

# 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  
44th Legislative Day  
Wednesday, April 16, 2014

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

Prayer by Reverend Jane MacIntyre, South Parish Congregational Church, United Church of Christ, Augusta.

National Anthem by Falmouth Middle School Jazz Band, the "Iron Twinkies."

Pledge of Allegiance.

Doctor of the day, Joel Kase, D.O., North Yarmouth.

The Journal of yesterday was read and approved.

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**SENATE PAPERS**

**Non-Concurrent Matter**

Bill "An Act Regarding Compensation for the Panel of Mediators"

(S.P. 752) (L.D. 1854)

**PASSED TO BE ENGROSSED** in the House on April 9, 2014.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-525)** in **NON-CONCURRENCE**.

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

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**Non-Concurrent Matter**

Resolve, To Conduct a Market Analysis Regarding the Feasibility of Expanded Gaming in Maine (EMERGENCY)

(H.P. 1343) (L.D. 1856)

**PASSED TO BE ENGROSSED** in the House on April 9, 2014.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "C" (S-522)** in **NON-CONCURRENCE**.

Representative RUSSELL of Portland moved that the House **RECEDE AND CONCUR**.

Representative BERRY of Bowdoinham **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 Portland, Representative Russell.

Representative **RUSSELL**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. We talk about jobs a lot and when we came several weeks ago to a choice about whether to support the harness racing industry, whether to support the Passamaquoddy Tribe, the Maliseet Tribe and the Penobscot Tribe, we understood that these were people who were begging to get back to work. We voted in support of them. Last week, we had a study before us and I realize it is an 11 to 1 report and I happened to be the 1. I wouldn't fight on an 11 to 1 report if I didn't fundamentally believe that there is a better way to do this. I came to this State House believing in my heart of hearts that a single person could make a huge difference. That is why I stood up last week and opposed the study that we had passed. Since that time, a significant amount of work has gone into fixing that study and to making it more inclusive, ensuring that the issues that I had with it, the issues that potentially excluded our tribes and most certainly excluded our harness racing industry would go away.

If you vote to Recede and Concur this morning, you will be voting yet again to set us on the right course so that the harness racing industry can continue to provide the cultural opportunities and to maintain its cultural heritage. You will be continuing to support the fairs. You will be continuing to support agriculture and you will be continuing to support open space. You will also be continuing to ensure that we are moving in the right direction, and not backwards, toward ensuring that our Indian Tribes are able to increase their economic opportunities, to lift themselves out of poverty and to provide jobs for their people in their sovereign nation.

The amendment before you changes dramatically the bill in one key place and instead of excluding the folks that we already voted in support of, now this bill will include those folks. It does not give preference to, but it studies the market just as folks wanted, but it does not mean that we are going to be prohibiting, that we are going to be giving preference to the existing casinos, which the original bill does.

I am not standing here alone this morning and I want people to understand that. For the 45 folks that voted with me last week, I hope you will vote with me again. For the 99 people that voted in support of the Passamaquoddy Tribe, I hope you will stand here and vote again. For the 95 people who voted in support of the Maliseet Tribe and for all the folks who voted for the harness racing industry, I hope you will support the amended version of this bill, which is a much, much, much better study and a much better future for our state.

I don't want to suggest that the casinos that we currently have have been anything other than good corporate citizens, because that would be false. They have been good corporate citizens. They were brought forth by a citizen's initiative and, as such, they were paying somewhere in the neighborhood of \$250,000 for a licensing fee and that is an important thing to consider. Are we getting the best value for licensing fees? The new study makes sure that we are looking at that, that we are looking at market feasibility and that we are looking at ensuring job growth for Maine people. I knew personally all the folks from Black Bear that started the citizen's initiative for Oxford. I knew them by name. I had spent a significant amount of time in their community because I am from that region. I do not know the people from Churchill Downs because they are not from Maine, though people that work there are from Maine, but the people that own that property are not from Maine. The people that own Hollywood Slots are Penn National, short for Pennsylvania. If we want to fight for jobs that are here, for companies that are here and for our tribes, the way to do that is to Recede and Concur. I have spent six years working on gaming policy with the hope that we would be able to move forward and my fear is that if we vote down the Recede and Concur motion, we will not move forward to a statewide gaming policy, that we will move backward. Ladies and gentlemen, experience matters on these issues.

As I said before, I am not standing here today on my own and I look forward to hearing other folks stand with me today as they stood with me on several other bills that this body overwhelmingly supported. Again, I remind you to think about why you came to the State House and to think about whether one voice, one voice can matter. Yes, I stand on a lot of issues, but I realize this is an 11 to 1 report, but this vote matters to such a degree for the future of gaming in this state. We need a statewide policy. We need a comprehensive approach and we need to back Maine people. That is what the Recede and Concur motion does. Thank you, Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Ellsworth, Representative Luchini.

Representative **LUCHINI**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise in opposition to the pending motion. I would urge this body to Insist in agreement with the Veterans and Legal Affairs Committee's 11 to 1 report and the previous actions taken by this body.

Today, I am supporting our committee's bipartisan work which would commission a market analysis and feasibility study of our state's gaming industry. After that study is completed, the VLA Committee would meet this summer and try to set up the framework for a comprehensive gaming plan. Gaming has clearly become an enormous asset for the state, contributing tens of millions of dollars over the years to the General Fund, to state programs, other programs critically important to Mainers. So, the rationale for this study is simple. Now, by developing a more thorough understanding of this industry, we can make better informed data-driven decisions on a comprehensive gaming policy and we would avoid this piecemeal approach that we have taken for many years now.

This study is intended to be a tool for use by the VLA Committee when we meet this summer and fall and try to set up statewide policy. In this light, we want to accomplish our goals of economic development, job creation, tourism. Our committee's recommendation, the 11 to 1 report, achieves these goals in a completely objective, unbiased way. The Senate Amendment, as presented before us, however, does not do that. As written, this Resolve interjects both policy and bias into the study. First, it requires a consulting group to examine casino legislation that was killed by this Legislature earlier in this session. Specifically, it would require the group to look at any proposal for a license fee and there were only three before us. Clearly, this gives preferential treatment to those three groups. It also raises the question, why should the state pay to study any individual's casino proposal? It should be incumbent on the applicant to make their case, and the state to make the decision after that.

Secondly, it also involves policy decisions that I think would be better made in this body by instructing the consultant group to develop a uniform revenue distribution from these casinos. In my opinion, determining how our casino revenue gets spent is much better decided by people who live in this state, people who work in this room, work in the Appropriations room, not by an independent consultant. We know what our goals and our policy objectives are in this state. I think those decisions should remain within this body. For those reasons, I urge you to vote against the pending motion and in support of the committee's 11 to 1 report. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Auburn, Representative Beaulieu.

Representative **BEAULIEU**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I appreciate the opportunity to speak on this issue and I respect the opinions presented before me. We worked diligently, I think, on the original or the initial plan to conduct this study. I think that we have expressed, over the years, the need to have a study so that you can look at the data to make sure that when you do make decisions with regard to future casinos or any other gambling institution that you do the right thing. As a fear that I have and had, really, that any vote today is going to end without a study and that would be, I think, something that is probably a little bit dangerous and may lead to future problems with regard to a plethora of submissions next session and the sessions thereafter if you don't have an appropriate study. I think I am going to go today with the vote that I had taken in committee, which was to support the study without this particular amendment. So, I will be voting against the Recede and Concur motion and hope that

those who are involved after me will do the right thing. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from the Passamaquoddy Tribe, Representative Soctomah.

Representative **SOCTOMAH**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise today in support of the Recede and Concur motion. Just a few short weeks ago, this body voted to insure that each tribe represented here today could use gaming as an economic development tool to address the poverty and unemployment which is rampant in our tribal communities in the State of Maine. More than 20 years ago, as a representative of this body, I introduced the first bill asking for a gaming facility, a casino, in Washington County, on behalf of the Passamaquoddy Tribe. I am so grateful to the members of this body who supported the Passamaquoddy Tribe in this endeavor. I appreciate that you stood strong with me and the tribe, and I respectfully ask that you vote in support of the Recede and Concur motion before you. Thank you very much.

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 stand in support of the pending motion. The concern that I am hearing is that we are going to give preference to the prior votes that we have taken in the House. When I read the amendment, it states that they are going to look at the following. It doesn't say they are going to give preference to the following. They are going to look at it. Who, in my opinion only, the preference was given during this whole debate during this session, was to the prior casinos that have been selected for the State of Maine. We need to stand up and be counted here. I don't see this as a preferential treatment for the prior applicants for the tribe at all and I am going to vote for it and I hope you follow our light.

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. Mr. Speaker, I rise today in support of the Recede and Concur motion. When this bill came up last week, we could not be here to debate the bill as tribal council had met and these are the Chiefs of the entire Wabanaki Confederacy for the first time in a long time on the gaming issue. We were holding that meeting on this very issue. While we were holding that meeting on that day, the bill was heard, LD 1856, it was voted on and it went right over to the Senate. So, we went to work to try to respond to that.

At the time, we were meeting because we just couldn't support the bill, the one that came from the Veterans and Legal Affairs Committee. It wasn't written in a manner that would have benefitted the tribes, clearly. A lot of work over the years, the many years and we know the story, has been completed. There have been many efforts by the tribes, specifically the Passamaquoddy, leading it, but the other tribes as well, watching and hoping to follow in the Passamaquoddy lead and all of that ought not be for not.

Through that period and even through this Legislature, many negotiations have occurred in formal and in presentations to the state by the tribes and the back and forth in committee, the debates here in the House, then in the Senate. By a very close margin in the Senate, the tribal casinos did not pass. I mean had there been a two vote difference, they would have passed, but that didn't occur. In this body, there was overwhelming support for the idea, for the concept of tribal gaming. We believe because we had made the case successfully and repeatedly, that there is a good reason to agree that the tribes should be able to

go into business, create jobs, go to work and to benefit from the proceeds of what are obviously successful business enterprises here in the State of Maine with the non-tribal casinos in Bangor with Hollywood Slots and with the non-tribal casino in Oxford, very lucrative. They are generating over a billion dollars in economic activity. They are generating over \$100 million in profits. We see that. Everyone sees that. The studies that this amendment that we are supporting that has come from the Senate will simply not basically break new ground, but will ratify studies that have essentially already been completed – Scarborough Downs, the Maliseet gaming proposal in Aroostook County, the Passamaquoddy proposal in Washington County. The markets are there to a greater or lesser extent. It is not a question of whether there is feasible gaming proposals here, it is just a matter of how feasible.

The questions have already been answered to the extent that the initial bill, 1856, calls for a study. We all know that that study has been done to a greater or lesser degree. The amendment, however, will insure that work that has already been done, the feasibility studies, the market analysis, that have already been done, will be incorporated in this. It is a good middle ground, I would submit, for this body to vote for in support. It respects the work that has already been done, the voices that have already been spoken to this body and the other body and among ourselves. We know where we are at and we believe, from a tribal perspective, that this amendment that we are asking that this body Recede and Concur with is a good result. In our view, from a tribal perspective, again, the studies have been done. The experts have already declared their opinions that tribal casinos will not be the threat that people want to paint them as. So, we hope that you will not see this as preferring the tribes, but to fairly include them.

We hope further that the version that provides the horsemen a path forward through preserving their important cultural contribution to the state with harness racing, which supports farms, preserves the space for other generations and, you know, experiences for families to the south, predominately, but importantly is that we are all standing together, all of the parties who hope that this amendment will pass are standing together. This is a great compromise and a great work product that is being offered for this body to consider today. Thank you, Mr. Speaker.

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. I hope you notice, Mr. Speaker, I'm looking right at you and I am speaking to the 149 other members in this body. I read a letter from a young couple who live in my town that built a number of barns and they have their own training track and I am standing here today to agree with my good friend, Representative Russell, on her bill and I hope you all follow my light on this bill because my concern is, and I have talked to them this morning, is the horsemen in the State of Maine. It is like American apple pie, harness racing, the fairs, the farmers that raise their hay for the horses and the grain and the farrier. It takes so many and so many to put this together and to lose this would be a shame for the State of Maine. So, I hope you all put aside, I don't care about the two existing casinos, my concern is the horsemen of the State of Maine and the horsemen only. I hope you will follow my light and vote for this amendment to Recede and Concur. Thank you very much Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Hollis, Representative Mearan.

Representative **MAREAN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I stand in support

of the Recede and Concur motion, but I clearly want everyone to know that I also supported the report that came from the VLA Committee when we voted on it here a week or so ago, passed from this chamber, we sent it to the other chamber. My biggest concern here is that we have a study of some sort. I don't care which study it is that we have as long as we have a study. We sent it to the other chamber and they didn't agree with us. They have amended it. They have sent it back. I now support the Recede and Concur because it looks like we have the opportunity to finally pass something in concurrence with the other chamber that can establish this study. If we defeat the Recede and Concur and we Insist, we are still in non-concurrence. My biggest fear is that the bill will die. If the bill dies, then we are right back to square one bouncing the ball for another two or three years, trying to decide what we are going to do about gaming in the State of Maine. This bill is not about gambling. It is about a study. The study is going to bring information back to the VLA Committee. They have the authority to make the final decision. The study is not going to change policy. It is not going to do anything like that. It is going to look at the facts. Can Maine support additional gaming? That is what we need to know. I would appreciate your support on the Recede and Concur motion.

The SPEAKER: A roll call has been 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. 710

YEA - Beaudoin, Beavers, Bennett, Black, Boland, Brooks, Campbell J, Campbell R, Carey, Casavant, Cassidy, Chapman, Chase, Chenette, Cotta, Cray, DeChant, Dickerson, Doak, Dunphy, Evangelos, Fitzpatrick, Fowle, Hamann, Harlow, Harvell, Hickman, Hobbins, Johnson P, Jones, Kaenrath, Keschl, Kinney, Knight, Kusiak, Libby A, Long, MacDonald S, Maker, Malaby, Mearan, Mason, McClellan, McElwee, McGowan, Monaghan-Derrig, Moonen, Nadeau C, Nutting, Parry, Pease, Peoples, Pouliot, Priest, Russell, Sanderson, Saucier, Saxton, Shaw, Short, Sirocki, Stanley, Stuckey, Theriault, Turner, Villa, Volk, Willette, Wilson, Winchenbach, Wood.

NAY - Beaulieu, Beck, Berry, Bolduc, Briggs, Chipman, Clark, Cooper, Crafts, Crockett, Daughtry, Davis, Devin, Dill, Dion, Dorney, Duprey, Espling, Farnsworth, Frey, Gattine, Gideon, Gilbert, Gillway, Goode, Graham, Grant, Guerin, Hayes, Herbig, Hubbell, Jackson, Jorgensen, Kornfield, Kruger, Kumiega, Lajoie, Libby N, Lockman, Longstaff, Luchini, MacDonald W, Marks, Mastraccio, McCabe, McLean, Moriarty, Morrison, Nelson, Newendyke, Peterson, Plante, Powers, Pringle, Rankin, Reed, Rochelo, Rotundo, Rykerson, Sanborn, Schneck, Timberlake, Tipping-Spitz, Treat, Verow, Wallace, Weaver, Welsh, Werts, Winsor, Mr. Speaker.

ABSENT - Ayotte, Fredette, Gifford, Johnson D, Kent, Nadeau A, Noon, Peavey Haskell, Tyler.

Yes, 71; No, 71; Absent, 9; Excused, 0.

71 having voted in the affirmative and 71 voted in the negative, with 9 being absent, and accordingly the motion to **RECEDE AND CONCUR FAILED**.

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

**COMMUNICATIONS**

The Following Communication: (H.C. 421)

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

April 14, 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 1619, "An Act To Provide for a Quorum at the Public Utilities Commission."

I am not vetoing this bill because of its substance, but to allow more time for my Administration to work on a bipartisan compromise on the issue. Earlier today I submitted a Governor's bill to amend the current language and look forward to continued work with Democrats and Republicans. I am confident that the amended bipartisan bill will be good policy for Maine citizens.

For these reasons, I return LD 1619 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 Provide for a Quorum at the Public Utilities Commission (EMERGENCY)

(H.P. 1191) (L.D. 1619)  
(S. "A" S-461 to C. "A" H-645)

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

The Following Communication: (H.C. 422)

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

April 16, 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. 276 Resolve, To Improve Access to Oral Health Care for MaineCare Recipients

L.D. 804 An Act To Improve Preventive Dental Health Care and Reduce Costs in the MaineCare Program

L.D. 998 An Act To Provide Consistency in the Application of the Property Tax Exemption for Religious Organizations

L.D. 1287 An Act To Deregulate Face-to-face Transactions between the People and Small Farms and Small Food Producers

L.D. 1445 An Act To Facilitate Children's Testimony

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

Sincerely,  
S/Millicent M. MacFarland  
Clerk of House

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

The Following Communication: (H.C. 423)

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE  
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

April 14, 2014

Honorable Justin L. Alford  
President of the Senate  
Honorable Mark W. Eves  
Speaker of the House  
126th Legislature  
State House  
Augusta, Maine 04333

Dear President Alford and Speaker Eves:

Pursuant to Title 3 Maine Revised Statutes, chapter 35, we are pleased to submit the findings of the Joint Standing Committee on Education and Cultural Affairs from the review and evaluation of the Department of Education under the State Government Evaluation Act. In its review, the Committee found that the Department of Education is operating within its statutory authority.

Sincerely,  
S/Senator Rebecca J. Millett  
Senate Chair

S/Representative W. Bruce MacDonald  
House Chair

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

The Following Communication: (H.C. 424)

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE  
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

April 14, 2014

Honorable Justin L. Alford  
President of the Senate  
Honorable Mark W. Eves  
Speaker of the House  
126th Legislature  
State House  
Augusta, Maine 04333

Dear President Alford and Speaker Eves:

Pursuant to Title 3 Maine Revised Statutes, chapter 35, we are pleased to submit the findings of the Joint Standing Committee on Education and Cultural Affairs from the review and evaluation of the State Board of Education under the State Government Evaluation Act. In its review, the Committee found that the State Board of Education is operating within its statutory authority.

Sincerely,  
S/Senator Rebecca J. Millett  
Senate Chair

S/Representative W. Bruce MacDonald  
House Chair

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

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The Following Communication: (S.C. 920)

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

April 15, 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 Judiciary, the nomination of Honorable Joan M. Nass of Acton for appointment to the Maine Indian Tribal-State Commission.

Upon the recommendation of the Committee on Judiciary, the nomination of Honorable Richard A. Gould of Greenville for appointment to the Maine Indian Tribal-State Commission.

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. 921)

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

April 15, 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 Report "B" Ought Not to Pass from the Committee on Veterans and Legal Affairs on Bill "An Act To Expand Consumer Choice for Wine" (H.P. 1276) (L.D. 1783), 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. 922)

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

April 15, 2014  
Honorable Millicent M. MacFarland  
Clerk of the House  
2 State House Station  
Augusta, Maine 04333  
Dear Clerk MacFarland:

Senate Paper 622, Legislative Document 1631, "An Act To Clarify What Constitutes a Contribution to a Candidate," having been returned by the Governor, together with objections to the same, pursuant to Article IV, Part Third, Section 2 of the

Constitution of the State of Maine, after reconsideration, the Senate proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objections of the Governor?" 20 voted in favor and 15 against, and accordingly it was the vote of the Senate that the Bill not become a law and the veto was sustained.

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

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (S.C. 923)

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

April 15, 2014  
Honorable Millicent M. MacFarland  
Clerk of the House  
2 State House Station  
Augusta, Maine 04333  
Dear Clerk MacFarland:

Senate Paper 658, Legislative Document 1663, "Resolve, To Require New Contracts for MaineCare Nonemergency Transportation," having been returned by the Governor, together with objections to the same, pursuant to Article IV, Part Third, Section 2 of the Constitution of the State of Maine, after reconsideration, the Senate proceeded to vote on the question: "Shall this Resolve become a law notwithstanding the objections of the Governor?"

20 voted in favor and 15 against, and accordingly it was the vote of the Senate that the Resolve not become a law and the veto was sustained.

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

**READ and ORDERED PLACED ON FILE.**

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

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**SPECIAL SENTIMENT CALENDAR**

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

**Recognizing:**

the Southern York County Toys for Tots Partnership, of Sanford and Springvale, for its successful 2013 campaign and Christmas toy distribution for children and teens of the Sanford area, held in December 2013 at the St. Ignatius Parish Hall in Sanford. Carol Lombard and Pam Belisle, coordinators, and a team of loyal volunteers worked all year collecting and sorting toys contributed through the generosity of the community. They collected approximately 9,000 toys for the 2013 campaign, from 50 collection points, and provided a joyful experience for parents to shop for gifts for over 1,400 children. The United States Marine Corps Reserve League No. 1341, of Sanford, along with other veterans groups and community and high school student groups, participated in support of this rewarding effort. Toys for Tots is a program of the Marine Toys for Tots Foundation. We send our appreciation to the many people involved in this successful celebratory event;

(HLS 944)

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

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

**READ.**

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. This is a very  
important Sentiment for many families and children throughout  
the Sanford area. We are all familiar with the Toys for Tots  
Foundation and in our area there are some really wonderful  
people there who participate and who make it work all year long.  
We have with us Carol Lombard, Pamela Belisle and Ricky  
Stevens who are on the Board of Directors and John Flagler who  
is the Vice Commandant of the US Marine Corp League in  
Sanford. They are just the tip of the iceberg. There are so many  
people who come together for children, we know, at  
Christmastime to do things, but these people are working year  
round to access toys, books, all sorts of things to make  
Christmas happy. There are many veterans service  
organizations, the Amvets, the American Legion, the Veterans of  
Foreign Wars who are based in Sanford and that work together.  
Also, there are many Sanford High School students, student  
groups, the police cadets and their mentors, the Jobs for Maine  
Graduate's class of Sanford High, the National Honor Society,  
the Key Club members, the Strategies for a Stronger Sanford.  
They come together and it is such a joyful time at Christmas to  
come to this area because the goal there is to empower parents  
to come by appointment without their children to shop in a  
beautiful welcoming environment with helping, cheerful elves who  
help them go from table to table that are age appropriate in their  
selections of books, art supplies, stuffed animals and a variety of  
small items that one might find in a stocking.

In 2008, they served 604 children. In 2013, they served over  
1,400 in just the Sanford area. It is an organization that is fully  
audited by the Marine Corp Foundation and it is, as I said, a year-  
long work, identifying toy sources, finding places to warehouse  
them, transportation. They collected 9,000 toys this year. So, it  
is such a joy to be there with them and to observe the gratitude  
and the joy of the parents. It is very touching for those who work  
there and I think you should all be very proud of the work Toys for  
Tots do throughout our state as well as in Sanford. Thank you,  
Mr. Speaker.

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

**Recognizing:**

Mary Dysart Hartt, of Dixmont, who was named the 2014  
Restaurateur of the Year by the Maine Restaurant Association.  
Ms. Hartt is the owner of Dysart's Restaurant in Hermon. We  
extend our congratulations to her on her receiving this honor and  
we wish her continued success;

(HLS 945)

Presented by Representative REED of Carmel.  
Cosponsored by Senator GRATWICK of Penobscot,  
Representative GUERIN of Glenburn, Representative  
FREDETTE of Newport, Senator CUSHING of Penobscot,  
Representative DUPREY of Hampden.

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

**READ.**

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

Representative **GUERIN**: Thank you, Mr. Speaker. Mr.  
Speaker, Ladies and Gentlemen of the House. It is my pleasure  
to congratulate my good friend Mary Dysart Hartt, Maine  
Restaurateur of the Year. Mary is owner of Maine's famous  
Dysart's Restaurant. Mary has worked hard to build her business  
and to promote Maine-grown food, sourcing many menu items  
right here in the State of Maine. Mary has also developed a  
cookbook, *Cooking with Dysart's*, from which all proceeds are  
donated to cancer charities, blessing many Mainers with her  
generosity. Mary is a talented photographer and marathon  
runner whose goal is to run a marathon in every state in the  
United States. Congratulations, Mary, you are a true credit to the  
State of Maine.

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

Representative **REED**: Thank you, Mr. Speaker. Mr.  
Speaker, Ladies and Gentlemen of the House. I rise today to  
offer my congratulations to Mary and the entire staff at Dysart's  
Restaurant on winning this prestigious award. Any time you win  
an award as one of the best in the field, it is noteworthy. When it  
is in food business, where it is quite easy to lose your shirt, it  
is especially rewarding. In our area, when you want to catch a nice  
late-night meal, you head for Dysart's. They are known for  
serving a good hearty meal and then you can top it off with one of  
their homemade desserts. Dysart's has also purchased Kevlan in  
Bangor and has now opened up a second restaurant and I  
assume it will be equally as successful. When you are in the  
area, I am sure Mary would welcome you to drop in and see for  
yourself. Thank you, Mr. Speaker. Thank you, Ladies and  
Gentlemen of the House.

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

**Recognizing:**

Paul Farrington, of Springfield, who is the recipient of the  
2013 Maine Game Warden of the Year award given by the Maine  
Warden Service. Warden Farrington has spent his entire 17-year  
career working districts within northern Washington County and  
Penobscot County. He is one of the warden service's K-9  
handlers and trainers. We extend our appreciation to Warden  
Farrington for his commitment to the citizens of the State and  
congratulate him on his receiving this award;

(HLS 946)

Presented by Representative TURNER of Burlington.  
Cosponsored by Senator CAIN of Penobscot, Senator  
DUTREMBLE of York, Representative SHAW of Standish.

On **OBJECTION** of Representative TURNER of Burlington,  
was **REMOVED** from the Special Sentiment Calendar.

**READ.**

The **SPEAKER**: The Chair recognizes the Representative  
from Burlington, Representative Turner.

Representative **TURNER**: Thank you, Mr. Speaker. Mr.  
Speaker, Ladies and Gentlemen of the House. First, I would like  
to thank Warden Paul Farrington for his service to this state.  
Paul Farrington, of Springfield, was recently honored by the  
Maine Warden Service with its Warden of the Year award.

Warden Farrington, as you heard, has spent his 17 years of  
his career working in northern Washington County and  
Penobscot County. He was praised for his work ethics as well as  
his ability to remain focused and prioritize his work when dealing  
with stressful situations.



He is also one of the wardens who has a K-9 dog. His dog's name is Koda. They have located several lost and missing people. Warden Farrington lives in Springfield with his wife, Mandy, and their five children, which I might add his children are very talented. On behalf of the Legislature, I would like to express our appreciation to Warden Farrington for his commitment to the citizens of this State and congratulate him on his receiving this award.

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

Representative **SHAW**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. It is with great honor that I stand today and recognize Warden Farrington. Warden Farrington is a veteran game warden that has served the sportsmen of the State of Maine for 17 extremely productive years. Warden Farrington has spent his entire career in the warden service within the northern Washington and Penobscot County areas, gaining the respect of all those he has come in contact with in the course of his duties. Warden Farrington has a remote district that has plenty of Maine's natural resources and very little law enforcement presence. The lack of law enforcement presence in his district has often times thrust Warden Farrington into very serious and life-threatening situations. Warden Farrington has been the first officer on scene to murders, suicides, barricaded felons, serious domestic violence incidents, major motor vehicle and recreational vehicle accidents and numerous other incidents that stress even the most veteran of law enforcement officers. Warden Farrington has always handled himself professionally and has a reputation as a solid, hard-working law enforcement officer among the law enforcement community with which he serves.

The demands on a Maine Game Warden during the fall pull wardens in numerous directions. Days blur together as long hours blend into nights, the ability to stay focused and prioritize work efforts are staples of Warden Farrington. Although being a Maine Game Warden is a year-round profession, a Game Warden's mark is made throughout the fall. Warden Farrington knows the people in his district and they know him. He has amassed the confidence of the sporting public and has a reputation of getting things done. This leads to Warden Farrington's receiving quality information of poaching activities in his district, a staple of Warden Farrington's recent work mirrors his career as a Maine Game Warden. I won't list all of his accomplishments, but there are just a few that I will touch on.

Warden Farrington was able to build a rock solid case involving a night hunted moose during the September season. By the time Warden Farrington was through, he had seized a bull moose and obtained a full confession from the violator. Warden Farrington apprehended a local felon for night hunting and possession of a firearm by a felon in the remote town of Danforth. It just happens that this was the poacher that had been caught a couple years prior and had already had his hunting privileges revoked.

When Warden Farrington spotted a doe with two lambs frolicking in a field in a wildlife management district that prohibits the taking of antlerless deer, he decided to stash his vehicle and watch them for a while. Within 20 minutes, a hunter came by and could not resist the opportunity and fired at the deer. Warden Farrington was able to apprehend the suspect and successfully prosecute the so-called hunter for hunting antlerless deer without a permit.

Warden Farrington is also a seasoned canine handler and trainer. Many additional training responsibilities have been given to Warden Farrington. He takes personal pride in elevating the Maine Warden Service canine teams to an unparalleled level

among other law enforcement agencies. Although he does not hype his own successes, they have been numerous. Warden Farrington and Koda have located several lost and missing people over the years and have saved many lives, including finding the victim of a serious motor vehicle accident when Warden Farrington went the extra mile searching the area a second time and likely saving the man from dying from exposure or internal injuries.

Warden Farrington is assigned to the Springfield Patrol and resides there with his wife Mandy and five children. It is for all the above reasons, and too many others to list, that Game Warden Paul Farrington is Maine Game Warden Service, Game Warden of the Year for 2013. Thank you very much.

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

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**Recognizing:**

the members of the Falmouth Middle School Jazz Band, the "Iron Twinkies," who won the 2014 State Middle School Instrumental Jazz Festival in Division I: Alex Kinley, Ellie Sharp, Dylan Leighton, Avery Lara, Maggie Lamarre, Luke Bodwell, Matt Hastings, Doug Cooke, Nick Ryer, Leah Macmaster, Jake Leavitt, Tholia Hallett, Nik Hester, Oscar Brautigam, Cally Seymour, Jessica Troubh, Thomas Hiscock, Katie Han, Rex Noble and Jack Warnock and director Jerry Barry. This is the 13th time the school's band has won the State Middle School Instrumental Jazz Championship. We send our congratulations and best wishes to the members of the band on this remarkable achievement;

(HLS 947)

Presented by Representative NELSON of Falmouth. Cosponsored by Senator WOODBURY of Cumberland, Representative DION of Portland.

On **OBJECTION** of Representative NELSON of Falmouth, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

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. Lucky 13! Thirteen times in the past 14 years – 12 consecutive years – the Iron Twinkies have won the State Middle School Instrumental Jazz Festival in Division I. This is a remarkable accomplishment. Winning any championship back to back is challenging. To do it repeatedly, year after year, demonstrates an extraordinary level of achievement, good teaching and coaching and hard work. And it is a different band every year. Some band members go on to high school. New members join the band as these students move through the Falmouth School system. So every year, a new group learns to work together, to develop a new team and to commit to be the very best they can be. Maybe with a name like The Iron Twinkies, there is a determination to prove that they are a serious and excellent musical ensemble. Falmouth is proud to have champion athletes, champion debaters and champion musicians.

The Iron Twinkies is definitely an unusual name for a band. But when you let a group of middle school students select a name for their group, you have to respect their decision. And after 14 or 15 years with this name, I don't think that there is any interest in changing it. It is original. It is memorable; and it has worked pretty well for them.

A couple of weeks ago we celebrated Arts Education Day here in the State House. The Iron Twinkies are a wonderful example of the power and importance of arts education.

Congratulations to Alex Kinley, Ellie Sharp, Dylan Leighton, Avery Lara, Maggie Lamarre, Luke Bodwell, Matt Hastings, Doug Cooke, Nick Ryer, Leah Macmaster, Jake Leavitt, Tholia Hallett, Nik Hester, Oscar Brautigam, Cally Seymour, Jessica Troubh, Thomas Hiscock, Katie Han, Rex Noble and Jack Warnock. And we know that The Iron Twinkies' success would not be possible without the remarkable coaching of their director, Jerry Barry and the support of their parents. Congratulations to all on another championship year. Thank you, Mr. Speaker.

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

**Recognizing:**

Brittany Humphrey, of New Gloucester, who has been named the 2014 Miss Maine Sportsman, the first ever recipient of the award. The contest was put on by *The Maine Sportsman* magazine, and the attendees of the Maine Sportsman's Show chose the winner. Ms. Humphrey enjoys hunting, fishing and camping the old-fashioned way, in a tent. She has been successful in harvesting a deer every year, except for one, since the age of 10. We extend our congratulations to Ms. Humphrey on her receiving this honor;

(HLS 948)

Presented by Representative ESPLING of New Gloucester. Cosponsored by Senator CLEVELAND of Androscoggin, Representative TYLER of Windham.

On **OBJECTION** of Representative ESPLING of New Gloucester, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

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

Representative **ESPLING**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Britt Humphrey, of New Gloucester, epitomizes everything an outdoor woman in the State of Maine is. She loves to hunt deer, moose, grouse and turkey, and she also enjoys fishing. Britt is Maine's first ever Miss Maine Sportsman voted on by the attendees of the Maine Sportsman Show at the Augusta Civic Center at the end of March. I am so proud of Brittany and all her accomplishments. I am glad that Britt could be here with us today, no doubt she has a busy year ahead as she will be attending many sporting events and I wish her all the best.

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

**Recognizing:**

Austin Davis, of Augusta, a senior at Cony High School, who has been named the *Kennebec Journal* Boys Hockey Player of the Year. Austin scored a team high of 26 points to help Cony High School reach the Eastern Class A quarterfinals for a third consecutive season. We extend our congratulations and best wishes to Austin on his achievements;

(HLS 964)

Presented by Representative POULIOT of Augusta. Cosponsored by Senator KATZ of Kennebec, Representative WILSON of Augusta, Representative FOWLE of Vassalboro.

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

**READ.**

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

Representative **POULIOT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Today, I am proud to stand up and recognize Austin Davis who was recently named the *Kennebec Journal's* 2014 Hockey Player of the Year. Austin is a senior at Cony High School and, yes, his mother Sherry Ann is the one in the payroll department who sends us the little love notes when we forget to send our timecards in. Thank God for her or else I would never get paid.

Austin played a key role in helping the Cony Rams reach the Eastern Class A quarterfinals this year for a third straight season. This season he scored a team high 26 points with 16 goals and 10 assists. Austin's performance on the ice is clearly impressive. I am also impressed, however, with the commitment that Austin and all of our student athletes show to continually improving their skills. Our student athletes are athletes year round. Austin, like many of his fellow student athletes, spent time during the off season practicing his sport and refining his skills. He had a goal to come back to the team his senior year, a stronger player, and he accomplished that goal. Congratulations Austin on this great honor and on a terrific season.

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

**REPORTS OF COMMITTEE**

**Divided Report**

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-464)** on Bill "An Act To Enhance the Stability and Predictability of Health Care Costs for Returning Veterans and Others by Addressing the Issues Associated with Hospital Charity Care and Bad Debt"

(S.P. 631) (L.D. 1640)

Signed:

Senators:

CRAVEN of Androscoggin  
LACHOWICZ of Kennebec

Representatives:

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

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

Signed:

Senator:

HAMPER of Oxford

Representatives:

MALABY of Hancock  
McELWEE of Caribou  
SANDERSON of Chelsea  
SIROCKI of Scarborough

Representative BEAR of the Houlton Band of Maliseet Indians - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (S-464)** Report.

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-464).**

**READ.**

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

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

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

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

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

**ROLL CALL NO. 711**

**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, Kent, 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, Pouliot, Powers, Priest, Pringle, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Saucier, Saxton, Schneck, Shaw, Short, Stanley, Stuckey, Theriault, Tipping-Spitz, Treat, Verow, Villa, Welsh, Werts, Winchenbach, Mr. Speaker.

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

**ABSENT** - Ayotte, Gifford, Johnson D, Marean, Nadeau A, Noon, Peavey Haskell, Tyler, Weaver.

Yes, 94; No, 48; Absent, 9; Excused, 0.

94 having voted in the affirmative and 48 voted in the negative, with 9 being absent, and accordingly the Majority **Ought to Pass as Amended Report** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-464)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-464)** in concurrence.

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**ENACTORS**  
**Emergency Measure**

An Act To Implement the Recommendations of the Commission To Study Long-term Care Facilities

(S.P. 704) (L.D. 1776)  
(S. "A" S-521 to C. "A" S-497)

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

Representative **SANDERSON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This bill was the result of a summer long study regarding the fiscal health and the welfare of our nursing homes in the State of Maine. It has been found that we are underfunding our nursing homes by approximately \$30 million a year. When this bill came before our committee, the entire committee voted unanimously to support this bill. I am going to support this bill again today, because I think it is vitally important that we send the message that we must get funding to our nursing facilities. We have one that closed. We have one in Down East, right now, that is teetering on the edge, as well as another one that is teetering on the edge. Some of them are very, very close to closing their doors. I do, however, regardless of the fact that I am voting in favor of this bill today, do so with a cautionary note. In this bill, it is stated that the funding stream will come from an overpayment of cost of care credits that the state is yet to collect. Some of these costs of care credits that the department has identified are already in the budget and accounted for, the department's budget. This bill requires \$8 million. I would like to make sure that everybody in this room is aware there may not be \$8 million to fund this bill. However, I passed this bill supporting our nursing homes hoping that once a final analysis, which is actually being undertaken at this very moment, can find some. Thank you.

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. 712**

**YEA** - Beaudoin, Beaulieu, Beavers, Beck, Bennett, Berry, Black, Boland, Bolduc, Briggs, Brooks, Campbell J, Campbell R, Carey, Casavant, Cassidy, Chapman, Chase, Chenette, Chipman, Clark, Cooper, Cotta, Crafts, Cray, Crockett, Daughtry, Davis, DeChant, Devin, Dickerson, Dill, Dion, Doak, Dorney, Dunphy, Duprey, Espling, Evangelos, Farnsworth, Fitzpatrick, Fowle, Fredette, Frey, Gattine, Gideon, Gilbert, Gillway, Goode, Graham, Grant, Guerin, Hamann, Harlow, Harvell, Hayes, Herbig, Hickman, Hubbell, Jackson, Johnson P, Jones, Jorgensen, Kaenrath, Kent, Keschl, Kinney, Knight, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby A, Libby N, Lockman, Long, Longstaff, Luchini, MacDonald S, MacDonald W, Maker, Malaby, Marean, Marks, Mason, Mastraccio, McCabe, McClellan, McElwee, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, Nelson, Newendyke, Nutting, Parry, Pease, 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, Verow, Villa, Volk, Wallace, Weaver, Welsh, Werts, Willette, Wilson, Winchenbach, Winsor, Wood, Mr. Speaker.

**NAY** - NONE.

**ABSENT** - Ayotte, Gifford, Hobbins, Johnson D, Nadeau A, Noon, Peavey Haskell, Tyler.

Yes, 143; No, 0; Absent, 8; Excused, 0.

143 having voted in the affirmative and 0 voted in the negative, with 8 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 Make Supplemental Allocations from the Highway Fund and Other Funds for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2014 and June 30, 2015

(H.P. 1280) (L.D. 1788)  
(C. "A" H-830)

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

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

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**Resolves**

Resolve, To Eliminate Financial Inequality in MaineCare Reimbursement for Community-based Behavioral Health Services

(H.P. 1164) (L.D. 1593)  
(C. "A" H-829)

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

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

**REPORTS OF COMMITTEE  
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 Clarify When Bonds May Be Issued"

(H.P. 628) (L.D. 904)

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

That they are **UNABLE TO AGREE**.

Signed:

Senators:

CAIN of Penobscot  
JACKSON of Aroostook  
CLEVELAND of Androscoggin

Representatives

PRIEST of Brunswick  
FREY of Bangor  
DION of Portland

Came from the Senate with the Committee of Conference Report **READ** and **ACCEPTED**.

**READ** and **ACCEPTED** in concurrence.

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**CONSENT CALENDAR  
First Day**

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

(H.P. 1323) (L.D. 1841) Bill "An Act To Correct Errors and Inconsistencies in the Laws of Maine" (EMERGENCY)

Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-841)**

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

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

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**ENACTORS  
Acts**

An Act Regarding Compensation for the Panel of Mediators  
(S.P. 752) (L.D. 1854)  
(S. "A" S-525)

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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**Mandate**

An Act To Permit a School Administrative Unit Discretion Concerning Participation of Students from Charter Schools in School Extracurricular and Interscholastic Activities

(H.P. 630) (L.D. 906)  
(C. "B" H-838)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 129 voted in favor of the same and 6 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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**Mandate**

An Act To Enhance Efforts To Use Locally Produced Food in Schools

(H.P. 829) (L.D. 1185)  
(C. "B" H-839)

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

Representative **McCABE**: Thank you, Mr. Speaker. I just wanted to explain this bill is not associated with cost, but rather a reporting requirement surrounding local food in schools. Schools are already reporting, at this time, the use of food, the amount of food that they are serving. This would be an added line in that reporting, just to track the use of local food in school. As we look to expand local food in our schools, there is really no mechanism, at this time, to track how much local food is being used. That includes things like milk, vegetables, fruits as well. I appreciate your support on this bill and moving this issue forward.

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.

In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken.

**ROLL CALL NO. 713**

YEA - Beaudoin, Beavers, Beck, Berry, Black, Boland, Bolduc, Briggs, Brooks, Campbell J, Carey, Casavant, Cassidy, Chapman, Chenette, Chipman, Cooper, Daughtry, DeChant, Devin, Dickerson, Dill, Dion, Doak, Dorney, Duprey, Evangelos, Farnsworth, Fowle, Frey, Gattine, Gideon, Gilbert, Gillway, Goode, Graham, Grant, Hamann, Harlow, Hayes, Herbig, Hickman, Hobbins, Hubbell, Johnson P, Jones, Jorgensen, Kaenrath, Kent, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby N, Longstaff, Luchini, MacDonald S, MacDonald W, Maker, Marean, Marks, Mason, Mastraccio, McCabe, McClellan, McElwee, 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, Villa, Volk, Welsh, Werts, Wilson, Winchenbach, Mr. Speaker.

NAY - Beaulieu, Bennett, Campbell R, Chase, Clark, Cotta, Crafts, Cray, Crockett, Davis, Dunphy, Espling, Fitzpatrick, Fredette, Guerin, Harvell, Jackson, Keschl, Kinney, Knight, Libby A, Lockman, Long, Malaby, Newendyke, Nutting, Parry, Pease, Reed, Sanderson, Sirocki, Timberlake, Turner, Wallace, Weaver, Willette, Winsor, Wood.

ABSENT - Ayotte, Gifford, Johnson D, Nadeau A, Noon, Peavey Haskell, Tyler.

Yes, 106; No, 38; Absent, 7; Excused, 0.

106 having voted in the affirmative and 38 voted in the negative, with 7 being absent, and accordingly Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

**Acts**

An Act To Change Compensation for Career and Technical Education Region Cooperative Board Meeting Attendance

(H.P. 314) (L.D. 464)  
(C. "B" H-836)

An Act To Align Costs Recognized for Transfer of Nursing Facilities and Residential Care Facilities with Ordinary Commercial and Government Contracting Standards

(H.P. 357) (L.D. 538)  
(C. "B" H-837)

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.

**SENATE PAPERS**

**Non-Concurrent Matter**

Bill "An Act To Address Preventable Deaths from Drug Overdose" (EMERGENCY)

(H.P. 1209) (L.D. 1686)

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-712) AS AMENDED BY HOUSE AMENDMENT "A" (H-831)** thereto in the House on April 14, 2014.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-712) AS AMENDED BY SENATE AMENDMENT "A" (S-527)** thereto in **NON-CONCURRENCE**.

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

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

**PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE**

Bill "An Act To Amend the Laws Governing Poultry Processing"

(H.P. 1353) (L.D. 1859)

Sponsored by Representative DILL of Old Town. (GOVERNOR'S BILL)

Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** suggested.

Under suspension of the rules, the Bill was given its **FIRST READING WITHOUT REFERENCE** to a committee.

Under further 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** and sent for concurrence. **ORDERED SENT FORTHWITH**.

Bill "An Act To Provide for Temporary Commissioners at the Public Utilities Commission" (EMERGENCY)

(H.P. 1354) (L.D. 1860)

Sponsored by Representative RUSSELL of Portland. (GOVERNOR'S BILL)

Committee on **ENERGY, UTILITIES AND TECHNOLOGY** suggested.

Under suspension of the rules, the Bill was given its **FIRST READING WITHOUT REFERENCE** to a committee.

Under further 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** and sent for concurrence. **ORDERED SENT FORTHWITH**.

**REPORTS OF COMMITTEE**

**Divided Reports**

Majority Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "B" (H-840)** on Bill "An Act To Restore MaineCare Coverage for Ambulatory Surgical Center Services" (EMERGENCY)

(H.P. 265) (L.D. 390)

Signed:

Senators:

HILL of York  
CAIN of Penobscot  
FLOOD of Kennebec

Representatives:

ROTUNDO of Lewiston  
CAREY of Lewiston  
CHASE of Wells  
CLARK of Easton  
FREY of Bangor  
JORGENSEN of Portland  
KESCHL of Belgrade  
ROCHELO of Biddeford  
SANBORN of Gorham

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

Signed:

Representative:

WINSOR of Norway

**READ.**

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

The Bill was **READ ONCE**. **Committee Amendment "B" (H-840)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "B" (H-840)** and sent for concurrence.

Majority Report of the Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-524)** on Bill "An Act To Provide Former Employees of the Maine Military Authority the Ability To Sue for Severance Pay"

(S.P. 740) (L.D. 1837)

Signed:

Senators:

TUTTLE of York

PATRICK of Oxford

Representatives:

LUCHINI of Ellsworth

FOWLE of Vassalboro

LONGSTAFF of Waterville

SAUCIER of Presque Isle

SCHNECK of Bangor

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

Signed:

Representatives:

BEAULIEU of Auburn

GIFFORD of Lincoln

KINNEY of Limington

TURNER of Burlington

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-524)**.

**READ.**

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

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

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

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

Representative **SAUCIER**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of LD 1837 so that 147 laid off workers at the Maine Military Authority can present their case for severance pay in a court of

law. Since 1997, the mechanics and other production workers employed by the State of Maine at the Maine Military Authority rebuilt and rearmored Humvees and other military equipment for the U.S. Military in our nation's armed forces. As our nation fought simultaneous wars in Afghanistan and Iraq, Maine Military Authority workers kept our troops safe all over the world. Their work saved the U.S. Government millions of dollars compared to the costs of buying new military equipment. The entire workforce at the Maine Military Authority exemplified Maine's strong work ethic. The layoffs of 147 workers at the Maine Military Authority in October of 2013 were especially devastating to Aroostook County. Many of these workers commuted long distances so they could support their families and their communities. Yes, last fall, when the laid off workers at the Maine Military Authority asked for severance pay, which is one week per every year of service, the State of Maine denied it to them by claiming sovereign immunity. While it is not up to us here to decide whether or not they are entitled to severance pay, we have a responsibility to provide these laid off workers with at least an opportunity to make their case for severance in a court of law. LD 1837 allows them to present their case. Whether they win or lose will depend on the merits of the case they present. Unlike any other manufacturer in Maine, private manufacturers, regardless of whether they make guns or ships for our nation's military, are required by law to provide severance pay to their workers in the event of a mass layoff. LD 1837 does not obligate the State of Maine to make any severance pay whatsoever to the laid off workers at the Maine Military Authority, rather 1837 merely allows the laid off workers at the Maine Military Authority to make a claim in court for the kind of severance pay their private sector counterparts are already entitled to under the law. It would be up to a judge or for the parties to work out as to whether or not the laid off workers at the Maine Military Authority would receive severance pay.

Supporting LD 1837 does not appear to have any budgetary implications whatsoever for the State of Maine, rather LD 1837 potentially could help put out much needed federal dollars into northern Maine's economy. The laid off workers at the Maine Military Authority were primarily paid with federal funds so it would appear that any severance pay would be paid from that same mechanism. Because there are no comparable State of Maine workers doing such manufacturing work, supporting LD 1837 wouldn't appear to establish any precedence whatsoever for the State of Maine. This is a matter of fairness for the employees at the Maine Military Authority. I would encourage you to follow my light and support LD 1837 and give the workers up in Aroostook County a fair shot at severance pay. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Limington, Representative Kinney.

Representative **KINNEY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise against the pending motion. As per a letter from the Office of the Attorney General to Joint Standing Committee on Veterans and Legal Affairs, reference LD 1837, the Maine Military Authority Act in severance pay. "Dear members of the Joint Standing Committee on Veterans and Legal Affairs. You have asked for information about the pending civil lawsuit brought by the MSEA against the Maine Military Authority for severance pay. The office is not involved in ongoing arbitration, nor are we involved in negotiating the current collective bargaining agreement. We do represent MMA in this civil lawsuit as MMA is a state agency. The case involves the following issues. The complaint alleges that the MMA owes the former employees severance pay under the severance pay statute 26 MRS 625-B. At stake is the litigation of \$1.16 million in state funds, computed based on weekly wages of

the employees laid off in their longevity. The litigation has been put on hold in state court because the union's council has asked that it be delayed. Because the Legislature made the MMA a state entity, see 37-B MRS, 391, in order to get federal contracts with the National Guard Bureau, the MMA is covered by the doctrine in sovereign immunity. The severance pay statute does not apply to state agencies, because the statute does not, by itself, express terms covered by the State as an employer. Even if state agencies were covered by the severance pay statute, and sovereign immunity were waived, this facility has not substantially ceased operations. The MMA continues to employ over 50 people who are refurbishing vehicles and it is actively seeking contracts in order to reemploy those who were laid off. I hope this information is helpful in your consideration of LD 1837, the MMA is an important employer and an economic driver in Aroostook County. It is truly unfortunate that the federal budget cuts forced substantial reductions in MMA's workforce last fall in the layoffs, which you have heard about. Sincerely, Linda Pistner, Chief Deputy Attorney General." Thank you, Mr. Speaker.

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. You do not see me on that report, but I am supporting the Ought to Pass as Amended Report. The reason for it is that there were two, this bill can be summed up in this manner. This is about a court case. There were two arguments that I heard. The first argument came from MMA and it essentially was summed up by saying we cannot have our case heard in court without moving this bill forward. They do not get a day in court without moving this bill forward. The case that I heard from MMA could be summed up by saying we cannot win our case in court if this bill moves forward. I come down on the Ought to Pass as Amended Report largely because I believe that the case should be heard and that the facts of the case should be heard and it should be up to the Judicial System to determine the truth of the matter. It should not be up to us to determine the facts of the case. So, for me, I am voting Ought to Pass as Amended today to ensure that there is a case that moves forward where the Judicial Court can have its opportunity to hear the case. Thank you, Mr. Speaker.

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

**ROLL CALL NO. 714**

YEA - Beaudoin, Beavers, Beck, Berry, Boland, Bolduc, Briggs, Brooks, Campbell J, Carey, Casavant, Cassidy, Chapman, Chenette, Chipman, Clark, 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, Kent, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby N, Longstaff, Luchini, MacDonald W, Marks, Mason, Mastraccio, McCabe, McElwee, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, Nelson, Pease, Peoples, Peterson, Pouliot, Powers, Priest, Pringle, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Saucier, Saxton, Schneck, Short, Stanley, Stuckey, Theriault, Tipping-Spitz, Treat, Verow, Villa, Welsh, Werts, Willette, Mr. Speaker.

NAY - Beaulieu, Bennett, Black, Campbell R, Chase, Cotta, Crafts, Cray, Crockett, Davis, Doak, Dunphy, Duprey, Espling, Fitzpatrick, Gillway, Guerin, Harvell, Jackson, Johnson P, Keschl, Kinney, Knight, Libby A, Lockman, Long, MacDonald S, Maker,

Malaby, Marean, McClellan, Newendyke, Nutting, Parry, Peavey Haskell, Reed, Sanderson, Sirocki, Timberlake, Turner, Volk, Wallace, Weaver, Winchenbach, Winsor, Wood.

ABSENT - Ayotte, Fredette, Gifford, Johnson D, Nadeau A, Noon, Plante, Shaw, Tyler, Wilson.

Yes, 95; No, 46; Absent, 10; Excused, 0.

95 having voted in the affirmative and 46 voted in the negative, with 10 being absent, and accordingly the Majority Ought to Pass as Amended Report was ACCEPTED.

The Bill was READ ONCE. Committee Amendment "A" (S-524) was READ by the Clerk and ADOPTED.

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

Under further suspension of the rules the Bill was PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-524) in concurrence.

**ENACTORS**

**Emergency Measure**

An Act To Address Preventable Deaths from Drug Overdose  
(H.P. 1209) (L.D. 1686)  
(S. "A" S-527 to C. "B" H-712)

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. 715**

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

NAY - NONE.

ABSENT - Ayotte, Fredette, Gifford, Johnson D, Nadeau A, Noon, Plante, Tyler, 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 ENACTED**, signed by the Speaker and sent to the Senate.

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**Acts**

An Act To Expand MaineCare for Veterans and Low-income Residents

(S.P. 631) (L.D. 1640)  
(C. "A" S-464)

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

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

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

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. 716**

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, Kent, Kornfield, Kruger, Kumięga, Kusiak, Lajoie, Libby N, Longstaff, Luchini, MacDonald W, Marks, Mason, Mastraccio, McCabe, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, Nelson, Peoples, Peterson, Pouliot, Powers, Priest, Pringle, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Saucier, Saxton, Schneck, Shaw, Short, Stanley, Stuckey, Theriault, Tipping-Spitz, Treat, Verow, Villa, Welsh, Werts, Winchenbach, Mr. Speaker.

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

ABSENT - Ayotte, Gifford, Johnson D, Nadeau A, Noon, Plante, Tyler, Wilson.

Yes, 93; No, 50; Absent, 8; Excused, 0.

93 having voted in the affirmative and 50 voted in the negative, with 8 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 Provide for Temporary Commissioners at the Public Utilities Commission

(H.P. 1354) (L.D. 1860)

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. 717**

YEA - Beaudoin, Beaulieu, Beavers, Beck, Bennett, Berry, Black, Boland, Bolduc, Briggs, Brooks, Campbell J, Campbell R, Carey, Casavant, Cassidy, Chapman, Chase, Chenette, Chipman, Clark, Cooper, Cotta, Crafts, Cray, Crockett, Daughtry, Davis, DeChant, Devin, Dickerson, Dill, Dion, Doak, Dorney, Dunphy, Duprey, Espling, Evangelos, Farnsworth, Fitzpatrick, Fowle, Fredette, Frey, Gattine, Gideon, Gilbert, Gillway, Goode, Graham, Grant, Guerin, Hamann, Harlow, Harvell, Hayes, Herbig, Hickman, Hobbins, Hubbell, Jackson, Johnson P, Jones, Jorgensen, Kaenrath, Kent, Keschl, Kinney, Knight, Kornfield, Kruger, Kumięga, Kusiak, Lajoie, Libby A, Libby N, Lockman, Long, Longstaff, Luchini, MacDonald S, MacDonald W, Maker, Malaby, Marean, Marks, Mason, Mastraccio, McCabe, McClellan, McElwee, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, Nelson, Newendyke, Nutting, Parry, Pease, Peavey Haskell, Peoples, Peterson, 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, Verow, Villa, Volk, Wallace, Weaver, Welsh, Werts, Willette, Winchenbach, Winsor, Wood, Mr. Speaker.

NAY - NONE.

ABSENT - Ayotte, Gifford, Johnson D, Nadeau A, Noon, Plante, Tyler, Wilson.

Yes, 143; No, 0; Absent, 8; Excused, 0.

143 having voted in the affirmative and 0 voted in the negative, with 8 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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**Acts**

An Act To Amend the Laws Governing Poultry Processing

(H.P. 1353) (L.D. 1859)

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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**Emergency Measure**

Resolve, To Conduct a Market Analysis Regarding the Feasibility of Expanded Gaming in Maine

(H.P. 1343) (L.D. 1856)

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

Representative WILLETTE of Mapleton **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**: 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. Briefly, I would just urge that we not enact this bill as it is written. It is, again, an unnecessary study of gaming in the State of Maine as to feasibility by any sort of market analysis that might be conducted and funded. It would be a waste of money since we already know gaming is feasible. The question is what are the impacts of other gaming on existing gaming? That is the real question and we know that we have tensions right now. The existing market



does not want competition and those who are prepared to invest their own money to go into business are willing to take the risk, because they know gaming is feasible.

In the State of Maine, gaming is legal, but it is legal for some and others would like it legal for themselves. Maine benefits from gaming. We have lotteries. We have the bingos. We have the casinos and we now are seeing that what this bill will do is give some weight to those, I would suggest, who would prefer not to have impacts on existing gamings or revenues in the State of Maine, which I would submit is unfair. It is not the way things are done. Companies take the risk. They invest and if the market doesn't support them, then they fail. I would urge that this body, the law, allow market forces to work, that this be seen as unnecessary because experts have already concluded that existing casinos are feasible. The fiscal office here has reported that other gaming ventures would generate state revenues and would be feasible. All of the evidences before us, gaming is feasible. I would urge that in this present form that this bill not be supported, that instead this be allowed to basically go to the legislative file or whatever the term is and that instead we allow the business community to make application to this body who has the authority to license and there is no need for a study to do so. I would urge that you not support this bill to delay business development, to delay hundreds of new jobs being immediately brought online once these businesses are started and to delay funds that we desperately need for the University of Maine System, for health care for Mainers and for the tribes who desperately need to change the situations at home to meet programs that should be equally valued as important as health care for Mainers, generally, housing for Mainers, generally, etcetera, but for the tribes. We would feel that if this study did not go forward, we would be able to make application to the state and be fairly considered without any further delay. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Auburn, Representative Beaulieu.

Representative **BEAULIEU**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I am assuming and I would hope that the Speaker would clarify if I am incorrect, that this is not the same product that we submitted to the Senate this morning. It has come back changed and the amendment has been removed.

The SPEAKER: The Chair would answer that the House Insisted and the Senate Receded and Concurred with our actions. Therefore, Senate Amendment "C" is not on the bill. The Representative may proceed.

Representative **BEAULIEU**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I understand how some people may feel somewhat slighted as a direct result of the amendment that was eliminated from the document this morning; however, this was the original bill that was proposed by the committee to begin with. It had an 11 to 1 report. It certainly is not the intention of the committee and was not the intention of the committee to neglect anyone in the state. What the committee was looking for was data, information, that would tell us more about where and how and what kinds of processes are needed in order to make sure that this is done correctly. We have been waiting for a long time for this to take place. We are now in a position, if, in fact, we pass this, to dictate the terms upon which this kind of industry will take hold in the state, and I promise all of the bodies and all of the interested parties that if I am part of that committee, when we come back or when the study is made, that no one will have to be concerned about being neglected. That is not my intention. It certainly wasn't the intention of anyone on that committee and I think from what I've read from the actions of

this body in the past, I don't believe that this body wants anyone forgotten. They should not be. They will not be and you have my commitment, and I think the commitment of every member of that committee, to that regard. I appreciate you hearing me out and I thank the body for listening. Thank you.

The SPEAKER: The Chair recognizes the Representative from Hollis, Representative Marean.

Representative **MAREAN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of the pending motion. I am extremely pleased that it came back to us in the way we insisted when we sent it to the other chambers. This allows us to do a study going forward to get Maine in the position, or not in the position, of expanding gaming. I urge you please to support the pending motion and all is well that ends well. Thank you.

The SPEAKER: The Chair recognizes the Representative from Newcastle, Representative Devin.

Representative **DEVIN**: Thank you very much, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am sure that the good Representative from Auburn was very honest when he said that the committee did not mean to neglect anyone; however, this study does neglect an important part of society and thus I am not going to be able to support it. This study will not attempt to quantify the cost of gambling addiction to the state. If these studies do not incorporate the cost of gambling addiction, it is a fraud and incomplete study and thus I can't support it and I encourage my colleagues not to either. Thank you.

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

Representative **FREDETTE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Very quickly, you will recall that we've made many votes in this body, this session, on various bills because we didn't have information. I think this becomes the vehicle for us to be able to continue to have those conversations and provide the information so when we are back here next session, and we are going to see similar bills to the ones we have seen this session, we can at least have a basis whereby we can make informed choices going forward and so I urge your support for the measure. Thank you.

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

Representative **CAMPBELL**: Thank you, Mr. Speaker. I don't have much more to say than what the leader on the other side said, that we should support this and support it wholeheartedly. Thank you.

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. I hear the words from the good Representative from Auburn and the leader and I understand the sentiment expressed and the commitment expressed; however, well, there was a comment that there wasn't sufficient information and it is good to have sufficient information, but on the record, right now, there is the evidence already that gaming is feasible. This act is simply to conduct a feasibility study, a market analysis. It doesn't go into policy so it is not the amendments, which I would have preferred to have seen. This is just a delay to get information that the record already contains, that there is space for markets, for gaming markets, and that this should be seen for what it is, in my view, as unnecessary because that information is on the record right now at [Maine.gov](http://Maine.gov) with the gaming commission process of last summer. It is all there. The experts that will be probably contracted are going to just repeat what they said. In that sense, I think this should be seen for what it is and that is a successful program to prevent

market impacts, the existing market being impacted by any competition for a while longer and that shouldn't be tolerated. It should not be allowed. Thank you very much.

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. I know defeat when I have seen it, so I will be voting in support of the pending motion but do not rise in support. I would just like to say that we have exhausted every option to do the right thing and to kill the bill now is probably not the best decision for Maine. I think that the study falls far short of where it should. I don't think that it does what many of the parts of it that I would like to see it do, but to have no study is not the right direction at this time. Furthermore, for folks who are thinking about voting against the pending motion, there probably will be an amendment that strips the emergency clause if there is not two-thirds vote. So, as I said before, I will continue to fight to get this state in the right direction. I don't think this is the study that it could have been, but I am not going to stop getting the data that we need to make decisions down the line. I am disappointed, but I will be voting green today.

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

Representative **FOWLE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise in support of the motion. I want to speak to the delay issue, that this is just another delay tactic. I don't see it as a delay tactic. I see it as something that we are planning on working off right off. Having four meetings is what the Resolve does. The study does and it is planned to have these meetings before we come back, so before any bills are in front of us again. It would give us a chance to look at this and understand it and as a new member, that is something I need to do. I understand that people can be in this body for six years, seven years and understand a lot more than I do, at this point in time, but I ask for this vote in support so that we can study it and us new members can get a grasp on things and move forward. I do counter the delay because I think it is our plan to move forward on this and move quickly. Thank you.

The SPEAKER: The Chair recognizes the Representative from Waterville, Representative Longstaff.

Representative **LONGSTAFF**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I will be very brief. As a member of the committee that voted with the Majority Report, I will be supporting this. I rise now simply to provide one point of information. One of my colleagues said that he could not support the bill because it did not include provisions for gambling addiction and for combatting gambling addiction. You can't put everything in a brief bill, but there is a paragraph in this bill that provides for the establishment of a tax rate or revenue distribution of the revenues that come from any gambling operations and those do include, already, provisions for a certain amount of that revenue to be expended for prevention of gambling addiction or the treatment thereof. Thank you, Mr. Speaker and Ladies and Gentlemen of the House.

The SPEAKER: The Chair recognizes the Representative from Newcastle, Representative Devin.

Representative **DEVIN**: Thank you very much, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I apologize for rising a second time. I just want to stress to my good friend from Waterville that it is not setting funds aside that concerns me. My concern is that there is a cost to the state and to the people of this state in terms of gambling addiction. If we don't quantify how much that cost is, then we don't know how much money to set aside or appropriate or generate to cover that cost. So, without

quantifying the costs of gambling addiction, you are not going to have a complete study. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Limington, Representative Kinney.

Representative **KINNEY**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I will be voting for the pending motion. In regards to gambling addiction, our present lottery operations do have cascades. Cascades do set aside monies for gambling addiction. We also have programs in place at both of those casinos. Thank you.

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

Representative **RUSSELL**: Thank you, Mr. Speaker. I apologize for rising a second time, but I do want to speak to the addiction piece because we have actually done in the committee, over the years, a fair amount of work around this and I just want folks to understand it. It is not just that we set aside money. We actually have set it up with the Office of Substance Abuse. It used to be that that money was channeled through Public Safety. It has now been moved and shifted over to the Office of Substance Abuse counseling, so they have added to their database two questions. When you go in, if you are being checked out for mental health issues, there is a whole series of questions. That is part of how we quantify what the breadth and depth of our substance abuse and addiction issues are, and mental health capacity. A few years ago we were able to fight to get two questions added to that database. So, in fact, we already are working to quantify and understand the capacity, how far and wide the addiction problem is. So, we were already doing that. I just wanted folks to understand that for the record so that folks don't walk away thinking that we are not already doing something on that point.

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

Representative **BEAUDOIN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I don't know why we keep voting constantly regarding gaming in Maine. I don't know. I think it is high time that we let the Passamaquoddy get to be able to vote, get to be able to have their own gaming. Everybody else does in this state. Why is it that, apparently, we don't want them to have it? I don't know why. I don't understand why. I think they should have been given the first option for it. They were here first. It seems incredible to me that we are constantly voting for gaming. Let's have them get their place that they should have. They should have had it a long time ago. I still feel that they should. We should vote for them to have their own place for a change. That is what they want. They have wanted it all along. I just think it is not right what we are doing, what we have been doing. I don't know, maybe it is me, but I don't think I am the only one that feels this way in this House. I think it is high time that we do something for them. Thank you, Mr. Speaker.

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.

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. 718

YEA - Beaulieu, Beck, Bennett, Berry, Black, Briggs, Campbell J, Campbell R, Carey, Casavant, Cassidy, Chase, Chenette, Cooper, Cotta, Crafts, Cray, Daughtry, Davis, DeChant, Dickerson, Dill, Dion, Doak, Dorney, Dunphy, Espling, Evangelos, Farnsworth, Fitzpatrick, Fowle, Fredette, Frey, Gattine, Gideon, Gifford, Gilbert, Gillway, Goode, Graham, Grant,

Hamann, Harvell, Herbig, Hickman, Hobbins, Hubbell, Jackson, Johnson P, Jorgensen, Keschl, Kinney, Knight, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby A, Libby N, Longstaff, Luchini, MacDonald S, MacDonald W, Maker, Marean, Marks, Mason, Mastraccio, McCabe, McClellan, McElwee, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Nadeau C, Nelson, Newendyke, Nutting, Parry, Pease, Peterson, Pouliot, Powers, Priest, Pringle, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Sanderson, Saucier, Schneck, Shaw, Short, Sirocki, Stanley, Theriault, Timberlake, Tipping-Spitz, Treat, Turner, Verow, Volk, Wallace, Weaver, Welsh, Werts, Willette, Winchenbach, Winsor, Wood, Mr. Speaker.

NAY - Beaudoin, Beavers, Boland, Bolduc, Brooks, Chapman, Chipman, Clark, Crockett, Devin, Duprey, Guerin, Harlow, Hayes, Jones, Kaenrath, Kent, Lockman, Long, Malaby, Morrison, Peavey Haskell, Peoples, Reed, Saxton, Stuckey, Villa.

ABSENT - Aytote, Johnson D, Nadeau A, Noon, Plante, Tyler, Wilson.

Yes, 117; No, 27; Absent, 7; Excused, 0.

117 having voted in the affirmative and 27 voted in the negative, with 7 being absent, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

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**CONSENT CALENDAR**  
**First Day**

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

(H.P. 657) (L.D. 933) Bill "An Act To Establish a Separate Regulatory Board for Dental Hygienists" Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "B" (H-845)**

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

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

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

An Act To Make Supplemental Allocations from the Highway Fund and Other Funds for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2014 and June 30, 2015

(H.P. 1280) (L.D. 1788)  
(C. "A" H-830)

Which was **TABLED** by Representative BERRY of Bowdoinham pending **PASSAGE TO BE ENACTED**.

Subsequently, on motion of Representative WILLETTE of Mapleton, 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-830)** was **ADOPTED**.

The same Representative **PRESENTED House Amendment "B" (H-847)** to **Committee Amendment "A" (H-830)** which was **READ** by the Clerk and **ADOPTED**.

**Committee Amendment "A" (H-830)** as Amended by **House Amendment "B" (H-847)** thereto was **ADOPTED**.

Subsequently, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-830)** as Amended by **House Amendment "B" (H-847)** thereto in **NON-CONCURRENCE** and sent for concurrence.

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

**PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE**

Bill "An Act To Authorize a General Fund Bond Issue To Create an Animal and Plant Disease and Insect Control Facility Administered by the University of Maine Cooperative Extension Service"

(H.P. 1355) (L.D. 1861)

Sponsored by Representative FREDETTE of Newport. Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested and ordered printed.

**REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed.

Sent for 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 BEAVERS of South Berwick, the House adjourned at 3:42 p.m., until 9:00 a.m., Thursday, April 17, 2014 in honor and lasting tribute to Edward H. Vetter, of Elliot, Rocco C. Risbara, Jr., of Scarborough and Stuart Nudelman, of Ogunquit.