

# 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  
 43rd Legislative Day  
 Tuesday, April 15, 2014

The Speaker resumed the Chair.  
 The House met according to adjournment and was called to order by the Speaker.  
 Prayer by Pastor Scott Townsend, Calvary Baptist Church, Warren.  
 National Anthem by Rebecca Reed, Vassalboro.  
 Pledge of Allegiance.  
 Doctor of the day, Chris Connors, M.D., Cumberland.

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

The Journal of yesterday was read and approved.

**COMMUNICATIONS**

The Following Communication: (H.C. 420)

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

April 15, 2014

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

Dear Speaker Eves:

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

Appropriations and Financial Affairs

- |          |   |           |
|----------|---|-----------|
| L.D. 16  | An Act To Authorize a General Fund Bond Issue To Invest in Transportation Infrastructure (BOND ISSUE)   | L.D. 925  |
| L.D. 62  | An Act To Provide Additional Funding for Respite Care for the Elderly and for Adults with Disabilities  | L.D. 928  |
| L.D. 87  | An Act To Improve Community Mental Health Treatment   | L.D. 939  |
| L.D. 126 | An Act To Provide a Sales Tax Exemption to Incorporated Nonprofit Performing Arts Organizations   | L.D. 1010 |
| L.D. 180 | An Act Concerning the Use of Tobacco Settlement Funds for Children's Health Care  | L.D. 1011 |
| L.D. 228 | An Act To Authorize a General Fund Bond Issue To Reduce Energy Costs by Weatherizing and Upgrading the Energy Efficiency of Maine Homes and Businesses and To Create Jobs by Providing for a Trained Workforce for Maine's Energy Future (BOND ISSUE) | L.D. 1036 |
| L.D. 273 | An Act Authorizing a General Fund Bond Issue To Fund the Dredging of Casco Bay and the Expansion of the Portland Fish Exchange (BOND ISSUE)   | L.D. 1052 |
| L.D. 294 | An Act To Authorize a General Fund Bond Issue To Construct a Facility To Assist Maine   | L.D. 1090 |

Agriculture in Control of Animal and Plant Diagnostics (BOND ISSUE)

An Act To Authorize a General Fund Bond Issue To Provide Weatherization Rebates for Veterans and Persons Eligible for Social Security (BOND ISSUE)

An Act To Authorize a General Fund Bond Issue To Improve Rail Lines in Western Maine (BOND ISSUE)

An Act To Authorize a General Fund Bond Issue To Complete Renovation of a Pier at the Gulf of Maine Research Institute (BOND ISSUE)

An Act To Improve Access to Home-based and Community-based Care in the MaineCare Program

An Act To Authorize a General Fund Bond Issue To Invest in Transportation, Broadband Infrastructure, Downtown Revitalization, Land for Maine's Future Board and Training Facilities for Tourism-related Training in Labor Market Areas with Higher-than-average Unemployment (BOND ISSUE)

An Act To Allow a Person Who Is 21 Years of Age or Older To Expunge Certain Criminal Convictions

An Act To Provide Assistance to Maine's Dairy Farms

An Act To Authorize a General Fund Bond Issue To Fund the Construction of a New State Archives Facility (BOND ISSUE)

An Act Regarding Service of Small Claims Notices

An Act To Authorize a General Fund Bond Issue To Reduce the Cost of Shipping for Maine Businesses, Attract Tourists and Facilitate the Development of Commuter Rail Transportation (BOND ISSUE)

An Act To Authorize a General Fund Bond Issue for Riverfront Community Development (BOND ISSUE)

An Act To Improve MaineCare Nursing Home Reimbursement To Preserve Access and Promote Quality

An Act To Restore Maine's Groundfishing Industry

An Act To Authorize a General Fund Bond Issue To Ensure Clean Water (BOND ISSUE)

An Act To Authorize a General Fund Bond Issue To Upgrade Facilities and Purchase Classroom Equipment for Maine's Seven Community Colleges (BOND ISSUE)

An Act To Amend the Social Work Education Loan Repayment Program

An Act To Authorize a General Fund Bond Issue To Improve Intermodal Infrastructure (BOND ISSUE)

An Act To Authorize a General Fund Bond Issue To Expand Nursing Programs at Maine's Seven Community Colleges (BOND ISSUE)

An Act To Authorize a General Fund Bond Issue To Support Waterfront Development (BOND ISSUE)

An Act To Authorize a General Fund Bond Issue To Revitalize Maine's Downtowns

through Innovative Business Development and the Creative Economy (BOND ISSUE)

- L.D. 1125 An Act To Authorize a General Fund Bond Issue To Expand Public Water Infrastructure to Areas with Contaminated Well Water (BOND ISSUE)
- L.D. 1157 An Act To Establish the Fair Chance for Employment Act
- L.D. 1163 An Act To Authorize a General Fund Bond Issue To Fund Main Street and Downtown Economic Development Projects (BOND ISSUE)
- L.D. 1188 Resolve, Directing the Department of Health and Human Services To Amend Its Rules of Reimbursement under the MaineCare Program for Audiology and Speech-language Pathology Services
- L.D. 1418 An Act To Authorize a Matching General Fund Bond Issue for Improvements to the Seven Community College Campuses (BOND ISSUE)
- L.D. 1492 An Act To Authorize a General Fund Bond Issue To Strengthen Maine's Economy and Communities (BOND ISSUE)

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

Sincerely,  
S/Millicent M. MacFarland  
Clerk of House

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

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

**UNFINISHED BUSINESS**

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

Expression of Legislative Sentiment Recognizing Chief Terry C. Polchies, of Aroostook County and now of Bangor (HLS 929)

TABLED - April 14, 2014 (Till Later Today) by Representative McCABE of Skowhegan.  
PENDING - **PASSAGE.**

The SPEAKER: The Chair recognizes the Representative from the Houlton Band of Maliseet Indians, Representative Bear.

Representative **BEAR**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. It is with great pride that I stand and ask this body to recognize the life achievements of a Maliseet Chief, who would be here today, but for an emergency, which put him in ICU and he's recovering well. But I wish he had been here, his family as well, who is attending to him, is not able to attend either. So on my own I stand and speak to this. Chief Polchies is a very humble man who quietly had a role at key points in the effort to have Maliseets recognized during the Maine Indian Claims Settlement Act process. He was able to meet with the Passamaquoddy and Penobscot Chiefs and urged them to advocate for our having a role in that process, and he was successful. He was able to advocate that the Tribe, although we had a longstanding and well known relationship with the United States by virtue of treaties, specifically the Watertown Treaty of 1776, which had kind of gone forgotten, but he worked with that in mind to remind the United States, the State of Maine

and the other chiefs of the Maliseet presence and role historically, and insisted on recognition in the modern sense and he did so. And that's why, through his efforts, we were, once again, restored to recognition by the United States which was a key component in several successes we've had in changing the experience of the Maliseet Tribe recently from what was not very good to significant improvements, and I'd like this body to recognize his role in that. But his background should also be noted as his efforts in a personal way. He was the first Maliseet to graduate from high school, from the Houlton High School, which it was a significant breakthrough for the Tribe, and, since then, following his lead, others have been successful in finishing high school. I would also point out that he was instrumental in establishing services for the off-reservation tribal members in this state with the Central Maine Indian Association where he was president, where he also was part of Tribal Governors Incorporated which worked to start businesses. He was instrumental in providing food for tribal needy, both on and off reserve. So I believe he is deserving of this recognition and I appreciate the body acknowledging him for his life achievements which are, in my view, well deserved. Thank you very much, Mr. Speaker.

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

Representative **BROOKS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I join with my good friend, Representative Bear, in wishing Chief Terry Polchies and his wife Sylvia the best, absolutely the best. I understand he is in Eastern Maine Medical Center after having undergone a pretty severe heart attack. He is an old friend, he was a pal many, many years ago, and he was recognized as being an integral part of the settlement that came several years later, and he's an honor to his position as Chief, as former Chief of the Maliseets. Thank you, Mr. Speaker.

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

**REPORTS OF COMMITTEE  
Ought to Pass as Amended**

Report of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Implement the Recommendations of the Commission To Study Long-term Care Facilities" (EMERGENCY)

(S.P. 704) (L.D. 1776)

Reporting **Ought to Pass as Amended by Committee Amendment "A" (S-497).**

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-497) AS AMENDED BY SENATE AMENDMENT "A" (S-521)** thereto.

Report was **READ** and **ACCEPTED.**

The Bill **READ ONCE. Committee Amendment "A" (S-497)** was **READ** by the Clerk.

**Senate Amendment "A" (S-521) to Committee Amendment "A" (S-497)** was **READ** by the Clerk and **ADOPTED.**

**Committee Amendment "A" (S-497) as Amended by Senate Amendment "A" (S-521)** thereto **ADOPTED.**

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment**

**"A" (S-497) as Amended by Senate Amendment "A" (S-521)** thereto in concurrence.

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**ENACTORS**  
**Emergency Measure**

An Act To Establish a Moratorium on the Approval and Operation of Virtual Public Charter Schools

(S.P. 340) (L.D. 995)  
(S. "B" S-514)

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

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

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**Acts**

An Act To Establish a Process for the Implementation of Universal Voluntary Public Preschool Programs for Children 4 Years of Age

(S.P. 577) (L.D. 1530)  
(S. "A" S-518 to C. "A" S-508)

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

An Act To Establish a Moratorium on the Approval and Operation of Virtual Public Charter Schools

(S.P. 340) (L.D. 995)  
(S. "B" S-514)

Which was **TABLED** by Representative McCABE of Skowhegan pending **PASSAGE TO BE ENACTED**.

Subsequently, this being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 83 voted in favor of the same and 54 against, and accordingly the Bill **FAILED PASSAGE TO BE ENACTED** and was sent to the Senate.

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

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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.

Bill "An Act To Achieve the Savings Required under Part F of the Biennial Budget and To Change Certain Provisions of the Law for Fiscal Years Ending June 30, 2014 and June 30, 2015" (EMERGENCY)

(H.P. 1349) (L.D. 1858)

**TABLED** - April 14, 2014 (Till Later Today) by Representative McCABE of Skowhegan.

**PENDING - PASSAGE TO BE ENGROSSED.**

Subsequently, Representative ROTUNDO of Lewiston **PRESENTED House Amendment "B" (H-833)**, which was **READ** by the Clerk and **ADOPTED**.

Subsequently, Representative STUCKEY of Portland **PRESENTED House Amendment "A" (H-832)**, which was **READ** by the Clerk.

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 have great respect for the commitment of our Appropriations and Financial Affairs Committee and the consensus they have reached. This amendment does nothing to disrupt or alter the unanimous report they have brought us today. This amendment does, however, Mr. Speaker, challenge the conventional thinking in this building that we can't do things we all agree should be done because we don't have the money. I call this the can-do amendment. Mr. Speaker, let me be perfectly clear: I do not believe it's MaineCare that is cannibalizing our budget. I believe it's the \$400 million plus unfunded income and estate tax cuts handed to us by the 125th Legislature. So the first thing we can do is repeal them both – and their TABOResque ratchet – right here, right now, this year, and we can make sure that LD 1120 closes our offshore tax haven loopholes.

And now, Mr. Speaker, let's look at some of the other things we can do: We can begin eliminating the waiting lists for Sections 21 and 29, and all the other Office of Aging and Disability Services programs. For \$41.3 million, plus \$55.6 million in federal funds, we can get rid of these waiting lists, all of them, right away, starting this summer. We can also begin this summer to provide the additional community mental health services that would finally bring the state into compliance with the decades old Consent Decree. That would cost us \$2.6 million. We can begin right away, not a year from now, reimbursing our nursing facilities for the full amount of their allowable costs. A year is probably too long for some of them to wait. Eleven point six million dollars will draw down another \$18.8 million in federal funds to help keep these beds where they belong. We can put \$42 million, Mr. Speaker, into the EPS Funding Formula, keeping school districts whole while allowing us to remove the federal Title I money and allocate it as it was intended, to supplement, not supplant state and local funds. We can restore the incredibly successful Community Schools grants to the Healthy Maine Partnerships. That's \$4.6 million invested in on the ground public health programs and services focusing on young Mainers. We can restore longevity pay and the noncumulative 2014 COLA for state employees. Eleven point one million dollars will send them a small signal that what they do and how they do it matters to us. We can return eligibility for the Low Cost Drugs for the Elderly and Disabled and the Medicare Savings Programs to their pre-2012 levels. Six point three million dollars will restore these services and some piece of mind to upwards of 3,000 very low income and physically challenged people. We all know who they are, and how hard it is sometimes for them to ask for help. We can speak up for our youngest Mainers and their parents by reopening recently closed Head Start classrooms and returning those undeniably helpful Home Visitors who support families with young children in communities all across our state. Six point three million dollars will do all of that and seed the restoration of state child care payments to 75 percent of the market rate, and restore the program quality rate differentials.

There's more. We can build on the eligibility and participation changes made to the new Property Tax Fairness Credit in LD 1751. It's great that the program is now attached to the State Income Tax return. Many more eligible people will now apply, but

the maximum credit has been cut almost in half. Three point seven million dollars would begin aligning this new program with the more robust tax fairness intention of the original Circuit Breaker rebates. We can promote more tax fairness by restoring \$51 million to Municipal Revenue Sharing. That's more tax fairness, providing all Maine residents with relief from our most regressive tax, the property tax.

And finally, my favorite, we can really reward work. We can expand and make fully refundable the program President Reagan called "the best anti-poverty, the best pro-family, the best job creation measure to ever come out of Congress." Thirty-one point five million dollars will allow us to make the state Earned Income Tax Credit fully refundable and raise it to 12.5 percent of the federal credit. There you have it, Mr. Speaker. We can do a lot of good. These are smart investments. Most will reduce costs, and all will improve outcomes going forward.

At the same time, though, they'll eliminate a lot of the divisiveness and anger the current system creates. We have too many people paying no taxes and not enough people paying their fair share. According to the Chief Executive, last session we eliminated state income tax liability for over 70,000 Maine families. Is that fairness? I think most people would say no, including many of those who no longer have to pay. And many people who are paying taxes are working hard just to make ends meet, a livable wage but not much discretionary income. They pay at the same rate as people making 10 times their income, or more. Is that tax fairness? Again, I think most people would say no, including many of those who agree they aren't paying enough. This can do amendment tries hard to restore measures of fairness to our tax system.

Think about it this way, Mr. Speaker: If we repeal the unfunded tax cuts handed to us by the last Legislature, then tax families with incomes of under \$100,000 would forego cuts of under \$700, most of them under \$400, and many of them under \$100. And the taxes they would pay would allow us to strengthen our community services, and support and dramatically improve our collective quality of life. And, Mr. Speaker, if we repeal those tax cuts, families with incomes between \$100,000 and \$160,000 would forego an average of a little over \$800, incomes up to \$326,000 would average forgoing tax cuts of a little under \$1,100, and those with incomes over \$326,000 would average just under \$3,100 in tax cuts. And their taxes would allow us to restore and expand programs that promote civil/civic engagement and tax fairness. Together, we can make sure Maine is the way life should be for all of us. Whether we pull a big oar or a little oar, or no oar at all, we're all responsible for keeping the boat afloat and moving forward. Thank you, Mr. Speaker.

Representative ROTUNDO of Lewiston moved that **House Amendment "A" (H-832)** be **INDEFINITELY POSTPONED**.

The same Representative **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "A" (H-832)**.

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 Indefinite Postponement of House Amendment "A" (H-832). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 707**

YEA - Beaudoin, Beaulieu, Beavers, Beck, Bennett, Berry, Black, Bolduc, Brooks, Campbell J, Campbell R, Carey, Chase, Chenette, Clark, Cooper, Cotta, Crafts, Cray, Crockett, Davis, Dill, Dion, Doak, Dorney, Dunphy, Duprey, Espling, Farnsworth, Fitzpatrick, Fowle, Fredette, Gattine, Gideon, Gifford, Gilbert, Gillway, Graham, Grant, Guerin, Harvell, Hayes, Herbig,

Hobbins, Hubbell, Jackson, Johnson P, Jorgensen, Kaenrath, Keschl, Kinney, Knight, Kornfield, Kruger, Kumiega, Lajoie, Libby A, Libby N, Lockman, Long, Longstaff, Luchini, MacDonald S, MacDonald W, Maker, Marean, Marks, Mastraccio, McCabe, McClellan, McElwee, McLean, Moriarty, Morrison, Nadeau A, Nelson, Newendyke, Nutting, Parry, Pease, Peavey Haskell, Peoples, Plante, Pouliot, Powers, Priest, Pringle, Rankin, Reed, Rochelo, Rotundo, Sanborn, Sanderson, Saucier, Saxton, Short, Sirocki, Stanley, Theriault, Timberlake, Treat, Turner, Tyler, Verow, Volk, Wallace, Weaver, Welsh, Werts, Willette, Wilson, Winchenbach, Winsor, Wood, Mr. Speaker.

NAY - Briggs, Casavant, Cassidy, Chapman, Chipman, Daughtry, DeChant, Devin, Dickerson, Evangelos, Goode, Hamann, Harlow, Hickman, Jones, Kent, Kusiak, McGowan, Monaghan-Derrig, Moonen, Peterson, Russell, Schneck, Stuckey, Tipping-Spitz, Villa.

ABSENT - Ayotte, Boland, Frey, Johnson D, Malaby, Mason, Nadeau C, Noon, Rykerson, Shaw.

Yes, 115; No, 26; Absent, 10; Excused, 0.

115 having voted in the affirmative and 26 voted in the negative, with 10 being absent, and accordingly **House Amendment "A" (H-832)** was **INDEFINITELY POSTPONED**.

Subsequently, Representative LOCKMAN of Amherst **PRESENTED House Amendment "C" (H-834)**, which was **READ** by the Clerk.

The same Representative **REQUESTED** a roll call on the motion to **ADOPT House Amendment "C" (H-834)**.

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

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

Representative **LOCKMAN**: Thank you, Mr. Speaker. Mr. Speaker, this budget amendment attempts to address the problem of Maine's demographic winter that we're all familiar with. Maine is now the oldest state in the nation. After decades of anemic economic growth in Maine, including the eight years of the previous administration when a net 56 private sector jobs were created, young people are leaving Maine in search of better opportunities elsewhere. We're also losing retirees because we tax the daylights out of their pensions. This amendment would increase the pension deduction and offer tax relief to retirees, and we'll pay for it with reductions in the budget to the Office of Information Technology which has about 450 fulltime employees, spends about \$140 million a year, and I'll give you just one example of how that money gets spent. I have a constituent who works for DOT. They lease him a laptop for \$1,200 a year and this is common practice. As far as I'm concerned, if we can afford \$1,200 a year for laptop leases, we can certainly afford to offer some modest tax relief to our retirees. Thank you, Mr. Speaker.

Representative ROTUNDO of Lewiston moved that **House Amendment "C" (H-834)** be **INDEFINITELY POSTPONED**.

Representative LOCKMAN of Amherst **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "C" (H-834)**.

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 Indefinite Postponement of House Amendment "C" (H-834). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 708**

YEA - Beaudoin, Beavers, Beck, Berry, Bolduc, Briggs, Brooks, Campbell J, Campbell R, Carey, Casavant, Cassidy, Chapman, Chase, Chenette, Chipman, Clark, Cooper, Daughtry, DeChant, Devin, Dickerson, Dill, Dion, Doak, Dorney, Evangelos, Farnsworth, Fowle, Fredette, Gattine, Gideon, Gilbert, Goode, Graham, Grant, Hamann, Harvell, Hayes, Herbig, Hickman, Hobbins, Jorgensen, Kaenrath, Kent, Keschl, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby N, Longstaff, Luchini, MacDonald W, Marks, Mastraccio, McCabe, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau A, Nelson, Pease, Peoples, Peterson, Plante, Pouliot, Powers, Priest, Pringle, Rankin, Rochelo, Rotundo, Russell, Sanborn, Saucier, Saxton, Schneck, Short, Stanley, Stuckey, Theriault, Tipping-Spitz, Treat, Tyler, Verow, Villa, Welsh, Werts, Willette, Wilson, Winsor, Mr. Speaker.

NAY - Beaulieu, Bennett, Black, Cotta, Crafts, Cray, Crockett, Davis, Dunphy, Duprey, Espling, Fitzpatrick, Gifford, Gillway, Guerin, Harlow, Jackson, Johnson P, Jones, Kinney, Knight, Libby A, Lockman, Long, MacDonald S, Maker, Marean, McClellan, McElwee, Newendyke, Nutting, Parry, Peavey Haskell, Reed, Sanderson, Sirocki, Timberlake, Turner, Volk, Wallace, Weaver, Winchenbach, Wood.

ABSENT - Ayotte, Boland, Frey, Hubbell, Johnson D, Malaby, Mason, Nadeau C, Noon, Rykerson, Shaw.

Yes, 97; No, 43; Absent, 11; Excused, 0.

97 having voted in the affirmative and 43 voted in the negative, with 11 being absent, and accordingly **House Amendment "C" (H-834)** was **INDEFINITELY POSTPONED**.

Subsequently, the Bill was **PASSED TO BE ENGROSSED as Amended by House Amendment "B" (H-833)** and sent for concurrence.

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

**CONSENT CALENDAR**

**First Day**

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

(H.P. 314) (L.D. 464) Bill "An Act To Change Compensation for Career and Technical Education Region Cooperative Board Meeting Attendance" Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "B" (H-836)**

(H.P. 357) (L.D. 538) Bill "An Act To Align Costs Recognized for Transfer of Nursing Facilities and Residential Care Facilities with Ordinary Commercial and Government Contracting Standards" Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "B" (H-837)**

(H.P. 630) (L.D. 906) Bill "An Act To Permit a School Administrative Unit Discretion Concerning Participation of Students from Charter Schools in School Extracurricular and Interscholastic Activities" Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "B" (H-838)**

(H.P. 829) (L.D. 1185) Bill "An Act To Enhance Efforts To Use Locally Produced Food in Schools" Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "B" (H-839)**

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

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

**SENATE PAPERS**

**Non-Concurrent Matter**

Joint Order To Recall L.D. 1619 from the Governor's Desk to the House

(H.P. 1350)

**READ** and **PASSED** in the House on April 14, 2014.

Came from the Senate **READ** and **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

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

**ENACTORS**

**Emergency Measure**

An Act To Achieve the Savings Required under Part F of the Biennial Budget and To Change Certain Provisions of the Law for Fiscal Years Ending June 30, 2014 and June 30, 2015

(H.P. 1349) (L.D. 1858)

(H. "B" H-833)

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

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

Representative **ROTUNDO**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise today in support of the bipartisan budget we have before us. I urge you to support LD 1858. Not only does it pay our bills, it also solves some of our greatest challenges facing the state. It's also life changing for many of the most vulnerable people we serve. Our bipartisan proposal provides critical funding for seniors, individuals with disabilities, and for those struggling with mental illness. The \$32 million budget will fund services for people with disabilities on the DHHS waitlist. It will increase reimbursements for Maine's struggling nursing homes. It funds critical services required under the state's court ordered Mental Health Consent Decree, and increases funds for safety and security at Riverview and Dorothea Dix. By passing this budget, we can reduce and eliminate the DHHS waitlists so many of us have spoken passionately about. Hundreds of Maine people with disabilities and their families will now have the relief of knowing they can get the care and services they desperately need. By passing this budget, we can help nursing homes in rural areas from shutting their doors to our seniors. For many of these low-income seniors, this is their only option. By passing this budget, we are helping to prevent a mental health crisis in our communities and ensure our state's psychiatric facilities are safe and adequately staffed. In addition to funding key Health and Human Services initiatives, this collaborative budget adds funding to the education programs including the Bridge Year Program and funding for Jobs for Maine's Graduates.

I'm proud to say we worked collaboratively to fund these key priorities for our most vulnerable, for our children and students, and for our workforce. When we first started our work this year, our committee faced an unprecedented task: to build a budget from scratch with no proposal and limited information from the Chief Executive. Many predicted we would fail. Like so many times before, many on the outside wondered how we would get it done. I'm pleased and proud to say that, once again, we prevailed. Not only did our committee come together to pay the

bills, we were also able to fund shared priorities on behalf of the people that we serve.

I'd especially like to thank the Appropriations members in both chambers for their incredible stamina, commitment and keen intelligence. This budget is such a testament to their thoughtful and hard work, and I extend to them my heartfelt thanks for all that they did. I want to thank the Representative from Wells, Representative Chase, for staying at the table as we successfully worked through our differences. I'm grateful to the Speaker for his support and leadership. And, finally, I want to thank the Revisor's office, our analyst Maureen Dawson, and all the staff in the Office of Fiscal and Program Review for their continuing outstanding work that has made this budget possible. The budget before you today is the reflection of the hard work and commitment of many people and I urge you to support it. Thank you.

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

Representative **CHASE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I'll be very brief. In the world of budgets, this \$30 million or so supplemental budget is actually small. But I can tell you it delivers much needed benefits and with credible funding. That's the best you can probably say in any supplemental budget. I do want to say thank you to the whole committee. The Appropriations Committee has been wonderful to work with for the last two years, and I want to say thank you to all the staff, and I certainly hope you'll look at this budget in the same way I do, is for a small bill, it does great things with credible funds. Please vote for this. Thank you.

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

Representative **BROOKS**: Mr. Speaker, may I pose a question to the Chair?

The SPEAKER: The Representative may pose his question.

Representative **BROOKS**: Mr. Speaker, do you know or do you have access to what happen to this bill in the other body this morning? I guess I'm just a little confused, Mr. Speaker. I thought it usually told us on the bottom of this report the actions of the other body.

The SPEAKER: It was engrossed in concurrence. The other body engrossed LD 1858 in concurrence.

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. 709

YEA - Beaudoin, Beaulieu, Beavers, Beck, Bennett, Berry, Black, Bolduc, Briggs, Brooks, Campbell J, Campbell R, Carey, Casavant, Cassidy, Chapman, Chase, Chenette, Chipman, Clark, Cooper, Cotta, Cray, Crockett, Daughtry, DeChant, Devin, Dickerson, Dill, Dion, Doak, Dorney, Dunphy, Duprey, Espling, Evangelos, Farnsworth, Fitzpatrick, Fowle, Fredette, Gattine, Gideon, Gilbert, Gillway, Goode, Graham, Grant, Guerin, Hamann, Harlow, Harvell, Hayes, Herbig, Hickman, Hobbins, Hubbell, Jackson, Johnson P, Jorgensen, Kaenrath, Kent, Keschl, Kinney, Knight, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby A, Libby N, Longstaff, Luchini, MacDonald S, MacDonald W, Maker, Malaby, Marean, Marks, Mason,

Mastraccio, McCabe, McElwee, McGowan, McLean, Monaghan-Derrig, 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, Sanborn, Sanderson, Saucier, Saxton, Schneck, Short, Sirocki, Stanley, Stuckey, Theriault, Tipping-Spitz, Treat, Turner, Tyler, Verow, Villa, Volk, Wallace, Weaver, Welsh, Werts, Willette, Wilson, Winchenbach, Winsor, Wood, Mr. Speaker.

NAY - Crafts, Davis, Gifford, Jones, Lockman, Long, McClellan, Timberlake.

ABSENT - Ayotte, Boland, Frey, Johnson D, Noon, Rykerson, Shaw.

Yes, 136; No, 8; Absent, 7; Excused, 0.

136 having voted in the affirmative and 8 voted in the negative, with 7 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

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The SPEAKER: The Chair recognizes the Representative from Carmel, Representative Reed, who wishes to address the House on the record.

Representative **REED**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. In a few weeks many of the men and women of this body, who presently serve in the service of our country or have served in times past, will be out marching in parades, and giving speeches in honor of other men and women who have served their country in the armed forces.

Some of these now serving in this house will be leaving us at the end of this session due to term limits, and personal decisions, and we will miss them. But we are thankful that our lives have been made richer for having known them, even for this short period of time.

With this in mind, Mr. Speaker, I rise today tribute to pay tribute to all the men and women of this House who have served in the armed forces. Every day that we begin proceedings in this House, I am reminded that but for the grace of God and the sacrifices of the military men and women of our country, and some of our allies around the world, we would not be opening this House in prayer each morning.

We would not be singing, "Oh say can you see by the dawn's early light, what so proudly we hailed at the twilight's last gleaming." We would not be singing, "My Country 'tis of thee, Sweet land of liberty, Of thee I sing." We would not be discussing, within these walls, ways to make our state a better place to live. We would not be talking about Medicare expansion, the right to bear arms, or balanced budgets.

No, my friends, things would be very different here in this house; they would be different all across our land, and they would be different all over the free world. That is why I stand today, to say, "thank you," to our military friends here in this House and down the hall. I know, as attempt to express this sentiment of gratitude for your service, I speak for the entire body here today.

When thinking of how could appropriately show our appreciation today, I sought to find the answer among the people of words, the poets and the songwriters. Some of these words came from the very soldiers themselves that saw war up close and personal, and some of the words came from observing the effects of the war upon others. I hope this will convey to all of our service men and women, our sincere thanks and serve to remind

all of us that freedom isn't free and it certainly isn't cheap.

On May 2, 1915, John McCrae's close friend and former student, Alexis Helmer, was killed by a German shell at the second battle of Ypres in Belgium. That evening, in the absence of a chaplain, and under the cover of darkness, in a small cemetery outside his dressing station, John McCrae performed the funeral of his friend, Lieutenant, Alexis Helmer.

The next day, while sitting on the back of an ambulance just outside of his friend's grave, with the red poppies blowing in a gentle breeze, John McCrae, in 20 minutes, penned the words of this most memorable wartime poem.

*In Flanders Fields the poppies blow  
Between the crosses row on row,  
That mark our place; and in the sky  
The larks, still bravely singing, fly  
Scarce heard amid the guns below.*

*We are the Dead. Short days ago  
We lived, felt dawn, saw sunset glow,  
Loved and were loved, and now we lie  
In Flanders fields.*

*Take up our quarrel with the foe:  
To you from failing hands we throw  
The torch; be yours to hold it high.  
If ye break faith with us who die  
We shall not sleep, though poppies grow  
In Flanders fields.*

Then nine years later, on the beaches of Normandy, June 1944.

*There, in the fields of Normandy that June, the poppies grew,  
A generation onwards from the one that 'Flanders knew.  
So many young men also died, their blood spilt on the ground,  
Some went out shrieking hoarsely, some died without a sound  
But one thing had remained unchanged, one thing came loud and clear,  
That as they fell they too had asked, "What was I doing here?"  
What is it all about then?  
What am doing here?  
Why is my stomach rumbling with a symphony of fear?  
When will it all be over, shall be going home?  
Where might the bullet hit me...and will I die alone?*

Then came Korea.

*We didn't do much talking,  
We didn't raise a fuss,  
But Korea really happened,  
So please remember us.*

*We all just did our duty,  
But we didn't win or lose,  
A victory was denied us,  
But we never got to choose.*

*We all roasted in the summer,  
In the winter darn near froze,  
Walking back from near the Yalu,  
With our blackened, frozen toes.*

*Like the surf the enemy kept coming,  
With their bugles in the night,*

*And we fired in to their masses,  
Praying for the morning light.*

*All of us just had to be there,  
And so many of us died,  
But now we're all half forgotten,  
No one remembers how we tried,*

*We grow fewer with the years now,  
And we still don't raise a fuss,  
But Korea really happened,  
So please remember us.*

And later is Vietnam.

*I saw her from a distance,  
As she walked up to the wall.  
In her hand she held some flowers,  
As her tears began to fall.*

*She took out pen and paper,  
As to trace her memories.  
She looked up to heaven,  
And the words she said were these.*

*She said, "Lord my boy was special,  
And he meant so much to me."  
And oh I'd love to see him,  
Just one more time you see.*

*All I have are the memories,  
And the moments to recall.  
So Lord could you tell him,  
He's more than a name on a wall.*

*She said, "He really missed the family,  
And being home on Christmas day."  
And he died for God and country,  
In a place so far away.*

*I remember just a little boy,  
Playing war since he was three.  
But Lord this time I know,  
He's not coming home to me.*

*She said, "Lord my boy was special,  
And he meant so much to me."  
And oh I'd love to see him,  
But I know it just can't be.*

*So I thank you for my memories,  
And the moments to recall.  
So Lord could you tell him,  
He's more than a name on a wall.*

*He was getting old and feeble,  
And his hair was falling fast,  
And he sat around the legion,  
Telling stories of the past.*

*Of a war that he had fought in,  
And the deeds that he had done,  
In his exploits with his buddies,  
They were heroes, everyone.*

*And 'tho sometimes, to his neighbors  
His tales became a joke,  
All his buddies they still listened,  
For they knew whereof he spoke.*

*But we'll hear his tales no longer,  
For ol' Bob has passed away,  
And the world's a little poorer,  
For a soldier died today.*

*He will not be mourned by many,  
Just his children and his wife,  
For he lived an ordinary,  
Very, quiet sort of life.*

*He held a job and raised a family,  
Quietly going his own way,  
And the world won't know his passing,  
Though a soldier died today.*

*He was just a common soldier,  
And his ranks are growing thin,  
But his presence should remind us,  
We may need his like again.*

*For when countries are in conflict,  
Then we find the soldier's part,  
Is to clean up all the troubles,  
That the politicians start.*

*If we cannot do him honor,  
While he's here to hear the praise,  
Then at least let's give him homage,  
At the ending of his days.*

*Perhaps just a simple headline,  
In the paper that might say,  
"Our country is in mourning,  
For a soldier died today."*

To all of our military friends here in the House, we know why you were there. In the fight for liberty and freedom, the cause has always been great, and the price paid by many Americans was even greater. We thank you for your service to our country. We thank you for preserving our freedoms. Thank you for all that you have done for all of us. This is our salute to you. Thank you, Mr. Speaker, and, thank you, Ladies and Gentlemen of the House.

The SPEAKER: Thank you, Representative Reed. For those members who have served our country, would you please rise and accept the appreciation of our House?

The SPEAKER: The Chair recognizes the Representative from North Yarmouth, Representative Graham, who wishes to address the House on the record.

Representative **GRAHAM**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. One year ago today, the tradition of the Boston Marathon was shattered by a cowardly act of violence. Three people died – Krystle Campbell, Lingzi Lu, and Martin Richard. Two hundred and sixty people were injured, many of whom lost their limbs. It was one of those days when I think all of us said, "Where were you when this happened?" I was at a conference, away from my family, away from my friends, and I was devastated. You see, I recall many

days, many Patriots' Days, watching the Boston Marathon. I attended Boston College and I would be at the bottom of Heartbreak Hill watching runners go by and I was always in such awe of their ability. I didn't join them running that race. But it was at the bottom of Heartbreak Hill. And now I'm in such awe of the strength of the people of Boston and the people of New England, and I must say many of us here, their heart broke that day when they saw such devastation. We have several colleagues within this body and the body on the other side of the hall and people that have served with us before who will participate in the marathon next week, and I say to them, Godspeed. Mr. Speaker, ladies and gentlemen, I ask all of you to just take a moment, a moment of silence to recognize those individuals who lost their lives, those individuals who were severely wounded and injured in this very cowardly act. But also, when you take this moment of silence, think about the strength, the strength of the people of Boston and, as I say, of New England and of our country, that we will not stand for such violence and we will care for one another. With that, I ask for a moment of silence.

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At this point, the Members of the House stood and joined in a moment of silence in honor of the victims of the Boston Marathon bombing.

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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 REED of Carmel, the House adjourned at 12:40 p.m., until 9:00 a.m., Wednesday, April 16, 2014 in honor and lasting tribute to Roger J. Laprise, of Sanford, the members of the House of Representatives who have served our Country and the victims of the Boston Marathon bombing.