

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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
31st Legislative Day
Friday, March 28, 2014

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

Prayer by Pastor Thomas Dubois, Western Mountains Baptist Church, New Portland.

National Anthem by Monmouth Middle School 5th and 6th Grade Chorus.

Pledge of Allegiance.

Doctor of the day, Megan Berube, M.D., Westbrook.

The Journal of yesterday was read and approved.

SENATE PAPERS

Non-Concurrent Matter

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

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

PASSED TO BE ENACTED in the House on March 12, 2014.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-645) AS AMENDED BY SENATE AMENDMENT "A" (S-461)** thereto in **NON-CONCURRENCE**.

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

COMMUNICATIONS

The Following Communication: (S.C. 849)

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

March 27, 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 nomination:

Upon the recommendation of the Committee on Judiciary, the nomination of Judge Robert E. Mullen of Waterville for appointment as a Justice to the Maine Superior Court.

Best Regards,

S/Darek M. Grant

Secretary of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.C. 850)

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

March 27, 2014

Honorable Millicent M. MacFarland

Clerk of the House

2 State House Station

Augusta, Maine 04333

Dear Clerk MacFarland:

Senate Paper 531, Legislative Document 1449, "An Act To Amend the Composition and Duties of the Maine Children's

Growth Council," 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 Bill become a law notwithstanding the objections of the Governor?"

22 voted in favor and 13 against, and accordingly it was the vote of the Senate that the Bill 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.

The Following Communication: (S.C. 851)

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

March 27, 2014

Honorable Millicent M. MacFarland

Clerk of the House

2 State House Station

Augusta, Maine 04333

Dear Clerk MacFarland:

Please be advised the Senate today adhered to its previous action whereby it Indefinitely Postponed 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) and all accompanying papers, in non-concurrence.

Best Regards,

S/Darek M. Grant

Secretary of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.C. 852)

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

March 27, 2014

Honorable Millicent M. MacFarland

Clerk of the House

2 State House Station

Augusta, Maine 04333

Dear Clerk MacFarland:

Please be advised the Senate today adhered to its previous action whereby it accepted Report "B" Ought Not to Pass from the Committee on Veterans and Legal Affairs on Bill "An Act To Increase Gaming Opportunities for Charitable Fraternal and Veterans' Organizations" (S.P. 20) (L.D. 31) , in non-concurrence.

Best Regards,

S/Darek M. Grant

Secretary of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.C. 853)

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

March 27, 2014
Honorable Millicent M. MacFarland
Clerk of the House
2 State House Station
Augusta, Maine 04333
Dear Clerk MacFarland:
Please be advised the Senate today adhered to its previous action whereby it Indefinitely Postponed Bill "An Act To Authorize the Houlton Band of Maliseet Indians To Operate a Casino in Aroostook County" (H.P. 925) (L.D. 1298) and all accompanying papers, in non-concurrence.
Best Regards,
S/Darek M. Grant
Secretary of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.C. 854)

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

March 27, 2014
Honorable Millicent M. MacFarland
Clerk of the House
2 State House Station
Augusta, Maine 04333
Dear Clerk MacFarland:
Please be advised the Senate today insisted to its previous action whereby it Indefinitely Postponed Bill "An Act To Allow Maine's Harness Racing Industry To Compete with Casino Gaming" (H.P. 780) (L.D. 1111) and all accompanying papers, in non-concurrence.
Best Regards,
S/Darek M. Grant
Secretary of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.C. 855)

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

March 27, 2014
Honorable Millicent M. MacFarland
Clerk of the House
2 State House Station
Augusta, Maine 04333
Dear Clerk MacFarland:
Please be advised the Senate today adhered to its previous action whereby it Indefinitely Postponed Bill "An Act Concerning High-stakes Beano" (H.P. 188) (L.D. 227) and all accompanying papers, in non-concurrence.
Best Regards,
S/Darek M. Grant
Secretary of the Senate

READ and ORDERED PLACED ON FILE.

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

ORDERS

On motion of Representative BRIGGS of Mexico, the following Joint Resolution: (H.P. 1331) (Cosponsored by Representatives: AYOTTE of Caswell, BEAR of the Houlton Band of Maliseet Indians, BEAUDOIN of Biddeford, BEAULIEU of Auburn, BEAVERS of South Berwick, BECK of Waterville, BENNETT of Kennebunk, BERRY of Bowdoinham, BLACK of Wilton, BOLAND of Sanford, BOLDUC of Auburn, BROOKS of Winterport, CAMPBELL of Newfield, CAMPBELL of Orrington, CAREY of Lewiston, CASAVANT of Biddeford, CASSIDY of Lubec, CHAPMAN of Brooksville, CHASE of Wells, CHENETTE of Saco, CHIPMAN of Portland, CLARK of Easton, COOPER of Yarmouth, COTTA of China, CRAFTS of Lisbon, CRAY of Palmyra, CROCKETT of Bethel, DAUGHTRY of Brunswick, DAVIS of Sangerville, DeCHANT of Bath, DEVIN of Newcastle, DICKERSON of Rockland, DILL of Old Town, DION of Portland, DOAK of Columbia Falls, DORNEY of Norridgewock, DUNPHY of Embden, DUPREY of Hampden, ESPLING of New Gloucester, EVANGELOS of Friendship, Speaker EVES of North Berwick, FARNSWORTH of Portland, FITZPATRICK of Houlton, FOWLE of Vassalboro, FREDETTE of Newport, FREY of Bangor, GATTINE of Westbrook, GIDEON of Freeport, GIFFORD of Lincoln, GILBERT of Jay, GILLWAY of Searsport, GOODE of Bangor, GRAHAM of North Yarmouth, GRANT of Gardiner, GUERIN of Glenburn, HAMANN of South Portland, HARLOW of Portland, HARVELL of Farmington, HAYES of Buckfield, HERBIG of Belfast, HICKMAN of Winthrop, HOBBS of Saco, HUBBELL of Bar Harbor, JACKSON of Oxford, JOHNSON of Eddington, JOHNSON of Greenville, JONES of Freedom, JORGENSEN of Portland, KAENRATH of South Portland, KENT of Woolwich, KESCHL of Belgrade, KINNEY of Limington, KNIGHT of Livermore Falls, KORNFIELD of Bangor, KRUGER of Thomaston, KUMIEGA of Deer Isle, KUSIAK of Fairfield, LAJOIE of Lewiston, LIBBY of Waterboro, LIBBY of Lewiston, LOCKMAN of Amherst, LONG of Sherman, LONGSTAFF of Waterville, LUCHINI of Ellsworth, MacDONALD of Old Orchard Beach, MacDONALD of Boothbay, MAKER of Calais, MALABY of Hancock, MAREAN of Hollis, MARKS of Pittston, MASON of Topsham, MASTRACCIO of Sanford, McCABE of Skowhegan, McCLELLAN of Raymond, McELWEE of Caribou, McGOWAN of York, McLEAN of Gorham, MITCHELL of the Penobscot Nation, MONAGHAN-DERRIG of Cape Elizabeth, MOONEN of Portland, MORIARTY of Cumberland, MORRISON of South Portland, NADEAU of Fort Kent, NADEAU of Winslow, NELSON of Falmouth, NEWENDYKE of Litchfield, NOON of Sanford, NUTTING of Oakland, PARRY of Arundel, PEASE of Morrill, PEAVEY HASKELL of Milford, PEOPLES of Westbrook, PETERSON of Rumford, PLANTE of Berwick, POULIOT of Augusta, POWERS of Naples, PRIEST of Brunswick, PRINGLE of Windham, RANKIN of Hiram, REED of Carmel, ROCHELO of Biddeford, ROTUNDO of Lewiston, RUSSELL of Portland, RYKERSON of Kittery, SANBORN of Gorham, SANDERSON of Chelsea, SAUCIER of Presque Isle, SAXTON of Harpswell, SCHNECK of Bangor, SHAW of Standish, SHORT of Pittsfield, SIROCKI of Scarborough, SOCTOMAH of the Passamaquoddy Tribe, STANLEY of Medway, STUCKEY of Portland, THERIAULT of Madawaska, TIMBERLAKE of Turner, TIPPING-SPITZ of Orono, TREAT of Hallowell, TURNER of Burlington, TYLER of Windham, VEROW of Brewer, VILLA of Harrison, VOLK of Scarborough, WALLACE of Dexter, WEAVER of York, WELSH of Rockport, WERTS of Auburn, WILLETTE of Mapleton, WILSON of Augusta, WINCHENBACH of Waldoboro, WINSOR of Norway WOOD of Sabattus, Senators: President ALFOND of

Cumberland, BOYLE of Cumberland, BURNS of Washington, CAIN of Penobscot, CLEVELAND of Androscoggin, COLLINS of York, CRAVEN of Androscoggin, CUSHING of Penobscot, DUTREMBLE of York, FLOOD of Kennebec, GERZOFISKY of Cumberland, GRATWICK of Penobscot, HAMPER of Oxford, HASKELL of Cumberland, HILL of York, JACKSON of Aroostook, JOHNSON of Lincoln, KATZ of Kennebec, LACHOWICZ of Kennebec, LANGLEY of Hancock, MASON of Androscoggin, MAZUREK of Knox, MILLETT of Cumberland, PATRICK of Oxford, PLUMMER of Cumberland, SAVIELLO of Franklin, SHERMAN of Aroostook, THIBODEAU of Waldo, THOMAS of Somerset, TUTTLE of York, VALENTINO of York, VITELLI of Sagadahoc, WHITTEMORE of Somerset, WOODBURY of Cumberland, YOUNGBLOOD of Penobscot)

JOINT RESOLUTION RECOGNIZING VIETNAM WAR REMEMBRANCE DAY ON MARCH 30, 2014

WHEREAS, March 30th of each year is Vietnam War Remembrance Day in Maine, to honor the service and sacrifice of those veterans of the United States Armed Forces who served during the Vietnam War; and

WHEREAS, the Vietnam War was fought in the Republic of South Vietnam from 1961 to 1975 and the United States Armed Forces became involved in Vietnam to provide direct military support for the Republic of South Vietnam to defend itself against the growing communist threat from North Vietnam; and

WHEREAS, members of the United States Armed Forces began serving in an advisory role to the Republic of South Vietnam in 1961; in 1965 United States Armed Forces ground combat units arrived in Vietnam and by 1969 a peak deployment of approximately 543,000 troops was reached; and

WHEREAS, according to the United States Department of Veterans Affairs, 8,744,000 military personnel served on active duty during the Vietnam War and 2,594,000 personnel served within the borders of South Vietnam between January 1, 1965 and March 28, 1973; and

WHEREAS, on January 27, 1973, the Treaty of Paris was signed, which required the release of all United States prisoners of war held in North Vietnam and the withdrawal of all United States Armed Forces from South Vietnam; and

WHEREAS, on March 30, 1973, the United States Armed Forces completed the withdrawal of combat units and combat support units from South Vietnam; and

WHEREAS, more than 58,000 members of the United States Armed Forces lost their lives in Vietnam and more than 300,000 members of the United States Armed Forces were wounded; and

WHEREAS, in 1982, the Vietnam Veterans Memorial was dedicated in the District of Columbia to commemorate those members of the United States Armed Forces who died or were declared missing in action in Vietnam; and

WHEREAS, Vietnam War Remembrance Day is an appropriate way to honor those members of the United States Armed Forces who served in South Vietnam and throughout Southeast Asia during the Vietnam War; and

WHEREAS, we must honor the millions of men and women who served with valor during the Vietnam War, those who were wounded, with wounds both seen and unseen, and those who gave the ultimate sacrifice to their State and Nation; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-sixth Legislature of the State of Maine now assembled in the Second Regular Session, on behalf of the people we represent, take this opportunity to join in the observance of Vietnam War Remembrance Day in order to honor the contributions of veterans who served in the United States Armed Forces in Vietnam; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Department of Defense, Veterans and Emergency Management.

READ.

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

Representative **BRIGGS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This Joint Resolution marks the third Anniversary of passing and celebrating Vietnam War Remembrance Day in Maine. This Day of Remembrance is for my brother who is still with us today, but has never really recovered from this war. It's for my brother-in-law, my cousins, friends, my schoolmate Dwight Murphy who had asked me to sponsor LD 20 back in 2011, and each Vietnam Veteran in this legislative body, and throughout this great state of Maine. Thank you for your dedicated service to our country. And, of course, my heartfelt gratitude as well to all veterans here and throughout our state, thank you.

Since I first initiated this bill in January of 2011, I have been monitoring how many states have initiated same or similar legislation to recognize the Vietnam War, as there are dates of recognition for all other war times in history. According to the email I got yesterday from NCSL, there are statutes and legislation to declare a state Vietnam Veterans Day in 36 states and Puerto Rico. Legislation is currently pending in Indiana, Oklahoma and, again, Puerto Rico. And Idaho, Illinois, Kansas, and Pennsylvania adopted such resolutions this month. I feel because there is such strong support for a day of recognition for the Vietnam War and veterans, I am working closely with Congressman Mike Michaud's office to adopt such legislation on the national level. As I am termed out and the Congressman is taking a new path as of November, I ask each one of you in this body to please reach out to him and all our Congressional Delegation asking their support designating March 30th of each year, Vietnam War Remembrance Day, or something similar to it.

On Sunday, in Dixfield, at the Swasey-Torrey American Legion Post 100, we will be celebrating this great day with a ceremony beginning at 1:00 and all are welcome to attend. Along with recognizing Vietnam veterans, we will be recognizing veterans of all eras, including a Gold Star Honorable Service Medal being presented to the family of Rupert Torrey of Dixfield who was killed in action during WWII, and to which the post was named after. Two Bronze Star Honorable Service Medals and a Silver Star Honorable Service Medal will also be presented to families of those who died while serving our country. Six women will be present to receive Certificates of Recognition along with the new Silver Commemorative Coins that were created for all female veterans in 2010. A total of about 50 veterans will be present to receive a Certificate of Recognition. I'd be glad to speak with anyone after session if you'd like to know more information to possibly organize such a great event in your district and to recognize all veterans, not just on Vietnam War Remembrance Day.

Currently, there are approximately 54,000 Vietnam Veterans living in Maine. The Vietnam War had many effects on the United States, and in Maine. This was the first foreign war in which the U.S. combat forces failed to accomplish their goals. This hurt the pride of a lot of Americans and left painful memories. Soldiers returned in the midst of angry anti-war protests that often placed blame on the individual soldiers. Soldiers were treated very poorly, including my brother. I remember watching television and saying to my mom, "Why are they treating them that way?" I just never got over it.

This day of recognition is different in that it is correcting a measure of injustice by being treated differently when they

returned home from the Vietnam War, like none other, and because of that, should be treated as such. Vietnam War Remembrance Day represents a symbol of gratitude and respect they were denied when they came home from this unpopular war. I know we can't change the past, but we can change the future, one day at a time.

My goal is that, on this day of remembrance, Vietnam War Remembrance Day, it will bring many veterans together who have felt distant for many, many years to help heal all wounds physically, spiritually, and emotionally. And as a State Representative, I am truly blessed, honored, and humbled to do this for our Vietnam veterans. I know this is not just for me, but for all Mainer's who wish to say to each Vietnam veteran: "We're sorry, thank you, and welcome home." Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from North Yarmouth, Representative Graham.

Representative **GRAHAM**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I've only been here a short amount of time, but all of you will experience a moment, moments here, that you'll always, always remember. I was a freshman on State and Local Government Committee. It was the second bill that we heard after a somewhat silly bill before it. I have never, never been so moved than by this bill that the good Representative from Mexico brought. This bill had strong Senators, very grownup adult Representatives in tears because we realized that we had for many years shown such an injustice to the people who served in Vietnam. I was a kid, 10, 11, during the time of the Vietnam War. I remember on the nightly news that the Vietnam veterans were coming off airplanes not to flags and bands and "Welcome home." They had to change out of their uniforms and sneak back into the country because so many people were unhappy with the Vietnam War, not unhappy with them but unhappy with the Vietnam War. I want to thank the good Representative from Mexico for her incredibly hard work on this issue. This is a passion that she has carried since the day I met her and I think for a very, very long time. This should be a national holiday. It is time for us to say, "Thank you. We love you. We believe in you. Your work was so important in the name of the United States of America." And as the Representative said, she was blessed, honored and humbled to do this work. I've felt blessed, honored and humbled to be able to listen to that bill and to move this such important issue forward. Thank you, Mr. Speaker.

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

Sent for concurrence.

On motion of Representative WILLETTE of Mapleton, the following Joint Resolution: (H.P. 1332) (Cosponsored by Representatives: AYOTTE of Caswell, BEAR of the Houlton Band of Maliseet Indians, BEAUDOIN of Biddeford, BEAULIEU of Auburn, BEAVERS of South Berwick, BECK of Waterville, BENNETT of Kennebunk, BERRY of Bowdoinham, BLACK of Wilton, BOLAND of Sanford, BOLDUC of Auburn, BRIGGS of Mexico, BROOKS of Winterport, CAMPBELL of Newfield, CAMPBELL of Orrington, CAREY of Lewiston, CASAVANT of Biddeford, CASSIDY of Lubec, CHAPMAN of Brooksville, CHASE of Wells, CHENETTE of Saco, CHIPMAN of Portland, CLARK of Easton, COOPER of Yarmouth, COTTA of China, CRAFTS of Lisbon, CRAY of Palmyra, CROCKETT of Bethel, DAUGHTRY of Brunswick, DAVIS of Sangerville, DeCHANT of Bath, DEVIN of Newcastle, DICKERSON of Rockland, DILL of Old Town, DION of Portland, DOAK of Columbia Falls, DORNEY of Norridgewock, DUNPHY of Embden, DUPREY of Hampden, ESPLING of New Gloucester, EVANGELOS of Friendship,

Speaker EVES of North Berwick, FARNSWORTH of Portland, FITZPATRICK of Houlton, FOWLE of Vassalboro, FREDETTE of Newport, FREY of Bangor, GATTINE of Westbrook, GIDEON of Freeport, GIFFORD of Lincoln, GILBERT of Jay, GILLWAY of Searsport, GOODE of Bangor, GRAHAM of North Yarmouth, GRANT of Gardiner, GUERIN of Glenburn, HAMANN of South Portland, HARLOW of Portland, HARVELL of Farmington, HAYES of Buckfield, HERBIG of Belfast, HICKMAN of Winthrop, HOBBS of Saco, HUBBELL of Bar Harbor, JACKSON of Oxford, JOHNSON of Eddington, JOHNSON of Greenville, JONES of Freedom, JORGENSEN of Portland, KAENRATH of South Portland, KENT of Woolwich, KESCHL of Belgrade, KINNEY of Limington, KNIGHT of Livermore Falls, KORNFELD of Bangor, KRUGER of Thomaston, KUMIEGA of Deer Isle, KUSIAK of Fairfield, LAJOIE of Lewiston, LIBBY of Waterboro, LIBBY of Lewiston, LOCKMAN of Amherst, LONG of Sherman, LONGSTAFF of Waterville, LUCHINI of Ellsworth, MacDONALD of Old Orchard Beach, MacDONALD of Boothbay, MAKER of Calais, MALABY of Hancock, MAREAN of Hollis, MARKS of Pittston, MASON of Topsham, MASTRACCIO of Sanford, McCABE of Skowhegan, McCLELLAN of Raymond, McELWEE of Caribou, McGOWAN of York, McLEAN of Gorham, MITCHELL of the Penobscot Nation, MONAGHAN-DERRIG of Cape Elizabeth, MOONEN of Portland, MORIARTY of Cumberland, MORRISON of South Portland, NADEAU of Fort Kent, NADEAU of Winslow, NELSON of Falmouth, NEWENDYKE of Litchfield, NOON of Sanford, NUTTING of Oakland, PARRY of Arundel, PEASE of Morrill, PEAVEY HASKELL of Milford, PEOPLES of Westbrook, PETERSON of Rumford, PLANTE of Berwick, POULIOT of Augusta, POWERS of Naples, PRIEST of Brunswick, PRINGLE of Windham, RANKIN of Hiram, REED of Carmel, ROCHELO of Biddeford, ROTUNDO of Lewiston, RUSSELL of Portland, RYKERSON of Kittery, SANBORN of Gorham, SANDERSON of Chelsea, SAUCIER of Presque Isle, SAXTON of Harpswell, SCHNECK of Bangor, SHAW of Standish, SHORT of Pittsford, SIROCKI of Scarborough, SOCTOMAH of the Passamaquoddy Tribe, STANLEY of Medway, STUCKEY of Portland, THERIAULT of Madawaska, TIMBERLAKE of Turner, TIPPING-SPITZ of Orono, TREAT of Hallowell, TURNER of Burlington, TYLER of Windham, VEROW of Brewer, VILLA of Harrison, VOLK of Scarborough, WALLACE of Dexter, WEAVER of York, WELSH of Rockport, WERTS of Auburn, WILSON of Augusta, WINCHENBACH of Waldoboro, WINSOR of Norway, WOOD of Sabattus, Senators: President ALFOND of Cumberland, BOYLE of Cumberland, BURNS of Washington, CAIN of Penobscot, CLEVELAND of Androscoggin, COLLINS of York, CRAVEN of Androscoggin, CUSHING of Penobscot, DUTREMBLE of York, FLOOD of Kennebec, GERZOFOSKY of Cumberland, GRATWICK of Penobscot, HAMPER of Oxford, HASKELL of Cumberland, HILL of York, JACKSON of Aroostook, JOHNSON of Lincoln, KATZ of Kennebec, LACHOWICZ of Kennebec, LANGLEY of Hancock, MASON of Androscoggin, MAZUREK of Knox, MILLETT of Cumberland, PATRICK of Oxford, PLUMMER of Cumberland, SAVIELLO of Franklin, SHERMAN of Aroostook, THIBODEAU of Waldo, THOMAS of Somerset, TUTTLE of York, VALENTINO of York, VITELLI of Sagadahoc, WHITTEMORE of Somerset, WOODBURY of Cumberland, YOUNGBLOOD of Penobscot)

**JOINT RESOLUTION RECOGNIZING MARCH AS
BRAIN INJURY AWARENESS MONTH**

WHEREAS, 2,400,000 Americans sustain a traumatic brain injury each year; and

WHEREAS, a traumatic brain injury is a contributing factor in a third of all injury-related deaths in the United States; and

WHEREAS, traumatic brain injuries are largely the result of motor vehicle crashes, falls, assaults or sports-related or occupation-related accidents; and

WHEREAS, traumatic brain injury is the signature injury of the wars in Iraq and Afghanistan, presenting new challenges for members of the military and their families; and

WHEREAS, an injury that happens in an instant can bring a lifetime of physical, cognitive and behavioral challenges; and

WHEREAS, early, equal and adequate access to care will greatly increase the overall quality of life for those people with traumatic brain injury and will enable them to return to home, school, work and the community; and

WHEREAS, family members, friends and members of the community can play a central role in enhancing the lives of our citizens with traumatic brain injury; and

WHEREAS, the Brain Injury Association of America offers education and support to families and to individuals with traumatic brain injury to achieve community integration and to help individuals with traumatic brain injury live as independently as possible; and

WHEREAS, March has been designated as Brain Injury Awareness Month to promote public awareness of the prevention, causes, consequences, treatment and extent of traumatic brain injuries; 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, take this opportunity to recognize March 2014 as Brain Injury Awareness Month in Maine.

READ and ADOPTED.

Sent for concurrence.

On motion of Representative NADEAU of Winslow, the following Joint Resolution: (H.P. 1333) (Cosponsored by Representatives: AYOTTE of Caswell, BEAR of the Houlton Band of Maliseet Indians, BEAUDOIN of Biddeford, BEAULIEU of Auburn, BEAVERS of South Berwick, BECK of Waterville, BENNETT of Kennebunk, BERRY of Bowdoinham, BLACK of Wilton, BOLAND of Sanford, BOLDUC of Auburn, BRIGGS of Mexico, BROOKS of Winterport, CAMPBELL of Newfield, CAMPBELL of Orrington, CAREY of Lewiston, CASAVANT of Biddeford, CASSIDY of Lubec, CHAPMAN of Brooksville, CHASE of Wells, CHENETTE of Saco, CHIPMAN of Portland, CLARK of Easton, COOPER of Yarmouth, COTTA of China, CRAFTS of Lisbon, CRAY of Palmyra, CROCKETT of Bethel, DAUGHTRY of Brunswick, DAVIS of Sangerville, DeCHANT of Bath, DEVIN of Newcastle, DICKERSON of Rockland, DILL of Old Town, DION of Portland, DOAK of Columbia Falls, DORNEY of Norridgewock, DUNPHY of Embden, DUPREY of Hampden, ESPLING of New Gloucester, EVANGELOS of Friendship, Speaker EVES of North Berwick, FARNSWORTH of Portland, FITZPATRICK of Houlton, FOWLE of Vassalboro, FREDETTE of Newport, FREY of Bangor, GATTINE of Westbrook, GIDEON of Freeport, GIFFORD of Lincoln, GILBERT of Jay, GILLWAY of Searsport, GOODE of Bangor, GRAHAM of North Yarmouth, GRANT of Gardiner, GUERIN of Glenburn, HAMANN of South Portland, HARLOW of Portland, HARVELL of Farmington, HAYES of Buckfield, HERBIG of Belfast, HICKMAN of Winthrop, HOBBS of Saco, HUBBELL of Bar Harbor, JACKSON of Oxford, JOHNSON of Eddington, JOHNSON of Greenville, JONES of Freedom, JORGENSEN of Portland, KAENRATH of South Portland, KENT of Woolwich, KESCHL of Belgrade, KINNEY of Limington, KNIGHT of Livermore Falls, KORNFIELD of Bangor, KRUGER of Thomaston, KUMIEGA of Deer Isle,

KUSIAK of Fairfield, LAJOIE of Lewiston, LIBBY of Waterboro, LIBBY of Lewiston, LOCKMAN of Amherst, LONG of Sherman, LONGSTAFF of Waterville, LUCHINI of Ellsworth, MacDONALD of Old Orchard Beach, MacDONALD of Boothbay, MAKER of Calais, MALABY of Hancock, MAREAN of Hollis, MARKS of Pittston, MASON of Topsham, MASTRACCIO of Sanford, McCABE of Skowhegan, McCLELLAN of Raymond, McELWEE of Caribou, McGOWAN of York, McLEAN of Gorham, MITCHELL of the Penobscot Nation, MONAGHAN-DERRIG of Cape Elizabeth, MOONEN of Portland, MORIARTY of Cumberland, MORRISON of South Portland, NADEAU of Fort Kent, NELSON of Falmouth, NEWENDYKE of Litchfield, NOON of Sanford, NUTTING of Oakland, PARRY of Arundel, PEASE of Morrill, PEAVEY HASKELL of Milford, PEOPLES of Westbrook, PETERSON of Rumford, PLANTE of Berwick, POULIOT of Augusta, POWERS of Naples, PRIEST of Brunswick, PRINGLE of Windham, RANKIN of Hiram, REED of Carmel, ROCHELO of Biddeford, ROTUNDO of Lewiston, RUSSELL of Portland, RYKERSON of Kittery, SANBORN of Gorham, SANDERSON of Chelsea, SAUCIER of Presque Isle, SAXTON of Harpswell, SCHNECK of Bangor, SHAW of Standish, SHORT of Pittsfield, SIROCKI of Scarborough, SOCTOMAH of the Passamaquoddy Tribe, STANLEY of Medway, STUCKEY of Portland, THERIAULT of Madawaska, TIMBERLAKE of Turner, TIPPING-SPITZ of Orono, TREAT of Hallowell, TURNER of Burlington, TYLER of Windham, VEROW of Brewer, VILLA of Harrison, VOLK of Scarborough, WALLACE of Dexter, WEAVER of York, WELSH of Rockport, WERTS of Auburn, WILLETTE of Mapleton, WILSON of Augusta, WINCHENBACH of Waldoboro, WINSOR of Norway, WOOD of Sabattus, Senators: President ALFOND of Cumberland, BOYLE of Cumberland, BURNS of Washington, CAIN of Penobscot, CLEVELAND of Androscoggin, COLLINS of York, CRAVEN of Androscoggin, CUSHING of Penobscot, DUTREMBLE of York, FLOOD of Kennebec, GERZOFSKY of Cumberland, GRATWICK of Penobscot, HAMPER of Oxford, HASKELL of Cumberland, HILL of York, JACKSON of Aroostook, JOHNSON of Lincoln, KATZ of Kennebec, LACHOWICZ of Kennebec, LANGLEY of Hancock, MASON of Androscoggin, MAZUREK of Knox, MILLETT of Cumberland, PATRICK of Oxford, PLUMMER of Cumberland, SAVIELLO of Franklin, SHERMAN of Aroostook, THIBODEAU of Waldo, THOMAS of Somerset, TUTTLE of York, VALENTINO of York, VITELLI of Sagadahoc, WHITTEMORE of Somerset, WOODBURY of Cumberland, YOUNGBLOOD of Penobscot)

JOINT RESOLUTION RECOGNIZING MARCH AS MULTIPLE MYELOMA AWARENESS MONTH

WHEREAS, multiple myeloma, or myeloma, the 2nd most common blood cancer worldwide, is a cancer of plasma cells in the bone marrow and can occur at multiple sites; and

WHEREAS, myeloma currently affects more than 100,000 people in the United States, with an estimated 20,000 new cases diagnosed each year and with 10,000 people losing their battle with the disease each year; and

WHEREAS, once a disease of the elderly, myeloma is now being found in increasing numbers in people under 65 years of age; and

WHEREAS, myeloma is a rare disease and therefore delayed diagnoses and treatment are common, but an increased awareness of myeloma in the medical community and by the general public will lead to earlier diagnoses, allowing people to live longer; and

WHEREAS, myeloma is diagnosed with blood tests, bone marrow examinations, urine protein electrophoreses and x-rays of bones and is generally thought to be incurable but highly treatable; and

WHEREAS, continued investment and innovation are critical to achieve early diagnoses and implement the most effective and safest treatments for myeloma patients; and

WHEREAS, although there have been important advances in the last decade in finding a cure for myeloma, expanding awareness of the disease is vital to that goal; 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, take this opportunity to recognize March 2014 as Multiple Myeloma Awareness Month and encourage support for myeloma education and the funding of research programs to find a cure; and be it further

RESOLVED: That a suitable copy of this resolution, duly authenticated by the Secretary of State, be transmitted to the International Myeloma Foundation.

READ.

The **SPEAKER:** The Chair recognizes the Representative from Winslow, Representative Nadeau.

Representative **NADEAU:** Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. March is Multiple Myeloma Month. I'm sure many of you do not know much about myeloma. That is why I have sent a handout to your desks. I didn't know much about multiple myeloma until I read an article in the *Morning Sentinel* last month about my friend Michael Poulin, a man I graduated from Winslow High School with and who has been diagnosed with this. Multiple myeloma is a cancer of your plasma cells. It takes a white blood cell present in your bone marrow. Plasma cells normally make proteins called antibodies to help fight infections. In multiple myeloma, a group of plasma cells become cancerous and multiplies, raising the number of plasma cells to a higher than normal level. Since these cells normally make proteins, the level of abnormal proteins in your blood also goes up. This can affect your bones, immune system, kidneys and blood cell count. Mike is a lifelong resident of Winslow. He and his wife Kathy have two adult children, Nate Poulin and Katie Magoun, and son-in-law Andrew, and not to forget, they have two really great grandchildren. Mike has worked for the Office of the State Auditor for 34 years. Since his diagnosis a little over two years ago, Mike and his family have worked tirelessly to raise awareness of multiple myeloma, that the National Cancer Institute says represents just 1 percent of cancer diagnoses. Recently, NBC's Tom Brokaw announced that he also has been diagnosed with multiple myeloma. On February 6, 2014, Mike and Kathy's son Nate completed his second run up the Empire State Building to raise money for the Multiple Myeloma Research Foundation. Mike's daughter Katie and husband Andrew moved back to the State of Maine and founded the Maine Against Myeloma Foundation, which also raises funds for the Multiple Myeloma Research Foundation. During 2013, Mike and Kathy's family raised more than \$10,000 to fight multiple myeloma. Mike, Kathy and their family are appreciative of all the support that they have received and wish to bring awareness of multiple myeloma to us all. I'd like to add to the support received from family, friends and coworkers, that of the Maine State Legislature, and would like Mike and his family to know how much we care.

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

Representative **KUMIEGA:** Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I, too, didn't know much about multiple myeloma until a good friend of mine was diagnosed, and I watched it very slowly and painfully take a good man, a good friend, a mentor, my first employer when I moved to the state, away from us. Anything we can do to raise awareness.

It took a long time for him to get properly diagnosed and that added a lot, I think, to his pain. So I hope that we do raise awareness of it and put more research into it. Thank you, Mr. Speaker.

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. Mary Juanita Hickman, my 86-year-old mother, remains the wisest woman I have ever known. Four years ago, she fell mysteriously ill. She suffered from lethargy, bruising and a cold that would not go away. Her white blood cell count plummeted. By the time of her diagnosis around Thanksgiving of 2010, my mother basically had no immune system to speak of. With chemotherapy treatments, her multiple myeloma has been in and out of remission for about the last year. I was fortunately able to see her for the first time in a long time when I attended my godmother, her best friend's funeral, earlier this week. Last August, my mother was placed in hospice care in her nursing home and her doctor ordered all of her medications for diabetes, for Alzheimer's disease, and for multiple myeloma to stop being administered. She was given only one week to live and yet she survived. It was a blessing to be able to spend time with her this past week. Strong willed and tough as nails, my mother remains my greatest role model. She is the reason why I feed people. I would not be surprised if she lives to be 100 years old, multiple myeloma notwithstanding. I thank the good Representative from Winslow, Representative Nadeau, for presenting this Joint Resolution. Thank you, Mr. Speaker.

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

On motion of Representative **RANKIN** of Hiram, the following House Order: (H.O. 42)

ORDERED, that Representative Mark N. Dion of Portland be excused March 20 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Roger A. Jackson of Oxford be excused March 4, 5, 6, 11, 12, 18, 19, 20, 21 and 24 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Ricky D. Long of Sherman be excused March 20 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Richard S. Malaby of Hancock be excused March 21 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Jethro D. Pease of Morrill be excused March 18, 19, 20, 21 and 24 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Joshua R. Plante of Berwick be excused March 21 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Christine B. Powers of Naples be excused March 19, 20, 21 and 24 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Deane Rykerson of Kittery be excused March 21 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Ellen A. Winchenbach of Waldoboro be excused March 20 for health reasons.

READ and PASSED.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Jesse Guerin, of Glenburn, who has attained the high rank and distinction of Eagle Scout. This is the highest award in Boy Scouting and is given for excellence in skills development, leadership, personal growth and community service. For his Eagle Scout project, Jesse prepared a historical display for the Kenduskeag Town Office, preserving the history of the landmark green bridge in Kenduskeag village. He has been a camp counselor at Camp Roosevelt and, as an Assistant Senior Patrol Leader for a contingent of scouts, represented Maine at the National Boy Scout Jamboree in West Virginia in 2013. We extend our congratulations to Jesse on this achievement;

(HLS 801)

Presented by Representative GUERIN of Glenburn.

Cosponsored by Senator CUSHING of Penobscot.

On **OBJECTION** of Representative GUERIN of Glenburn, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **GUERIN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. It is my distinct pleasure to rise today to honor one of my favorite constituents, my son Jesse Guerin, who has attained the high rank and distinction of Eagle Scout. Jesse is truly a credit to the Boy Scout program. Jesse's Eagle Scout project will preserve the history of the Kenduskeag village bridge for years to come for the town of Kenduskeag. In addition to completing the requirements for Eagle Scout rank, he has been a camp counselor for several years at Boy Scout Camp Roosevelt, mentoring younger scouts and watching over their safety while rock climbing and on the COPE course. Last summer, Jesse took on the responsibility of Assistant Senior Patrol Leader for a contingent of Maine scouts attending the National Boy Scout Jamboree in West Virginia. It is certainly a pleasure to recognize Jesse today. I am proud of you, Jesse, and proud of your accomplishments.

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

Recognizing:

Molly Monroe Gallant, of Hallowell, on the occasion of her retirement after many years of dedicated service to the people of Maine. Ms. Gallant started work with the Legislature on October 11, 1988 and has held various positions throughout her nonpartisan legislative career. She began as an office assistant at the Law and Legislative Reference Library and has worked for the Office of Legislative Information in various capacities. For a period of time, Ms. Gallant left the State House to work as the Assistant to the Manager of the City of Gardiner, and then returned to the Legislature. She leaves legislative service as the Committee Clerk for the Joint Standing Committee on Insurance and Financial Services after having worked for 18 legislative sessions. We send Ms. Gallant our appreciation for her commitment and public service to the State and to the Legislature. We congratulate her on her well-deserved retirement and send her our best wishes as she enjoys her family, her garden, her hobbies and her travels;

(HLS 804)

Presented by Representative TREAT of Hallowell.

Cosponsored by Senator FLOOD of Kennebec, Senator GRATWICK of Penobscot, Senator WOODBURY of Cumberland,

Senator WHITTEMORE of Somerset, Representative BEAUDOIN of Biddeford, Representative BECK of Waterville, Representative MORRISON of South Portland, Representative COOPER of Yarmouth, Representative PRINGLE of Windham, Representative FITZPATRICK of Houlton, Representative WALLACE of Dexter, Representative DOAK of Columbia Falls, Representative McCLELLAN of Raymond.

On **OBJECTION** of Representative TREAT of Hallowell, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER**: The Chair recognizes the Representative from Hallowell, Representative Treat.

Representative **TREAT**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I just want to say a few words about my constituent, and coincidentally committee clerk, Molly Monroe Gallant. When our committee introduces ourselves, you know every time we have a hearing or work session, my colleague from the other body, Senator Gratwick, always says, "And now Molly Gallant who makes us all look good." And that is so true and it's so true of so many of the clerks, but Molly, as you have heard, has put in 18 legislative sessions. We know she was the top prize to get when we were interviewing clerks this last year because we knew she'd hit the ground running and we wouldn't need to worry about anything, and that is in fact the case. She's been an awesome committee clerk, just so positive, so just competent, and she's done that for so many years, and also, you know, has served in public service in her community of Gardiner over the past. She's, you know, just a wonderful person and a wonderful employee of the Legislature, and we know that she's going to have a fantastic time down in Florida enjoying herself while we're slogging it out here in the Maine Legislature over the next month. So I hope you will join with me in honoring Molly Gallant on the occasion of her retirement.

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

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

UNFINISHED BUSINESS

The following matter, 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.

Expression of Legislative Sentiment Recognizing the Old Town High School Boys Basketball Team

(HLS 782)

TABLED - March 20, 2014 (Till Later Today) by Representative DILL of Old Town.

PENDING - PASSAGE.

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 would certainly like to congratulate the Old Town High School Boys Class B 2014 Basketball state champs. As stated, this is their first championship since 1991, their sixth state championship overall. They entered the tournament as the number 6 seed and battled their way through the Eastern Class B Championship with a final win, very thrilling, hard fought 2-point victory in overtime against Caribou. The following week, they moved into the State Championship game against Poland. Old Town started this game in charge and never looked back, winning the state championship game by 24 points. So again, I'd like to add my

congratulations to seniors Captain Zach Bartlett, Captain Garvey Melmed, Nick Cowan; juniors Mitchell Cole, Tyler Gifford, Eric Hoogterp, Adam Richardson, Scott Smart; sophomores Chad Bartlett, Drew Coulombe, Kaleb Gifford, Zac Libby and Andre Miller; and, finally, the head coach Brian McDormand, and the assistant coaches Josh Boucher and Mark Graffam. Thank you, Mr. Speaker.

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

CONSENT CALENDAR

First Day

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

(H.P. 1206) (L.D. 1683) Bill "An Act To Improve Degree and Career Attainment for Former Foster Children" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-753)**

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

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

ENACTORS

Emergency Measure

An Act To Cancel the No-bid Alexander Group Contract To Produce Savings in Fiscal Year 2013-14

(H.P. 1286) (L.D. 1794)
(C. "A" H-684)

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

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

Acts

An Act To Provide a Mechanism To Allow Certain Commercial Motor Vehicle Weight Limits and Vehicle Dimension Standards To Be Exceeded in Order To Promote Economic Development while Ensuring Public Safety

(H.P. 769) (L.D. 1076)
(S. "B" S-444 to C. "A" H-642)

An Act To Include Natural Gas Expansion in the State Energy Plan

(H.P. 1193) (L.D. 1621)
(C. "A" H-737)

An Act To Amend Forester Licensing Requirements

(S.P. 687) (L.D. 1735)
(C. "A" S-448)

An Act To Amend Laws Relating to Health Care Data

(H.P. 1246) (L.D. 1740)
(C. "A" H-733)

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.

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

An Act To Enhance the Sustainability of the Corinna Water District

(H.P. 1190) (L.D. 1618)
(C. "A" H-736)

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

On motion of Representative McCABE of Skowhegan, was **SET ASIDE**.

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

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

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

ROLL CALL NO. 591

YEA - Ayotte, Beaudoin, Beaulieu, Beavers, Beck, Bennett, Berry, Black, Boland, Briggs, Brooks, Campbell R, Carey, Casavant, Cassidy, Chapman, Chase, Chenette, Chipman, Clark, Cooper, Crafts, Cray, Davis, DeChant, Devin, Dickerson, Dill, Doak, Dorney, Dunphy, Duprey, Espling, Evangelos, Farnsworth, Fitzpatrick, Fowle, Fredette, Frey, Gattine, Gideon, Gifford, Gilbert, Gillway, Goode, Graham, Grant, Hamann, Harlow, Harvell, Hayes, Hickman, Hobbins, Hubbell, Johnson P, Jones, Jorgensen, Kaenrath, Keschl, Kinney, Knight, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby A, Libby N, Lockman, Long, Longstaff, Luchini, MacDonald S, MacDonald W, Maker, Malaby, Marean, Marks, Mason, Mastraccio, McCabe, McClellan, McElwee, McGowan, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau A, Nadeau C, Nelson, Newendyke, Nutting, Parry, Pease, Peavey Haskell, Peoples, Peterson, Plante, Pouliot, Priest, Rankin, Reed, 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, Winchenbach, Winsor, Wood, Mr. Speaker.

NAY - NONE.

ABSENT - Bolduc, Campbell J, Cotta, Crockett, Daughtry, Dion, Guerin, Herbig, Jackson, Johnson D, Kent, McLean, Noon, Powers, Pringle, Rochelo.

Yes, 135; No, 0; Absent, 16; Excused, 0.

135 having voted in the affirmative and 0 voted in the negative, with 16 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, 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 (7) **Ought Not to Pass** - Minority (6) **Ought to Pass as Amended by Committee Amendment "A" (H-622)** - Committee on **TAXATION** on Bill "An Act To Authorize Municipalities To Impose Service Charges on Tax-exempt Property Owned by Certain Nonprofit Organizations"

(H.P. 660) (L.D. 936)

TABLED - February 26, 2014 (Till Later Today) by Representative BERRY of Bowdoinham.

PENDING - **ACCEPTANCE OF EITHER REPORT**.

Subsequently, Representative GOODE of Bangor 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 Wells, Representative Chase.

Representative **CHASE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This is a situation that for years, since I've been here and probably before that, it talks about the town's ability to be able to collect property taxes for everything in their town. The only thing except for some excise, but the main source of revenue for towns is their property taxes, yet year after year people come up here to the state and we provide exemptions to entities based on the story they tell, the ability of what they justified that they need the exemption for, and every time we do that, we reduce the tax base in a town that has one of those properties in it. Over all these years, some of those properties have grown in the towns and they take up a lot of the town's tax base. It is only fair for properties, if they are going to be tax-exempt, to at least be able to pay for the services that a town does for them – plowing, for the garbage, for anything else that a town supplies to an entity. All that's asked in this bill is that entities that are larger than \$1 million assessed value, if they were going to be taxed, at least pay their share of those services. 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 just want to briefly speak from the perspective of those on the Majority Ought Not to Pass Report. The Representative from Wells brought us a bill that addresses a real problem. I represent a service center community. I represent a community where there are lots of nonprofits that could be eligible for this type of assessment. I also care very much about property taxes and have been very involved in this Legislature's ongoing debate around the cutting of revenue sharing and the major changes to the Circuit Breaker program and Homestead Exemption. Just to make sure everybody is aware of the bill that our committee wound up working on, it was one that allowed municipalities to do a public vote creating a service fee on nonprofits with an assessed value of at least \$1 million. So for those of you who have different types of nonprofits in your district, I mean there might be some exceptions to this, but from my understanding most of the institutions that would fall into the \$1 million threshold are likely hospitals and colleges, and I know that in Bangor, you know, we have those type of institutions in our town. I also know that most municipalities engage in pilot projects, payment in lieu of taxes. Maine is a small state. I think most of these larger institutions, you know, care about the reputation, care about their relationships in their town, and I think that most of these institutions engage in pilot projects with their municipalities to cover some of these costs already. If there are institutions in the state that have assessed value of over \$1 million that aren't considering or working with your municipalities who want to engage in a pilot program, I would be surprised that there isn't something that can be done to make that happen.

The bill is very narrow also because it's a tricky policy where you have to carve out some people based on politics or based on logistical issues, and so there's a lot of types of institutions that would be carved out of this. I believe veterans' organizations, houses of worship are carved out. Obviously, smaller nonprofits

are carved out. I think from a governing standpoint, it creates what I call a local option problem where some municipalities could do this, others could not and you could wind up in a dynamic where municipalities that are very close, who have very similar interests, wind up in a type of arms race. Again, the only real institutions I could see this affecting are hospitals and colleges. I think we all share priorities around making sure that college is affordable for everyone, and we've had a lot of different high profile discussions and debates around hospitals. I can't imagine any of us getting very excited about a municipality proposing a service fee on hospitals, when we've all, I think, spent a lot of time talking about that and trying to make it very clear to our constituents and our folks in our district and our hospitals that we care about health care and we care about the sustainability of our hospitals. So that's a little bit of a perspective from the Majority Report.

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 just want to clarify one small item. I think we get a very good explanation of the bill from the bill's sponsor, Representative Chase, and the good chair of our committee, Representative Goode, has given a further explanation. The one thing, I think, that hasn't been mentioned that needs to be is this is not a mandate. Should we pass this piece of legislation, it would be up to each community to make the decision through referendum whether or not this would be something that they would want to exercise. So, in some communities, it might be deemed there is enough economic good that comes from the nonprofit that they don't want to exercise that, and in other places they might think that they would like to help with the garbage collection or whatever it might be. So I just want to make that point. Thank you, Mr. Speaker.

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

Representative **DICKERSON**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. One of my towns I represent is Rockland, as you just mentioned, and one of the biggest problems that I hear from my constituents is the fact that we do have a problem that the constituents feel is a problem, is that we do have a high number of nonprofits in our city that are tax-exempt, and this is an issue that we've struggled with quite a bit actually. I totally understand that this is a problem that needs to be addressed, and we do have some nonprofits who come to us voluntarily and pay money to the city at council in lieu of property taxes. They make that voluntary contribution and we're very, very grateful for that. The problem that I see here that I probably won't support, well, I'm not going to support this motion. There's a reason why and I want to make it clear why, is because I think that there is still more work to do in terms of the fact that many of our nonprofits in the City of Rockland provide services that if the city actually had to pay to provide those services, it would cost the taxpayers of the City of Rockland a lot of money. We have a general assistance fund, which all towns have, and some of the nonprofits, for example, this is just one example, provide services to individuals that if they were not there to provide those services, those moneys would be coming out of our General Fund. So would they then, in turn, turn around and assess a fee to the City of Rockland that we would then have to pay? I mean, I could see this getting a little complicated and so I feel that there is still further discussions to be had in terms of how this would work. In reading the bill, I don't see that some of these concerns that could exist are really ready for primetime. So I don't really know exactly that this is the answer. Certainly, there are nonprofits who it would really help if they could pay that fee,

but then how is the city actually going to separate out that cost? For example, municipal plowing and sanding. So knowing the City of Rockland's budget as intimately as I do, how exactly are we going to separate out, for example, the specific plowing and sanding costs to a particular nonprofit I'm thinking of? It becomes an administrative issue that is then going to add to the administrative costs of the City of Rockland to keep track of all those details. I don't see that that has necessarily been addressed yet and I'd hate to see that cost then get passed on to the city. So maybe if we can continue this discussion and keep working on some of those issues, I certainly would be willing to do that because I know it's an issue for my city. But I'd hate to see some of the services that do get provided to us at no charge suddenly then become charged. Thank you.

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

Representative **WELSH**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise to agree with the good Representative from Rockland. I worked for nonprofit organizations for my whole working career for 30 years, in both Colorado and in Maine, and two of those organizations would have fallen under this service charge. In both of those, we paid in lieu of taxes to the towns in which we operated. I do think this is a much larger issue than this bill addresses. I have spoken with the Maine Association of Nonprofits and urged them to talk to the Maine Municipal Association to try to find some mutual compromises in dealing with this. Our towns and cities are stressed. They don't get enough revenue sharing and many of our nonprofits, in my opinion, can and should pay in lieu of taxes for their services, but not all as the Representative previously mentioned. So I will be voting Ought Not to Pass and urge you to do as well. Thank you.

The SPEAKER: The Chair recognizes the Representative from Wells, Representative Chase.

Representative **CHASE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I think that if we were to vote this down, the Minority Report, if we voted this down, would actually deduct anything in lieu of taxes that is paid by an entity from the service charges that would be levied against them. 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 rise quickly and voice my opposition to the pending motion. I represent the City of Augusta and I just think it's important for you folks to realize that 40 percent of our properties, approximately 40 percent, are tax-exempt between the state and nonprofits. That means that 60 percent of our properties here are responsible for 100 percent of the bill. It's gotten to the point where our budgets are so difficult in the City of Augusta that, I mean, we can't afford to repair roads. So I guess my point is there are a number of great nonprofits that deliver a lot of great services, but from the City of Augusta's perspective, we're not delivering services just to the City of Augusta's residents, and if we were that would be fabulous, but we're not. We're delivering statewide services, regional services to all of Kennebec Valley, but yet we're footing 100 percent of those costs. Nobody is helping us cover our road maintenance. Nobody is helping pay for the public works crews when there is a problem with the sewer lines or for any other problem for that matter. So I guess my point is, you know, service center communities, we do our part. We continue to do our part, but we can't do it forever, you know? The next time you're driving through Augusta and you nail a big pothole and you're wondering, "Why is this capital city in

such disrepair," well, this is a big part of it, you know? We simply can't afford to continue to do this as we move forward. I tried to support a measure or I tried to put in a measure to do this, a similar service fee last year, and it failed, unfortunately. But I'm begging you, if you want service centers to be successful, if you want us to continue to deliver services, you've got to help us out. Thank you, Mr. Speaker.

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

Representative **MOONEN**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I'm one of the people here who represents the City of Portland, also a service center, also a city with a lot of tax-exempt property because we have a very high number of nonprofits. Currently, our cities already have the ability to assess municipal service fees for sewer and stormwater. I certainly think this conversation has merit. I think I want to thank Representative Chase for bringing this forward. I think we should have a conversation about whether there should be fees for other municipal services, like police, like fire, and would absolutely be willing to revisit this conversation because the folks who have spoken are right. This is really affecting the service centers that have a lot of tax-exempt property. The problem that I have, well, I have two issues with this bill at this time. One is that I feel like it picks winners and losers, and I feel that I'm willing to have this conversation about service fees, but if we're going to do it, it needs to be completely neutral and not carve out certain types of nonprofits versus others. I think that would inevitably lead to certain kind of exemptions for some nonprofits and then a year later, another type would come and say, "We need an exemption," and then another would come and say, "We need an exemption," and eventually this policy would end up being meaningless because we'd have so many exemptions. The other issue I have is that we are, in the Tax Committee, already dealing with a very, very complicated issue with nonprofits and taxation and charitable deductions, and our nonprofits are already taking a hit over that issue and I feel like we're coming towards a bipartisan solution to that. I'm optimistic that we'll get there, and I would like us to get there and address that issue before we ever revisit this issue of service fees, and that's why I'm against it at this time, but I certainly think it's a good idea and we should continue talking about it.

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

Representative **KUSIAK**: Thank you, Mr. Speaker. I rise to support the pending motion before us and I'd like to say a little bit about what private educational institutions do for the communities in which they are located. Private educational institutions provide benefit to all in our communities. They are major employers in many of our towns and cities, and they create economic activity in the form of salaries and wages paid to employees. Students and their families spend in our communities. Faculty, staff and their families locate in our communities, purchase property, pay taxes, become supporters of the public education system, and are active as volunteers and other community leaders. Private educational institutions provide cultural and other benefits to the communities in the form of concerts, speakers, art shows, research projects on our lakes and marine areas. So thus, for all of those reasons, I urge us to support the current motion before us. 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 know that this legislation allows a community, by referendum, to enact a local ordinance to assess any service fee associated, so this is a

devolution of power from the State House to local government. I just want to make sure that, men and women, we are aware of that. The second thing, and this is germane but more forward-looking, this bill would only exempt, would only affect nonprofit organizations where the highest salary is four times the median income in the jurisdiction in which the entity is extant. Men and Women of the House, I would certainly urge us in later legislative activities, perhaps in the 127th, to consider what is indeed the definition of a nonprofit, given many of our so-called nonprofits' exorbitant, upper-level salaries. Thank you, Mr. Speaker.

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

Representative **GOODE**: Thank you, Mr. Speaker. Not in specific reference to the last speaker, but I think a few folks have been leaning towards, speaking towards a different report from the committee, not the one before us, and would hope that we keep on task in that regard.

On **POINT OF ORDER**, Representative **GOODE** of Bangor asked the Chair to remind all members to keep debate germane to the pending question.

The SPEAKER: The Chair would remind all members to keep comments directed towards the pending motion before us which is the Acceptance of the Majority Ought Not to Pass on LD 936 and refrain from talking about other pending legislation or future legislation.

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

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

Representative **PARRY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Personally, I don't think this bill goes far enough. I think that any nonprofit, the only ones that should be exempt are nonprofits whose people who run them or the board of directors take no salary. Like the good Representative from Freedom mentioned, I don't really know how somebody can be considered a nonprofit when the people that run them make hundreds of thousands, if not millions of dollars a year. But I think what this vote here proves is that the lobby for the nonprofits is a lot stronger than the lobby for the property taxpayer.

The SPEAKER: The Chair recognizes the Representative from Orono, Representative Tipping-Spitz.

Representative **TIPPING-SPITZ**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Like the Representative from Augusta, I come from a community, my hometown of Orono, that has possibly the highest amount of exempt property. When I sat down with my assessor and my town planner, we found one, maybe two properties that this bill, that some of the discussions of what this bill might look like would address. This is not the answer to the problem. I just want to make sure that's clear. This doesn't really get at the big problem of why our communities are hurting. Thank you.

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. 592

YEA - Beaudoin, Beavers, Beck, Berry, Boland, Briggs, Brooks, Cassidy, Chapman, Chenette, Chipman, Cooper, Daughtry, DeChant, Devin, Dickerson, Dill, Dorney, Evangelos, Farnsworth, Frey, Gattine, Gideon, Gilbert, Goode, Graham, Grant, Hamann, Harlow, Hickman, Hobbins, Hubbell, Jones, Jorgensen, Kaenrath, Kent, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby N, Longstaff, Luchini, MacDonald W, Marks, Mason, Mastraccio, McCabe, McGowan, Monaghan-Derrig, Moonen,

Moriarty, Morrison, Nadeau C, Nelson, Peoples, Peterson, Plante, Priest, Rankin, Rotundo, Russell, Rykerson, Sanborn, Saucier, Saxton, Schneck, Short, Stanley, Stuckey, Theriault, Tipping-Spitz, Treat, Verow, Villa, Welsh, Werts, Winchenbach, Mr. Speaker.

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

ABSENT - Bolduc, Campbell J, Crockett, Dion, Herbig, Jackson, Johnson D, McLean, Noon, Peavey Haskell, Powers, Pringle, Rochelo, Shaw.

Yes, 80; No, 57; Absent, 14; Excused, 0.

80 having voted in the affirmative and 57 voted in the negative, with 14 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

HOUSE DIVIDED REPORT - Majority (7) **Ought to Pass as Amended by Committee Amendment "A" (H-727)** - Minority (6) **Ought to Pass as Amended by Committee Amendment "B" (H-728)** - Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Resolve, Regarding Legislative Review of Chapter 201: Provider of Last Resort Service Quality, a Major Substantive Rule of the Public Utilities Commission (EMERGENCY)

(H.P. 33) (L.D. 38)

TABLED - March 25, 2014 (Till Later Today) by Representative **HOBBS** of Saco.

PENDING - **ACCEPTANCE OF EITHER REPORT.**

Subsequently, Representative **HOBBS** of Saco 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. 593

YEA - Beck, Berry, Brooks, Carey, Casavant, Cassidy, Chenette, Chipman, Cooper, Daughtry, DeChant, Devin, Dickerson, Dill, Dorney, Evangelos, Farnsworth, Fowle, Frey, Gattine, Gideon, Gilbert, Goode, Graham, Grant, Hamann, Hayes, Hickman, Hobbins, Hubbell, Jones, Jorgensen, Kaenrath, Kent, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby N, Longstaff, Luchini, MacDonald W, Marks, Mason, Mastraccio, McCabe, McGowan, Monaghan-Derrig, Moonen, Morrison, Nadeau C, Nelson, Peoples, Peterson, Plante, Priest, Rankin, Rotundo, Russell, Rykerson, Sanborn, Saucier, Saxton, Schneck, Shaw, Stanley, Stuckey, Theriault, Tipping-Spitz, Treat, Verow, Welsh, Werts, Mr. Speaker.

NAY - Ayotte, Beaulieu, Beavers, Bennett, Black, Boland, Briggs, Campbell R, Chapman, Chase, Clark, Cotta, Crafts, Cray, Davis, Doak, Dunphy, Duprey, Espling, Fitzpatrick, Fredette, Gifford, Gillway, Guerin, Harlow, Harvell, Johnson P, Keschl,

Kinney, Knight, Libby A, Lockman, Long, MacDonald S, Maker, Malaby, Marean, McClellan, McElwee, Moriarty, Nadeau A, Newendyke, Nutting, Parry, Pease, Peavey Haskell, Pouliot, Reed, Sanderson, Short, Sirocki, Timberlake, Turner, Tyler, Villa, Volk, Wallace, Weaver, Willette, Wilson, Winchenbach, Winsor, Wood.

ABSENT - Beaudoin, Bolduc, Campbell J, Crockett, Dion, Herbig, Jackson, Johnson D, McLean, Noon, Powers, Pringle, Rochelo.

Yes, 75; No, 63; Absent, 13; Excused, 0.

75 having voted in the affirmative and 63 voted in the negative, with 13 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Resolve was **READ ONCE**. **Committee Amendment "A" (H-727)** 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-727)** and sent for concurrence.

REPORTS OF COMMITTEE

Divided Report

Seven Members of the Committee on **INSURANCE AND FINANCIAL SERVICES** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (H-755)** on Bill "An Act To Require Health Insurers To Provide Coverage for Human Leukocyte Antigen Testing To Establish Bone Marrow Donor Transplantation Suitability"

(H.P. 1172) (L.D. 1600)

Signed:

Senator:

WOODBURY of Cumberland

Representatives:

TREAT of Hallowell

BEAUDOIN of Biddeford

BECK of Waterville

COOPER of Yarmouth

MORRISON of South Portland

PRINGLE of Windham

Five Members of the same Committee report in Report "B" **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

One Member of the same Committee reports in Report "C" **Ought to Pass as Amended by Committee Amendment "B" (H-756)** on same Bill.

Signed:

Senator:

GRATWICK of Penobscot

READ.

Representative TREAT of Hallowell moved that the House **ACCEPT** Report "A" **Ought to Pass as Amended**.

The SPEAKER: The Chair recognizes the Representative from Hallowell, Representative Treat.

Representative **TREAT**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. This is the Majority Report of the Committee on Insurance and Financial Services on this legislation. What it does is to require insurance carriers offering health plans in the state to provide coverage for laboratory fees with a cap of \$150 for human leukocyte antigen testing which is performed to establish whether a bone marrow transplantation would be suitable. It has a number of restrictions on it to reduce the cost to an extremely minimal level. It does so by requiring people to meet certain qualifications before they seek testing. It further requires that the individual sign an informed consent form at the time of testing, along with an acknowledgement that they will indeed be willing to donate marrow if they are found to be a match. Finally, testing is limited to one per lifetime. Just for a little bit of background, 70 percent of people who need a bone marrow transplant do not find a match within their immediate family and friends circle, and that is only what insurance companies currently pay for right now. Five other states have legislation with similarities to this and the version that the majority of the committee went with is virtually identical to legislation that has been enacted and has been implemented in the State of New Hampshire. I encourage your support of this motion and I would request a roll call.

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

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

The SPEAKER: The Chair recognizes the Representative from Hiram, Representative Rankin.

Representative **RANKIN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. It is my honor and privilege to present legislation which asks you to decide whether to require health insurance to establish bone marrow transplantation stability. I'm going to tell you how this bill came to be. When Fryeburg native Major Gregory Sanborn of the Maine Warden Service found out that he had cancer, his family, friends and coworkers gathered around him immediately. He passed away last February at the age of 47 and his community looked for ways to continue to honor him. Personally, I never had the privilege of meeting Major Sanborn of the Warden Service until I was contacted by a friend who knew him. I came to know him after his death. His story was so compelling that I felt that I did know him. I learned what a remarkable man he was. He was a dedicated public servant to his town and his state, and he faced illness with incredible courage. Sanborn had a form of cancer that attacks the immune system, requiring a bone marrow transplant for any chance of survival. Through local efforts to test, more than 1,000 people were added to the bone marrow donor list. They wanted so desperately for something good to come out of something tragic and sad. The hope is that more people will get tested if the cost is covered. It took a tremendous amount of local fundraising to hold testing drives for Major Sanborn. Testing does save lives, but, unfortunately, a match was found too late for Major Sanborn. His immune system was not strong enough. It was Major Sanborn's dying wish that the drive to encourage more donors be continued so that others would not have to suffer as he had. This bill would be a tremendous gift for people who are praying for a bone marrow match. It would also be a well-deserved testimonial and legacy to a real hero, Major Gregory Sanborn.

The SPEAKER: The Chair recognizes the Representative from Houlton, Representative Fitzpatrick.

Representative **FITZPATRICK**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I respect the good Representative from Hiram's effort on this to honor Greg Sanborn, but, in reality, we will never know if that would have helped him in his effort to beat cancer. This is a mandate that current insurance policies generally cover for people in the family to be tested for this antigen so that they could be a possible donor, but adding to all of our insurance policies will of course add to the cost, as a mandate also is not covered under the ACA, under the essential benefits, so therefore anything, any MaineCare coverage would also be borne by the State of Maine. So I urge you to vote against the pending motion. Thank you.

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

Representative **SHORT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. In 1987, a young man who was also a father and husband took a physical. A physical was necessary in order for him to work at Maine Yankee during a plant shutdown. He did not pass that physical and after a few tests he was informed that he had leukemia. After receiving treatments over the next three years and it failed to cure him, it was determined that he needed a bone marrow transplant. The family was tested. No match was found. The search for a match continued for months, all over the country, but to no avail. While attending a conference, his father met a man whose son was diagnosed with leukemia as well, and that son had received a bone marrow transplant and he was cancer-free. That family, after attempting to find a match in this country, heard how advanced Germany was in their fight against leukemia. They took their son to Germany and found a match. Using the information he obtained at that conference, the father contacted the appropriate places in Germany and going through the necessary procedures, he also found a match for his son and a bone marrow transplant was performed for him as well. He was cancer-free when he died in 1992, just months after receiving the transplant. You see, he developed an infection that his immune system was just too weak to handle because of the wait that was incurred in order to receive that bone marrow transplant. Had he received the transplant in a timely fashion, his chances of survival would have been significantly higher. That was 22 years ago and we have done little to increase the number of potential donors in this country. This became evident to me after hearing of the death of Gregory Sanborn. The young man who I'm speaking of left behind a wife and two daughters, young daughters, and eight months after he died, his father died of a heart attack and I'm sure it was the result of the stress of watching his son suffer for five years. His mother went into a state of severe depression which she never recovered from. He also left behind two brothers and a sister. His sister, by the way, just happens to be my wife. In closing, Mr. Speaker, I ask the Ladies and Gentlemen of this House, in the name of Eric Hapworth and Gregory Sanborn and all those that loved him, to vote in favor of this pending motion. Thank you, Mr. Speaker and ladies and gentlemen for your attention.

The SPEAKER: The Chair recognizes the Representative from Standish, Representative Shaw.

Representative **SHAW**: Thank you very much, Mr. Speaker. Mr. Speaker, Men and Women of the House. This bill was most likely proposed because of the people that knew Major Sanborn, but clearly, it affects many, many people. I had the pleasure of working with Major Sanborn, as did a lot of the other people in the House here. He was a fantastic person, a great dad and truly extraordinary game warden for the state. I got an email, actually,

from his mother, Blanche Sanborn. I'm just going to read the email. It's not too long, so you'll have to bear with me.

Dear Representative Shaw. I am writing to ask for your support of LD 1600. My name is Blanche Sanborn. My son, Major Greg Sanborn, of the Maine Department of Inland Fisheries and Wildlife, lost his battle with cancer of February 2013. After going through numerous treatments, he was told he needed a stem cell transplant. His insurance paid for his brother to have the testing. After his brother did the simple task of swabbing, we were told that he was not a match. All of the cousins paid \$100 or more to have their own testing done. Still no match. When Greg went public, which his doctors encouraged and being in the position he held, friends throughout the state held fundraisers and had drives to encourage people to be placed on the "Be The Match" registry. He did explain to all, perhaps their swabbing may not help him, but by going on the registry they might be placed in a position to save someone else. It took five long months for a match to be found. Greg fought the fight. He wanted to do so much more for the State of Maine. In Greg's name, over 1,000 names were placed on the registry. This bill can save lives. Please let Maine join the other New England states having the state health insurances cover the initial cost of testing, thus having more positive outcomes. Patients would receive their match sooner, allowing them to start treatments sooner before their immune system becomes too weak to recover. Greg's goal, if he beat this, was to ask you to support a bill to save others from all the pain and suffering he had to endure. He felt that no human should have to beg others to get tested, having to use their hard-earned dollars to help another, especially in these difficult economic times. I'm asking you for your support for this bill for Greg and for all those in Maine that find themselves in a situation similar to Greg's. Thank you for your consideration.

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

Representative **COOPER**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I speak in favor of the pending motion. I was struck this morning as the good pastor spoke repeatedly of our need to think about the common good. Testing for a match through the registry that has been described is an act of selflessness that is totally for the common good. The chances of finding a match through a donor drive are extremely small. There are 6 million samples in the database now and as has been said, for over 70 percent of the suffers of diseases that require a bone marrow transplant, there is no match. So the likelihood of 100 or 1,000 people coming to a particular donor drive and finding a match there is very small, nevertheless it is a very important act of a community to undertake a drive because it brings attention to the need for more people to become part of the willing donors. I think that the only way that we are going to increase the number of people involved in the database is through such a measure as one that has been passed by five states already and which I hope the State of Maine will join. The cost is not insignificant, but it's also not great. Before one is to be covered for the cost of the match testing, you have to fall within certain parameters and, generally, that is that the person is between the ages of 18 and 44, in generally good health and not suffering from a certain other significant illnesses. So although there is a cost to this to the insured through their premium rates, it is very, very small and the common good that would arise from having tens of millions of people encouraged to make a donation of their blood samples so that they can be tested is immeasurable. It is not an insignificant act to promise to donate bone marrow if one is found to be a match. It is not like giving a blood transfusion. It is a significant procedure. That's another

way in which the class of people that will be involved in this process will be limited. It's also a reason why we should honor those people who do make that sacrifice. So in the name of those who have needed transplants and did not obtain the proper match and have died as a result, and in the name of those who have made the sacrifice to give the donation, I urge you to pass the pending motion. Thank you.

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

ROLL CALL NO. 594

YEA - Beaudoin, Beaulieu, Beavers, Beck, Berry, Boland, Briggs, Brooks, Carey, Casavant, Cassidy, Chapman, Chenette, Chipman, Cooper, Cotta, Daughtry, DeChant, Devin, Dickerson, Dill, Doak, Dorney, Evangelos, Farnsworth, Fowle, Frey, Gattine, Gideon, Gilbert, Goode, Graham, Grant, Hamann, Harlow, Hayes, Hickman, Hobbins, Hubbell, Johnson P, Jones, Jorgensen, Kaenrath, Kent, Kinney, Knight, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby N, Longstaff, Luchini, MacDonald S, MacDonald W, Maker, Marean, Marks, Mason, Mastraccio, McCabe, McGowan, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, Nelson, Peoples, Peterson, Plante, Pouliot, Priest, Rankin, Rotundo, Russell, Rykerson, Sanborn, Saucier, Saxton, Schneck, Shaw, Short, Stanley, Stuckey, Theriault, Tipping-Spitz, Treat, Tyler, Verow, Villa, Volk, Weaver, Welsh, Werts, Wilson, Winchenbach, Wood, Mr. Speaker.

NAY - Bennett, Black, Campbell R, Chase, Clark, Crafts, Cray, Davis, Dunphy, Duprey, Espling, Fitzpatrick, Fredette, Gifford, Gillway, Guerin, Harvell, Keschl, Libby A, Lockman, Long, Malaby, McClellan, McElwee, Nadeau A, Newendyke, Nutting, Parry, Pease, Peavey Haskell, Reed, Sanderson, Sirocki, Timberlake, Turner, Wallace, Willette, Winsor.

ABSENT - Ayotte, Bolduc, Campbell J, Crockett, Dion, Herbig, Jackson, Johnson D, McLean, Noon, Powers, Pringle, Rochelo.

Yes, 100; No, 38; Absent, 13; Excused, 0.

100 having voted in the affirmative and 38 voted in the negative, with 13 being absent, and accordingly Report "A" Ought to Pass as Amended was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-755)** 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-755)** and sent for concurrence.

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

SENATE PAPERS

The following Joint Resolution: (S.P. 749)

JOINT RESOLUTION TO HONOR THE 100TH ANNIVERSARY OF THE BIRTH OF THE HONORABLE EDMUND S. MUSKIE

WHEREAS, the Honorable Edmund S. Muskie was born in Rumford, Oxford County, Maine, on March 28, 1914, and died on March 26, 1996, and this year marks the centennial of his birth; and

WHEREAS, he graduated cum laude from Bates College in 1936, where he was a member of Phi Beta Kappa and class

president, and in 1939 he graduated from Cornell University Law School; and

WHEREAS, Edmund S. Muskie held the offices of State Representative, Governor, United States Senator and United States Secretary of State during his exceptional and noteworthy career in politics and government; and

WHEREAS, his illustrious career began with a law practice in Waterville and service in the United States Navy during World War II before his election to the Maine House of Representatives in 1946, where he served until 1951, including 2 terms as House Minority Leader; and

WHEREAS, as a 4-term United States Senator, Edmund S. Muskie was respected in Maine and earned the appreciation of Maine and the Nation for his work on the Foreign Relations Committee, the Governmental Affairs Committee and the Environment and Public Works Committee, as Chairman of the Senate Committee on the Budget and crafting such landmark federal legislation as the federal Clean Air Act and the federal Clean Water Act, a lasting legacy to the American people; and

WHEREAS, as a trusted and respected man of integrity, Edmund S. Muskie was in the center of national politics: as a candidate for Vice-President of the United States in 1968, as a candidate for President of the United States in 1972 and as United States Secretary of State in 1980; and

WHEREAS, Edmund S. Muskie received over 30 honorary degrees from colleges and universities throughout the country; he was the Chairman Emeritus of the Institute for the Study of Diplomacy at Georgetown University and Chairman Emeritus of the Center for National Policy and served on the board of directors of the American Academy of Diplomacy and the Committee for a Responsible Federal Budget; and

WHEREAS, in 1981, Edmund S. Muskie received the Notre Dame Laetare Medal and the Distinguished Service Award from the Association of Former Members of Congress and, in the same year, the Presidential Medal of Freedom; and

WHEREAS, the Muskie School of Public Service was founded in his honor, befitting a person who best exemplified the ideal of public service and the finest qualities of the Maine character as he worked diligently for the common good; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-sixth Legislature, now assembled in the Second Regular Session, take this opportunity to honor the life and career of Edmund S. Muskie on the centennial of his birth and to recognize his distinguished service to the people of the State of Maine and to the Nation, and respectfully request that when the Legislature adjourns this date, it do so in honor and lasting tribute to the memory of Edmund S. Muskie; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the family of the Honorable Edmund S. Muskie and to the Muskie School of Public Service.

Came from the Senate, **READ** and **ADOPTED**.

READ.

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

Representative **BERRY**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. It's a great honor to rise today and to speak to this Joint Resolution and to celebrate together the 100th anniversary of one of the greatest Mainers and one of the greatest Americans ever to have lived. Edmund Sixtus Muskie was a pioneer, he was a policymaker, he was a partisan in the best sense of that word, but first and foremost, he was a proud and principled Mainer and a proud and principled American. He was a pioneer because he grew up the son of a

Polish immigrant, tailor, in the little Maine town of Rumford, and worked his way up to a career of exemplary public life. He was the first Polish-American ever elected as governor of any state in our great nation. He was the first Catholic elected governor of the State of Maine. And he became a powerful United States Senator, one that would be celebrated by other Senators and other dignitaries from all across the country and all political stripes, when he passed away in 1996, to become the vice presidential nominee for my party, to become a leading candidate for president, and, finally, to become the United States Secretary of State.

Muskie was a policymaker and he was a great one. Muskie's legacy is felt every time that we do a budget here in Maine. He modernized and essentially invented the budget, a process that we use today in the State of Maine, and when he went on to serve in the United States Senate he created the budget process that they use there today, and it aids in reconciliation between the two bodies and in a more functional, I will not say fully functional, but certainly a more functional United States budget process. And his policy legacy is also felt every day in the clean air and the clean water, again not perfect but certainly much cleaner than it was in his day, that we have here in Maine and around the country. I think all of us who came of age during his era and remember the air and the water can remember that. The water that caught on fire in upstate New York, an entire river ablaze, the waters of the Androscoggin, Muskie's beloved river, which it looked as if you could walk across when I was a boy at the falls below Brunswick and Topsham, or in other towns, because of the brown foam that crossed from one side to the other. Muskie cleaned that up, and he cleaned up our air with the Clean Water Act and with the Clean Air Act, and we feel his policy legacy in those respects to this day as well.

Muskie was a partisan in the greatest and highest sense of that word. He was the founder and father of the modern Maine Democratic Party, and he was a fighter, and he had a temper and you didn't want to cross him, and he was known to express a sense of righteous indignation when he knew that what he was standing for was right and for what was better for the country as a whole. And I am proud to call my party the party of Muskie and Mitchell today. But, first and foremost, Mr. Speaker, Muskie was a proud and principled Mainer and a proud and principled American.

I had the great pleasure in the late 1980s as a 17-year-old serving as an intern for one of the four members of Maine's Congressional Delegation in Washington, D.C., for several months. I served in the office of then Congressman John McKernan, who was dating, at the time, although it wasn't entirely known to the public, a fellow member of Maine's Delegation who later became to become a U.S. Senator, Olympia Snowe. The experience of that Delegation, working together with Muskie as the senior member, was striking to me. Their bipartisan collaboration and the great admiration that McKernan and Snowe and all of them felt for their senior member, for Muskie, who reached out to them when they were elected, extended his hand, became a trusted advisor and friend, and represented Maine so well and our region so well in Washington.

When Muskie passed away, Olympia Snowe remembered him with these words:

I do not think it is possible for any Maine politician, regardless of party affiliation, to have come of age during the Muskie era and not have been influenced in some way by his presence. He was that preeminent in the political life of my State.

Ed Muskie was a towering figure in every sense of the word. In his physical stature, in his intellect, in his

presence on Capitol Hill, in the extent of his impact on the political life of Maine, and in the integrity he brought to...everything he did.

And Ed was thoroughly and proudly a Mainer, with the quiet sense of humor associated with our State.

Senator Snowe, at the time, went on to illustrate that sense of humor with a story about how Muskie would entertain the dignitaries in Washington, at times, by teaching them the trick of putting a lobster to sleep by stroking its belly. And he did have that humor and he knew how to connect with people and that was part of what made him great. Muskie said that his secret was trusting the people and focusing on trust as his guiding principle.

I want to close with Muskie's words because I don't think anyone can speak more definitely to his legacy than Muskie himself. Muskie once said:

We cannot make America small.

But we can work to restore a sense of shared purpose, and of great enterprise. We can bring back the belief – not only in a better and more noble future – but in our own power to make it so.

Our country is wounded and confused – but it is charged with greatness and with the possibility of greatness.

We cannot realize that possibility if we are afraid...or if we consume our energies in hostility and accusation.

We must maintain justice – but we must also believe in ourselves and each other – and we must get about the work of the future.

There are only two kinds of politics.

They are not radical and reactionary...or conservative and liberal. Or even Democrat and Republican. There are only the politics of fear and the politics of trust.

Mr. Speaker, Muskie's words are a great guide to all of us in these closing days of this Legislature and they resonate profoundly with me as I close my eight years of service here in this Legislature. Trust is what glues us together. It is what makes us effective legislators. And it's only when we lose that trust, whether it's the trust in the people or trust in one another, across the aisle and across other boundaries in this chamber, that we fail. The politics of trust has to guide us. Muskie believed in the capacity of government to be a force for good. He believed that fundamentally in his heart. It is what got him up every day and gave us his great legacy. And he believed in the capacity of government to be a force for good, not just for Mainers but for all Americans. May his legacy be remembered and may his example continue to be an inspiration to us all. Thank you, Mr. Speaker.

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

Representative **BRIGGS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise to share a more personal note with Senator Muskie in that I grew up in Rumford as a child and my parents were from the Italian ancestry and we lived on the next street up from Senator Muskie and his family. I've heard the stories of when my father and he and his siblings used to play together and how nice his mother was. So I just thought I wanted to share that personal story. Thank you.

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

Representative **HOBBS**: Thank you, Mr. Speaker. Mr. Speaker, Women and Men of the House. I want to commend the two previous speakers for their wonderful comments. I'd like to pay a special thanks to my leader in the Legislature, the gentleman from Bowdoinham, because what he said about Ed Muskie really talks about the values of how he lived his life, both

politically and personally. I'm going to share for you which is hard to believe because we're celebrating his 100th birthday. I knew him, the first time I ever met Ed Muskie I was 9 years old when I went to see President Kennedy when he came to Maine, at the age of 9 years old and I got to meet Ed Muskie. As it turns out, in life, as I kept involved in my interest in government and history, Ed Muskie became, there are many of us, there are scores of us, I can look around this body and see many who were wannabe protégés of Ed Muskie. When I say wannabe protégés, no one will ever reach those heights, as many know, about Ed Muskie.

I was very fortunate to come from Biddeford and Saco, just as the good gentle lady from Rumford is very fortunate to come from her area of Rumford/Mexico because her family grew up with the Muskies, and the families in Waterville I know will feel the same way. But we had a very good affection for him in the Biddeford/Saco area. First of all, he took a real interest in the area because his son Steve married a gal from Biddeford whose family owned the Wonderbar Restaurant, and that was the political stomping grounds of Biddeford and Saco, and he was smart enough to have gone there from his early days when he ran in 1954, all the way through to when he brought his son in for lunch and happened to see this young gal who was a waitress, who happened to be the daughter of the owner of the restaurant, and Alexis Droggitis married Steve Muskie. Fortunately, for me, my father ate lunch there a lot of times and I, too, had the honor to have him come in because he had a place in Kennebunk for many, many years, as you know. At one point, he settled into a house which he finally sold two years before he passed in 1996. But I was able to see him in a different light, as many of you are, and that is a different type of person, a father, someone who would play golf, and just so you know, his son was a pro golfer, and God bless Senator Muskie, that's one field that he did not aspire to. Quite frankly, I know that personally because I played one hole with him, at one time, at Webhannet Golf Course.

But I can tell you about Ed Muskie as someone who had the values, that had the values, and that is that all of the young turks, as we used to call ourselves, who were going through the process in Maine of running, volunteering on his campaign. I'm sitting right next to someone, as you all know, the good gentleman from Brunswick, Representative Priest, and he happened to be there in 1972 during an episode that possibly cost President to be Muskie his presidency. And I, too, went to New Hampshire and volunteered, and I, too, ended up being a driver for Ed Muskie during his 1976 event. So I'm going to just tell you one quick story and that is when I was driving Ed Muskie in 1976 and it was the Thornton Academy/South Portland football game and when we arrived, the place was packed. Both teams were very good teams back in 1976 and we arrived, this was a week and a half before the election and you could feel people's respect and admiration for Ed Muskie. As we walked over on the Saco side of the field, the person who was the head of the band and the head of the music department was someone who used to live in Biddeford, very, very well known, respected, and he really hid his politics. But when Ed Muskie went over on the Saco side of the field, the Thornton Academy side, the band started playing "Jesus Christ Superstar." And, as they played "Jesus Christ Superstar," everyone, everyone stood up and applauded him, and the football players, they stopped the game, the football players took off their helmets and they're trying to figure out what's going on. They might have thought someone had resurrected from some place, but it was Ed Muskie. And I tell you that story, because I can tell you many, many stories and this isn't the time or the place, but it was so heartwarming to hear the comments of the good gentleman from Bowdoinham because it

memorialized his past history and it basically says that he had the same feeling of many people and that is his dream never died, and to this day, he's been dead since 1996, but his dream still lives. 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. We all recognize the work that we do here in this body is an element of public service and when I was a younger man, I had the opportunity and one of the elements that you'll recognize in the Joint Resolution is it says, "WHEREAS, the Muskie School of Public Service was founded in his honor, befitting a person who best exemplified the ideal of public service and the finest qualities of the Maine character as he worked diligently for the common good." I am a graduate of the Muskie School for Public Service at the University of Southern Maine. I enjoyed my two years there and had the opportunity while I was at the school to meet Senator Muskie and his wife, and it was an opportunity that left a lasting impression upon me that the work that we do here today, the work that I think all of us come to do is the work of public service and while we may disagree on the issues, we are all here to do, based upon our own personal political views, what we believe is the public good. And I believe that we've been given opportunities to see in the character of some of our best leaders in the state who we can best exemplify, in terms of Senator Margaret Chase Smith, Senator Muskie, Senator Snowe. And so I congratulate, while I didn't necessarily belong to the same party as the good Senator, I congratulate and recognize the 100th anniversary of his birth and recognize that it is a good example that we, in this body, again, while we may often times vote on different sides of an issue, we all leave here as friends, we all leave here with the impression of the hard work that we do for the people of the State of Maine. But, at the end of the day, I see everybody in this building as a friend and I would also see Senator Muskie as a friend. Thank you, Mr. Speaker.

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

Bill "An Act To Allow Property Maintenance Activities notwithstanding a Consent Agreement with the Department of Environmental Protection"

(S.P. 747) (L.D. 1848)

Came from the Senate, **REFERRED** to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** and ordered printed.

REFERRED to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** in concurrence.

Pursuant to his authority under House Rule 201.1 (H), the Chair appointed Representative BEAUDOIN of Biddeford to serve as Speaker Pro Tem when the House convenes on Monday, March 31, 2014.

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

On motion of Representative PETERSON of Rumford, the House adjourned at 11:46 a.m., until 9:00 a.m., Monday, March 31, 2014 in honor and lasting tribute to the memory of the Honorable Edmund S. Muskie on the centennial of his birth.