. I will be very brief. I voted against this bill not because there's anything wrong with what's in it, it's just that it didn't have some things that I thought should be in it and basically this has to do with aquaculture, in particular limited-purpose agreement, the permitting process for limited-purpose aquaculture. The department knows that this matter needs an overhaul and I was hoping that some of the problems that they know of within this section of law would have been corrected in this technical fix-it

bill and I'm trying to help put some pressure on them to do so. But I have no need for a roll call in this case. Thank you.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-703)** 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-703)** and sent for concurrence.

ENACTORS

Acts

An Act To Provide Fiscal Predictability to the MaineCare Program and Health Security to Maine People

(S.P. 552) (L.D. 1487)

(C. "B" S-419)

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.

Pursuant to his authority under House Rule 201.1 (H), the Chair appointed Representative TREAT of Hallowell to serve as Speaker Pro Tem when the House convenes on Thursday, March 20, 2014.

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

Representative **JONES**: Question for the Chair. Is LD 1673 still in possession of the House?

The **SPEAKER** : The Chair would answer in the negative. That bill has been sent forthwith.

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

On motion of Representative THERIAULT of Madawaska, the House adjourned at 7:53 p.m., until 9:00 a.m., Thursday, March 20, 2014 in honor and lasting tribute to Donat B. Boisvert, of Lewiston.