

# MAINE STATE LEGISLATURE

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**Legislative Record**  
**House of Representatives**  
**One Hundred and Twenty-Sixth Legislature**  
**State of Maine**

**Daily Edition**

**Second Regular Session**

beginning January 8, 2014

beginning page H-1301

ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE  
SECOND REGULAR SESSION

38th Legislative Day  
Tuesday, April 8, 2014

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

Prayer by Pastor Patricia Stratton, Bowdoinham, National President of American Baptist Women's Ministries.

National Anthem by Joshua Beckett, Warren.

Pledge of Allegiance.

The Journal of yesterday was read and approved.

**SENATE PAPERS**

**Non-Concurrent Matter**

Bill "An Act To Implement the Recommendations from the Discontinued and Abandoned Roads Stakeholder Group"

(S.P. 414) (L.D. 1177)

Reports **READ** and the Bill and accompanying papers **INDEFINITELY POSTPONED** in the House on April 4, 2014.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Majority (10) **OUGHT TO PASS AS AMENDED** Report of the Committee on **STATE AND LOCAL GOVERNMENT** was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-435) AS AMENDED BY SENATE AMENDMENT "B" (S-488)** thereto and **ASKED** for a Committee of Conference in **NON-CONCURRENCE**.

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

Representative **JONES**: Thank you, Mr. Speaker. I would like to speak to the pending motion and remind the House that the last time this item appeared before the House, it failed by a vote of 92 to 50 and that I would encourage the House rather than to Recede and Concur, or rather to Insist, is that we hold our position and not allow ourselves to be sucked into any Committee of Conference. Thank you, Mr. Speaker.

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

Representative **BERRY**: Thank you, Mr. Speaker. It is my understanding that a vote in favor of the pending motion is a vote that would not result in a Committee of Conference.

The **SPEAKER**: The Chair would answer in the affirmative.

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

**Non-Concurrent Matter**

Bill "An Act To Standardize and Simplify the Process for Employers To Provide a Drug-free Workplace"

(S.P. 664) (L.D. 1669)

Report "B" (6) **OUGHT NOT TO PASS** of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** **READ** and **ACCEPTED** in the House on April 3, 2014.

Came from the Senate with that Body having **INSISTED** on its former action whereby Report "A" (6) **OUGHT TO PASS AS AMENDED** of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-440) AS AMENDED BY SENATE AMENDMENT "B" (S-485)** thereto in **NON-CONCURRENCE**.

The House voted to **INSIST**.

**Non-Concurrent Matter**

Resolve, To Establish the Commission To Strengthen the Adequacy and Equity of Certain Cost Components of the School Funding Formula (EMERGENCY)

(H.P. 1335) (L.D. 1850)

**PASSED TO BE ENGROSSED** in the House on March 31, 2014.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "B" (S-504)** in **NON-CONCURRENCE**.

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

**Non-Concurrent Matter**

Bill "An Act To Retain Call Centers in Maine"

(S.P. 676) (L.D. 1710)

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-420)** in the House on March 26, 2014.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-420) AND SENATE AMENDMENT "A" (S-501)** in **NON-CONCURRENCE**.

Representative **EVES** of North Berwick moved that the House **RECEDE AND CONCUR**.

Representative **FREDETTE** of Newport **REQUESTED** a roll call on the motion to **RECEDE AND CONCUR**.

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 Newport, Representative Fredette.

Representative **FREDETTE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. My understanding of the bill as it was amended in the other body has a sort of an effect of trying to or attempting to protect jobs in Maine, I think, as it relates to call centers. However, I think whether it be an intended or unintended consequence of this bill, is that it is going to actually be a disincentive for companies that are call centers to come to Maine and locate in Maine. So, quite frankly, I think that this bill is a job killer and I would ask that you follow my light. Thank you.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Recede and Concur. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 661**

**YEA** - Beaudoin, Beavers, Beck, Berry, Bolduc, Briggs, Brooks, Campbell J, Carey, Cassidy, Chapman, Chenette, Chipman, Cooper, Daughtry, DeChant, Devin, Dickerson, Dill, Dion, Dorney, Evangelos, Farnsworth, Fowle, Frey, Gattine, Gideon, Gilbert, Goode, Graham, Grant, Hamann, Harlow, Herbig, Hobbins, Hubbell, Jones, Jorgensen, Kornfield, Kruger, Kumiega, Kusiak, Longstaff, Luchini, MacDonald W, Marks, Mastraccio, McCabe, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, Peoples, Plante, Powers, Priest, Pringle, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Saucier, Saxton, Schneck, Shaw, Short, Stanley, Stuckey, Theriault, Tipping-Spitz, Treat, Verow, Welsh, Mr. Speaker.

**NAY** - Ayotte, Beaulieu, Bennett, Black, Boland, Campbell R, Casavant, Chase, Clark, Cotta, Crafts, Cray, Crockett, Davis, Doak, Dunphy, Duprey, Espling, Fitzpatrick, Fredette, Gifford, Gillway, Guerin, Harvell, Hayes, Hickman, Jackson, Johnson P, Kaenrath, Keschl, Kinney, Knight, Lajoie, Libby N, Lockman, Long, MacDonald S, Maker, Malaby, Marean, Mason, McClellan, McElwee, Nadeau A, Nelson, Newendyke, Nutting, Parry, Pease,

Peavey Haskell, Peterson, Pouliot, Reed, Sanderson, Sirocki, Timberlake, Turner, Tyler, Volk, Wallace, Weaver, Werts, Willette, Wilson, Winchenbach, Winsor, Wood.

ABSENT - Johnson D, Kent, Libby A, Noon, Villa.

Yes, 79; No, 67; Absent, 5; Excused, 0.

79 having voted in the affirmative and 67 voted in the negative, with 5 being absent, and accordingly the House voted to **RECEDE AND CONCUR**.

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**COMMUNICATIONS**

The Following Communication: (S.C. 897)

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

April 7, 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 accepted the Majority Ought Not to Pass Report from the Committee on Energy, Utilities and Technology on Bill "An Act Regarding Wind Power Siting in the Unorganized Territory" (H.P. 947) (L.D. 1323), in non-concurrence.

Best Regards,

S/Darek M. Grant

Secretary of the Senate

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (S.C. 898)

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

April 7, 2014

Honorable Mark W. Eves

Speaker of the House

2 State House Station

Augusta, Maine 04333

Dear Speaker Eves:

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

Upon the recommendation of the Committee on Transportation, the nomination of

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

Upon the recommendation of the Committee on Transportation, the nomination of

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

Best Regards,

S/Darek M. Grant

Secretary of the Senate

**READ and ORDERED PLACED ON FILE.**

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

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**ORDERS**

On motion of Representative HICKMAN of Winthrop, the following Joint Resolution: (H.P. 1342) (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, 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, 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 COMMEMORATING THE  
HOLOCAUST AND HUMAN RIGHTS CENTER OF  
MAINE'S LEGISLATIVE AWARENESS DAY AND  
YOM HASHOAH, THE DAY OF REMEMBRANCE**

WHEREAS, from 1933 to 1945, 6,000,000 Jews were murdered in the Holocaust as part of a state-sponsored, systematic persecution and annihilation program of genocide, and millions of other people suffered and died as victims of Nazism, such as persons who were handicapped, who were political dissidents and who were victimized based on their religion, race, ethnicity and nationality; and

WHEREAS, the people of the State of Maine should always remember the atrocities committed by the Nazis so that such horrors are never repeated; and

WHEREAS, the people of the State of Maine should always remember those who liberated the Nazi concentration camps, some of whom lost their lives and others of whom have experienced lifelong emotional suffering, as holding an honored place in our history; and

WHEREAS, the people of the State of Maine should continually rededicate themselves to the principle of equal justice for all people, remain eternally vigilant against all tyranny and recognize that bigotry provides a breeding ground for tyranny to flourish; and

WHEREAS, the national community, pursuant to an Act of Congress, will be commemorating the week of April 27 through May 4, 2014 as the Days of Remembrance of the Victims of the Holocaust, including the Day of Remembrance, known as Yom HaShoah, April 28, 2014, and it is appropriate for the people of the State of Maine to join in this international commemoration and to take this opportunity to reflect on the moral responsibilities of individuals, societies and governments; and

WHEREAS, April 8, 2014 has been designated as the Holocaust and Human Rights Center of Maine's Legislative Awareness Day; 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, pause in solemn memory of the victims of the Holocaust and in honor of the survivors, rescuers and liberators, urge everyone to recommit themselves to the lessons of the Holocaust through the Holocaust and Human Rights Center of Maine's Legislative Awareness Day and the international week of commemoration and express our common desire to continually strive to overcome prejudice and inhumanity through education, vigilance and resistance; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Holocaust and Human Rights Center of Maine and the United States Holocaust Memorial Council in Washington, D.C. on behalf of the people of the State of Maine.

**READ.**

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

Representative **HICKMAN**: Thank you, Mr. Speaker. Mr. Speaker, Women and Men of the House. Today, we remember the Holocaust because we must never forget.

African Americans and American Jews have interacted throughout much of the history of this great nation. This relationship has included widely publicized cooperation and sometimes conflict, and—since the 1970s—has been an area of significant academic research. The most significant aspect of this relationship was the cooperation during the civil rights movement, culminating in the Civil Rights Act of 1964.

Anti-Semitism, racism, bigotry and tyranny have no place in a free society.

Today, then when we recognize and honor Holocaust survivors who are citizens of Maine.

Ed Benedikt: Ed Benedikt left Austria, with his sister, on a 'Kindertransport' rescue operation, in December 1938. Kindertransports rescued nearly 10,000 predominantly Jewish children from possible capture, by transporting them via train to the UK. There, they were placed into British foster homes, hostels, schools or farms. In 1943, Ed and his sister left England and were able to be reunited with their parents in the US.

Dr. Julius Ciembroniewicz: Dr. Julius Ciembroniewicz was a young teenager when the Nazis invaded Poland in 1939. Forced into a life on the run, his family was separated and he spent the war hiding in a monastery outside of Krakow. Upon liberation, Dr. Ciembroniewicz was reunited with only two of his family members and restarted his education. After becoming a physician and neurosurgeon, he defected to England and eventually came to the United States. Dr. Ciembroniewicz continues to be an active neurosurgeon in Augusta and Lewiston.

Klaus Heimann: Klaus Heimann grew up in Berlin and was able to leave with his immediate family just days before WWII broke out. They came to New York City. He had relatives, however, who were not able to get out, and perished in the camps. Klaus became an engineer and then ended up in Maine, and, in his retirement, took to repairing sewing machines.

Cantor Kurt Messerschmidt: Born in Germany in 1915, Kurt was a coach and teacher at a Jewish school in Berlin until 1943 when he was deported with his fiancé, Sonja, to the Theresienstadt ghetto in Czechoslovakia. Within the ghetto, despite long days of forced labor, Kurt sought to be a source of comfort and leadership. Kurt and Sonja married but soon were separated when Kurt and his brother, Henry, were deported to Auschwitz and assigned to work detail at Golleschau. Kurt survived Golleschau and a death march and was liberated in 1945. In the early post-war days, Kurt worked as a teacher and translator in Germany while searching for news about his family. After his reunion with Sonja, they lived in Munich until 1950 when they immigrated to the US where Kurt continued his profession as a teacher and a musician.

Evelyn Panish: Born in Germany in 1930, Evelyn lived in Berlin until fleeing with her family to China. In 1940, Evelyn and her family escaped Nazi persecution by emigrating to Shanghai via Russia, Siberia and Manchuria. They immigrated to the United States in 1947.

Charles Rotmil: Born in Alsace Lorraine in 1932, Charles moved with his family to Vienna in 1938. Two years later, they escaped to Belgium and then to France, in their attempts to flee the war against the Jews. By 1943, his mother and sister had died in a train crash and his father had been gassed in Auschwitz. Father Bruno Reynders, a Benedictine monk, took Charles and his brother under his wing, along with 400 other children. They lived in hiding, under false names, until the liberation of 1945. A year later, he arrived in the states. He spent many years as a schoolteacher and is now a filmmaker living in

Maine.

Max Slabotsky: Born in Belgium in 1931, Max learned the art of tailoring from his father. When he was twelve years old, Max was arrested with his parents and sent to Auschwitz where he was put to work for the Germans. In addition to working on a farm that fed Germany, Max cleaned pipes and sorted the clothes from incoming prisoners. After being liberated by the Russians, he became a paratrooper and lived in a kibbutz in Israel before coming to America in 1955, where he would find success as a well-respected tailor.

As I did last year on this day of recognition, I will once again close with a quote from James Baldwin, my favorite American author and one of the literary greats of the Civil Rights Movement.

"One must say YES to life and embrace it wherever it is found, and it is found in terrible places... For nothing is fixed; forever and forever, it is not fixed. The earth is always shifting, the light is always changing, the sea does not cease to grind down rock. Generations do not cease to be born and we are responsible to them because we are the only witnesses they have. The sea rises, the light fades, lovers cling to each other, and children cling to us. The moment we cease to hold each other, the moment we break faith with one another, the sea engulfs us, and the light goes out."

Always treat one another with kindness. Take care of your blessings. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Falmouth, Representative Nelson.

Representative **NELSON**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise again, as I have each of the past few years, in honor and memory of the millions who were murdered in the Holocaust and I thank the Representative from Winthrop for bringing this Order forward.

Kurt Messerschmidt served as a cantor in the Temple Beth El in Portland for many, many years after he came to this country. His feeling of optimism and his feeling of the goodness of people was always evident despite what he had endured and who he had lost in the Holocaust.

A friend of ours, Manny Gerowski went into the camps when he was six years old. He spent the next six years of his life in the camp trying to learn to read from newspaper scraps that a teacher tried to teach children in the camp. He came to this county and never lost his faith in the goodness of people, profoundly, the goodness of people.

We honor the liberators who 65 years ago in liberating prisoners from the Nazi concentration camps, witnessed scenes that would haunt them for the rest of their lives. Edward R. Murrow reporting in a broadcast from Buchenwald Concentration Camp on April 15, 1945, say, "I pray you to believe what I have said about Buchenwald. I have reported what I saw and heard, but only part of it. For most of it, I have no words."

The days of remembrance are an important time to remember what horrors people are capable of visiting on their fellow human beings. Just in the past few days, we have had days of remembrance for the Rwandan Genocide where one million people were killed in one hundred days. It is a time to remember and honor the millions who were murdered, not because of what they did, because of who they were. It is a time to reaffirm that actions do matter. Individuals have the power the right wrongs, to refuse to be a part of excluding people from participation in the full benefits of society, to allow for full and free expression of individual beliefs without fear of exclusion or retaliation. We must speak out when we hear hateful remarks against others. We must remember that the Holocaust happened and that genocides continue to occur. We must remind our children and our

neighbors of what can happen if we are not vigilant to protect freedom.

There is a quotation, which I have shared with you every year, at the United States Holocaust Memorial Museum attributed to Pastor Martin Niemoller. "First they came for the socialists and I did not speak out because I was not a socialist. Then they came for the trade unionist and I did not speak out because I was not a trade unionist. Then they came for the Jews and I did not speak out because I was not a Jew. Then they came for me and there was no one left to speak for me."

What we do does matter. What we say does matter. Speaking out and defending and for protecting freedom does matter. I thank the Representative, again, from Winthrop for submitting this Joint Resolution. I am honored to be a part of it. Thank you, Mr. Speaker and Ladies and Gentlemen of the House.

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

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### SPECIAL SENTIMENT CALENDAR

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

#### Recognizing:

Peter F. Vogell, of Castine, Assistant Fire Chief of the Castine Fire Rescue Department, on his more than 50 years of service to firefighting and to the community. Assistant Chief Vogell is a lifelong resident of Castine and served in the United States Navy during the Vietnam War. He started with the Castine Fire Rescue Department in 1962 and, with the exception of his time in the Navy, has been an active member since that time. In addition to his work with the Castine Fire Rescue Department, Assistant Chief Vogell has also been an active member of the Castine Volunteer Firefighters' Association, the Hancock County Firefighters' Association, the Maine State Federation of Firefighters and the Maine Fire Chiefs' Association. He has also served as a selectman for many years. We send our appreciation to Assistant Chief Vogell on his 50 years of service to his community and to the State;

(HLS 855)

Presented by Representative CHAPMAN of Brooksville.  
Cosponsored by Senator YOUNGBLOOD of Penobscot.

On **OBJECTION** of Representative CHAPMAN of Brooksville, was **REMOVED** from the Special Sentiment Calendar.

#### READ.

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

Representative **CHAPMAN**: Thank you, Mr. Speaker. Friends and Colleagues in the House. The very essence of what makes Maine so wonderful is the fabric of our communities. One of the truly great and humble pillars of the Town of Castine is Peter Vogell who continues to serve our community, even after serving more than three decades as selectman and more than half a century with the Castine Fire Rescue. His dedication to our community is an inspiration to us all. Thank you, Mr. Vogell. Thank you, Mr. Speaker.

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

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**REPORTS OF COMMITTEE**

**Divided Report**

Majority Report of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-483)** on Bill "An Act To Amend the Maine Administrative Procedure Act and Clarify Wind Energy Laws"

(S.P. 692) (L.D. 1750)

Signed:

Senators:

CLEVELAND of Androscoggin  
JACKSON of Aroostook

Representatives:

HOBBS of Saco  
GIDEON of Freeport  
RUSSELL of Portland  
RYKERSON of Kittery  
TIPPING-SPITZ of Orono

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

Signed:

Senator:

YOUNGBLOOD of Penobscot

Representatives:

BEAVERS of South Berwick  
DUNPHY of Embden  
HARVELL of Farmington  
LIBBY of Waterboro  
NEWENDYKE of Litchfield

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-483)**.

**READ.**

Representative BERRY of Bowdoinham 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: The Chair recognizes the Representative from Embden, Representative Dunphy.

Representative **DUNPHY**: Thank you, Mr. Speaker. Mr. Speaker, I'd like to make a brief statement, if I may?

The SPEAKER: The Representative may proceed.

Representative **DUNPHY**: Thank you. It seems to me that the Department of Environmental Protection has an obligation to ask questions. Why would questions concerning construction, employment, environment and economic benefits for Maine residents be an issue? Ladies and gentlemen, my understanding is that this bill applies to submission requirements, not permitting. As experiences in siting develop, why would they not be encouraged? Why would we not encourage the DEP to ask pertinent questions and routinely? We've asked the DEP to report back to the EUT Committee. Without asking these questions, how can they possibly do their evaluation? If the DEP is, in fact, overstepping its authority of breaking the law, I would suggest that we take appropriate and legal action. If not, let them do their job. In my personal opinion, I think this bill is simply an

affront to the Department of Environmental Protection and Commissioner Aho for ruling on a project that was denied. Otherwise, this bill would have addressed all licensing, not simply wind. I'll be voting against this bill and request that you do the same. Thank you, Mr. Speaker.

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

Representative **BEAVERS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I oppose the current motion. A few minutes ago, we said with liberty and justice for all. I hope we meant it. I want to thank my caucus for motivating me to want to continue to fight for justice even more. I finally would like to ask a question through the Chair when he has a moment.

The SPEAKER: The Representative may proceed.

Representative **BEAVERS**: I would like to know if all agencies in our state government are allowed to do routine technical procedures, laws, not laws, what are they, rules, sorry, routine technical rules without them coming to the Legislature or not.

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

Representative **TREAT**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. To respond to the question, indeed all agencies of state government are allowed to do routine technical rules. They also can do major substantive rules. It is up to the Legislature to make the determination about which rules are major substantive and which are technical.

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

Representative **RUSSELL**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. The DEP absolutely does have the right to ask questions. What the DEP does not, in my mind, have the obligation to do is to circumvent the legislative process. A bill that we passed last year included provisions to address some of the siting questions that folks had, and that was completely fair. But there was a Minority Report that this body and the other body and the Chief Executive did not pass. What we found and what we discovered is that those elements were included in rulemaking. Those elements that this body voted down was turned into an application for siting. So while I do agree that the DEP should have the right to ask important questions, I do not believe that the DEP should use rulemaking as a means to circumvent the legislative process. The bill as it originally came to us was not passable. It wasn't even palatable. But there are very specific issues that this bill addresses, and, by and large, it addresses the fact the DEP overstepped its bounds, created rules that circumvented the legislative process. If the DEP wants to change their own requirements, then this bill says they must follow the required rulemaking process, which includes a public hearing and includes a public process, and it would allow those proposed changes to be reviewed with opportunity to comment, which is precisely the opposite of what happened. We have a legislative process for a reason and allowing agencies to circumvent that process sets a poor precedent for future laws. Thank you, Mr. Speaker.

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

Representative **JONES**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. Let's just make sure what we're voting on here, okay, the bill, and I'll talk about the amendment in a moment. This bill amends the laws governing expedited wind energy development to provide that in

determining tangible benefits for an expedited wind energy bill, the primary siting authority may not require the submission of evidence and emissions-related benefits or make specific findings related to energy and related benefits. In other words, the benefits of these so-called expedited projects don't have to demonstrate benefits. These benefits are, and I quote the summary of the text before you, Men and Women of the House, "[The] benefits are presumed. This bill also provides that in determining whether a proposed expedited wind energy development will have an unreasonable adverse effect on scenic character or existing uses and whether an applicant must [require] a visual impact [study], the primary siting authority is required to consider the energy and emissions-related benefits...[and] the policy objectives of the Maine Wind Energy Act and the energy, environmental and [impact] benefits associated with [that]."

Men and Women of the House, the benefits of these developments under this statute are presumed, not verified, presumed. So let's go back to the amendment before us. The amendment that comes from the other body suggests that the department may by rule – by rule, not by major substantive rule – by rule within the committee structure, establish submission requirements for permit applications for wind energy development, including, without limit to, of course, the expedited wind energy development. Given the fact that industrial scale wind has been such a contentious item in this Legislature and among the communities that we represent, given the fact that the benefits in terms of job creation and reduced utility rates have not been established, Men and Women of the House, given the fact that this is, once again, an extension of an agenda that is not people driven, but politics driven, I urge you to support, excuse me, reject the pending motion. Thank you, Mr. Speaker.

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

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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. The amended version of this bill, I believe, simplifies and greatly improves the quality of the finished product. The original bill, as written, as has been described by the good Representative, Representative Jones, wasn't palatable for most members of the committee. As a way of trying to come up with a resolution, the committee asked the committee analyst to compare, essentially, the language of the bill and compare also the process, the application process that was developed by the Department of Environmental Protection in dealing with the issue of a new wind site. Unfortunately, in looking at the side by side of previous legislation that was considered by the Energy, Utilities and Technology Committee, work that was considered and rejected and legislation that was rejected in amendment form by the Legislature and by the committee dealing with the Representative and colleague of my committee, Representative Beavers's original bill, LD 385, it was determined that language in the submission application in September of last year included specific information that the Legislature, the place where policy is made, turned down.

So we had a situation where the DEP took the rejection language of not only our committee, but the Legislature, and adopted the same provisions specifically from Representative Beavers's amendment that was before the department's amendment that was trying to amend Representative Beavers's

bill, which was a very good bill. They took the rejected language and they recreated it into submission requirements outlined in the application. Now, whether or not this was a wind bill or not, this bill could deal with another subject before another committee of jurisdiction, but if the bill had been rejected or a committee had rejected certain language, you would hate to see that language come up in a submission of an application for some type of land use use or an application involving the licensing of some professional group in the State of Maine.

So, essentially, which is unfortunate, we saw a circumvention of the legislative process which, quite frankly, disappointingly enough, ignored the separation of powers that we have. It is something, really, that this body or any elected body shouldn't tolerate within the bureaucracy of government when the legislative intent is circumvented. In this particular case, language specifically that was rejected by our committee and by the Legislature was inserted into the application process and it could have been any type of application. In this particular case, it was an application for a generic site or a site that was going to be determined at some later time, depending on the application submission, but the submission material that was asked for in the material for submission by the applicant was information that was not part of the law that the Legislature is supposed to react to.

President Alford is the sponsor of this bill. He rightly identified, I believe, a major problem with how DEP promulgated, in most recent issues, as I mentioned before, the submission requirements. Had the bill in its prior form that arrived to our committee, if that bill were to be voted upon at that time, I believe everyone in the committee probably would have voted against it. But our committee used due diligence with the help of the sponsor, with the help of many, many others, we came up with a palatable bill, we thought, that could be a benefit to the people of Maine. I hope that we can support the Majority Ought to Pass Report as Amended. Thank you.

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

Representative **SHAW**: Thank you very much, Mr. Speaker. Just in an effort to try to, I believe, at least answer the question of the Representative from South Berwick, under the Administrative Procedures Act, I believe the 125th Legislature amended the Administrative Procedures Act so that the Secretary of State shall furnish to all committees of jurisdiction a report stating every minor technical and major substantive rule that was proposed and passed by each department of the state. And, at that point, the committee is allowed to change or completely get rid of the rule that was adopted by the agency. Thank you.

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

Representative **DUNPHY**: Thank you, Mr. Speaker. In 2008, there was a memo out that says that September 1, 2008, the Department of Environmental Protection and the Maine Land Use Regulation Commission shall jointly and to the extent not already addressed in existing agency guidelines, and it goes on, but essentially it says this. It says that they are to, and this is for submission requirements, effects on scenic character and existing use related to scenic character, tangible benefits, noise and shadow flicker, effects on avian and bat species and public safety related setbacks. I think this is a witch-hunt, the fact that the original bill was retroactive. I just think that it's a bad bill and we need to kill it. Thank you.

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. I just want to say that I share the concerns from the Representative from



Freedom about making sure when we make decisions they are public, which is why I support this bill. I would not have supported the original version of this bill, but this makes sure that decisions are being made in the public eye with stakeholders present and that we know why those decisions are being made. So I just want to say that is why I support the pending motion.

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

Representative JONES: Mr. Speaker, may I pose a question through the Chair to the good Representative from Saco?

The SPEAKER: The Representative may pose his question.

Representative JONES: Thank you, Mr. Speaker. Given the fact that the Senate Amendment requires rulemaking through the DEP, why is the EUT Committee, which does not have jurisdiction in this matter, involved in this direct decision? Thank you.

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

Representative HOBBSINS: Thank you. Our committee, in many cases, has dual jurisdiction with the other committee that has been mentioned. In this particular case, wind issues involving siting have gone to the Energy, Utilities and Technology Committee. The other aspects have gone to the Environmental, the other committee. So, this is normal, plus, as you know, we go through a reference process. This bill was referenced to our committee. We handled all of the wind bills except for two that were resubmitted to our committee by the other committee, and we held separate public hearing on those bills so that our committee had more familiarity with the subject matter than the other committee. It wasn't a question of a turf fight between the two committees.

The SPEAKER: The Chair recognizes the Representative from Belgrade, Representative Keschl.

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

The SPEAKER: The Representative may pose his question.

Representative KESCHL: With this amendment, am I to presume that there is no required proof of any benefits from wind power? There is a presumption of evidence that is positive benefits from wind power and that wind power will have a significant improvement on the environment or the economy, either or, but that's presumed in this amendment?

The SPEAKER: The Representative from Belgrade, Representative Keschl, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Orono, Representative Tipping-Spitz.

Representative TIPPING-SPITZ: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. It is my understanding this amendment does not change the presumptions in the law one way or another.

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

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

The SPEAKER: The Representative may pose her question.

Representative BOLAND: Thank you, Mr. Speaker. The Representative from Embden mentioned various categories that were intended to be addressed, issues that needed to be addressed in safety and whatnot. Do we have answers to those? Do we have evidence of answers to those issues to go forward?

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

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

**ROLL CALL NO. 662**

YEA - Beaudoin, Beck, Bolduc, Brooks, Campbell J, Carey, Casavant, Cassidy, Chenette, Chipman, Cooper, Daughtry, DeChant, Devin, Dill, Dion, Dorney, Farnsworth, Fowle, Frey, Gattine, Gideon, Gilbert, Goode, Graham, Grant, Hamann, Herbig, Hickman, Hobbins, Hubbell, Jorgensen, Kornfield, Kruger, Kumiega, Lajoie, Libby N, Longstaff, Luchini, MacDonald W, Marks, Mason, Mastraccio, McCabe, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Nelson, Plante, Powers, Priest, Pringle, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Saucier, Saxton, Schneck, Shaw, Stuckey, Tipping-Spitz, Treat, Welsh, Werts, Mr. Speaker.

NAY - Ayotte, Beaulieu, Beavers, Bennett, Berry, Black, Boland, Briggs, Campbell R, Chapman, Chase, Clark, Cotta, Crafts, Cray, Crockett, Davis, Dickerson, Doak, Dunphy, Duprey, Espling, Evangelos, Fitzpatrick, Fredette, Gifford, Gillway, Guerin, Harlow, Harvell, Hayes, Jackson, Johnson P, Jones, Kaenrath, Keschl, Kinney, Knight, Kusiak, Libby A, Lockman, Long, MacDonald S, Maker, Malaby, Marean, McClellan, McElwee, Morrison, Nadeau A, Nadeau C, Newendyke, Nutting, Parry, Pease, Peavey Haskell, Peoples, Peterson, Pouliot, Reed, Sanderson, Short, Sirocki, Stanley, Theriault, Timberlake, Turner, Tyler, Verow, Volk, Wallace, Weaver, Willette, Wilson, Winchenbach, Winsor, Wood.

ABSENT - Johnson D, Kent, Noon, Villa.

Yes, 70; No, 77; Absent, 4; Excused, 0.

70 having voted in the affirmative and 77 voted in the negative, with 4 being absent, and accordingly the Majority Ought to Pass as Amended Report was NOT ACCEPTED.

Representative BERRY of Bowdoinham moved that the House RECONSIDER its action whereby the Majority Ought to Pass as Amended Report was NOT ACCEPTED.

Representative FREDETTE of Newport REQUESTED a roll call on the motion to RECONSIDER whereby the Majority Ought to Pass as Amended Report was NOT ACCEPTED.

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 to Reconsider whereby the Majority Ought to Pass as Amended Report was not Accepted. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 663**

YEA - Beaudoin, Beck, Berry, Bolduc, Brooks, Campbell J, Carey, Casavant, Cassidy, Chenette, Chipman, Cooper, Daughtry, DeChant, Devin, Dill, Dion, Dorney, Farnsworth, Fowle, Frey, Gattine, Gideon, Gilbert, Goode, Graham, Grant, Hamann, Herbig, Hickman, Hobbins, Hubbell, Jorgensen, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby N, Longstaff, Luchini, MacDonald W, Marks, Mason, Mastraccio, McCabe, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Nelson, Peterson, Plante, Powers, Priest, Pringle, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Saucier, Saxton, Schneck, Shaw, Stuckey, Theriault, Tipping-Spitz, Treat, Welsh, Werts, Mr. Speaker.

NAY - Ayotte, Beaulieu, Beavers, Bennett, Black, Boland, Briggs, Campbell R, Chapman, Chase, Clark, Cotta, Crafts, Cray, Crockett, Davis, Dickerson, Doak, Dunphy, Duprey, Espling, Evangelos, Fitzpatrick, Fredette, Gifford, Gillway, Guerin, Harlow, Harvell, Hayes, Jackson, Johnson P, Jones, Kaenrath, Keschl, Kinney, Knight, Libby A, Lockman, Long, MacDonald S, Maker, Malaby, Marean, McClellan, McElwee, Morrison, Nadeau A,

Nadeau C, Newendyke, Nutting, Parry, Pease, Peavey Haskell, Peoples, Pouliot, Reed, Sanderson, Short, Sirocki, Stanley, Timberlake, Turner, Tyler, Verow, Volk, Wallace, Weaver, Willette, Wilson, Winchenbach, Winsor, Wood.

ABSENT - Johnson D, Kent, Noon, Villa.

Yes, 74; No, 73; Absent, 4; Excused, 0.

74 having voted in the affirmative and 73 voted in the negative, with 4 being absent, and accordingly the House **RECONSIDERED** its action whereby the Majority **Ought to Pass as Amended Report** was **NOT ACCEPTED**.

Representative BERRY of Bowdoinham moved that the Bill be **TABLED** until later in today's session pending **ACCEPTANCE** of the Majority **Ought to Pass as Amended Report**.

Representative FREDETTE of Newport **REQUESTED** a roll call on the motion to **TABLE** until later in today's session pending **ACCEPTANCE** of 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 to Table until later in today's session pending 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. 664**

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

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

ABSENT - Johnson D, Kent, Noon, Villa.

Yes, 77; No, 70; Absent, 4; Excused, 0.

77 having voted in the affirmative and 70 voted in the negative, with 4 being absent, and accordingly the Bill was **TABLED** pending **ACCEPTANCE** of the Majority **Ought to Pass as Amended Report** and later today assigned.

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

#### **SENATE PAPERS Non-Concurrent Matter**

Bill "An Act To Increase Integrity in the Temporary Assistance for Needy Families Program through Restriction of Expenditures" (H.P. 1312) (L.D. 1822)

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-787)** in the House on April 3, 2014.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-787) AS AMENDED BY SENATE AMENDMENT "A" (S-505)** thereto in **NON-CONCURRENCE**.

Representative McCABE of Skowhegan moved that the House **RECEDE AND CONCUR**.

Representative FREDETTE of Newport **REQUESTED** a roll call on the motion to **RECEDE AND CONCUR**.

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

The SPEAKER: The Chair recognizes the Representative from Old Orchard Beach, Representative MacDonald.

Representative **MacDONALD**: Thank you, Mr. Speaker. I have a floor amendment, a House Amendment that has been put down to the Revisor's Office and they said that they were going to get it back to me before we took this vote. So I was wondering if that would be possible to hold this up.

The SPEAKER: The House is not in possession of the House Amendment. The pending question is shall the House Recede and Concur.

The Chair recognizes the Representative from Old Orchard Beach, Representative MacDonald.

Representative **MacDONALD**: I'm going to ask this body to please vote down the Recede and Concur motion so there must be a way to wait a little bit more time to allow the amendment to come up. It's a very minor amendment that should have taken like two seconds to change. It's basically wording. So I'm going to ask this body to figure out a way to make it happen.

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

Representative **PARRY**: Thank you, Mr. Speaker. I want to concur with the good Representative from Old Orchard. We heard a lot of talk the other day about compromising and I think this would be a good compromise.

The SPEAKER: The Chair recognizes the Representative from Skowhegan, Representative McCabe.

Representative **McCABE**: Thank you, Mr. Speaker. This is an issue that has been kicked around for a number of days. I think it's pretty clear it's time to move forward, and, for that reason, I would hope folks would follow my light on this motion.

The SPEAKER: The Chair recognizes the Representative from New Gloucester, Representative Espling.

Representative **ESPLING**: Thank you, Mr. Speaker. I think a good compromise would be to wait for the amendment to show up.

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

Representative **TIMBERLAKE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I have heard up and down the halls that we want to create compromise and come up with a good bill that is work. I think that instead of Receding and Concur, you would take a minute and at least review the amendment. We spend days here, hours wasting time and our energy, here, on some things, and we can't take a few minutes to wait for an amendment to come up. I don't think that's playing nice.

The SPEAKER: The Chair would remind all members that the motion before the House is shall the House Recede and Concur.

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

The SPEAKER: The Chair recognizes the Representative from Skowhegan, Representative McCabe.

Representative **McCABE**: Thank you, Mr. Speaker. Point of Order, there doesn't seem to be an amendment before us at this time. We are debating a non-issue at this time.

The SPEAKER: The Chair would remind members that the motion before the House is shall the House Recede and Concur.

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

Representative **FREDETTE** of Newport moved that the Bill be **TABLED** until later in today's session pending the motion to **RECEDE AND CONCUR**.

Representative **BERRY** of Bowdoinham **REQUESTED** a roll call on the motion to **TABLE** until later in today's session pending the motion to **RECEDE AND CONCUR**.

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 to Table until later in today's session pending the motion to Recede and Concur. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 665**

**YEA** - Ayotte, Beaulieu, Beavers, Bennett, Black, Boland, Briggs, Campbell R, Chapman, Chase, Chenette, Clark, Cotta, Crafts, Cray, Crockett, Davis, Dickerson, Doak, Dunphy, Duprey, Espling, Fitzpatrick, Fredette, Gifford, Gillway, Guerin, Harlow, Harvell, Hayes, Jackson, Johnson P, Jones, Kaenrath, Keschl, Kinney, Knight, Libby A, Lockman, Long, MacDonald S, Maker, Malaby, Marean, McClellan, McElwee, Nadeau A, Newendyke, Nutting, Parry, Pease, Peavey Haskell, Pouliot, Reed, Sanderson, Sirocki, Timberlake, Turner, Tyler, Volk, Wallace, Weaver, Willette, Wilson, Winchenbach, Winsor, Wood.

**NAY** - Beaudoin, Beck, Berry, Bolduc, Brooks, Campbell J, Carey, Casavant, Cassidy, Chipman, Cooper, Daughtry, DeChant, Devin, Dill, Dion, Dorney, Evangelos, Farnsworth, Fowle, Frey, Gattine, Gideon, Gilbert, Goode, Graham, Grant, Hamann, Herbig, Hickman, Hobbins, Hubbell, Jorgensen, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby N, Longstaff, Luchini, MacDonald W, Marks, Mason, Mastraccio, McCabe, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, Nelson, Peoples, Peterson, Plante, Powers, Priest, Pringle, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Saucier, Saxton, Schneck, Shaw, Short, Stanley, Stuckey, Theriault, Tipping-Spitz, Treat, Verow, Welsh, Werts, Mr. Speaker.

**ABSENT** - Johnson D, Kent, Noon, Villa.

Yes, 67; No, 80; Absent, 4; Excused, 0.

67 having voted in the affirmative and 80 voted in the negative, with 4 being absent, and accordingly the motion to **TABLE** until later in today's session **FAILED**.

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 seem to be in a rush to move along all of a sudden, so let me speak to this bill. So this is a bill we voted on previous. It went to the other body and it gets amended. It gets amended to add language which provides four reasons why this bill is still a problem. The Senate Amendment adds a provision whereby store owners now become the police. So we now have the store owners who are prohibited from basically taking money that is TANF money. So if the store owner, I guess, suspects somebody has TANF money, I guess what they're supposed to do is sort of try to figure out what they can and cannot do because there is no enforcement mechanism

for what happens, because there is this language in this Senate Amendment which says store owners can't accept this money.

The SPEAKER: Would the Representative please defer? The House will be in order. The Representative may proceed.

Representative **FREDETTE**: So now we have the store owners, you know, you've got your mom-and-pop shop in Wytotitlock, Maine, and they now would become the police and they can't accept this money for these five purposes. And it says in the bill, if you actually take a minute to read the language, the language says "may." It says store owner may not accept. Well, if any of you remember your childhood youth when mom and dad said, may, well that meant maybe and maybe not, and so this language is clearly not necessarily prohibitive language. If it was to be prohibitive language, it would say "shall." So if you're an attorney and you go through the statutes and you're looking at a statute and you see the word "shall" in a law, then you understand that that means shall not, but when the language says, as this amendment says, may, then that means maybe or maybe not. So what direction have we given the Hannaford Brothers of the world or the mom-and-pop shop in Wytotitlock? That is the first problem with the bill.

The second problem with the bill is the recurring problem that we talked about previously in regards to the penalties. We have currently in place rules that provide for a violation. If someone violates these rules, first violation is a year loss of your benefits; second violation, two years loss of benefits; a third violation, three years loss of benefits. So, what does this bill do? Well, let's, first of all, I want to go to the good point of the good Representative from Portland, Representative Dion, would make. That is that we have discretion within the Department, whether or not we even want to impose those penalties on an individual. So, first of all, the Department has the discretion to decide whether or not to do that and so then we move on to the existing penalties of one year, two years, and then three violations and you're out.

So, what this bill does is that it turns the whole issue of reform on its head. For the media out there that is paying attention, if they are listening to the debate, the issue here is enforcement. What is enforcement? What are the penalties if we don't follow through with this? We take an existing penalty, an existing penalty of one year on the first offense and we water that down to a letter in the mail, I think, a point that has not been well communicated from the other end of the hall. So we take this bill and we want to do real reform in Maine and what we are doing is, in fact, watering it down from a one year penalty to a letter in the mail. So, for those of you who are quick learners, if you would like to do your trip to Disney World or to Las Vegas, go ahead and use your card and first of all, you might not get caught. Second of all, the Department might not prosecute, and then third of all, you might get a letter in the mail.

Now, I am an attorney, I have been for about 20 years, and we typically have in statutes penalties, real penalties, for when people break the law because we, as a society, want to create a system of laws, a system of society that creates disincentives for people to do things. For example, if you want to drink and drive, if the first violation of that means that you get a letter in the mail, we probably are going to have a lot more drunken drivers on the road, aren't we?

The SPEAKER: Would the Representative please defer. The Chair recognizes the Representative from Bangor, Representative Goode and inquires as to why the Representative rises.

Representative **GOODE**: Thank you, Mr. Speaker. I would just like to inquire as to whether the comments from the Representative from Newport are germane to the motion before us.

On **POINT OF ORDER**, Representative GOODE of Bangor asked the Chair if the remarks of Representative FREDETTE of Newport were germane to the pending question.

The **SPEAKER**: The Chair will remind members to keep all comments germane to the bill. It appears as if we are going into some heated debate. I will be watching with stricter enforcement throughout this debate and pending debate and the Chair will make a judgment if members can proceed or not.

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

The Chair recognizes the Representative from Newport, Representative Fredette.

Representative **FREDETTE**: Mr. Speaker, this bill has, within the amendment, language regarding penalties. My comments are directly related to penalties. When we have laws that we are enacting and there are penalties, I think it is certainly germane to talk about whether or not there should be an analogy to that. I think that is certainly germane. So, for example, in our system of laws that we have created, we have a penalty for a criminal act, drinking and driving, and that penalty on the first offense as an analogy to the current bill before the House where this first offense is a letter in the mail, and if somebody violates the law and drinks and drives...

The **SPEAKER**: Would the Representative please defer. The Chair asks why the Representative from Winterport, Representative Brooks rises?

Representative **BROOKS**: Mr. Speaker, I'm sorry, I can't find the amendment that the gentleman from Newport is referring to.

The **SPEAKER**: What is before the House is shall the House Recede and Concur with the actions of the other body. The chamber staff will get members who would like a copy of the Senate Amendment to your desks.

The **SPEAKER**: The Chair recognizes the Representative from Winterport, Representative Brooks.

Representative **BROOKS**: Mr. Speaker, I don't have that amendment.

The **SPEAKER**: You will have it. Chamber staff is bringing it to you now.

The Chair recognizes the Representative from Winterport, Representative Brooks.

Representative **BROOKS**: Can we wait so that I can understand, Mr. Speaker?

The **SPEAKER**: The debate will continue. The Senate amendment is Senate Amendment (S-505).

The Chair recognizes the Representative from Winterport, Representative Brooks.

Representative **BROOKS**: Thank you, Mr. Speaker. I now have possession of it; however, according to the screen, I understand we are debating the Recede and Concur and not an amendment. Are we on the supplement that has the amendment, Mr. Speaker?

The **SPEAKER**: We are debating whether the House should Recede and Concur on the Senate Amendment (S-505).

The Representative from Newport, Representative Fredette may proceed.

Representative **FREDETTE**: Thank you. So, as an analogy, when someone drinks and drives, I will try to get through this thought if I can, if somebody drinks and drives and the first offense for a penalty for someone who drinks and drives is a letter in the mail, we are most likely going to have a lot more offenses of drinking and driving. It is simply an analysis of law in the organization of laws within a society to create an ordered society.

So, the issue here is, partly the issue here is, do you want to vote for this amendment, which, in fact, lessens the penalties

from a one-year violation down to a simple letter in the mail. Now, the same is true of the second offense, which is a two-year violation, which then gets watered down to a penalty of, I believe, it is up to three years is what the amendment says, up to three months, I'm sorry, up to three months of a loss of those benefits. Again, we go back to a question of an incentive within our system to create real reform. Do we want to maintain the status quo or do we want real reform? When you go to a third violation as proposed within this amendment...

The **SPEAKER**: Would the Representative defer. I hope there is good reason for the Representative from Newfield to rise.

Representative **CAMPBELL**: This is more of a filibuster than a debate and I move the question.

The **SPEAKER**: The motion is out of order. The Representative may proceed.

Representative **FREDETTE**: Thank you, Mr. Speaker. So, when a third violation where someone loses permanent benefits, the issue here is, I believe, that their loss is up to possibly six months. Our state, the people within our state, are looking for real reform, not the status quo, not a feel good bill, but real reform that we could do in a bipartisan manner. We have one problem with the bill in regards to going to the shop owners and asking them to be the police and then the inclusion of the word "may," within that, may or may not. We then go to the third analysis, which is weakened penalties and so now let's go to the fourth problem within the Senate Amendment. The fourth problem with the Senate Amendment is that it says that someone shall not knowingly do this. Someone shall not knowingly do this. The question here becomes if you are going to violate the law, just don't do it knowingly.

As an attorney, for example, when you look at criminal law, you look at the questions of intent, you look at recklessness, you look at knowingly and all of those words have different meanings within the law. As an attorney, I am assuming these things are going to be prosecuted. Having to prove knowingly is a difficult thing to do. In this instance here, for example, if in violation of this, someone goes and they take and they buy something they shouldn't have bought, it is prohibited and then it just simply becomes a question of did they do it knowingly. You asked someone "Did you do this knowingly?" Well, what is the logical answer? "No, I didn't do it knowingly."

We have four things wrong with this bill. This is a feel-good bill. This is a let's make it look like we are doing something when we don't do something. I think that the people of Maine expect more from this Legislature. If we are going to reform welfare, let's have it mean something. This shouldn't be a Republican issue. It shouldn't be a Democratic issue. Let's do this and let's do it in a meaningful way. I would suggest to you that the bill before us now as amended by the other body, Amendment "A," doesn't provide reform. In fact, it weakens reform. It weakens enforcement from one year to a letter in the mail. That is the issue before this body today. If you want to vote for real reform, if you want to show the people of the State of Maine that we can do something in a meaningful way, let's do real reform on welfare, let's not do a feel-good bill that doesn't even look like it is real reform once you actually look at the language. Ladies and Gentlemen of the House, in conclusion, I would suggest to you that there is work to be done on this issue. We can do it in a bipartisan way. Let's do it in a way that is real reform and I ask that you follow my light. Thank you, Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Skowhegan, Representative McCabe.

Representative **McCABE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. It is interesting to be standing up following the good Representative from Newport, but

I thought it was appropriate. We heard some conversations around the penalty for OUI. I believe the penalty for OUI, for the first time, is a suspension of license for 150 days – 150 days for OUI. It is really nothing compared to using your card to purchase a pack of cigarettes. I think of OUI, I think of the people at risk with an OUI, the driver, the other people on the roads. I think of what I proposed last week, what is proposed in this amendment before us, which is an education. An education that if you use that card in a manner that is now deemed by this Legislature, depending on how this goes, as against the rules, against the rules, there will be an education followed up by a sanction, probably a very appropriate sanction. We are not talking about OUI here, folks. We are talking about folks on the TANF program using a benefit in a way that we may decide is inappropriate. This is a victimless crime, except for the concern around taxpayer dollars. We can go ahead. We can have sanctions at a year, two years, third strike you're out. That third strike you are out of the program. That is for good. Guess what? Guess who the victim is? The victim is not the participant. The victim is probably more than likely children – children. So, this is not a feel-good measure. I don't feel good about what we are debating today. I didn't feel good about bringing the amendment forward. I didn't feel good when there was a press conference between the two buildings referring to my amendment as fraudulent and only being received 15 minutes before the vote. That amendment was brought forward. It was brought to the leader in the other corner the day before. It was brought to the administration the day before. They had an opportunity to share it with our friends from across the aisle. They did not. Okay, this is not a feel-good measure. There is a motion before you. I suggest you follow me, you vote for that and we move on.

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

Representative **SANDERSON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This is not a victimless crime. It is not just over a pack of cigarettes. The good Representative from Skowhegan had it right. The people in this who suffer when these benefits are used inappropriately are the children because this is Temporary Assistance for Needy Families. This money is supposed to be used to house, clothe, feed and care for the children in those families. Now, this isn't really needed as an education bill, because when someone applies for benefits, one of the things that they are required to do is come to an orientation meeting where they get a big packet that is full of information. They get all kinds of stuff talking about Temporary Assistance for Needy Families. They get papers to sign. They make a contract with the State of Maine on how to and not to use these public benefits. It is already written in the brochure. Your EBT card or cash assistance benefits shall, not may, shall not be used to purchase lottery tickets or gamble, purchase alcohol, purchase cigarettes and tobacco products, purchase or participate in activities at any of the following locations: liquor stores, casinos, strip clubs, etcetera. Okay, we have that on a brochure, but unfortunately, what we don't have is we don't have this language in statute to back it up. That is what we have to have.

Now, there is also all kinds of contracts in here that you have to sign acknowledging what is going to happen if you misuse these benefits. Backing off on the penalty piece, I mean that is ridiculous. These folks already know what could happen. They make that contract with the state when they have to go and apply and get help. They understand what it can and cannot be used for. To reduce these penalties, it also puts them out of compliance with what we have in statute. You have references, maybe in just a little way, to some of these same activities, yet

some are going to be done at the year and now others may be done with a letter. It provides conflict in the law. I urge you all to vote down this amendment. This does nothing, nothing to help control the misuse of taxpayer-funded help for some of our needy citizens. Some call this a war on the poor. They say that we are trying to demonize poor people with this bill. That is not the case. What we are trying to do is demonize those who would misuse these benefits that should be used to support our families. We have so many out there right now who are trying to make ends meet. They use these benefits exactly as they should be. When you have a few who are not using them, as they should be, that adds up after a while. Just imagine what we could use the money that was being inappropriately used for for someone who would use it correctly. Thank you.

Representative **BROOKS** of Winterport **MOVED THE PREVIOUS QUESTION.**

Fewer than one-third of the members present expressed a desire that the **MAIN QUESTION BE PUT NOW.**

The Chair recognizes the Representative from Portland, Representative Russell.

Representative **RUSSELL**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I will not be voting for this motion, but I want to clarify a couple things for those who are. We heard a little earlier that this puts a huge burden on businesses. I just want to set the record straight. Businesses already refuse EBT cards as a payment option for liquor, for beer and wine, for tobacco and for gambling products if it is the food stamp side. There are two sections of the EBT card. We are going to go 101. One is the food stamp. You push "1." Three is the cash benefit. You push "3." If someone comes to me and tries to buy a pack of smokes with their EBT card using their food stamps, I already declined them from doing it. Can they currently use it on their cash side? Absolutely. Do I think that is appropriate? No, I don't, but I think that the motion that is before us goes too far. I focused, when I did an amendment last week, on a very prescriptive side of the issue. I know that my friends across the aisle think it doesn't go far enough. I want to say, though, that when you are talking about enforcement, there is no enforcement in my version of the amendment, which is included and incorporated in this motion. There is no enforcement for the businesses. There is this thing called structural enforcement. This becomes standard operating procedure as it already is under the food stamp program. So to suggest that, A, it is a burden on businesses, and B, there is no enforcement, one, is in conflict as a line of logic, and two, I would just like to point out that if we were to pass a very simple version of this, we would be in a position to get the issue out of the way in a much more structural way. But I would also like to point out that I am a little confused by the argument that, on the one hand, last week, we heard that it is not illegal, a point that I agree with. It is not currently illegal to do this. On the floor of the House, just now, we heard that it is illegal. So, if someone could clarify that for me that would be super helpful, because I don't believe that rulemaking supersedes the law and if the whole point of this is to prevent these purchases from being made, then I'm confused about how it is already illegal to do it, but we are trying to make it illegal. It was my understanding that it was perfectly legal under the circumstances to do this, which is precisely why we are trying to make it illegal. If someone could clarify that, that would be awesome.

In the short term, I will be voting against this because I think it goes too far. I think that we have an opportunity, or had an opportunity, to do a much more prescriptive version of this. You know, I put my amendment in last week, which, again, got incorporated in this as a good faith measure. I actually believe

that that version should have moved forward. It was a smarter, more simple approach. I talked about if this was a campaign issue, then it shouldn't be, you know, go ahead and vote against it, and people did. This is a policy issue, if you actually want to make change, that would have been an appropriate way to do it. So, when someone goes out in the media and accuses me of putting in an attempt, because it is a fraudulent attempt, clearly that could not be done on the floor of the House because that would be questioning my motives. It is a lot easier to do things in front of the media sometimes than it is face to face. I just wanted to clarify for the record that this was not a fraudulent attempt on my behalf, which is precisely why I will be voting against the pending motion, because I think the motion that we had last week was a better opportunity. Thanks, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Gardiner, Representative Grant.

Representative **GRANT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. There are very specific and important rules in this chamber for decorum and the words we use to speak about and to address one another. Those rules are there for a good reason. Sometimes our debates get pretty heated, as they are today. They keep us from devolving into name-calling and other inappropriate behavior. This particular issue, the amendment before us is an amendment that I will not be able to support for very different reasons from some of my other colleagues who have spoken today. What I would ask of my colleagues here in the House, it seems to me that if we, in this chamber, afford each other the consideration not to question each other's character or each other's motives or each other's integrity, that the least we can do is afford that same consideration to our fellow citizens, the Mainers that we are here to represent. They include people who receive benefits that we have been talking about today. I know that my good colleague from Newport, who seems to have stepped out at the moment, I don't think he meant to be mean or to impugn anyone's character. I don't think anybody in this body would not feed a hungry child or would close their door to a mother who was trying to escape domestic violence in the middle of the night. I think everyone here has the best interests of the people of Maine at heart. We just differ on how we might approach that. So, I would ask that we not say things that would imply that a family who receives TANF benefits of a few paltry hundred dollars a month might use that money to go to Disney World or to do any of the other things that have been spoken of, both in the media and on this floor. I would just implore us to stick with the facts, to please use language that treats our Maine citizens with the same respect that we afford one another. Thank you, Mr. Speaker.

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

Representative **TIMBERLAKE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. We have heard here that this afternoon this is a victimless crime. The good Representative from Skowhegan said that to us. Well, I will take a little, I don't think that is true. I think the taxpayers of the State of Maine are the victims of this crime. I think the children that should be given the money that is used for these TANF cards to buy them food and nutrition instead of alcohol, cigarettes and lottery tickets. I think there are victims in this crime and it is the taxpayers of the State of Maine. There is an amendment on this bill that was put in that has no penalty, I get a written warning. Now, I will tell this body...

The SPEAKER: The Representative will defer. I would like to remind members not to refer to a pending amendment and stay to the Recede and Concur motion, the amendment from the other body.

The Chair reminded Representative **TIMBERLAKE** of Turner to stay as close as possible to the pending question.

The SPEAKER: The Representative may proceed.

Representative **TIMBERLAKE**: Yes, Mr. Speaker. I was referring to the amendment that is on the existing bill. I am talking about where it changed the law from the original bill to a written notice. I can tell you that when I was a young teenager that if you would have told me that I was going to get a written notice for driving 60 miles an hour in a 40 mile an hour zone, I would have taken the chances until I got caught and got the written notice. The written notice that I got was a suspension of my license for 60 days. I didn't get a slap on the hand. I had to pay the fine. I think these folks, the day they sign up for the TANF cards, they get a packet that tells them what they can do and what they can't do. They have now received their written notice. I don't think we need to send them a second one, because I think people are creatures of habit and they will do what they can and get away with until they get caught. I urge you folks to vote against this and vote this down. Thank you very much.

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

Representative **COTTA**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I will be very brief. We have heard enough. Basically, the amendment from the other body has been battered around here. Basically, the three provisions were that you are going to get a letter for the first violation and actually the amendment says up to three months on the second violation, up to six months not to exceed. So that is really what we are talking about, the second offense could, in fact, be one month. This amendment doesn't change that. It just says up to, not to exceed. Please, that is what we are looking at. Victimless crimes, waste, actually depriving children of the nutrition, let's get back on board here and let the program work. The amendment from the other body is what I consider to be, it falls well short of what the Representative from Portland mentioned. Clearly, it could have been crafted better and for that reason, I will oppose the current motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Vassalboro, Representative Fowle.

Representative **FOWLE**: Thank you, Mr. Speaker and Members of the House. I didn't debate this last week when we had it, but I stand here listening to people speak about the penalty on the amended bill. I am a firm believer that the penalty needs to fit the crime. Currently, in Kennebec County and Somerset County, under the new District Attorney, if someone is stopped and arrested and charged with OUI and found guilty under a .12, now the legal limit of OUI is .08, they can get a deferred disposition, which means after a year if they do not offend again, that goes away. So, the amendment in front of us, are you really saying you want the penalty to be more than what an OUI, a drunk driver would get away with in this county, in Somerset County and the Portland area where many District Attorneys are now offering this deferred disposition on OUIs. Just a question.

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. I stand today to speak for the victims of the so-called victimless crimes, our poor, hardworking people in Maine. The people who have autistic children that cannot afford aftercare for them, that we cannot fund because of welfare fraud and misuse. I speak for the LIHEAP people who get \$580 a winter and could use more, but we don't have the money because of welfare abuse. I speak for the



people who hit a pothole on the way home from their second job and have to have their tire and their rim replaced because we can't afford the fix our roads because of the money that we spend on welfare abuse. I speak for the people who would like to have more insulation around their windows in their houses so they don't have such a high energy bill, but we can't fund that because we are spending so much on welfare abuse. I speak for the teachers at Glenburn School who I polled and asked, if we had this money in the budget that is being spent for these items that I feel are totally unnecessary, and certainly, these requests are part of the victims of welfare abuse that my teachers in Glenburn said, some of the things they would like to see with the tens of thousands of dollars that people seem to think are nothing in this House, they could have staff training from outside experts, books for the library, more lunches for the kids, a full-time librarian instead of part-time, laptops for lower grade classrooms, redo the computer lab at Glenburn Elementary School, do away with the portable classrooms, have more excavation done at the playground so that every time it rains, they can't have an outdoor playground day because of the water in the playground area. Those children that are indoors day after day because of that are victims of this crime. One of the teachers wrote, books, books, books. A new middle school building for our K-8 students, assistants in the classroom, a dome for the playground, a performing arts program, new technology for the lower grades and the list just goes on and on. All of these things that our citizens cannot have because we don't have the money. It is being spent on fraudulent type of activities with welfare that none of our constituents want. I put out a Facebook question the first night we had this. I had almost 100 posts and every single one of them but one said do away with it. I'm sure your constituents want us to do away with this misuse of their money. It only hurts Maine families. I urge you to vote against the pending motion.

The SPEAKER: The Chair recognizes the Representative from Morrill, Representative Pease.

Representative PEASE: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. In today's Bangor paper, there are two articles, one about a woman that was driving 123 miles an hour with two children in the car. She endangered the children. Another one about a lady in Rockland who was passed out in the car with the children. She wasn't going anywhere. It wasn't that cold, but it was endangering her children. Let's be honest. This issue isn't a major issue. There is not 30 or 40 percent of people misusing this card, but the ones that are are reflective of society. There is always an element of society that is not going to do the right thing. The man or the woman that misuses this card and put money into cigarettes, alcohol, bail and other things that are not what is supposed to be are endangering their children. It's that simple. I reject the notion of my good colleague from Gardiner when she says that we begrudge a couple hundred dollars for someone on a trip to Disney World or wherever. My citizens of my seven towns that I represent are hardworking citizens for the most part. They, to the person, have not said to me, "Oh, we don't mind people misusing their cards." They are saying, "We do mind. We are out working hard. We are trying to make ends meet." I am working full-time at Hannaford. I'm working part-time somewhere else. That is what they are telling me. Yet, our dollars are going down the road to people that want to misuse the card. There are not a lot of them. Let's be honest about it. It is not a lot, but the ones that are are endangering their children by not using the card properly and they are stealing - I'll say it - they are stealing from the taxpayers that are working to pay for this program. It is time that we had honest welfare reform. We couldn't take the time today to do it right. We wonder why people outside of this body think of

us as Disney Land North. We need to work together. We need to have true reform and we need to get it done this session. Thank you.

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

Representative SIROCKI: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would like to speak a little bit about the difference between abuse and fraud. Abuse happens and you can report abuse, but it doesn't rise to the level of fraud so you can't prosecute it. What we are trying to do is make these abuses rise to the level of fraud so that they can be found illegal so there is some teeth in this.

I would like to read a little bit about the current penalties. It comes under the title of intentional program violations. These are intentional. When people sign up for this program, they are informed as to what they may and may not use this money for for their families. I think it is very clear that if you have a family with children using this money for alcohol, tobacco, gambling facilities, these types of things are not benefitting your family. These are intentional program violations known as IPVs. The current penalties are, well, I will read this here, the disqualification applies to the individual who was determined to have committed an intentional program violation. The disqualification period will begin with the first month, which follows the date the household member is sent written notification of the disqualification that results from the hearing decision. The disqualification periods are as follows: one, first violation, one year; two, second violation, two years; three, third violation, forever. That is what is currently on our books. This would provide a different tier, a different level, a different type of penalty for intentional program violations. They really should match. This is very difficult to enforce when you have two levels of violations, penalties for violations. So, that is a concern we have with the Senate Amendment. Thank you for your time.

The SPEAKER: The Chair recognizes the Representative from Hancock, Representative Malaby.

Representative MALABY: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to the pending motion. Mr. Speaker, I have campaigned three times. I live in a rural district. We have a large number of convenience stores, probably, on average, two per town. During the course of my campaigning, I tried to interview those store owners and one of the points that they brought to me repeatedly, over the course of three different elections, is the abuse and misuse of EBT cards. The bill before us and the reason that I oppose it is because I don't believe that it is real reform. It decreases the penalties as has been noted by others. I believe in my heart that a vast majority of Mainers favor welfare reform. Let's be clear, this is but a small piece of the welfare pie. Many of us sent out questionnaires to our constituents, over the course of the last year, to inquire as to the most significant obstacles, challenges that confront us. Pretty much, unanimously, those of us in this aisle who sent them out, within the top three was always a response of we need welfare reform. Let us be perfectly clear that the victims of this crime are the children who go without. Opposing this measure is a small step. I think it is the right one. I ask you to please oppose it.

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

Representative MCGOWAN: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I sit here and listen to this debate go on and on and the words or the headlines that come back to mind is the Chief Executive's own investigation said to us that 99.8 percent of the people who use these cards use them appropriately, use them within the rules, use them

within the law. So, what is this debate about? Why don't you openly and honestly talk about what this is really about because it sure isn't about two-tenths of one percent who have questionable use of these cards. What else could this debate be about? What else could it distract us from talking about? What else could it be used for in the upcoming months and year? Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Skowhegan, Representative McCabe.

Representative **McCABE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, I agree. I agree with many of the things that are said today in regards to how these benefits should be used. That is why I offered an amendment. That is why I reached across the other side of the aisle. I also ask folks tonight, as we start to press on, it is the evening. Let's think about some of the folks that are on these programs. These are folks in crisis. These are folks that are fleeing domestic violence. These are folks who don't have, in many situations, any other options. As we sort of debate penalties, it is sort of alarming to me, you know, we keep going back to criminal issues. We go back to criminal issues where people are defended by an attorney. There is time typically there is money to defend yourself. I think of the folks that are on this program, many of them single mothers, many of them, as I said before, escaping, fleeing situations of domestic violence. That is a fact, folks. As I put forward some things, as we discuss this, I am really looking for a good discussion around the policy, but what I feel is really lacking is some compassion, some compassion and understanding for the folks that are truly on this program. I think this argument has become really about grabbing headlines and I think we have lost the policy discussion. Thank you very much.

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

Representative **CHENETTE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I heard the good Representative from Newport say that this is not real reform. That is incorrect. This is reasonable reform that is before us. This does two things. It holds businesses accountable at the point of sale and for the individuals. In terms of the penalties not going far enough, try living without food money for three months. I don't think many people on the other side of the aisle have done that, but if you have, it would be impossible. So, if I got a warning that said I am not going to have food money for three months, it is going to be a big deterrent from breaking the policy. I don't see how sending a letter and educating the populous to make sure, hey, don't do that again. Make sure that that money is going towards food for the child, for the parents. Why is that a bad thing? We are setting reasonable, a sort of base limit of reasonable reform. I am a product of our welfare system, Mr. Speaker. My mother raised me as a single parent when I was younger. We were on food stamps when we actually had the paper food stamp. I still have a copy of that as a reminder of where I came from. I remember going down to the grocery store and sometimes breakfast was going down to the bakery counter and getting food samples. That was my breakfast. We cannot demonize people that are poor while, at the same time, recognizing it is reasonable to have a sane level of expectations of personal responsibility on the onus of the business, just like the businesses have to do if you are not 21 and validate that you are 21 in order to purchase alcohol. So why is that any different in this situation, having an expectation of personal responsibility on the local level to make sure that we are going towards food, so you can feed people, like me, who have to scrape by with my single parent? This is a hard vote, but much like other things in this chamber, we have to compromise. I am disgusted to hear on

both sides that we are not willing to compromise, both Democrats and Republicans. It is like I am in this alternative universe where some Democrats are fighting for welfare reform and Republicans are saying no. The best way out of welfare, in general, though, is a good paying job, via like the workforce and economic futures committee and probably, oh I don't know, properly funding education that this body still refuses to do. That is the way out of poverty. That is the way out of the welfare system, but let's not talk about that. In the meantime, we can have reasonable reform, which is right before us. The other body has given us that. I urge my colleagues on the other side of the aisle and on this side of the aisle to Recede and Concur. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Old Orchard Beach, Representative MacDonald.

Representative **MacDONALD**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Currently I have in my hand, I don't know if I can say this, but...

The SPEAKER: If it is in reference to anything other than the Recede and Concur motion, that is the motion that we are voting on currently.

Representative **MacDONALD**: I am standing up to oppose the Recede and Concur motion. I don't believe this was the first time we have actually, as a body, debated the Senate Amendment bill. I don't even understand why we were having a problem with us trying to debate that bill, because they just passed it last night and we just started debating it today and all of a sudden we are going to take a vote to Recede and Concur. You know, whack the gavel and it is done and we do whatever the other body voted on. I don't think this body had done that pretty much all session, so I feel like we are being rushed to vote on a Recede and Concur motion. I appreciate the efforts of everybody who have spoken today and everybody's points are valid, everybody's points are valid. So, I am just asking this body to put forth, because you know the majority in the body probably can bring this back up somehow, someday, anyway, because we do it all the time. I am asking this body to vote down this Recede and Concur motion and allow this body to see this amendment that is an actual compromise because, to me, compromise is, you know, you pass papers back and forth, you see what is good about it on both sides of the aisle and then you come to a conclusion. You don't just take the initial bill, add some stuff to it, call it a compromise and then expect everybody to vote for it. Compromise takes two parties. I am asking this body to vote down this motion and allow something else, potentially, to come up. Thank you, Mr. Speaker.

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. I rise simply to say that although I will not be voting in favor of the pending motion, it certainly is not without precedent for this body to Recede and Concur with the other body. Earlier today, we Receded and Concurred on Item 1-3, LD 1850, and also on Item 1-4, LD 1710. Both of those went under the hammer. So, I think that it really comes down to a judgment on each individual issue. I hope that gives the Representative from Old Orchard Beach some comfort. Again, I will not be voting for the Recede and Concur, but I respect those who will be doing so. Thank you.

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

Representative **KNIGHT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to the pending motion. I have been listening to the debate this afternoon. It has gone on and on and on, like we



know. People who know me, I think, know that I am one who tries to find middle ground, compromise and the last person to speak against this motion, the good Representative from Old Orchard Beach, Representative MacDonald, is also such a person. This is her first term and I've heard her speak very, very rarely over the last couple years, but she is a very thoughtful individual and she has put a lot of time and energy into this particular issue. She, I think, has told us all that she runs a small convenience store, so has confronted this issue time and time again. I, for one, have not seen the – I guess I cannot speak to what might come. There has been some discussion that there might possibly be some amendments. I know we can't talk about the amendments. I am speaking to the motion on the floor, but there is a possibility, if we take time and really use good judgment and common sense, a few more moments of our time today would be well spent quite possibly to hear what might be used to further bring us all together. As it is now, I think with the current motion before us, Recede and Concur, we are going to have, unfortunately, another one of these split votes very, very close votes and it is very possible that if we were to use, as I said, common sense, which is not very common these days, we could perhaps have more than two-thirds of the body, maybe even 100 percent of the people in this room, say we should get together and make this happen.

The original maker of the amendment, the good Representative from Skowhegan, I think, we are not supposed to discuss motives, but I believe his motives were good, that he wanted compromise. He wanted to bring us together. I think we can get together if we hear everyone out. Right now, I think we are relying a little bit too much on technicalities, forcing this protracted discussion that might better be left to another day. If we could only have Tabled this and let everybody see all that is before us.

Question for the Chair, I guess it would improper to Table this at this time, where we had Tabled it previously. Is it possible to bring this, people may have changed their minds given all the debate. Is it possible?

The SPEAKER: We have previously voted on the Tabling motion. It failed. Therefore, the proper motion before the body is to Recede and Concur.

Representative KNIGHT: So the only motion we can vote on now is Recede and Concur. Is that your ruling?

The SPEAKER: The one present before the body is Recede and Concur.

Representative KNIGHT: Okay, thank you. Well, I guess I would just invite us to really think long and hard about our vote then and encourage us to vote in opposition to this motion so that we can indeed have further discussion and hopefully bring us all together in one solid position from the body as a whole. Thank you, Mr. Speaker.

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

Representative DICKERSON: Thank you, Mr. Speaker. I am sorry to add to the long debate. I just want to be clear why I don't want to support this amendment for the record. That is that I feel that any action that is taken in this amendment could potentially harm innocent children that are not responsible for the actions of their parents. And there does not appear to me, in reading the amendment or accompanying papers or any other information, that there is a framework in place for what would then happen in order to continue to feed the children in the event that one of these penalties should come into play. So, in good conscience, I simply can't support it. 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. Mr. Speaker, I would just like to call your attention to a common parliamentary practice, that if the Speaker does indeed perceive that procedural motions are dilatory in their nature, that they can indeed be denied or refused. Thank you.

The SPEAKER: A roll call having been previously ordered, the pending question before the House is to Recede and Concur. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 666**

YEA - Beck, Briggs, Chenette, Cooper, Dill, Fowle, Graham, Hayes, Hobbins, Jones, Kaenrath, Kumiega, Kusiak, Lajoie, Libby N, Luchini, Mason, Mastraccio, McCabe, McLean, Moriarty, Powers, Saxton, Shaw, Theriault, Werts.

NAY - Ayotte, Beaudoin, Beaulieu, Beavers, Bennett, Berry, Black, Boland, Bolduc, Brooks, Campbell J, Campbell R, Carey, Casavant, Cassidy, Chapman, Chase, Chipman, Clark, Cotta, Crafts, Cray, Crockett, Daughtry, Davis, DeChant, Devin, Dickerson, Dion, Doak, Dorney, Dunphy, Espling, Evangelos, Farnsworth, Fitzpatrick, Fredette, Frey, Gattine, Gideon, Gifford, Gilbert, Gillway, Goode, Grant, Guerin, Hamann, Harlow, Harvell, Herbig, Hickman, Hubbell, Jackson, Johnson P, Jorgensen, Keschl, Kinney, Knight, Kornfield, Kruger, Libby A, Lockman, Long, Longstaff, MacDonald S, MacDonald W, Maker, Malaby, Marean, Marks, McClellan, McElwee, McGowan, Monaghan-Derrig, Moonen, Morrison, Nadeau A, Nadeau C, Nelson, Newendyke, Nutting, Parry, Pease, Peavey Haskell, Peoples, Peterson, Plante, Pouliot, Priest, Pringle, Rankin, Reed, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Saucier, Schneck, Short, Sirocki, Stanley, Stuckey, Timberlake, Tipping-Spitz, Treat, Turner, Tyler, Verow, Volk, Wallace, Weaver, Welsh, Willette, Wilson, Winchenbach, Winsor, Wood, Mr. Speaker.

ABSENT - Duprey, Johnson D, Kent, Noon, Sanderson, Villa. Yes, 26; No, 119; Absent, 6; Excused, 0.

26 having voted in the affirmative and 119 voted in the negative, with 6 being absent, and accordingly the motion to **RECEDE AND CONCUR FAILED.**

Representative McCABE of Skowhegan moved that the House **INSIST.**

Representative FREDETTE of Newport moved that the House **RECEDE.**

Representative BERRY of Bowdoinham **REQUESTED** a roll call on the motion to **RECEDE.**

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 Freedom, Representative Jones.

Representative JONES: Thank you, Mr. Speaker. We have two motions on the floor. We have one to Insist and one to Recede. Which one takes precedence here?

The SPEAKER: The Chair would clarify that the motion to Recede has a higher precedent; therefore, the motion to Recede is properly before the body. A roll call is in order.

The SPEAKER: The Chair recognizes the Representative from Old Orchard Beach, Representative MacDonald.

Representative **MacDONALD**: I would like to understand what the Recede motion means and what happens if it fails. Are other things allowed to be brought forth?

The SPEAKER: If the Recede motion fails, that means that Recede and Concur motion has failed, the Recede motion has failed and another motion will need to be put before the body. The motion to Insist will be in order having been made by the Representative from Skowhegan.

The Chair recognizes the Representative from Old Orchard Beach, Representative MacDonald.

Representative **MacDONALD**: If there are any amendments in the House that potentially could come forward is it going to be possible?

The **SPEAKER**: That would depend on how members of this chamber vote.

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

**ROLL CALL NO. 667**

**YEA** - Ayotte, Beaulieu, Bennett, Black, Boland, Briggs, Brooks, Campbell J, Campbell R, Chase, Chenette, Clark, Cotta, Crafts, Cray, Crockett, Davis, Devin, Doak, Dunphy, Espling, Fitzpatrick, Fredette, Gifford, Gillway, Graham, Guerin, Harvell, Hayes, Jackson, Johnson P, Keschl, Kinney, Knight, Libby A, Lockman, Long, MacDonald S, Maker, Malaby, Marean, Marks, McClellan, McElwee, Moriarty, Nadeau A, Newendyke, Nutting, Parry, Pease, Peavey Haskell, Pouliot, Reed, Short, Sirocki, Timberlake, Turner, Tyler, Volk, Wallace, Weaver, Willette, Wilson, Winchenbach, Winsor, Wood.

**NAY** - Beaudoin, Beavers, Beck, Berry, Bolduc, Carey, Casavant, Cassidy, Chapman, Chipman, Cooper, Daughtry, DeChant, Dickerson, Dill, Dion, Dorney, Evangelos, Farnsworth, Fowle, Frey, Gattine, Gideon, Gilbert, Goode, Grant, Hamann, Harlow, Herbig, Hickman, Hobbins, Hubbell, Jones, Jorgensen, Kaenrath, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Longstaff, Luchini, MacDonald W, Mason, Mastraccio, McCabe, McGowan, McLean, Monaghan-Derrig, Moonen, Morrison, Nadeau C, Nelson, Peoples, Peterson, Plante, Powers, Priest, Pringle, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Saucier, Saxton, Schneck, Shaw, Stanley, Stuckey, Theriault, Tipping-Spitz, Treat, Verow, Welsh, Werts, Mr. Speaker.

**ABSENT** - Duprey, Johnson D, Kent, Libby N, Noon, Sanderson, Villa.

Yes, 66; No, 78; Absent, 7; Excused, 0.

66 having voted in the affirmative and 78 voted in the negative, with 7 being absent, and accordingly the motion to **RECEDE FAILED**.

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

Representative **FREDETTE**: Mr. Speaker, Point of Order. Just to clarify for myself and for, I think, members of my caucus, the posture of the current motion on the floor is a motion to Insist, which, if approved, will not allow for any amendments or discussion of amendments on the current bill. Is that correct?

The **SPEAKER**: The Chair would answer in the affirmative.

Representative **FREDETTE**: Thank you, Mr. Speaker.

The same Representative **REQUESTED** a roll call on the motion to **INSIST**.

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 Arundel, Representative Parry.

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

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

Representative **PARRY**: Thank you, Mr. Speaker. So, basically, we are not interested in compromise today, correct?

The **SPEAKER**: The Representative from Arundel, Representative Parry, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Old Orchard Beach, Representative MacDonald.

Representative **MacDONALD**: I am 100 percent in favor of compromise, hence, a potential, what we talked about for the last, I'm not sure how long. I don't generally get too animated

about things and I urge this body, let's just talk about it. I don't know what we are afraid of. For me, this is all about doing the right thing. Please, let's just figure out how to make this happen. It is about compromise. The good Representative from Arundel, I am all about compromise. So, I just urge this body, let's compromise.

The **SPEAKER**: The Chair would remind all members that the pending motion is to Insist on the House's prior motion, action, which was Acceptance of the Majority Report.

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

Representative **KNIGHT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise again. I won't repeat what I just said a few moments ago, but if you can all remember what I said, please repeat it in your minds. If we are going to have compromise, I would encourage you strongly to vote against the motion on the floor. Thank you.

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

Representative **MAKER**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise to support my fellow colleague from Old Orchard Beach. I think that we have discussions to have on this motion and I would agree that we need to reject this motion so that we can have further discussion. I think we all agree there are some things wrong and we need to discuss those issues. So, I would hope that you would support to vote no on this issue. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Cumberland, Representative Moriarty.

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

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

Representative **MORIARTY**: Mr. Speaker, I apologize for having lost the thread of where are now, but if we Insist, do I understand that we then support the bill that added tobacco shops to the pending legislation? Thank you.

The **SPEAKER**: The pending motion is to Insist on our prior actions whereby we engrossed Committee Amendment "A".

Representative **TIMBERLAKE** of Turner moved that the Bill be **TABLED** until later in today's session pending the motion of Representative **McCABE** of Skowhegan to **INSIST**.

Representative **McCABE** of Skowhegan **REQUESTED** a roll call on the motion to **TABLE** until later in today's session pending his motion to **INSIST**.

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 to Table until later in today's session pending Representative **McCabe's** motion to Insist. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 668**

**YEA** - Ayotte, Beaulieu, Bennett, Black, Briggs, Brooks, Campbell R, Casavant, Chase, Clark, Crafts, Cray, Crockett, Davis, DeChant, Doak, Dunphy, Espling, Fitzpatrick, Fredette, Gifford, Gillway, Guerin, Harvell, Hayes, Jackson, Johnson P, Keschl, Kinney, Knight, Libby A, Lockman, Long, MacDonald S, Maker, Malaby, Marean, McClellan, McElwee, Nadeau A, Newendyke, Parry, Pease, Peavey Haskell, Peterson, Pouliot, Reed, Sirocki, Timberlake, Turner, Tyler, Verow, Volk, Wallace, Weaver, Willette, Wilson, Winchenbach, Winsor, Wood.

**NAY** - Beaudoin, Beavers, Beck, Berry, Boland, Bolduc, Campbell J, Carey, Cassidy, Chapman, Chipman, Cooper, Cotta, Daughtry, Devin, Dickerson, Dill, Dion, Dorney, Evangelos, Farnsworth, Fowle, Frey, Gattine, Gideon, Gilbert, Goode, Graham, Grant, Hamann, Harlow, Herbig, Hickman,

Hobbins, Hubbell, Jones, Jorgensen, Kaenrath, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Longstaff, Luchini, MacDonald W, Marks, Mason, Mastraccio, McCabe, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, Nelson, Nutting, Peoples, Plante, Powers, Priest, Pringle, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Saucier, Saxton, Schneck, Short, Stanley, Stuckey, Theriault, Tipping-Spitz, Treat, Welsh, Werts, Mr. Speaker.

ABSENT - Duprey, Johnson D, Kent, Libby N, Noon, Sanderson, Shaw, Villa.

Yes, 60; No, 83; Absent, 8; Excused, 0.

60 having voted in the affirmative and 83 voted in the negative, with 8 being absent, and accordingly the motion to **TABLE** until later in today's session pending the motion of Representative McCABE of Skowhegan to **INSIST FAILED**.

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 have sat here for a few hours now, like all of you, and listened to all of this. I just wanted to say something because I was becoming more and more frustrated. I have broken party lines a lot since I have been here. I have done that and I can tell you that it hasn't been easy for me. I have done it and I have taken a lot of pressure and a lot of heat from a lot of people inside and outside of this building. I did it in the name of compromise. You know, I really try to think of myself as being a consensus builder. The reason I am standing is because I am a little frustrated. I am afraid that if we do pass this Insist motion that it exhibits a lack of what I consider courtesy. You know, I guess it is just not something that I would do. I just wanted to stand up and just say that the pending motion, I am not in favor of, because I just don't think, feel, that it is the right thing to do, regardless of the policy at hand. I feel that we should exhibit courtesy for any member of this body, and I hope that you will follow me and allow a member to pursue a different avenue should that opportunity arise. Please, compromise, thank you.

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

Representative **HICKMAN**: Thank you, Mr. Speaker. Mr. Speaker, Women and Men of the House. Compromise. I am not exactly sure that anyone was elected to serve in this chamber who does not believe in the principles of compromise. There have been many amendments to these original bills as put forth by the Chief Executive and all of those amendments have given us an opportunity to consider the compromises that have been put forth in those amendments. Unfortunately, the majority of this chamber cannot agree to the content of a compromise. That does not mean we are not here to compromise. It does not mean we have not tried to compromise. It means that we have not found a compromise that a majority of this chamber will submit to. It is time, I believe, for us to agree to disagree. We have tried to compromise. We have not found one that works. Thank you, Mr. Speaker.

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

Representative **BOLAND**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I don't know how I would vote on the amendment until it is heard, but we have listened to a number of amendments. There is one last one. It seems a shame to not give it courtesy to the Representative from Old Orchard Beach, we have argued so much about it, we could have been done long ago with the whole thing. I would just like to say, in the same spirit as the Representative from Augusta,

that I think it is a common courtesy for us to allow one last person to be heard. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Skowhegan, Representative McCabe.

Representative **McCABE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. We really can't talk about any pending amendments. I won't pretend to, but I also won't pretend that there is only just one amendment out there. So, for that reason, I will be supporting the pending motion.

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

Representative **CROCKETT**: Thank you, Mr. Speaker. Mr. Speaker, Distinguished Members of the House. We, from time to time, sit in our committee rooms and we have people come before us who espouse some views that just pale in comparison to anything in the realistic world, but when we are sitting at that horseshoe, we let that person speak, because we have always valued a person's right to be heard. That is one of the greatest and guiding tenets of this body or of a democratic government at all. I understand the bill before us has been debated at great length and in several different forums and held several different postures. That being said, the reason it has went to that extent is because it is an important subject. We all acknowledge this is an important subject. If one more go-around to hear out one more of our colleagues can bring us any closer, then we at least owe it to ourselves to try. Now that is not to say that after any potential changes are heard that you don't vote against it. Nobody is committing you to that, but the ability to be heard is what we are here for. We are the voice of the people and when any one of us is silenced, then the voice of a chunk of people, residents and citizens of our state are denied the right to be heard. I would be opposed to the pending motion.

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

Representative **JONES**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I concur with my dear colleague from Bethel. I would respectfully urge the House to vote down the pending motion and, as a next step, entertain a motion to Insist and form a Committee of Conference. Obviously, we are not quite ready to dispense with such an object of great moment. Thank you, Mr. Speaker.

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

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

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

Representative **KNIGHT**: Is it proper to ask a question of a member of the body, specifically?

The **SPEAKER**: The Chair would answer if it relates to the pending motion. The Representative may proceed.

Representative **KNIGHT**: It does. My question would be to the good Representative from Skowhegan, Representative McCabe. I am struggling with my hearing and maybe I misheard him, but I thought he said that if we vote for the Insist motion, which is what I believe he intends to do, that would kill or stop all further discussions of further debate or further potential amendments. I thought he said if he opened it for one, there could be more. My question of him would be would that be bad to have additional suggestions or possibilities to hear. I mean are we so certain that the motion before us is the only possible solution, because I still believe compromise is the answer and I would like to hear his response.

The **SPEAKER**: The Representative from Livermore Falls, Representative Knight, has posed a question through the Chair to the Representative from Skowhegan, Representative McCabe.

The Chair recognizes the Representative from Skowhegan, Representative McCabe.

Representative **McCABE**: Thank you, Mr. Speaker. Thank you for the question. I was able to pick up parts of it. We have had many procedural motions before us at this time and it is moving into the evening. Before us now is the Insist motion. I think we had an opportunity, an opportunity for compromise. I am still feeling a little welted and bruised myself from the discussion around compromise. I felt the other day when a press conference occurred that it really wasn't much interest for compromise. You know, it was referred to as being fraudulent. I was sort of attacked by my character at that press conference. I guess I am uncomfortable, I'm uncomfortable with the notion that amendments are somewhere out there and that we should defeat this and somehow move on to amendments. I have been in the building most of the day. We weren't here until this afternoon. This morning would have been a good time, a good time to reach out and actually propose amendments, if that was the case. I know when I offered them, I made a meeting and went to that meeting at 4 o'clock, offered my amendment and then heard back at 8:30 in the morning that that amendment wasn't acceptable. I guess I am sort of shocked and surprised that amendments are flying around and they came in here before five minutes before we came in. So, I don't know if that answers the question or if that was kind of rambling. Thank you.

The SPEAKER: The Chair recognizes the Representative from Morrill, Representative Pease.

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

The SPEAKER: The Representative may pose his question.

Representative **PEASE**: Is this about someone's pride or is this about doing the work of the people?

The SPEAKER: The Chair would remind members not to question individuals' motives.

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

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

Representative **VOLK**: Thank you. I am rising to clarify a couple of points that the good Representative from Skowhegan seems to be bringing up. We have caucuses before session comes in. We discussed the fact that we were going to be running this bill tonight and the good Representative, my neighbor to the south, Representative MacDonald, from Old Orchard, who had a bill addressing this subject, which was rejected by this body, actually said, you know, is there room for us to compromise? We all said, you know, they will just Indefinitely Postpone it. I don't think, at this point, that is going to happen. And then we all said, hey, why not? She has a right to go down to the Revisor's office and request to bring forth an amendment. She has a right to have that amendment be heard. I am really bothered that the Representative from Skowhegan would question the fact that, yes, it takes the Revisor's office a few minutes to draft the legal language in an amendment. I'm sorry that they weren't able to wave a magic wand and get it done immediately and get it upstairs, but that is how this place works. I am rising to defend my neighbor, my colleague. I don't think there is anything wrong with compromise. I think that her motives are completely just. I think the motives of everybody are just. We are fighting for what we believe in here. We are offering a compromise. We have come a long way from what we were actually looking for. There is a big difference between may and shall. The difference between may and shall means that Hannaford is not going to have a policy where they don't allow people to use these EBT cards for certain purposes, because

Shaw's is going to say, well, we will let them use it. So, those customers are going to Shaw's. That is the difference between may and shall.

The SPEAKER: The Chair recognizes the Representative from Caribou, Representative McElwee.

Representative **McELWEE**: Mr. Speaker, as you know, I rarely stand in the chamber and speak. I don't know why because I certainly have my opinions. I have truly enjoyed the times that I have compromised and that I have worked with my fellow people, legislators, here in the chamber. I think I stand, I know I stand, right now, in the spirit of compromise and talking to each other. I feel that that certainly will make us all feel better in the end. Thank you.

The SPEAKER: The Chair recognizes the Representative from Milford, Representative Peavey Haskell.

Representative **PEAVEY HASKELL**: Thank you, Mr. Speaker. Mr. Speaker, Good Men and Women of the House. I stand to just tell you that whenever there is a town meeting or any meeting in my district, the first question that people ask is, what is it really like down in Augusta? I will say, well, we work very hard to do what we feel is best for our district. If they ask for details, I give them details. Invariably, the response will be "I am so glad to hear that we have a true citizens' legislature who can work together and produce what is best for all the people." I would hate to have to go home and tell them we can't work together on that one, because we can. Thank you.

The SPEAKER: The Chair recognizes the Representative from Windham, Representative Pringle.

Representative **PRINGLE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise reluctantly because of the hour, but I feel I need to explain my vote because I have great empathy for the requests that have been made and my own sense of courtesy says we ought to just hear what this amendment is about, but actually I have a hard time with it because I have a hard time with this bill. I will share a personal experience when I worked as a medical director for the disability insurance company that everybody must know here in Maine as the world's largest disability company. I was hired because the disability company recognized that they had a lot of fraud and they needed more medical expertise to review claims. Benefits specialists didn't have the knowledge they needed to catch the fraud. So, I would review claims and some were very obviously fraud, but I also learned that the company had to make business decisions about what was a smart investment. I would review the claim and it took me a while to learn that the claims that were the most important were those that had the largest payouts and were going to cost the company a lot of reserves and were worth investing time and money to find that fraud and take it to court. So, of course, a benefit specialist might ask me to review of a claim of \$500 a month for maybe only a two year benefit. Well, I would say, okay, I assume you are going to prosecute this fraud. We have the data that this is a fraudulent claim. I had to learn from the attorneys and the business people and the benefits specialists, no, we are going to settle this claim. I had to let go of my feeling that I am going to let that person get away with fraud because the company said, do you know what it will cost us to go to court. That is how I react to a lot of this discussion when I hear, well, what is it going to cost us to catch this, as the Representative from York said, less than one percent of fraudulent claims and we are going to waste all this time and money on a small number of people. I agree, it bothers my ire for doing what is right, but I had to learn and I finally came to understand that that was to the benefit of every other policy holder at that company and for the company to stay in business, they had to say, is it worth spending \$50,000 to go to court on a

claim that only costs us \$2,000? I am going to support the motion on the floor. It is hard for me to do it because I do respect the Representative from Old Orchard Beach and I respect all of my colleagues on the other side of the aisle who I believe we all ought to listen and work together, but I have a hard time supporting this bill no matter how we amend it. Thank you.

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

Representative DICKERSON: Thank you. I have read the amendments and they are in paperless. I have decided that for the reasons that I stated previously, that I also cannot support the amendments. I also feel a great deal of sadness.

The SPEAKER: Would the Representative please defer? I will remind all members that the motion before the House is to Insist. We cannot talk about pending amendments. We are talking about whether the House will Insist on its prior action. The Representative may proceed.

Representative DICKERSON: Thank you, Speaker Eves. I hope I can refer to you as Speaker Eves without being called out of order. I also realize that in this Insisting we are engaging in quite a good deal of Insisting amongst ourselves. I am very sad that we are not Insisting on things in such a passionate way as jobs creation and how we are actually going to educate our children and move our state forward in an insistent and passionate fashion instead of what we happen to be doing currently. Thank you.

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

**ROLL CALL NO. 669**

YEA - Beaudoin, Beavers, Beck, Berry, Bolduc, Brooks, Carey, Cassidy, Chapman, Chipman, Cooper, Daughtry, DeChant, Dickerson, Dill, Dion, Dorney, Evangelos, Farnsworth, Fowle, Frey, Gattine, Gideon, Gilbert, Goode, Graham, Grant, Hamann, Harlow, Herbig, Hickman, Hobbins, Hubbell, Jorgensen, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Longstaff, Luchini, MacDonald W, Mason, Mastraccio, McCabe, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, Nelson, Peoples, Plante, Powers, Priest, Pringle, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Saucier, Schneck, Stanley, Stuckey, Tipping-Spitz, Treat, Welsh, Werts, Mr. Speaker.

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

ABSENT - Duprey, Johnson D, Kent, Libby N, Noon, Saxton, Shaw, Theriault, Villa.

Yes, 72; No, 70; Absent, 9; Excused, 0.

72 having voted in the affirmative and 70 voted in the negative, with 9 being absent, and accordingly the House voted to **INSIST**.

**ENACTORS  
Resolves**

Resolve, Directing the Department of Health and Human Services To Develop a Report with Data on Out-of-state Access to Temporary Assistance for Needy Families Program Benefits

(H.P. 1309) (L.D. 1820)

(C. "A" H-792)

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

On motion of Representative FREDETTE of Newport, was **SET ASIDE**.

The same Representative **REQUESTED** a roll call on **FINAL PASSAGE**.

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

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

**ROLL CALL NO. 670**

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

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

ABSENT - Cotta, Duprey, Johnson D, Kent, Libby N, Noon, Villa.

Yes, 87; No, 57; Absent, 7; Excused, 0.

87 having voted in the affirmative and 57 voted in the negative, with 7 being absent, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

**Emergency Measure**

An Act To Require the Department of Health and Human Services To Report Annually on Investigations and Prosecutions of False Claims Made under the MaineCare, Temporary Assistance for Needy Families and Food Supplement Programs

(H.P. 1317) (L.D. 1829)

(C. "A" H-786)

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

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

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

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

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

**ROLL CALL NO. 671**

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

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

ABSENT - Bolduc, Duprey, Johnson D, Jorgensen, Kent, Libby N, Noon, Villa, Wilson.

Yes, 88; No, 54; Absent, 9; Excused, 0.

88 having voted in the affirmative and 54 voted in the negative, with 9 being absent, and accordingly the Bill **FAILED PASSAGE TO BE ENACTED**.

On motion of Representative BERRY of Bowdoinham the House **RECONSIDERED** its action whereby the Bill **FAILED PASSAGE TO BE ENACTED**.

On motion of Representative FARNSWORTH of Portland, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby the Bill was **PASSAGE TO BE ENGROSSED**.

The same Representative **PRESENTED House Amendment "A" (H-818)**, which was **READ** by the Clerk.

Representative FREDETTE of Newport **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-818)**.

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 Newfield, Representative Campbell.

Representative **CAMPBELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. We talked about compromise a little while ago. We talked about all that bad stuff that was going on with these poor people. Supplement 7, 1829, reads, "An Act to Require the Department of Health and Human Services to Report Annually on Investigations and Prosecutions of False Claims Made Under the MaineCare Temporary Assistance For Needy Families and Food Supplement Programs." Why wouldn't across the aisle vote for this? It is just what they want. The why, oh why, oh why...

The SPEAKER: The Chair would remind members to direct debate directly to the Chair.

The Chair reminded Representative **CAMPBELL** of Newfield to address his comments toward the Speaker.

Representative **CAMPBELL**: Okay, I will ask you the question again. Why wouldn't you want to vote for this? We

have talked about compromise tonight. We talked about people abusing the system. This here should be everything that they across the aisle would want. I know if I was sitting over there, I would want it too. Thank you.

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

Representative **FREDETTE**: Thank you, Mr. Speaker. Compromise means that you have to have both parties and therefore I would ask the Clerk to read the Committee Report.

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

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

The SPEAKER: A roll call has been ordered. The pending question before the House is Adoption of House Amendment "A" (H-818). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 672**

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

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

ABSENT - Duprey, Johnson D, Kent, Libby N, Noon, Villa, Wilson, Winsor.

Yes, 91; No, 52; Absent, 8; Excused, 0.

91 having voted in the affirmative and 52 voted in the negative, with 8 being absent, and accordingly **House Amendment "A" (H-818)** was **ADOPTED**.

Subsequently, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-786)** and **House Amendment "A" (H-818)** in **NON-CONCURRENCE** and sent for concurrence.

**Committee of Conference**

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act To Amend the Expedited Permitting Area for Wind Energy Development under the Jurisdiction of the Maine Land Use Planning Commission"

(H.P. 435) (L.D. 616)

has had the same under consideration, and asks leave to report:

That they are **UNABLE TO AGREE**.

Signed:

Representatives:

BEAVERS of South Berwick

TIPPING-SPITZ of Orono

DUNPHY of Embden

Senators:

CLEVELAND of Androscoggin  
BOYLE of Cumberland  
VITELLI of Sagadahoc

The Committee of Conference Report was **READ** and **ACCEPTED**.

Sent for concurrence.

### CONSENT CALENDAR

#### First Day

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

(S.P. 746) (L.D. 1847) Bill "An Act To Clarify Outcome-based Forestry" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-502)**

(H.P. 1336) (L.D. 1852) Bill "An Act To Amend the Process Regarding the Transfer of Students between School Administrative Units" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-815)**

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

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

(H.P. 1320) (L.D. 1831) Bill "An Act To Allow Signs for Areas of Local, Regional and Statewide Interest on the Interstate System" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-814)**

On motion of Representative WILLETTE of Mapleton, was **REMOVED** from the First Day Consent Calendar.

The Unanimous Committee Report was **READ**.

On further motion of the same Representative, **TABLED** pending **ACCEPTANCE** of the Committee Report and later today assigned.

### ENACTORS

#### Emergency Measure

An Act To Support School Nutrition and Expand the Local Foods Economy

(S.P. 517) (L.D. 1431)  
(S. "A" S-495 to C. "A" S-466)

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

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

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

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

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

#### ROLL CALL NO. 673

YEA - Beaudoin, Beaulieu, Beavers, Beck, Bennett, Berry, Black, Bolduc, Briggs, Brooks, Campbell J, Campbell R, Carey, Casavant, Cassidy, Chapman, Chenette, Chipman, Clark,

Cooper, Cotta, Daughtry, DeChant, Devin, Dickerson, Dill, Dion, Doak, Dorney, Espling, Evangelos, Farnsworth, Fowle, Fredette, Frey, Gattine, Gideon, Gilbert, Gillway, Goode, Graham, Grant, Guerin, Hamann, Harlow, Harvell, Hayes, Herbig, Hickman, Hobbins, Hubbell, Jackson, Johnson P, Jones, Kaenrath, Keschl, Kinney, Knight, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Longstaff, Luchini, MacDonald S, MacDonald W, Maker, Marean, Marks, Mason, Mastraccio, McCabe, McClellan, McElwee, McGowan, McLean, Moonen, Moriarty, Morrison, Nadeau C, Nelson, Nutting, Parry, Peoples, Peterson, Plante, Pouliot, Powers, Priest, Pringle, Rankin, Reed, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Sanderson, Saucier, Saxton, Schneck, Shaw, Short, Stanley, Stuckey, Theriault, Tipping-Spitz, Treat, Turner, Tyler, Verow, Volk, Weaver, Welsh, Werts, Willette, Winchenbach, Wood, Mr. Speaker.

NAY - Ayotte, Chase, Crafts, Cray, Crockett, Davis, Dunphy, Fitzpatrick, Gifford, Libby A, Lockman, Long, Malaby, Nadeau A, Newendyke, Pease, Peavey Haskell, Sirocki, Timberlake.

ABSENT - Boland, Duprey, Johnson D, Jorgensen, Kent, Libby N, Monaghan-Derrig, Noon, Villa, Wallace, Wilson, Winsor.

Yes, 120; No, 19; Absent, 12; Excused, 0.

120 having voted in the affirmative and 19 voted in the negative, with 12 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

#### Emergency Measure

An Act To Amend Certain Provisions of Inland Fisheries and Wildlife Laws

(S.P. 662) (L.D. 1667)  
(C. "A" S-474; H. "A" H-806)

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

Representative WILLETTE of Mapleton **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

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

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

#### ROLL CALL NO. 674

YEA - Ayotte, Beaudoin, Beaulieu, Beavers, Beck, Berry, Black, Boland, Bolduc, Briggs, Brooks, Campbell J, Campbell R, Carey, Casavant, Cassidy, Chapman, Chase, Chenette, Chipman, Clark, Cooper, Cotta, Crafts, Cray, Crockett, Daughtry, Davis, DeChant, Devin, Dickerson, Dill, Dion, Doak, Dorney, Dunphy, Espling, Evangelos, Farnsworth, Fitzpatrick, Fowle, Fredette, Frey, Gattine, Gideon, Gifford, Gilbert, Gillway, Goode, Graham, Grant, Guerin, Hamann, Harlow, Harvell, Hayes, Herbig, Hickman, Hobbins, Hubbell, Jackson, Johnson P, Jones, Jorgensen, Kaenrath, Keschl, Kinney, Knight, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby A, Lockman, Long, Longstaff, Luchini, MacDonald S, MacDonald W, Maker, Malaby, Marean, Marks, Mason, Mastraccio, McCabe, McClellan, McElwee, McGowan, McLean, Moonen, Moriarty, Morrison, Nadeau A, Nadeau C, Nelson, Newendyke, Nutting, Parry, Pease, Peavey Haskell, Peoples, Peterson, Plante, Pouliot, Powers, Priest, Pringle, Rankin, Reed, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Sanderson, Saucier, Saxton, Schneck, Shaw, Short, Sirocki, Stanley, Stuckey, Theriault, Timberlake,



Tipping-Spitz, Treat, Turner, Tyler, Verow, Volk, Wallace, Weaver, Welsh, Werts, Willette, Winchenbach, Wood, Mr. Speaker.

NAY - NONE.

ABSENT - Bennett, Duprey, Johnson D, Kent, Libby N, Monaghan-Derrig, Noon, Villa, Wilson, Winsor.

Yes, 141; No, 0; Absent, 10; Excused, 0.

141 having voted in the affirmative and 0 voted in the negative, with 10 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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**Emergency Measure**

An Act To Protect Maine Lakes

(H.P. 1250) (L.D. 1744)  
(H. "A" H-797 to C. "A" H-781)

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

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

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

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

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

**ROLL CALL NO. 675**

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

NAY - NONE.

ABSENT - Bennett, Berry, Crockett, Duprey, Johnson D, Kent, Libby N, Monaghan-Derrig, Noon, Villa, Volk, Wilson, Winsor.

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

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

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**Emergency Measure**

Resolve, Directing the Workers' Compensation Board To Further Study Improving Protections for Injured Workers Whose

Employers Have Wrongfully Not Secured Workers' Compensation Insurance

(S.P. 736) (L.D. 1833)  
(C. "A" S-491)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 107 voted in favor of the same and 22 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

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**Acts**

An Act To Clarify Telecommunications Regulation Reform

(H.P. 1060) (L.D. 1479)  
(C. "A" H-740)

An Act To Amend the Laws Governing the Process for Funding Virtual Public Charter Schools and Full-time, Online Learning Programs in the State

(H.P. 1189) (L.D. 1617)  
(C. "A" H-796)

An Act To Make Changes to the So-called Dig Safe Law

(S.P. 638) (L.D. 1647)  
(C. "A" S-471)

An Act To Encourage Charitable Contributions to Nonprofit Organizations

(S.P. 659) (L.D. 1664)  
(C. "A" S-492)

An Act To Amend the Laws Governing Charitable Solicitations

(H.P. 1291) (L.D. 1799)  
(H. "B" H-804 to C. "A" H-778)

An Act Concerning Meetings of Boards of Trustees and Governing Bodies of Quasi-municipal Corporations and Districts That Provide Water, Sewer and Sanitary Services

(H.P. 1300) (L.D. 1809)  
(H. "A" H-812 to C. "A" H-798)

An Act To Further the Implementation of the Rockweed Fishery Management Plan

(H.P. 1318) (L.D. 1830)  
(C. "A" H-807)

An Act To Increase the Deduction for Pension Income

(H.P. 1321) (L.D. 1839)  
(C. "A" H-801)

An Act To Delay Implementation of the Maine Metallic Mineral Mining Act and Related Statutory Provisions

(S.P. 750) (L.D. 1851)  
(H. "A" H-799)

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.

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**Resolves**

Resolve, To Develop a Process for Tax Expenditure Review

(H.P. 1048) (L.D. 1463)  
(C. "A" H-800)

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



An Act To Support Solar Energy Development in Maine  
(S.P. 644) (L.D. 1652)  
(C. "A" S-473)

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

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

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

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

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

Representative **DUNPHY**: Mr. Speaker, LD 1652, (10-8), the amendment modifies the legislative findings and goals with this bill. I think we truly do need a study, but I think we need a study of cost and benefits, not a study with predetermined outcomes. So, essentially, it is not a bad bill, but I just think we are studying the wrong thing. Thank you, Mr. Speaker.

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

Representative **TIPPING-SPITZ**: Thank you, Mr. Speaker. I would like to thank the Representative from Embden for standing up to speak. I agree, which is why we put cost effective, I think, five or six more times into the bill.

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. 676**

YEA - Beaudoin, Beaulieu, Beavers, Beck, Berry, Black, Bolduc, Briggs, Brooks, Campbell J, Campbell R, Carey, Casavant, Cassidy, Chapman, Chase, Chenette, Chipman, Cooper, Cray, Crockett, Daughtry, Davis, DeChant, Devin, Dickerson, Dill, Dion, Dorney, Evangelos, Farnsworth, Fowle, Frey, Gattine, Gideon, Gilbert, Gillway, Goode, Graham, Grant, Hamann, Harlow, Harvell, Hayes, Herbig, Hickman, Hobbins, Hubbell, Jackson, Jones, Kaenrath, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby A, Longstaff, Luchini, MacDonald W, Marks, Mason, Mastraccio, McCabe, McGowan, McLean, Moonen, Moriarty, Morrison, Nadeau C, Nelson, Newendyke, Parry, Peoples, Peterson, Plante, Pouliot, Powers, Priest, Pringle, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Sanderson, Saucier, Saxton, Schneck, Shaw, Short, Stanley, Stuckey, Theriault, Tipping-Spitz, Treat, Verow, Volk, Welsh, Werts, Winchenbach, Mr. Speaker.

NAY - Ayotte, Bennett, Boland, Clark, Cotta, Crafts, Doak, Dunphy, Espling, Fitzpatrick, Fredette, Gifford, Guerin, Johnson P, Keschl, Kinney, Knight, Lockman, Long, MacDonald S, Maker, Malaby, Marean, McClellan, McElwee, Nadeau A, Nutting, Pease, Peavey Haskell, Reed, Sirocki, Timberlake, Turner, Tyler, Wallace, Weaver, Willette, Winsor, Wood.

ABSENT - Duprey, Johnson D, Jorgensen, Kent, Libby N, Monaghan-Derrig, Noon, Villa, Wilson.

Yes, 103; No, 39; Absent, 9; Excused, 0.

103 having voted in the affirmative and 39 voted in the negative, with 9 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

On motion of Representative FREDETTE of Newport, was **SET ASIDE**.

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

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

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

Representative **FREDETTE**: Mr. Speaker, my understanding is that I believe there was an amendment put on this bill in the other body. I would ask and I would ask if there is anybody in the House that could confirm if, in fact, there was an amendment put on in the other body of the bill that was passed out of the House?

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

Representative **BERRY**: Thank you, Mr. Speaker. I believe the answer to the question asked by the Representative from Newport is yes.

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

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

The **SPEAKER**: 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. 677**

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

NAY - Boland, Chapman, Cooper, Daughtry, Devin, Dickerson, Evangelos, Goode, Harlow, Jones, Kruger, Moonen, Plante, Priest, Rochelo, Rykerson, Stuckey, Treat.

ABSENT - Duprey, Johnson D, Kent, Libby N, McGowan, Monaghan-Derrig, Noon, Villa, Wilson.

Yes, 124; No, 18; Absent, 9; Excused, 0.

124 having voted in the affirmative and 18 voted in the negative, with 9 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

An Act Regarding Bad Faith Assertions of Patent Infringement

(S.P. 654) (L.D. 1660)  
(C. "A" S-442)

An Act To Clarify the Provisions of a Historic Preservation Tax Credit

(S.P. 655) (L.D. 1661)  
(C. "A" S-493)

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

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

Representative McCABE of Skowhegan **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. 678**

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

NAY - NONE.

ABSENT - Duprey, Johnson D, Kent, Libby N, McGowan, Monaghan-Derrig, Noon, Rochelo, Villa, Wilson.

Yes, 141; No, 0; Absent, 10; Excused, 0.

141 having voted in the affirmative and 0 voted in the negative, with 10 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

An Act To Provide Property Tax Relief to Maine Residents

(H.P. 1257) (L.D. 1751)  
(C. "A" H-785)

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

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

Representative McCABE of Skowhegan **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**: 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 wanted to rise briefly to speak to this bill. This bill was a Unanimous Committee Report. I think all of us probably got phone calls and e-mails last year after we passed the biennial budget that made significant

changes to the Circuit Breaker Program. We are all aware that the Circuit Breaker Program was a program that many seniors and low income people in our districts relied on for property tax relief. Every year people fill out the forms in August to get their circuit breaker and we changed the program in the last budget to become the Property Tax Fairness Credit. This credit exists in Maine law now with a similar intent of the circuit breaker, but folks are not filling out the forms in August. They fill out a worksheet with their taxes this year to qualify for the Property Tax Fairness Credit. Many seniors and low income folks did not qualify in the same way that they used to, did not qualify for the same benefits, so, the Taxation Committee did very good work on this bill. It was a Unanimous Committee Report. I just wanted to remind people of that. The bill dramatically improves the program at no additional costs to the state. More Maine families will be eligible for the credit. Households that qualified for the old circuit breaker used to be able to get up to \$1,600 in property tax relief. Under current law, the new Property Tax Fairness Credit creates a maximum of only \$300 for non-elderly taxpayers and \$400 for those who are 70 or older. This bill will change that maximum credit to \$600 for those under 65 and \$900 for those over 65. It calibrates the eligibility cap so under the current credit that we changed last year, there is a 40 grand annual cap. This phases that out so it makes it so there is less of a cliff. It creates more help for seniors in subsidized housing. The cap that we created last year prevents non-disabled seniors living in subsidized housing from qualifying for the credit. This makes it so they are eligible and it does all those things without any additional cost to the state. I am excited to vote for the bill before us. Thank you, Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Gorham, Representative McLean.

Representative **McLEAN**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise this evening in support of the pending motion. "An Act to Provide Property Tax Relief to Maine Residents" is an important measure in the effort to restore critical relief to property taxpayers across the state. With this bill as the good Representative from Bangor just stated, the amount of property tax credits for low and middle income residents under the age of 65 goes to \$600 and \$900 for filers over the age of 65. It also expands eligibility for renters.

In Gorham, the calls from constituents I dread the most are the ones where a resident is calling because they have run out of places or people to turn to for financial help. Last fall, I received a call from a social worker for an older couple who lived on New Portland Road in Gorham. She was calling as a last resort because the older company had run out of money to pay for their electricity and heating bill. It was late September and the nights were getting quite chilly. While the heat is usually important, paying for the electricity took more of a precedent because the wife used oxygen and needed the electricity for the oxygen tank to work. She was getting by for some time because of generous donations and help from the oxygen company. I, along with many others, spent the next few days calling around to agencies trying to seek out assistance, but this couple ended up having to move out of their home because they could not pay their bills. Choosing between their home and daily survival are decisions that no couple or family or neighbor should ever have to make. Keeping our friends and neighbors in their home must be a priority. Unlike other tax cuts, this type of tax credit puts more money in the hands of those who need it the most, middle class families and seniors. I urge you to join me in supporting this motion. Thank you, Mr. Speaker.

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

Representative **STUCKEY**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise in support of this amended bill and to thank the Taxation Committee for their good work. I am particularly pleased that this credit is now part of the state income tax. I think that is an improvement over the Circuit Breaker Program. The Circuit Breaker Program, while it was available to a good segment of our population, only about 50 percent of those eligible actually learned about it and thought they were eligible and made the effort to apply. This expands the participation in that program and, for that, I applaud the committee's work.

I just want to point out that the reduction in the amount of the rebate at the same time as the people on the low end of the income scale were trying to absorb and realized had they really gotten a tax cut from the tax policies proposed in the last Legislature and I think that if you look at the tax cut for people on the lower 20, 30 or 40 percent of taxpayers, the average tax cut is somewhere in the order of \$77 a year. I would suggest, Mr. Speaker, that the reduction in the Circuit Breaker was far more in excess of that. So, while this bill attempts to restore some tax fairness, we still have a long way to go to make up for the decisions we made in the last session. Thank you, Mr. Speaker.

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

Representative **KNIGHT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This bill is, I think, evidence of what happens when one compromises and works together across the aisle. This is a Unanimous Committee Report. I urge you to follow my light. Vote green. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Farmington, Representative Harvell.

Representative **HARVELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. You had me with tax relief.

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. 679**

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

**NAY** - NONE.

**ABSENT** - Doak, Duprey, Johnson D, Kent, Libby N, McGowan, Monaghan-Derrig, Noon, Villa, Wilson.

Yes, 141; No, 0; Absent, 10; Excused, 0.

141 having voted in the affirmative and 0 voted in the negative, with 10 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 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.

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

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

(C. "A" H-656)

**TABLED** - March 20, 2014 (Till Later Today) by Representative McCABE of Skowhegan.

**PENDING - PASSAGE TO BE ENACTED.** (Roll Call Ordered)

Subsequently, on motion of Representative SANDERSON of Chelsea, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION.**

On further motion of the same Representative, the House **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENGROSSED.**

On further motion of the same Representative, the rules were **SUSPENDED** for the purpose of **FURTHER RECONSIDERATION.**

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-656)** was **ADOPTED.**

The same Representative **PRESENTED House Amendment "A" (H-816)** to **Committee Amendment "A" (H-656)** which was **READ** by the Clerk.

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

Representative **SANDERSON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. When this bill first came before this chamber making its way through, I stood in opposition to the bill for I was very concerned about putting actual rates in statute whereas the department already voluntarily gives a great differential. I would like to thank the good Representative Berry for his work with the Executive on the second floor to come up with this amendment, which actually removes those pieces from statute which were of concern to our caucus on this side of the aisle and also it makes another change. We have stepped one, two, three and four with our daycare and when they meet a specific criteria that is when they get a rate change. Currently, in statute, if a daycare does not move up after a year, they are put all the way back down to the first tier. Representative Berry has worked with the second floor and now as long as that daycare maintains that criteria, they will maintain the level of which they have attained for the services they are providing, which will help to certainly maintain a good business environment for these daycares. So, I urge you all to support this amendment. Thank you.

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

Representative **BERRY**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I want to thank the Representative from Chelsea for her work and the work of the entire HHS Committee on this bill. As the title implies, it really is about giving greater business certainty to providers of quality childcare. The research is abundantly clear that quality childcare, not just any childcare, but quality childcare is what is going to move us forward to realize the great return on investments that

investing in our young children can have. This is now, as it's amended, a small measure that will provide an important degree of business certainty to those providers at step two and step three and will help to make sure that we deliver those quality benefits to our children and to all of our future. Thank you, Mr. Speaker.

Subsequently, **House Amendment "A" (H-816) to Committee Amendment "A" (H-656) was ADOPTED.**

**Committee Amendment "A" (H-656) as Amended by House Amendment "A" (H-816) thereto was ADOPTED.**

Representative FREDETTE of Newport **REQUESTED** a roll call **PASSAGE TO BE ENGROSSED as Amended by Committee Amendment "A" (H-656) as Amended by House Amendment "A" (H-816)** thereto.

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

The **SPEAKER**: The Chair recognizes the Representative from Old Orchard Beach, Representative MacDonald.

Representative **MacDONALD**: Thank you, Mr. Speaker. I just want to say I appreciate the ability to hear what this amendment says. Thank you.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Passage to be Engrossed as Amended by Committee Amendment "A" (H-656) as Amended by House Amendment "A" (H-816) thereto. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 680**

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

NAY - NONE.

ABSENT - Duprey, Johnson D, Kent, Libby N, McGowan, Monaghan-Derrig, Noon, Villa, Wilson.

Yes, 142; No, 0; Absent, 9; Excused, 0.

142 having voted in the affirmative and 0 voted in the negative, with 9 being absent, and accordingly the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-656) as Amended by House Amendment "A" (H-816)** thereto in **NON-CONCURRENCE** and sent for concurrence.

**BILLS HELD**

An Act To Reform Regulation of Consumer-owned Water Utilities

(S.P. 710) (L.D. 1784)  
(C. "A" S-484)

- In House, **PASSED TO BE ENACTED.**

**HELD** at the Request of Representative McCABE of Skowhegan.

Subsequently, on motion of Representative McCABE of Skowhegan, the House **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENACTED.**

Subsequently, on further motion of the same Representative, **TABLED** pending **PASSAGE TO BE ENACTED** and later today assigned.

**COMMUNICATIONS**

The Following Communication: (H.C. 407)

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

April 7, 2014

The 126th Legislature of the State of Maine  
State House  
Augusta, Maine

Dear Honorable Members of the 126th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 1060, "An Act To Lower Electrical Costs through Transmission Alternatives and Renewable Sources."

Maine residents and businesses are subject to some of the highest electricity rates in the country. Many Maine citizens currently have difficulty paying their electric bills, and our high rates make us unable to attract new manufacturing facilities to the State. Therefore, this administration opposes proposals that would further increase rates, and/or which would require some ratepayers to subsidize the bills of other ratepayers.

This legislation does both. LD 1060 would expand the State's net energy billing program, which allows ratepayers who install small, renewable energy facilities, such as solar panels and small wind turbines, to be effectively credited for this electricity at retail prices, by being paid for the electricity they generate over and above the generation credit and avoid transmission and distribution costs. Both these actions have a cost, which would be paid for by all other ratepayers who don't have the ability to install this technology. Currently, the program results in a loss of revenue that is made up by other ratepayers. For CMP the amount is \$425,000 per year. For Emera, the amount is \$112,000 across Aroostook County and the rest of their service area.

Solar should be paid at competitive prices and having distributed generation is a positive development for the State. However, these small generators should also pay for the transmission and distribution system and not simply pass costs onto businesses and hard-working Maine families.

For these reasons, I return LD 1060 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage

Governor

**READ and ORDERED PLACED ON FILE.**

The accompanying item An Act To Lower Electrical Costs through Transmission Alternatives and Renewable Sources

(H.P. 753) (L.D. 1060)  
(C. "A" H-646)

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

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

**ROLL CALL NO. 681V**

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

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

ABSENT - Duprey, Johnson D, Kent, Libby N, McGowan, Monaghan-Derrig, Noon, Rochelo, Villa, Wilson.

Yes, 85; No, 56; Absent, 10; Excused, 0.

85 having voted in the affirmative and 56 voted in the negative, with 10 being absent, and accordingly the Veto was **SUSTAINED**.

The Following Communication: (S.C. 899)

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

April 7, 2014

The 126th Legislature of the State of Maine  
State House  
Augusta, Maine

Dear Honorable Members of the 126th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 1671, "An Act To Prohibit Motorized Recreational Gold Prospecting in Class AA Waters and Certain Atlantic Salmon and Brook Trout Habitats."

This bill was proposed following a bill passed in June during the First Regular Session that restricted the type of equipment that can be used in motorized recreational prospecting. That bill, LD 1135, also asked that the Department of Environmental Protection undertake rulemaking that would cover the entire State of Maine with the exception of the Unorganized Territories.

This would have required the Department to complete rulemaking for an enormous area—including thousands of miles of streams—in just six months, all while continuing to accomplish its regular work plan for that same period. When the Department did not complete this enormous administrative undertaking, this bill was submitted.

LD 1671 seeks to add to the work of the Executive branch by requiring that two additional departments undertake detailed work

on specific streams so that the Legislature might take further action and presumably require further work from the departments.

All of this is exclusively the responsibility of the Executive branch. When the Legislature gives detailed instructions to Executive departments on what work they should do, how and when, it is an overreach of their authority and a clear violation of the separation of powers.

For these reasons, I return LD 1671 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,  
S/Paul R. LePage  
Governor

Came from the Senate, **READ** and **ORDERED PLACED ON FILE**.

**READ** and **ORDERED PLACED ON FILE** in concurrence.

The accompanying item An Act To Prohibit Motorized Recreational Gold Prospecting in Class AA Waters and Certain Atlantic Salmon and Brook Trout Habitats (EMERGENCY)

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

(C. "A" S-424)

In Senate, April 8, 2014, this Bill, having been returned by the Governor, together with objections to the same, pursuant to the provisions 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?'

32 voted in favor and 0 against, and 32 being more than 2/3 of the members present and voting, accordingly it was the vote of the Senate that the Bill become law and the veto was overridden.

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

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

**ROLL CALL NO. 682V**

YEA - Beaudoin, Beaulieu, Beavers, Beck, Bennett, Berry, Black, Boland, Bolduc, Briggs, Brooks, Campbell J, Campbell R, Carey, Casavant, Cassidy, Chapman, Chenette, Chipman, Cooper, Cray, Crockett, Daughtry, DeChant, Devin, Dickerson, Dill, Dion, Doak, Dorney, Dunphy, Espling, Evangelos, Farnsworth, Fowle, Fredette, Frey, Gattine, Gideon, Gilbert, Gillway, Goode, Graham, Grant, Guerin, Hamann, Harlow, Harvell, Hayes, Herbig, Hickman, Hobbins, Hubbell, Jackson, Jones, Jorgensen, Kaenrath, Keschl, Kinney, Knight, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Longstaff, Luchini, MacDonald W, Maker, Malaby, Marean, Marks, Mason, Mastraccio, McCabe, McLean, Moonen, Moriarty, Morrison, Nadeau C, Nelson, Newendyke, Nutting, Parry, Pease, Peoples, Plante, Pouliot, Powers, Priest, Pringle, Rankin, Reed, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Saucier, Saxton, Schneck, Shaw, Short, Stanley, Stuckey, Theriault, Timberlake, Tipping-Spitz, Treat, Turner, Tyler, Verow, Volk, Wallace, Welsh, Werts, Winchenbach, Wood, Mr. Speaker.

NAY - Ayotte, Chase, Clark, Cotta, Crafts, Davis, Fitzpatrick, Gifford, Johnson P, Libby A, Lockman, Long, MacDonald S, McClellan, McElwee, Nadeau A, Peavey Haskell, Peterson, Sanderson, Sirocki, Weaver, Willette, Winsor.

ABSENT - Duprey, Johnson D, Kent, Libby N, McGowan, Monaghan-Derrig, Noon, Villa, Wilson.

Yes, 119; No, 23; Absent, 9; Excused, 0.

LEGISLATIVE RECORD - HOUSE, April 8, 2014

119 having voted in the affirmative and 23 voted in the negative, with 9 being absent, and accordingly the Veto was **NOT SUSTAINED** in concurrence.

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

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On motion of Representative HICKMAN of Winthrop, the House adjourned at 7:53 p.m., until 10:00 a.m., Wednesday, April 9, 2014 in honor and lasting tribute to the victims of the Holocaust.