

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
25th Legislative Day
Thursday, March 20, 2014

Representative TREAT of Hallowell assumed the Chair.

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

Prayer by Reverend Doctor Verlee A. Copeland, First Parish Congregational Church, UCC, York.

National Anthem by Honorable Matthea Elisabeth Larsen Daughtry, Brunswick.

Pledge of Allegiance.

Doctor of the day, Rebecca Chagrasulis, M.D., Otisfield.

The Journal of yesterday was read and approved.

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act To Allow the Passamaquoddy Tribe To Operate Slot Machines in Washington County in Conjunction with High-stakes Beano"

(H.P. 1091) (L.D. 1520)

Minority (3) **OUGHT TO PASS AS AMENDED** Report of the Committee on **VETERANS AND LEGAL AFFAIRS READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-630)** in the House on March 6, 2014.

Came from the Senate with the Reports **READ** and the Bill and accompanying papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Bill "An Act To Authorize the Houlton Band of Maliseet Indians To Operate a Casino in Aroostook County"

(H.P. 925) (L.D. 1298)

Minority (5) **OUGHT TO PASS AS AMENDED** Report of the Committee on **VETERANS AND LEGAL AFFAIRS READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-629)** in the House on March 6, 2014.

Came from the Senate with the Reports **READ** and the Bill and accompanying papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

On motion of Representative LUCHINI of Ellsworth, the House voted to **INSIST**.

Non-Concurrent Matter

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

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

Minority (5) **OUGHT TO PASS AS AMENDED** Report of the Committee on **VETERANS AND LEGAL AFFAIRS READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-628) AS AMENDED BY HOUSE AMENDMENT "B" (H-671)** thereto in the House on March 12, 2014.

Came from the Senate with the Reports **READ** and the Bill and accompanying papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

Representative LUCHINI of Ellsworth moved that the House **INSIST**.

Representative WILLETTE of Mapleton moved that the Bill be **TABLED** until later in today's session pending the motion of Representative LUCHINI of Ellsworth to **INSIST**.

Representative BERRY of Bowdoinham **REQUESTED** a roll call on the motion to **TABLE** until later in today's session pending the motion of Representative LUCHINI of Ellsworth to **INSIST**.

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

The **SPEAKER PRO TEM**: A roll call has been ordered. The pending question before the House is to **Table** until later in today's session pending the motion of Representative Luchini of Ellsworth to **Insist**. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 545

YEA - Ayotte, Beaulieu, Bennett, Black, Briggs, Campbell J, Campbell R, Casavant, Chapman, Chase, Chenette, Clark, Cray, DeChant, Devin, Dill, Doak, Dunphy, Duprey, Fitzpatrick, Fowle, Fredette, Gifford, Gillway, Johnson P, Kinney, Knight, Libby A, Lockman, MacDonald S, Maker, Malaby, Marean, Marks, McClellan, McElwee, Nadeau A, Newendyke, Nutting, Parry, Peavey Haskell, Peterson, Pouliot, Pringle, Sanderson, Short, Sirocki, Turner, Tyler, Volk, Wallace, Weaver, Willette, Wilson, Winsor, Wood.

NAY - Beaudoin, Beavers, Beck, Berry, Boland, Bolduc, Brooks, Cassidy, Chipman, Cooper, Crafts, Daughtry, Davis, Dorney, Espling, Evangelos, Farnsworth, Gattine, Gideon, Gilbert, Graham, Grant, Hamann, Harlow, Herbig, Hickman, Hobbins, Hubbell, Jorgensen, Kaenrath, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby N, Longstaff, Luchini, MacDonald W, Mason, Mastraccio, McCabe, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, Nelson, Peoples, Plante, Priest, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Saucier, Saxton, Schneck, Shaw, Stanley, Stuckey, Theriault, Timberlake, Tipping-Spitz, Treat, Verow, Villa, Welsh, Werts.

ABSENT - Carey, Cotta, Crockett, Dickerson, Dion, Frey, Goode, Guerin, Harvell, Hayes, Jackson, Johnson D, Jones, Kent, Keschl, Long, Noon, Pease, Powers, Reed, Winchenbach, Mr. Speaker.

Yes, 56; No, 73; Absent, 22; Excused, 0.

56 having voted in the affirmative and 73 voted in the negative, with 22 being absent, and accordingly the motion to **TABLE** until later in today's session pending the motion of Representative LUCHINI of Ellsworth to **INSIST FAILED**.

Subsequently, the House voted to **INSIST**.

Non-Concurrent Matter

Bill "An Act Concerning High-stakes Beano"

(H.P. 188) (L.D. 227)

Minority (5) **OUGHT TO PASS AS AMENDED** Report of the Committee on **VETERANS AND LEGAL AFFAIRS READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-627)** in the House on March 6, 2014.

Came from the Senate with the Reports **READ** and the Bill and accompanying papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

On motion of Representative LUCHINI of Ellsworth, the House voted to **INSIST**.

COMMUNICATIONS

The Following Communication: (H.C. 377)

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

March 20, 2014

Honorable Mark W. Eves

Speaker of the House

2 State House Station

Augusta, Maine 04333

Dear Speaker Eves:

Pursuant to Joint Rule 310, the following Joint Standing Committees have voted unanimously to report the following bills out "Ought Not to Pass:"

Education and Cultural Affairs

L.D. 1780 An Act To Prohibit Providers of Cloud Computing Service to Elementary and Secondary Educational Institutions from Processing Student Data for Commercial Purposes

Energy, Utilities and Technology

L.D. 1781 An Act To Amend Tidal Energy Demonstration Project Laws

Health and Human Services

L.D. 1704 An Act To Increase the Use of Dental Services by MaineCare-eligible Children

L.D. 1749 An Act To Create Greater Cost Efficiency and Improve Health Outcomes by Incorporating Increased Access to Dental Services for Adults through MaineCare's Care Management and Coordination Initiatives (EMERGENCY)

Labor, Commerce, Research and Economic Development

L.D. 690 An Act To Ensure Efficiency in the Unemployment Insurance System

L.D. 1658 An Act To Expand and Improve Employment Opportunities in the State

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

Sincerely,

S/Millicent M. MacFarland

Clerk of House

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

The Following Communication: (H.C. 378)

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE
COMMITTEE ON MARINE RESOURCES**

March 12, 2014

Honorable Justin L. Alfond

President of the Senate

Honorable Mark W. Eves

Speaker of the House

126th Legislature

State House

Augusta, Maine 04333

Dear President Alfond and Speaker Eves:

Pursuant to Title 3 Maine Revised Statutes, chapter 35, we are pleased to submit the findings of the Joint Standing Committee on Marine Resources from the review and evaluation of the Department of Marine Resources under the State Government Evaluation Act. In its review, the Committee found that the

Department of Marine Resources is operating within its statutory authority.

Sincerely,

S/Senator Christopher K. Johnson

Senate Chair

S/Representative Walter A. Kumiega, III

House Chair

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

The Following Communication: (H.C. 379)

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

March 20, 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

Freeman R. Goodrich of Wells for appointment to the Maine Turnpike Authority Board of Directors.

Pursuant to Title 23, MRSA, §1964-A, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Transportation.

On March 19, 2014

Steven H. Levesque of Farmingdale and Dana A. Saucier of Wallagrass for appointment to the Loring Development Authority.

Pursuant to Title 5, MRSA, §13080-B, these appointments are contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Labor, Commerce, Research and Economic Development.

Miles R. Williams of Caribou for reappointment to the Loring Development Authority.

Pursuant to Title 5, MRSA, §13080-B, this reappointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Labor, Commerce, Research and Economic Development.

Carl W. Flora, Esq. of Presque Isle for appointment to the Midcoast Regional Redevelopment Authority.

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

Rita M. Armstrong of Freeport for reappointment to the Midcoast Regional Redevelopment Authority.

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

John C. Marsh Jr. of Bath for appointment to the Maine State Housing Authority.

Pursuant to Title 30-A, MRSA, §4723.2, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Labor, Commerce, Research and Economic Development.

Sincerely,

S/Mark W. Eves

Speaker of the House

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

The Following Communication: (S.C. 810)

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

March 18, 2014
Honorable Mark W. Eves
Speaker of the House
2 State House Station
Augusta, Maine 04333

Dear Speaker Eves:

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

Upon the recommendation of the Committee on Agriculture, Conservation and Forestry, the nomination of Richard E. Stevenson, Jr. of Bath for reappointment to the Board of Pesticides Control.

Upon the recommendation of the Committee on Agriculture, Conservation and Forestry, the nomination of Neil G. Piper of Gorham for appointment to the Land for Maine's Future Board.

Upon the recommendation of the Committee on Agriculture, Conservation and Forestry, the nomination of Stanley K. Millay of Appleton for appointment to the Maine Milk Commission.

Upon the recommendation of the Committee on Criminal Justice and Public Safety, the nomination of Carleton L. Barnes, Jr. of Calais for reappointment to the State Board of Corrections.

Upon the recommendation of the Committee on Judiciary, the nomination of Honorable William J. Schneider of Durham for appointment as a District Court Judge.

Upon the recommendation of the Committee on Judiciary, the nomination of Judge Daniel I. Billings of Bowdoinham for appointment as a Superior Court Justice.

Best Regards,
S/Darek M. Grant
Secretary of the Senate

READ and ORDERED PLACED ON FILE.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Bill "An Act To Increase the Deduction for Pension Income"
(H.P. 1321) (L.D. 1839)

Sponsored by Representative BENNETT of Kennebunk.
(GOVERNOR'S BILL)

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

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

Sent for concurrence.

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

ORDERS

On motion of Representative McCABE of Skowhegan, the following Joint Resolution: (H.P. 1313) (Cosponsored by Senator JACKSON of Aroostook and Representatives: BERRY of Bowdoinham, Speaker EVES of North Berwick, FREDETTE of Newport, Senators: President ALFOND of Cumberland, HASKELL of Cumberland, SAVIELLO of Franklin)

JOINT RESOLUTION RECOGNIZING SURVEYORS WEEK, MARCH 16-22, 2014

WHEREAS, there are more than 45,000 professional surveyors in the United States; and

WHEREAS, since the colonial days of our Nation, surveyors have been leaders in the community; and

WHEREAS, the nature of surveying has changed dramatically since colonial times, when the profession was defined by the description and location of land boundaries; and

WHEREAS, surveying today has expanded to include hydrographic surveys, engineering surveys for the study and selection of engineering construction, geodetic surveys for precise global positioning for activities such as aircraft and missile navigation and cartographic surveys for mapping and charting; and

WHEREAS, professional surveyors provide important services through the use of sophisticated equipment and techniques, such as satellite-borne remote sensing devices and automated positioning, measuring, recording and plotting equipment; and

WHEREAS, the role of the surveyor has been, and continues to be, integral and of vital importance in the development and advancement of our State and Nation; 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, recognize the week of March 16 to March 22, 2014 as Surveyors Week and encourage the people of Maine to recognize professional surveyors and the important work they do for our communities and State and to reflect on the historical contributions of surveying and the new technologies that are constantly modernizing this honored profession.

READ and ADOPTED.

Sent for concurrence.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

the following members of the Hermon High School Cheerleading Team: Alivia Brown, Marissa Cox, Baylie Dalton, Danielle Dennison, Olivia Guiggey, Alexis Hake, Hannah Lynch, Lexey McMannus, Emily Perley, Sarah Perley, Morgan Smith, Taylor Smith, Tiffany Tanner, Ashley Turner, Kaitlenn Turner, Erica Turmel, Calli Veillette and Emily Woodilla; coach Kristie Reed; and assistant coach Christina Paradis, winners of the 2014 Class B State Cheerleading Championship. The team also won the Eastern Maine Class B Regional Competition and the Penobscot Valley Conference Large-School Division Title. We congratulate the Hermon High School Cheerleading Team on these achievements;

(HLS 774)

Presented by Representative REED of Carmel.
Cosponsored by Senator GRATWICK of Penobscot, Representative GUERIN of Glenburn.

On **OBJECTION** of Representative REED of Carmel, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER PRO TEM:** The Chair recognizes the Representative from Carmel, Representative Reed.

Representative **REED:** Thank you, Madam Speaker. Ladies and Gentlemen of the House. I rise this morning to recognize the town of Hermon's greatest ambassadors, the Hermon Hawks cheering team, the 2013-2014 state champions. Ladies and

gentlemen, the amazing thing about this group of girls in this program is that they have just won their fourth consecutive state title. I may be wrong, but I don't think that that has been accomplished by many other cheering teams in the State of Maine. Some of these girls have never realized defeat in the state Class B championship competition.

In a sport where bobbles, wobbles, fallen hairpins, and dropped cheerleaders can cause you to lose points, this is quite amazing. It speaks volumes to the dedication, to the amount of hard work, to the countless repetitions of mounts and dismounts, to the synchronization of the flips, the forward rolls and the tumbling routines. Along with all of these, we can't forget those who have the responsibility of catching all the flyers. And still, some will tell us that cheering really isn't a sport. I defy anyone to try some of the things that I see these girls do on a regular basis. In all of my 40 years of coaching basketball, I have had only one player that, while running on the floor, could leap into the air, do a complete summersault and land on his feet. And after the one time that he did it, I told him never to do it again. Along with my congratulations to the members of this outstanding team, I also want to congratulate the coaches, head coach, Kristie Reed and her outstanding assistant, Christina Paradis, who are responsible for putting this winning program together. This program reaches way down to the pre-K and low elementary grade levels.

The lady that heads up this program is my daughter-in-law, Kristie, the mother of two of the world's greatest kids, those would be my two grandkids. She excels at insanity workouts and, while doing a handstand, could probably walk down the aisle of the House. Ladies, thank you for visiting with us today and thank you for reminding all of us that dedication, determination and discipline are still essential qualities to become a champion. Thank you, Madam Speaker, and thank you, Ladies and Gentlemen of the House.

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

Representative GUERIN: Thank you, Madam Speaker. Ladies and Gentlemen of the House. I am proud to stand today to recognize the Hermon Hawks Class B State Champion Cheerleaders and their coaches. These young ladies have worked tirelessly at their sport and have been rewarded with their fourth state championship. These girls are all leaders in their own right. I congratulate them all and look forward to their future individual accomplishments.

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

Recognizing:

Brianna Jack, of Baileyville, who is the recipient of a 2014 Prudential Spirit of Community Award for exemplary volunteer service. This award, presented by Prudential Financial, Inc. in partnership with the National Association of Secondary School Principals, honors young volunteers across America who have demonstrated extraordinary commitment to serving their communities. Brianna, a 5th-grade student at Woodland Elementary School, reads to children on a regular basis at area libraries, and she formed her own nonprofit organization, Maine Books for Maine Kids, to facilitate the collection and donation of more than 1,000 books to children in the State. She also conducts special book readings at various schools during Bullying Prevention Awareness Month and runs a bullying awareness poster contest for children in her town. We congratulate Brianna on her receiving this award and thank her for her dedication to her community and State;

(HLS 776)

Presented by Representative MAKER of Calais.

Cosponsored by Senator BURNS of Washington.

On **OBJECTION** of Representative MAKER of Calais, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative MAKER: Thank you, Madam Speaker. Ladies and Gentlemen of the House. I stand today in recognition of a young lady who has aged beyond her years. Brianna Jack, daughter of Paul and Billie Jack, of Baileyville, received notification that she was being named one of the top two youth volunteers in Maine for 2014 in the 19th annual Prudential Spirit of Community Award. As a State Honoree, Brianna will receive a \$1,000 award and an engraved silver medallion, with an opportunity to receive a gold medallion and a trip to Washington, D.C. This award was created in 1995 by Prudential Financial in partnership with the National Association of Secondary School Principals, and is designed to emphasize the importance our nation places on service to others and to encourage all young Americans to contribute to their communities.

Brianna's principal, James Smith, at Woodland Elementary School, nominated Brianna for the award. He explained Brianna was nominated not only for her academic achievement and social activities here at school, but also because of the many hours of volunteer work that she puts in. Brianna is one of those well-grounded, all-around students, who really goes above and beyond what is expected of a fifth grader. For a 10-year-old, she is extraordinary. Since the age of only seven, she has been reading regularly to children at her local library during her story time. This event allows children to hear stories, take part in a craft relevant to the story and enjoy a snack.

Two years ago, Brianna founded her nonprofit organization Maine Books for Maine Kids. This allows Brianna to share her love of reading by donating books to children throughout the state, with an emphasis on those written by Maine authors. According to Brianna, reading is very important to her, and she wants other children to know just how important and fun reading is. So far, with the help of her mother and little sister, Brianna has been able to donate more than 1,800 books to kids in Maine at schools, public events, a social service agency and a hospital.

Brianna also conducts special book readings at various schools during Bullying Prevention Awareness Month and runs a bullying awareness poster contest for kids in her town. Brianna is currently working on putting some more books together by Maine authors to take with her to Washington, D.C. If you have any or you know of any, you still have time to mail some to her. Thank you to the entire Jack family for giving up yourselves and your time for the benefit of Maine kids. Brianna, thank you for turning your love of reading into such a noble effort. You are truly an inspiration. Thank you, Madam Speaker.

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

Recognizing:

the Old Town High School Boys Basketball Team, on its winning the 2014 State Class B Boys Basketball Championship. This is the first title for the team in 23 years. We extend our congratulations and best wishes to the team on this achievement; (HLS 782)

Presented by Representative DILL of Old Town.
Cosponsored by Senator CAIN of Penobscot, Representative PEAVEY HASKELL of Milford.

On **OBJECTION** of Representative DILL of Old Town, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

In Memory of:

Jody E. Vlodek Berren, of Sanford, selfless and devoted mother, wife, daughter and friend. Mrs. Berren was born in Waterville on March 20, 1974, attended Waterville schools and earned a Bachelor of Science degree in home economics and nutrition in 1998 from Keene State College in Keene, New Hampshire. She married Fred Berren on August 21, 1999 and they raised 2 children. Mrs. Berren worked as a nutritionist for the Women, Infants, and Children Program in Exeter, New Hampshire, as an inpatient dietitian at Frisbie Memorial Hospital in Rochester, New Hampshire and Avis Goodwin Community Health Center in Dover, New Hampshire and as the dietitian for the Sanford-Springvale YMCA and Southern Maine Medical Center in Biddeford. She was a registered dietitian for the HomeHealth Visiting Nurses diabetes education program. She was an active member of the Curtis Lake Christian Church. Mrs. Berren enjoyed cooking, gardening, going to the beach, running, working out and the yearly family vacation to Marco Island, Florida. She will be remembered by her loving family, many friends and those whose lives she touched;

(HLS 775)

Presented by Representative MASTRACCIO of Sanford.
Cosponsored by Senator TUTTLE of York, Representative BOLAND of Sanford, Representative NOON of Sanford, Representative LONGSTAFF of Waterville.

On **OBJECTION** of Representative MASTRACCIO of Sanford, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **MASTRACCIO**: Thank you, Madam Speaker. Madam Speaker, Women and Men of the House. Jody Vlodek Berren would have celebrated her 40th birthday today. She passed away in January after a courageous 7½-year battle with breast cancer. In the words of her husband Fred, "she faced each and every obstacle with courage, grace and dignity. She never stopped fighting even when the obstacles were large. She was a beacon of hope, perseverance and beauty, handling each obstacle with optimism and resilience and was an inspiration for everyone who knew her." We will remember and honor Jody today not because she lost her life at a young age to a horrible disease but because she lived a life full of love for her family and friends, her church and her community. Happy Birthday, Jody, you will never be forgotten by those who knew and loved you. Thank you, Madam Speaker.

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

REPORTS OF COMMITTEE

Divided Reports

Majority Report of the Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Establish Advance Deposit Wagering for Harness Racing" (S.P. 209) (L.D. 519)

Signed:

Senators:

MASON of Androscoggin
PATRICK of Oxford

Representatives:

LUCHINI of Ellsworth
BEAULIEU of Auburn
FOWLE of Vassalboro
GIFFORD of Lincoln
KINNEY of Limington
RUSSELL of Portland
SCHNECK of Bangor

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-398)** on same Bill.

Signed:

Senator:

TUTTLE of York

Representatives:

LONGSTAFF of Waterville
SAUCIER of Presque Isle

Representative MITCHELL of the Penobscot Nation - of the House - supports the Minority **Ought to Pass as Amended by Committee Amendment "A" (S-398)** Report.

Came from the Senate with the Reports **READ** and the Bill and accompanying papers **INDEFINITELY POSTPONED.**

READ.

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

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

Seven Members of the Committee on **VETERANS AND LEGAL AFFAIRS** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (S-399)** on Bill "An Act To Increase Gaming Opportunities for Charitable Fraternal and Veterans' Organizations"

(S.P. 20) (L.D. 31)

Signed:

Senators:

TUTTLE of York
PATRICK of Oxford

Representatives:

FOWLE of Vassalboro
KINNEY of Limington
RUSSELL of Portland
SAUCIER of Presque Isle
SCHNECK of Bangor

Four Members of the same Committee report in Report "B" **Ought Not to Pass** on same Bill.

Signed:

Senator:

MASON of Androscoggin

Representatives:

LUCHINI of Ellsworth

BEAULIEU of Auburn

GIFFORD of Lincoln

One Member of the same Committee reports in Report "C" **Ought to Pass as Amended by Committee Amendment "B" (S-400)** on same Bill.

Signed:

Representative:

LONGSTAFF of Waterville

Representative MITCHELL of the Penobscot Nation - of the House - supports Report "A" **Ought to Pass as Amended by Committee Amendment "A" (S-399)**.

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

READ.

On motion of Representative LUCHINI of Ellsworth, Report "A" **Ought to Pass as Amended as ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (S-399)** 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.**

Representative BERRY of Bowdoinham **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED as Amended by Committee Amendment "A" (S-399).**

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

The **SPEAKER PRO TEM:** A roll call has been ordered. The pending question before the House is Passage to be Engrossed as Amended by Committee Amendment "A" (S-399). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 546

YEA - Ayotte, Beaudoin, Beavers, Beck, Bennett, Boland, Bolduc, Briggs, Campbell J, Campbell R, Carey, Chenette, Cotta, Cray, Daughtry, DeChant, Dill, Doak, Evangelos, Farnsworth, Fowle, Fredette, Gifford, Gilbert, Graham, Grant, Hamann, Herbig, Hickman, Johnson P, Jones, Keschl, Kinney, Kusiak, Lajoie, Libby A, Libby N, Longstaff, MacDonald S, Maker, Marean, Marks, Mason, McCabe, McElwee, McLean, Monaghan-Derrig, Moonen, Morrison, Nadeau A, Nadeau C, Nutting, Parry, Peterson, Pouliot, Russell, Rykerson, Sanderson, Saucier, Schneck, Shaw, Short, Sirocki, Stanley, Stuckey, Theriault, Turner, Tyler, Verow, Villa, Volk, Weaver, Werts, Willette, Wilson, Winsor, Wood.

NAY - Beaulieu, Berry, Black, Brooks, Casavant, Cassidy, Chapman, Chase, Chipman, Clark, Cooper, Crafts, Davis, Devin, Dorney, Dunphy, Duprey, Espling, Fitzpatrick, Gattine, Gideon, Gillway, Guerin, Harlow, Hayes, Hobbins, Hubbell, Jorgensen, Kaenrath, Knight, Kornfield, Kruger, Kumiega, Lockman, Luchini, MacDonald W, McClellan, McGowan, Moriarty, Nelson, Newendyke, Peavey Haskell, Peoples, Plante, Priest, Pringle, Rankin, Reed, Rochelo, Rotundo, Sanborn, Saxton, Timberlake, Tipping-Spitz, Treat, Wallace, Welsh.

ABSENT - Crockett, Dickerson, Dion, Frey, Goode, Harvell, Jackson, Johnson D, Kent, Long, Malaby, Mastraccio, Noon, Pease, Powers, Winchenbach, Mr. Speaker.

Yes, 77; No, 57; Absent, 17; Excused, 0.

77 having voted in the affirmative and 57 voted in the negative, with 17 being absent, and accordingly the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-399)** in **NON-CONCURRENCE** and sent for concurrence.

Majority Report of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** reporting **Ought Not to Pass** on Resolve, Regarding Legislative Review of Portions of Chapter 13: Metallic Mineral Exploration, Advanced Exploration and Mining, a Major Substantive Rule of the Maine Land Use Planning Commission (EMERGENCY)

(H.P. 1269) (L.D. 1771)

Signed:

Senators:

BOYLE of Cumberland

GRATWICK of Penobscot

Representatives:

WELSH of Rockport

CHIPMAN of Portland

COOPER of Yarmouth

GRANT of Gardiner

HARLOW of Portland

McGOWAN of York

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

Signed:

Senator:

SAVIELLO of Franklin

Representatives:

AYOTTE of Caswell

CAMPBELL of Orrington

LONG of Sherman

REED of Carmel

READ.

Representative WELSH of Rockport moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

The **SPEAKER PRO TEM:** The Chair recognizes the Representative from Rockport, Representative Welsh.

Representative **WELSH:** Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. Just as an explanation of this bill, as you all know, the 125th Legislature passed the Mineral Mining Act and that the rules have been made by both the LUPC for zoning issues and in the DEP for the permitting issues. This bill is about the LUPC rules and it was the pleasure of the committee to put these rules into the rules with the DEP, which is not before us right at this moment. But that is the reason for voting Ought Not to Pass on this measure and the LUPC staff agreed with this action. Thank you.

Representative WILLETTE of Mapleton **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 PRO TEM: 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. 547

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

NAY - Ayotte, Beaulieu, Bennett, Campbell R, Chase, Clark, Cotta, Crafts, Cray, Davis, Doak, Duprey, Fitzpatrick, Fredette, Gifford, Johnson P, Keschl, Kinney, Knight, Libby A, Lockman, MacDonald S, Maker, Marean, McClellan, McElwee, Nadeau A, Newendyke, Nutting, Peavey Haskell, Reed, Sanderson, Saucier, Stanley, Theriault, Timberlake, Tyler, Wallace, Weaver, Willette, Wilson, Winsor.

ABSENT - Crockett, Dickerson, Dion, Frey, Goode, Harvell, Jackson, Johnson D, Kent, Long, Malaby, Noon, Pease, Powers, Winchenbach.

Yes, 94; No, 42; Absent, 15; Excused, 0.

94 having voted in the affirmative and 42 voted in the negative, with 15 being absent, and accordingly 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-705)** on Resolve, To Establish the Blue Ribbon Commission on Independent Living and Disability (EMERGENCY)

(H.P. 1261) (L.D. 1757)

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 Resolve.

Signed:

Senator:

HAMPER of Oxford

Representatives:

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-705)** Report.

READ.

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

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

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

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

Representative **SANDERSON**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I appreciate the intent of this bill. It does have a noble intention for sure; however, we already have over 600 boards and commissions across the State of Maine. Though we voted no on the Republican side in the committee, we recognized the work that this board, this establishment of this commission, wants to have done. So we certainly had a letter sent supporting this work, but we reject the idea of having a new commission created. This is work that could be done via advocates without establishing a commission. Get together, find out what the needs are, come to the Legislature with the actual legislative proposals in mind, and then we can debate those proposals without having to legislatively establish a brand new commission. I thank Representative Peterson for bringing this forward and, again, say that we do support the intent of the bill, but I feel with the letter that was sent asking the good folks who would be part of this to do this work on their own and then bring their ideas would be able to accomplish the same task. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Rumford, Representative Peterson.

Representative **PETERSON**: Thank you, Madame Speaker. Madam Speaker, Men and Women of the House. I'd like to thank Representative Sanderson for her remarks. If I could just ask for your indulgence for a few moments. The history of this bill before us today goes back about 30 years to 1985. At that time, this body passed a piece of legislation that created the Maine Commission on the Role of State Government in Providing Independent Living Opportunities and Services to People With Disabilities. That Commission, charged with looking at cost-effective programs and the allocation of financial resources that would enable greater self-determination for people with a disability, produced a Report called "Toward Opportunity," an important document that has shaped policy and program direction for a generation of Maine citizens living with a disability. The bill before us today is a modern day version of the legislation that gave birth to the "Toward Opportunity" report that resulted in programs that have empowered people with disabilities for decades—and I'd be happy at any point to discuss these programs with you and share information about multiple viable resources that are available to all of us and our constituents that were a direct result of the "Toward Opportunity" report.

As relevant as that report was, it was almost a generation ago that a commission charged with the specific focus of identifying independent living opportunities for people with a disability was in existence. It's time to recommit to looking at how we can maximize independence for people with disabilities in a comprehensive manner, with the appropriate people around the

table, to begin, in earnest, the work to look at the barriers and issues that impact people living with a disability to live as independently as possible.

I've spent the majority of my professional career working for Alpha One, Maine's Center for Independent Living, to advance independent living opportunities for Maine citizens living with a disability. The focus of my work is to, quite simply, see people with disabilities live fully integrated, meaningful lives of substance and influence that includes key benchmarks that I think we can all agree most people strive for—an education, a good paying job, a home, a family—and other pursuits that make up and fulfill this wonderful gift that we all call life. And I'd also like to mention in full disclosure in the interest of transparency, Madam Speaker, that the bill before us does call for one of the designated members of the commission to be the Executive Director of the organization that I work for.

During the public hearing for this bill, several people testified in favor of it, and no one testified in opposition or neither for nor against the bill. And I dare say, as Representative Sanderson pointed out, that we had widespread agreement across our committee about the charge of this commission. And our only disagreement was around the establishment of a commission charged with this work—and I can appreciate my colleagues weariness around that. Personally, I'm quite often suspicious myself when it comes to study groups. But with the bill before us today, there is a proven history of success—I wouldn't have put my name on it otherwise—and I urge you to vote in favor of the motion in front of us with full confidence that the results of the establishment of this commission could literally reshape our expectations of the experiences of people with disabilities for the next thirty years.

In closing, Lily Tomlin said, "We're all in this together, by ourselves..." And that idea has fueled my professional and personal life—and that idea is the driver behind this bill. I hope you will join me today in voting for a paradigm shift and follow my light—and Madam Speaker, I'd like to request if the Clerk could kindly read the Committee Report. Thank you, Madam Speaker.

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

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

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

Representative **CAMPBELL**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I served eight years on Health and Human Services and I was honored to serve with Representative Peterson who is tied to a wheelchair. I don't think anybody would know better than Representative Peterson. It seems as though some people, maybe I'm wrong, I thought I got elected to come up here and help people, that some in the chamber, it seems that all they want to do is hurt people. I would suggest that you follow Representative Peterson's light. He's a man that I was really proud to serve with and having one of the largest...

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Newport, Representative Fredette. For what purpose does the Representative rise?

Representative **FREDETTE**: Just a Point of Order, Madam Speaker, that the good speaker should not be impinging the motives of other people in the chamber.

On **POINT OF ORDER**, Representative **FREDETTE** of Newport objected to the comments of Representative **CAMPBELL** of Newfield because he was questioning the motives of other members of the House.

The **SPEAKER PRO TEM**: The Chair would remind all members not to impugn the motives of any member of this chamber.

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

The **SPEAKER PRO TEM**: The Representative may proceed.

Representative **CAMPBELL**: Thank you, Madam Speaker. As I was speaking, Representative Peterson, I was honored to serve with him and as we all know, we now have one of the largest populations of senior citizens, per capita, in the country and if we don't start looking to take care of those seniors, who, a lot of them, many of them are disabled, they can't help themselves. If we don't stand up for them and help the disabled, the poor and the elderly, I don't know who is going to stand up to them. So please follow the light of my good friend, Representative Peterson. Thank you very much.

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

Representative **MAKER**: Madam Speaker, may I pose a question through the Chair?

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

Representative **MAKER**: Could someone answer for me what's the difference between a blue ribbon commission and just a commission?

The **SPEAKER PRO TEM**: The Representative from Calais, Representative Maker, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Norridgewock, Representative Dorney.

Representative **DORNEY**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I rise in support of this bill. I have spent many years talking to people who are disabled, looking for work, desperate to try to fit into society. When I went door to door a year ago, it was remarkable how many people had children who couldn't find work because they were disabled. People who were stuck in their homes, who wanted to get out, wanted to get out and live in the community independently. People who are disabled have the highest risk of unemployment of anyone in the state and I think there's really a need to have this commission, make some recommendations to the legislature and I hope you'll support this bill. Thank you.

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

Representative **STUCKEY**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I rise today in favor of this Resolve and to applaud the tireless efforts of my good friend from Rumford, Representative Peterson. His persistent insistence that our state can be much more responsive to the needs and desires of people living with disabilities continues to astound me. I've been here six years. I've been on the Health and Human Services Committee. I knew when I got on that committee that I knew a little bit about one slice of its responsibilities and virtually nothing about a lot of the rest of it. One of the things that's easy to say about folks living with disabilities is that they consistently want to live as full of life in a least restrictive environment as possible. Those are easy words to say. It's hard, I think, when I first heard them, I thought I understood them. But what I've come to realize, over six years of watching Representative Peterson and his colleagues and advocates for folks who live with the kind of disabilities we're talking about, is that I didn't know anything, and what I've come to appreciate in the time that I've been here is the strength and the

courage and the incredible fortitude that Representative Peterson, the people that Representative Peterson is talking about, possess. I'm astounded at their ability to avoid frustration and anger at this pace with which we come to understand and respond to what they're asking us to do. Representative Peterson has presented this idea every year. He has worked tirelessly with several administrations now and, I think, feels, and I agree, that the progress we've made has been miniscule. We talk about it a lot, we commit to it a lot, but we don't walk the talk. I don't know if the blue ribbon commission is going to be able to produce talk that the rest of us can walk with or not, but I'm certainly here to ask you to give it the chance because we need to keep this moving, and this is a way to put some momentum and some teeth, I think, into work that absolutely needs to be done. Thank you, Madam Speaker.

Representative KNIGHT of Livermore Falls moved that the Resolve be **TABLED** until later in today's session pending the motion of Representative FARNSWORTH of Portland to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

Representative BERRY of Bowdoinham **REQUESTED** a roll call on the motion to **TABLE** until later in today's session pending the motion of Representative FARNSWORTH of Portland 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 PRO TEM**: A roll call has been ordered. The pending question before the House is to Table until later in today's session pending the motion of Representative Farnsworth of Portland to Accept the Majority Ought to Pass as Amended Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 548

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

NAY - Crafts, Jones, Kent, MacDonald W, Moriarty, Peoples.

ABSENT - Cotta, Crockett, Dickerson, Dion, Frey, Goode, Harvell, Jackson, Johnson D, Jorgensen, Long, Malaby, Noon, Pease, Powers, Winchenbach.

Yes, 129; No, 6; Absent, 16; Excused, 0.

129 having voted in the affirmative and 6 voted in the negative, with 16 being absent, and accordingly the Resolve was **TABLED** until later in today's session pending the motion of Representative FARNSWORTH of Portland to **ACCEPT** the Majority **Ought to Pass as Amended** Report and later today assigned. (Roll Call Ordered)

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

ENACTORS

Emergency Measure

An Act To Designate Maine State Housing Authority To Receive Funds from the National Housing Trust Fund
(S.P. 714) (L.D. 1790)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 127 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem and sent to the Senate.

Acts

An Act To Require Forest Rangers To Be Trained in Order To Allow Them To Carry Firearms
(H.P. 206) (L.D. 297)
(C. "A" H-608)

An Act To Establish the Maine Length of Service Award Program
(H.P. 819) (L.D. 1154)
(C. "B" H-644)

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

Resolves

Resolve, To Provide for an Analysis of MaineCare Rates for Facility-based Preschool Services for Children with Disabilities and a Report on the Analysis
(H.P. 1119) (L.D. 1552)
(C. "A" H-668)

Resolve, Directing the Commissioner of Defense, Veterans and Emergency Management To Request the Federal Government To Recognize Environmental Hazards at the Military Training Center in Gagetown, New Brunswick and the Resulting Health Risks and Disabilities Suffered by Certain Members of the Maine National Guard
(S.P. 623) (L.D. 1632)
(C. "A" S-421)

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

An Act To Create the Wireless Information Act
(H.P. 711) (L.D. 1013)
(H. "A" H-674 to C. "A" H-618)

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

On motion of Representative WILLETTE of Mapleton, was **SET ASIDE**.

The same Representative moved that the Bill and all accompanying papers be **INDEFINITELY POSTPONED**.

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

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

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

Representative **BOLAND**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I rise in opposition to indefinitely postponing this bill. Things have been postponed around here very often and it's a last ditch effort on the part of those who would protect an industry that has warnings that is begging you to not let your constituents know about. It is desperate that they not know about it because there are law cases going on against them in Washington right now. Many people have spoken to me about their concern about a letter from the Attorney General saying that this is unconstitutional. You need to know that the history of these cases in Washington started with many, many cases running against the industry that were put together. The industry wasn't doing so well and they took it all the way to the Supreme Court arguing unconstitutionality on the basis of preemption which means it's a federal affair to decide whether labels or warnings of any sort are deemed preempted because it's the federal government's issue. The Supreme Court decided it was not, and they sent it back to the states and that is why it is now in the D.C. Superior Court. That was the argument for constitutionality. The industry lost on it at the Supreme Court of the land. So, now, we have it put squarely in the states department and we have a letter from the Attorney General arguing that it's unconstitutional. I was talking with one of the lawyers involved in the cases in Washington and it was his opinion that our Attorney General was not up to date on her research on this matter. So I do want to share that I think that probably she has expressed differing views because, while her letter will say that this could be unconstitutional, in another letter, which you have on your desks, a pink letter, you will see that the same Attorney General argued that under compelled speech which is another part of this, that a law may pass muster if it is reasonably related to preventing consumer deception or potentially if it promotes some other legitimate state interest. If you flip that pink page over, you will see a marking on the other side from an article in *Risk Management*, a magazine for corporations, which says manufacturers have been held liable where their warnings were deemed not conspicuous enough. Further on in the Attorney General's letter, talking on another issue, it says, and I've marked it for you to see, the Second Circuit applying the Zauderer test, which is what they use, has twice upheld state laws requiring mandated disclosures where the requirements were reasonably related to promoting public health. So we can see, even within one attorney's views of things, they can switch back and forth. Further down, you will see that it will survive if it promotes a legitimate state interest that cannot be achieved through any reasonable nondiscriminatory alternative. So those are the things that you need to know.

The industry is, under law, required to give clear, readable instructions and warnings. This is something that we are elected to defend. We have a Constitution in Maine that says, "We the people of Maine, in order to establish justice, insure tranquility, provide for our mutual defense, promote our common welfare, and secure to ourselves and our posterity the blessings of liberty...." and it goes on from there. In Article I, Section I, "All people are born equally free and independent, and have certain natural, inherent and unalienable rights, among which are those of enjoying and defending life and liberty, acquiring, possessing and protecting property, and of pursuing and obtaining safety and happiness." We swear an oath to uphold the Constitution of Maine, so I think rather than duck making a decision on whether or not we are going to protect our people with transparency, I serve on the Government Oversight Committee. We're all about transparency and accountability. We're looking at shredding

documents. We've looked at the Turnpike. This is about whether or not we support transparency for our people. I have to tell you that there's plenty of science on this whole thing, but the bottom line is we have a responsibility and we have to decide whether, in order to protect corporate efforts to hide the warnings that tell people to hold this device away from their heads and bodies, that warn pregnant women to keep it away from their abdomen, young people to keep it away from their lower abdomen, speaks to the issues that we are facing.

Now, I can tell you one other thing. It's about a patent applied for by Swisscom. It's about electrosmog mediation. This is what they say: "The influence of electrosmog on the human body is a known problem." This is the industry talking. "The health risk from mobile radio transmitters, [cell phones] and DECT [cordless phones] has been an explosive subject among the general public at least since the enormous breakthrough in mobile radio technology in the 1990s....When, for example, human blood cells are irradiated with electromagnetic fields, clear damage to hereditary material has been demonstrated and there have been indications of an increased cancer risk....An aneuploidy" – I don't know what that means anyway – "was observed as a function of the SAR, demonstrating that this radiation has a genotoxic effect....These findings indicate that the genotoxic effect of electromagnetic radiation is elicited via a non-thermal pathway...." So they're talking about cancer. We talk a lot about protecting the poor and the elderly and yet what so much of the science shows is effects on reproduction, on breasts, on eyes and on the brain including autism, Alzheimer's, ADHD, brain tumors and tumors down through your neck. So these are the things that this bill helps our people to find information about. If you don't want them to find it, then that's your choice. I'm asking that we give them at least the information in the company's own words to be able to find where it is and hopefully not break the hearts of so many parents who are unaware and their children. Thank you.

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

Representative **CAMPBELL**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. This is like an old broken record. With me, I thought I could kill this bill about five years ago, but here it is back again and I kind of object to all these people that are so knowledgeable but our own Attorney General is criticized as not being up to date on things. I think our Attorney General is quite up to date on most everything. The letter that she sent out, there remain very substantial Commerce Clause and the First Amendment problems with the legislation as amended. Now, I'll skip down towards the bottom. You should be aware that in 2012, two years ago, the federal court in Maine ordered the state to pay nearly \$700,000 in attorneys' fees after the court declared a statute unconstitutional on First Amendment grounds. Such an award is certainly a risk with this bill. Thank you, very truly yours, Janet T. Mills, Attorney General. So I ask you, once again, as you did five years ago, follow my light and kill this bill. Thank you.

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

Representative **CHAPMAN**: Thank you, Madam Speaker. Madam Speaker, Friends and Colleagues of the House. The good Representative from Sanford, Representative Boland, and I have had ongoing conversations in the past about this issue, and I've spoken on the matters of cell phone safety, cell phone tower safety and published quite a bit of material about it. The question before us does not actually relate specifically to the safety of the cell phone use. It relates to people who are purchasing a cell phone to get information that this manufacturer has supplied

within instruction booklets, and it provides a mechanism for the purchaser to find out where that information is. So this is more merely a consumer ability to know what the manufacturer has already said about the proper use of the device they are selling to you, with whatever warnings and whatever instructions the manufacturer has intended you to use the device with. And so I rise in opposition to the pending motion because this is a matter that is clearly a common sense matter of getting the information to the consumer. Thank you.

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

Representative **RUSSELL**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I'm just going to say a couple of quick things. We heard about how we defeated this bill five years ago. I appreciate that. Just nine days ago, 83 members of the House defeated a similar motion to allow this bill to move forward. It has clearly come back to us from the other body in a positive format. We've seen that the shiny shoe brigade is out again in full force. You know the ones. They've got really, really shiny shoes. They've got the nice suit. You know they're out of Maine because they're not from Maine because their Italian suit just fits a little bit too nice for our hallways. So I would argue that even though the shiny shoe brigade has shown up in force, that we should do the same thing as we did just nine days ago, defeat the pending motion and continue to move forward to a very rational, very reasonable, very small component that will help make sure that people understand the risks that may very well be associated with this technology. This is not a hard vote and I just ask folks to defeat the pending motion. At the very least, if you want to defeat the bill, I think you should defeat the bill itself. You shouldn't defeat it on an Indefinite Postponement, but perhaps to the other corner, nicely done.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Mapleton, Representative Willette.

Representative **WILLETTE**: Thank you so much, Madam Speaker. Madam Speaker, Men and Women of the House. The good Representative from Sanford, Representative Boland, said we swear an oath to uphold the Constitution, and she is, in fact, correct and that's why this bill is so troubling to so many of us in this chamber. It's not too, too often that I stand shoulder to shoulder with my very first Representative, Janet Mills, while I was going to school in Farmington. But the Attorney General and I have always had a great relationship because she is a fairly commonsense person. In this situation, she truly has just looked at the law and applied it to the facts. The amended language, as it sits before us today, has a trigger mechanism that will almost certainly be struck down as unconstitutional because it violates the separation of powers, it delegates legislative authority to the executive branch. That's just very consistent with case law. The good Representative from Newfield, Representative Campbell, stole my thunder. I was going to talk about how much it could possibly cost the state or will likely cost the state because we're going through this experiment. But, thank you, Representative Campbell for addressing that already. It's just this bill is bad policy and it's going to cost the state a lot of money. I certainly don't doubt that the Representative from Sanford, her heart's in the right spot, I'm sure she's very passionate about it, but this isn't the right bill for Maine.

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

Representative **BEAVERS**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I rise in opposition to the motion on the floor. I was sent here to vote for the safety and prosperity of our citizens and I think this bill goes a

long way and I do not think that we should not vote for a bill because it might end up with a lawsuit. It's such a small thing to ask them to put on a label that directs people to the place that has their own words, that gives you guidance on how to properly use the phone, particularly if you're a child. I hope we will have the common sense to oppose this motion. Thank you.

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

Representative **GIDEON**: Thank you, Madam Speaker Pro tem. Women and Men of the House. I stand before you today in opposition to LD 1013 and there are a couple of reasons why. The first is about the law, which we've heard from a number of people about today, but the other reason is because of science. I believe in protecting the people of Maine. I believe it's part of what our duties are here. But the fact is there is no scientific evidence that proves wireless phone usage can lead to cancer or a variety of other problems that people claim it leads to. As we all sit in this chamber or stand in this chamber, right now, there is radio frequency coming at us from all directions. It's coming out of the light bulbs, on the walls, above us. It's coming from every wireless device in this room. And it does come from our cell phones, too, RF does. But there is something important to understand about radio frequency. The radio frequency that comes from this phone or from your computer or from your microwave, it's not ionizing radiation and what that means is it doesn't have the capacity to change your cell structure. So, over decades, over about 3,000 studies that have been done, there has been no proven link to cancer. Do cell phones have to have information about their RF levels in their manuals? They do, and that's because what radio frequency does is it emits heat and that heat can change the glucose levels, but I'm not going to go too deep into the science here. It doesn't actually cause the cancer. So, by this bill, we're asking or requiring companies to put a label on the outside of their packaging that tells a person to look inside the manual that comes with their purchase. It doesn't make sense. I urge you to vote in favor of this motion to Indefinitely Postpone. Thank you, Madam Speaker.

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

Representative **VILLA**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I rise in opposition to the pending motion. A five-year-old's brain, healthy or otherwise, is encased in a thinner skull and contains more fluid than an adult brain. The bone marrow of a child's head absorbs 10 times more radiation than an adult, while those of infants and toddlers will absorb even more. Few parents appreciate that infant apps like One Fish Two Fish, Peekaboo Farm, and Twinkle Twinkle Little Star may do more than amuse and distract babies. There is also an app for teething babies. Every major well-designed study ever conducted has found that those who use cell phones regularly for half an hour a day or more for a decade have a doubled risk of brain cancer, and those who began using cell phones as teenagers have four to five times more disease in less than 10 years from the beginning of their use. The \$100 billion a year mobile phone industry asserts that there is no conclusive evidence of harmful effects as a result of electromagnetic radiation. When The Cellular Telecommunications & Internet Association hired Dr. George Carlo to head up a \$28 million research program into possible health effects from cellular phones, the research showed an increased rate of brain cancer deaths, development of tumors, and genetic damage among heavy cell phone users. Dr. Carlo has since broken with the cell phone industry to become a vocal critic, and coauthored a book called *Cell Phones: Invisible Hazards in the Wireless Age*. Radiofrequency electromagnetic

radiation researcher at the University of Washington in Seattle, Dr. Henry Lai showed microwave radiation from mobiles caused genetic damage similar to that found in Alzheimer's, Parkinson's sufferers and autism. To quote Dr. Lai, "It is difficult to deny that RFR at low intensity can affect the nervous system."

Another scientist, Dr. Hyland, of the International Institute of Biophysics in Neuss-Holzheim, Germany, said that the body is an electro-chemical instrument with exquisite sensitivity to the kind of radiation emitted from mobile phones and has an impact on the stability of cells in the body. Children are particularly vulnerable. Referring to the effect of microwaves from a mobile phone, Dr Hyland says, "The main effects are neurological, causing headaches, lack of concentration, memory loss and sleeping disorders. It can also cause epilepsy in children. Children are particularly vulnerable because they are still developing their immune systems and are less robust than adults. Just as we've learned over the last 20 years the importance of Head Start programs and early childhood education. We've learned, over the past 20 years, that Extensive biological and developmental research has generated substantial evidence that young children who experience early childhood education and child care in the earliest years of life are effective interventions that pay significant dividends in better long-term outcomes in learning, health, and parenting of the next generation, thus the importance of Head Start programs.

We can spend all the money we want on Head Start programs, but what good is it if we continue to undermine the health issue aspect recognized by hundreds of studies? By passing this bill, we give Maine's children the best opportunity to survive and thrive. We are responsible to pass legislation that protects the good people of the State of Maine, not the FCC, not the FDA, and not the \$100 billion cell phone industry.

In 1840, "As Maine goes, so goes the nation" became a phrase that, at one time, was in wide currency in United States politics. The phrase described Maine's reputation as a bellwether state. Maine, in any given arena, served to create or influence trends or to presage future happenings in the United States. Dirigo, our state's motto, "I lead." It's time we heeded the intention of Maine's founding fathers of the great State of Maine. And lead, not follow. Maine should not be held captive by fear. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Waterboro, Representative Libby.

Representative LIBBY: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I do rise in support of the pending motion. I wanted to clarify for the House floor here that the Committee Report, had I been present, it would have been Ought Not to Pass, 7-6. The Majority Report would have been Ought Not to Pass. You hear a lot of information about the health risks. Studies, and trust me, there's been plenty of studies, many, many studies on this, but the bottom line is on the World Health Organization website, to quote, "To date, no adverse health effects have been established as being caused by mobile phone use." And we think about the possibility as a carcinogen, just a couple of items I want you to ponder for a minute. Coffee, milk, pickles, and how about baby power, all have possibilities of carcinogens. Just to put that out there. Thank you.

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

Representative HAYES: Thank you, Madam Speaker. Madam Speaker, Women and Men of the House. What does this bill do? If we pass it today, if we defeat the pending motion and pass the bill, what will it do? Nothing. It will do nothing. It will do nothing until four other states take similar action and what's

interesting about that strategy, the good Representative from Portland reminded us that we added that strategy to this bill last week, but 141 of us voted for the same strategy in June of last year on the GMO bill, despite the arguments that doing so might be deemed unconstitutional by the courts. So, just as a little history, recent history lesson, we found it acceptable to take this action and say when others are persuaded to do the same, we will join with them. So nothing happens if we defeat the pending motion and pass the bill. We go into a waiting mode. Waiting for four other states to take similar action. I'm willing to take that, make that step today and I'm asking you to do the same. Once four other states take similar action, what will be required? The information that's already provided about the potential safety hazards of these devices is in the manual. What this bill would require is some notification in print on the outside of the packaging that tells you where to find it, that's it. That's all it does. No one is going to make you read it. No one is going to require you to read it and sign something. It's just going to say if you're interested in this safety information, here's where it is, a disclosure. That's all it does. I urge you to vote red on the pending motion, stick with your opinion. Eighty-three of us agreed last week that adding this strategy of waiting for four other states to come on board and then having this requirement would make sense and recognize that 141 of us were willing to adopt that strategy on the GMO bill less than 12 months ago. Thank you, Madam Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from China, Representative Cotta.

Representative COTTA: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I've learned a lot from my esteemed colleagues here in the chamber, but I'd like to start out and I don't want to make light of it, but I'm guilty and what I'm guilty of is the Christmas when you try to put the toy together and the last thing that you do is read the directions. The car that you bought that comes with a book that's in the glove compartment which leaves in very condition no matter how long you own the car because you're not going to read it. I don't know if it's gender specific, but I'm the same group that doesn't ask directions. All I would like to say is that, in the words of the Representative from Buckfield, what does it do? It leads you to information. It points out and highlights. I have long said I am in great favor of informed consent. We can debate the studies and, at risk, I will use Dr. Oz's name. Those of you who haven't seen the program, currently, there is a study underway that involves breast cancer and placement of cell phones in a lady's undergarments. I guess that's probably delicate enough. And, for the life of me, while one of my esteemed colleagues in this chamber says it generates heat, I would probably recommend it for northern climates. However, just that physical anecdotal evidence, to me, is enough to want to know more. So I urge you to defeat the pending motion, vote your conscience on the actual bill. I feel that putting a sticker on a cell phone to highlight where additional information is available is really not outrageous. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Portland, Representative Jorgensen.

Representative JORGENSEN: Thank you, Madam Speaker. Madam Speaker, Colleagues of the House, thank you. I'm also concerned about the real constitutional issues that have been cited in this debate, but the larger issue, for me, is simply that I worry that we've separated from actual science. We should be guided by the National Cancer Institute. We should be guided by the World Health Organization. They've studied this issue and they believe the weight is overwhelming that cell phones don't cause cancer, and I think if we decide to warn people against

established science by regulatory industries, why will people believe us, or by regulatory organizations, why will people believe us when we warn them on anything based on science? I don't think they will and that worries me. So I also don't think we should be giving babies cell phones for all sorts of good reasons, but that's why I'm voting green here. Thank you.

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

Representative **KUSIAK**: Thank you, Madam Speaker Pro Tem. I rise today to speak against the pending motion. The bill passed successfully with 83 votes in this body last week and in the other body yesterday against great odds. The bill should go forward and not be postponed. I just want to underscore a few of the studies. The World Health Organization's International Agency on Research and Cancer, you're right, has found that cell phone RF radiation possibly is carcinogenic. So that's what we're acting on, that it's possibly carcinogenic, shouldn't people know that. The American Pediatric Association has argued for protections for children. The former president of Microsoft Canada is leading a Canadian organization to promote public awareness of safest ways to use cell phones, and that's what this bill would do, give us that information about the safest ways to use them. So I would end by just asking some questions. Who are we protecting, children or companies who show up to fight to make sure their customers don't read the instructions? Thank you and I urge you to defeat the pending motion.

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

Representative **SHORT**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I believe the good Representative from Portland hit this matter right on the head. Representative Russell's statement in regards to what's happened with this bill is exactly right. We voted just nine days ago in favor of this bill. The body down the hall has voted in favor of this bill. But somewhere in the process of traveling up and down the hallway out here, this thing got all muddled up in people's minds. I believe by passing this...

The **SPEAKER PRO TEM**: Would the Representative defer? It is not appropriate to refer to the actions of another body, so if could keep that in mind in proceeding with your remarks. Thank you.

The Chair advised all members that it is inappropriate to refer to the potential action of the office of the executive or the other body in order to influence the vote of the House.

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

Representative **SHORT**: Thank you, Madam Speaker. I rise in opposition of this motion and I would request that the members of this body do not duck a very important vote. Thank you.

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

Representative **VEROW**: Thank you, Madam Speaker. Madam Speaker, Members of the House. Just simply, in looking at this, there is information in the cell phone package about the RF frequencies in there. That's already part of the package contained in the product when you buy that and I assume that was put in by the manufacturer without being required to do so. So having a label on the outside of the package that references the fact that that information is included, I really don't see any objection that the industry would have to that, I would fail to understand that. But so, in that case, I'm standing in opposition to the motion for indefinitely postponing, and thank you.

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

Representative **BEAUDOIN**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. Usually, when you see a red flag going up, it means start watching and start reading and really look into it, and that's what I saw as a red flag. I said, "Something is going on. Something is wrong." You know, companies have enough clout, have enough money to be able to push what they want to be done and that's frightening to me. So I would hope that everybody really, really delves into this and really reads up on it, and let's hope that we're not making the mistake here and that down the line that we don't say, "Geez, we had it in our pockets and we missed the boat." I hope we don't and I hope we look out for other people. Thank you.

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

ROLL CALL NO. 549

YEA - Beck, Bennett, Berry, Black, Brooks, Campbell J, Campbell R, Carey, Chase, Clark, Cooper, Daughtry, Davis, Dill, Doak, Dorney, Farnsworth, Fitzpatrick, Fowle, Fredette, Gideon, Gifford, Gillway, Graham, Grant, Hamann, Herbig, Hobbins, Hubbell, Jorgensen, Keschl, Kinney, Kornfield, Libby A, Libby N, Lockman, Luchini, MacDonald W, Maker, Marean, Marks, McCabe, McClellan, Nadeau A, Nutting, Parry, Peterson, Plante, Pouliot, Priest, Rankin, Rochelo, Sanborn, Sanderson, Saxton, Schneck, Timberlake, Tipping-Spitz, Turner, Tyler, Volk, Wallace, Weaver, Welsh, Willette, Wilson, Wood, Mr. Speaker.

NAY - Ayotte, Beaudoin, Beaulieu, Beavers, Boland, Bolduc, Briggs, Casavant, Cassidy, Chapman, Chenette, Chipman, Cotta, Crafts, Cray, DeChant, Devin, Dunphy, Duprey, Espling, Evangelos, Gattine, Gilbert, Guerin, Harlow, Hayes, Hickman, Johnson P, Jones, Kaenrath, Kent, Knight, Kruger, Kumiega, Kusiak, Lajoie, Longstaff, MacDonald S, Mason, Mastraccio, McElwee, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, Nelson, Newendyke, Peavey Haskell, Peoples, Pringle, Reed, Rotundo, Russell, Rykerson, Saucier, Shaw, Short, Sirocki, Stanley, Stuckey, Theriault, Treat, Verow, Villa, Werts, Winsor.

ABSENT - Crockett, Dickerson, Dion, Frey, Goode, Harvell, Jackson, Johnson D, Long, Malaby, Noon, Pease, Powers, Winchenbach.

Yes, 68; No, 69; Absent, 14; Excused, 0.

68 having voted in the affirmative and 69 voted in the negative, with 14 being absent, and accordingly the motion to **INDEFINITELY POSTPONE** the Bill and all accompanying papers **FAILED**.

Representative **FREDETTE** of Newport **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

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

ROLL CALL NO. 550

YEA - Beaudoin, Beavers, Boland, Bolduc, Briggs, Casavant, Cassidy, Chapman, Chenette, Chipman, Cotta, DeChant, Devin, Dunphy, Duprey, Espling, Evangelos, Gattine, Gilbert, Guerin, Harlow, Hayes, Hickman, Johnson P, Jones, Kaenrath, Kent, Kruger, Kumiega, Kusiak, Lajoie, Longstaff, MacDonald S, Maker, Mason, Mastraccio, McElwee, McGowan, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, Newendyke, Peavey Haskell, Peoples, Pringle, Reed, Russell, Rykerson, Shaw, Short, Sirocki, Stanley, Stuckey, Theriault, Treat, Verow, Villa, Werts.

NAY - Ayotte, Beaulieu, Beck, Bennett, Berry, Black, Brooks, Campbell J, Campbell R, Carey, Chase, Clark, Cooper, Crafts, Cray, Daughtry, Davis, Dill, Doak, Dorney, Farnsworth, Fitzpatrick, Fowle, Fredette, Gideon, Gifford, Gillway, Graham, Grant, Hamann, Herbig, Hobbins, Hubbell, Jorgensen, Keschl, Kinney, Knight, Kornfield, Libby A, Libby N, Lockman, Luchini, MacDonald W, Marean, Marks, McCabe, McClellan, McLean, Nadeau A, Nelson, Nutting, Parry, Peterson, Plante, Pouliot, Priest, Rankin, Rochelo, Rotundo, Sanborn, Sanderson, Saucier, Saxton, Schneck, Timberlake, Tipping-Spitz, Turner, Tyler, Volk, Wallace, Weaver, Welsh, Willette, Wilson, Winsor, Wood, Mr. Speaker.

ABSENT - Crockett, Dickerson, Dion, Frey, Goode, Harvell, Jackson, Johnson D, Long, Malaby, Noon, Pease, Powers, Winchenbach.

Yes, 60; No, 77; Absent, 14; Excused, 0.

60 having voted in the affirmative and 77 voted in the negative, with 14 being absent, and accordingly the Bill **FAILED PASSAGE TO BE ENACTED** and was sent to the Senate.

An Act To Improve Business Certainty for Providers of Quality Child Care

(H.P. 1152) (L.D. 1581)
(C. "A" H-656)

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

On motion of Representative WILLETTE of Mapleton, was **SET ASIDE**.

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

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

Representative **SIROCKI**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I rise in opposition to the pending motion. LD 1581 is a bill that proposes to set in statute pay increases for day care providers that meet certain rate levels. The department spoke to their support of the efforts of higher-level child care providers. While this bill would set in statute that which they have been doing voluntarily, the department also cautioned committee members that by doing so it may limit their ability to prioritize their limited resources should an unexpected need arise. Recognizing the importance to the department to maintain a degree of discretion and flexibility when allocating resources that serve the needs of children, I remain opposed to the pending legislation. Thank you, Madam Speaker.

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

Representative McCABE of Skowhegan moved that the Bill be **TABLED** until later in today's session pending **PASSAGE TO BE ENACTED**.

Representative FREDETTE of Newport **REQUESTED** a roll call on the motion to **TABLE** until later in today's session pending **PASSAGE TO BE ENACTED**.

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

The **SPEAKER PRO TEM**: A roll call has been ordered. The pending question before the House is to Table until later in today's session pending Passage to be Enacted. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 551

YEA - Beaudoin, Beavers, Beck, Berry, Bolduc, Briggs, Brooks, Campbell J, Carey, Casavant, Cassidy, Chapman, Chenette, Chipman, Cooper, Daughtry, DeChant, Devin, Dill, Dorney, Evangelos, Farnsworth, Fowle, Gattine, Gideon, Gilbert,

Graham, Grant, Hamann, Hayes, Herbig, Hickman, Hobbins, Hubbell, Jorgensen, Keschl, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby N, Longstaff, Luchini, MacDonald W, Marks, Mason, Mastrocchio, McCabe, McGowan, McLean, Monaghan-Derrig, Morahan, Moriarty, Morrison, Nadeau C, Nelson, Peterson, Plante, Priest, Pringle, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Saucier, Saxton, Schneck, Shaw, Stanley, Stuckey, Theriault, Tipping-Spitz, Treat, Verow, Villa, Welsh, Weris, Mr. Speaker.

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

ABSENT - Cotta, Crockett, Dickerson, Dion, Frey, Goode, Harvell, Jackson, Johnson D, Long, Malaby, Noon, Pease, Powers, Winchenbach.

Yes, 81; No, 55; Absent, 15; Excused, 0.

81 having voted in the affirmative and 55 voted in the negative, with 15 being absent, and accordingly the Bill was **TABLED** until later in today's session pending **PASSAGE TO BE ENACTED** and later today assigned. (Roll Call Ordered)

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

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

SENATE PAPERS

Bill "An Act To Expand Affordable Heating Investments with Maine's Public Resources" (EMERGENCY)

(S.P. 741) (L.D. 1838)

Came from the Senate, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed.

REFERRED to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** in concurrence.

Bill "An Act To Improve Maine's Ability To Attract Major Private Investments"

(S.P. 738) (L.D. 1835)

Bill "An Act To Establish the Commission on Promoting Manufacturing in Maine"

(S.P. 739) (L.D. 1836)

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.

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

On motion of Representative MASTRACCIO of Sanford, the House adjourned at 11:50 a.m., until 9:00 a.m., Friday, March 21, 2014 in honor and lasting tribute to Jody E. Vlodek Berren, of Sarford and Robert Wallack, of Mount Vernon.