

MAINE STATE LEGISLATURE

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

Daily Edition

First Regular Session

beginning December 3, 2014

beginning at page H-1

ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE
FIRST REGULAR SESSION
56th Legislative Day
Monday, June 8, 2015

The Speaker resumed the Chair.

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

Prayer by Father Paul Sullivan, S.J., St. Michael Parish, Augusta.

National Anthem by Medomak Valley High School Chorus, Waldoboro.

Pledge of Allegiance.

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

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

Representative McCABE of Skowhegan assumed the Chair. The House was called to order by the Speaker Pro Tem.

The Journal of Friday, June 5, 2015 was read and approved.

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

UNFINISHED BUSINESS

The following matter, in the consideration of which the House was engaged at the time of adjournment Friday, June 5, 2015, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

Expression of Legislative Sentiment Recognizing the Maine Center for Disease Control and Prevention's Newborn Screening Program

(HLS 534)

TABLED - June 1, 2015 (Till Later Today) by Representative BUCKLAND of Farmington.

PENDING - **PASSAGE**.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Farmington, Representative Buckland.

Representative **BUCKLAND**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, I rise today to introduce you to a woman of impeccable integrity, fortitude and character. Jamie Davis is a young woman who inspires, leads and teaches by example. She is also the mother of two beautiful young girls, Addilyn and Rilyn. Addilyn was born with a very rare disease known as Krabbe disease. Her sister Rilyn, thankfully, is only a carrier and will never suffer the symptoms her sister has endured. Regrettably, Krabbe disease is a disease that can and does take life and it is a disease whose diagnosis remains problematic and whose reliable cure lies at the very limit of our medical and scientific abilities and understanding.

And yet, as Jamie's efforts have raised awareness of this disease and its devastating effects on entire families, we have come closer to the goal of reliably testing for and curing the disease. For you see, awareness helps drive the process. Through her tireless efforts of contacting experts, as well as those whose children have been affected, Jamie and her local advocacy group, Team Addilyn, have educated themselves and in turn educated others, and together they lead a brave fight to

advance our understanding of what can be done to help these poor helpless victims, the babies.

Every time I talk to Jamie she's always telling me about her next idea to get the word out about new advances being made and new tests that are being tried, and always, always she is asking herself, "What can I do next to help this cause?" She is a doer and she thinks big. In fact, the last time we spoke she told me she was going back to school to become a pediatrician. Mr. Speaker, I don't doubt it. One thing I know for sure is, if that is what she decides to do, she will succeed.

And I could go on and on about the myriad challenges and setbacks she and her husband, Kyle, have met and endured in the care of their child, or the six-month ordeal that unfolded before she learned that Addilyn was affected. I could even say more about the details of her work learning about and teaching and advocating for a test and a cure for Krabbe. But, that is not why we are here today. Today is a time for us to pause, and indeed a time for Jamie to pause, as we show our appreciation for the work she has done thus far and to offer her and her family, and Team Addilyn and all the 100,000 followers on Facebook our best wishes for the future. Thank you, Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Dedham, Representative Ward.

Representative **WARD**: Thank you, Mr. Speaker Pro Tem. Mr. Speaker Pro Tem, Ladies and Gentlemen of the House, I rise today to acknowledge the 50th anniversary of the beginning of the newborn screening panel, and to also introduce Doctor Thomas Brewster who has worked tirelessly on the Joint Advisory Committee in adding new screens to the panel as they have passed the rigors of scientific duplication. Doctor Brewster has worked on this project for the past 35 plus years and has seen the number of tests grow from three to the current 33 at this time.

The bulk of his life's work in Maine has been to see that these screens for diseases which are asymptomatic at birth can be detected and treated effectively. And Mr. Speaker Pro Tem, without his tireless efforts, we certainly would not be where we are today. Thank you, Doctor Brewster, for all you have done and all you will do to improve the lives and outcomes of our most precious gift, our children. Thank you.

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

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

SENATE PAPERS
Non-Concurrent Matter

Bill "An Act To Exempt Annuity Considerations from Tax"

(S.P. 237) (L.D. 644)

Minority (6) **OUGHT NOT TO PASS** Report of the Committee on **TAXATION READ** and **ACCEPTED** in the House on June 4, 2015.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Majority (7) **OUGHT TO PASS AS AMENDED** Report of the Committee on **TAXATION** was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-134)** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

Non-Concurrent Matter

Bill "An Act To Create a Civil Cause of Action for Intentional Interference with Business Operations"

(S.P. 427) (L.D. 1200)

Majority (8) **OUGHT NOT TO PASS** Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY READ** and **ACCEPTED** in the House on June 4, 2015.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Minority (5) **OUGHT TO PASS** Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-149)** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

Non-Concurrent Matter

Resolve, To Implement the Recommendations of the Commission To Continue the Study of Long-term Care Facilities (EMERGENCY)

(H.P. 70) (L.D. 87)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-77) in the House on May 5, 2015.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-77) AS AMENDED BY SENATE AMENDMENT "A" (S-173)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Bill "An Act To Extend the Funding Period for Landfill Closure Costs"

(H.P. 404) (L.D. 580)

House **INSISTED** on its former action whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-115)** in the House on June 1, 2015.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-115) AND SENATE AMENDMENT "B" (S-182)** in **NON-CONCURRENCE**.

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

COMMUNICATIONS

The Following Communication: (H.C. 189)

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

June 8, 2015

Honorable Robert B. Hunt

Clerk of the House

2 State House Station

Augusta, Maine 04333

Dear Clerk Hunt:

Please be advised that pursuant to Title 3 M.R.S.A. §154, Governor Paul R. LePage has withdrawn the following nominations:

On June 3, 2015

Richard A. Cook of Hermon for reappointment as a member of the Maine Milk Commission.

This nomination is currently pending before the Joint Standing Committee on Agriculture, Conservation and Forestry.

Brian H. Noyes of Freeport for reappointment as a member of the Maine Public Employees Retirement System Board of Trustees. This nomination is currently pending before the Joint Standing Committee on Appropriations and Financial Affairs.

David R. Ferguson, Esq. of Limerick for appointment as a member of the Board of Trustees, Maine School of Science and Mathematics.

Sarah E. Newell of Winterport for appointment as a member of the Board of Trustees, University of Maine System.

Admiral Gregory G. Johnson of Harpswell for reappointment as a member of the Board of Trustees, University of Maine System.

Nicole L. Boucher of Lebanon for appointment as a member of the Maine Community College System Board of Trustees.

These nominations are currently pending before the Joint Standing Committee on Education and Cultural Affairs.

Jonathan B. Mapes of Springvale for reappointment as a member of the Board of Environmental Protection.

This nomination is currently pending before the Joint Standing Committee on Environment and Natural Resources.

Jerry W. Scribner of Belgrade for appointment as a member of the Inland Fisheries and Wildlife Advisory Council.

Jeffrey C. Lewis of Ellsworth for reappointment as a member of the Inland Fisheries and Wildlife Advisory Council.

These nominations are currently pending before the Joint Standing Committee on Inland Fisheries and Wildlife.

Susan E. Roy of Waterville for reappointment as a member of the Maine Commission on Indigent Legal Services.

This nomination is currently pending before the Joint Standing Committee on Judiciary.

Peter J. DelGreco of Brunswick for appointment as a member of the Maine Rural Development Authority.

Bruce S. Harrington of Fairfield for reappointment as a member of the Maine Rural Development Authority.

John P. Moore of Yarmouth for appointment as a member of the Midcoast Regional Redevelopment Authority.

Elizabeth F. Fitzgerald of Machiasport and

Michael G. Radeka of Whiting

for reappointment as members of the Washington County Development Authority.

Glenn W. Burroughs of Lewiston and

Gary M. Koocher of Portland for reappointment as members of the Workers' Compensation Board.

These nominations are currently pending before the Joint Standing Committee on Labor, Commerce, Research and Economic Development.

Raymond C. Swenton of Gorham for appointment as a member of the Marine Resources Advisory Council.

Jennifer S. Bichrest of Topsham and

Christopher G. Weiner of Portland

for reappointment as members of the Marine Resources Advisory Council.

These nominations are currently pending before the Joint Standing Committee on Marine Resources.

June 5, 2015

Richard J. Ezzy of Caribou for reappointment as a member of the Loring Development Authority.

This nomination is currently pending before the Joint Standing Committee on Labor, Commerce, Research and Economic Development.

Sincerely,

S/Mark W. Eves

Speaker of the House

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

ORDERS

On motion of Representative JORGENSEN of Portland, the following Joint Resolution: (H.P. 987)

**JOINT RESOLUTION TO RECOGNIZE
THE 50TH ANNIVERSARY
OF THE MAINE STATE ARCHIVES**

WHEREAS, the 102nd Maine Legislature officially established the Maine State Archives in 1965 with Public Law 1965, chapter 441; and

WHEREAS, the Maine State Archives for 50 years has attempted to meet its dual responsibilities of preserving Maine's permanently valuable documents and providing access to those archival holdings to the general public, genealogists and historical researchers; and

WHEREAS, the Maine State Archives has also served as Maine's record-keeper in housing and providing access to Maine's nonpermanent documents; and

WHEREAS, the Maine State Archives has provided leadership and training across the State for municipal and county entities in the areas of records management, disaster recovery and best archival practices; and

WHEREAS, the Maine State Archives has been a strong participant in regional and national organizations, advocating for the value of the role of preserving and providing access to government records throughout the states and country; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-seventh Legislature now assembled in the First Regular Session, pause in our deliberations to recognize the Maine State Archives on the occasion of its 50th anniversary of existence and extend congratulations and appreciation to the Maine State Archives on its achievements and its continuing commitment to the State of Maine and its people, and proclaim June 8, 2015 as Maine State Archives Day; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Maine State Archives.

READ.

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

Representative JORGENSEN: Thank you, Mr. Speaker Pro Tem. Thank you, Men and Women of the House. What does the state keep and why? That's the central question of the State Archives, which is a small agency within the Office of the Secretary of State, that at one level is something like a giant multi-story filing cabinet, but at another it's every bit as romantic and curiosity-inducing as the facility that we see at the end of Raiders of the Lost Ark.

Within its miles of shelving are contained the most granular, sort of micro-records we have—everything from committee meeting minutes to payroll records to fire tower records and military pension records and photographs, right up to the biggest documents we have starting with the State Constitution. It's an extraordinary collection. The paper record of state government in all its aspects. And it's available to all, whether you're a high school student trying to learn Maine history or a legislator trying to figure out the origins of a point of law or a genealogist trying to unearth the story of your family.

As noted, the Archives is now celebrating its 50th birthday and I hope you'll all reflect on that. But more importantly, I hope you'll join the Archives today for a celebratory reception at noon, right across the parking lot. There'll be good Maine food and good Maine history on display. So, I'd like to wish the Archives a

very happy anniversary, many happy returns, and I thank you, Mr. Speaker Pro Tem.

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

REPORTS OF COMMITTEE

Divided Reports

Majority Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought Not to Pass** on Bill "An Act To Encourage Greater Efficiency in the Unemployment Insurance System" (S.P. 503) (L.D. 1371)

Signed:

Senator:

PATRICK of Oxford

Representatives:

HERBIG of Belfast

BATES of Westbrook

CAMPBELL of Newfield

FECTEAU of Biddeford

GILBERT of Jay

MASTRACCIO of Sanford

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-189)** on same Bill.

Signed:

Senators:

VOLK of Cumberland

CUSHING of Penobscot

Representatives:

AUSTIN of Gray

LOCKMAN of Amherst

STETKIS of Canaan

WARD of Dedham

Came from the Senate with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-189)**.

READ.

Representative HERBIG of Belfast moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

The same Representative **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

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

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is Acceptance of the Majority **Ought Not to Pass** Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 166

YEA - Alley, Babbidge, Bates, Battle, Beavers, Beebe-Center, Blume, Brooks, Bryant, Burstein, Campbell J, Chapman, Chenette, Chipman, Cooper, Daughtry, Davitt, DeChant, Dion, Doore, Duchesne, Dunphy M, Evangelos, Farnsworth, Fecteau, Fowle, Gattine, Gideon, Gilbert, Golden, Goode, Grant, Grohman, Hamann, Harlow, Herbig, Hickman, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kumiega, Lajoie, Longstaff, Luchini, Martin J, Martin R, Mastraccio, McCabe, McCreight, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Noon, Peterson, Pierce T, Powers, Rotundo, Rykerson,

Sanborn, Saucier, Schneck, Shaw, Short, Stanley, Tepler, Tipping-Spitz, Tucker, Verow, Warren, Welsh.

NAY - Austin, Bickford, Black, Buckland, Campbell R, Chace, Corey, Crafts, Dunphy L, Edgecomb, Espling, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Greenwood, Guerin, Hanington, Hanley, Hawke, Head, Herrick, Hilliard, Hobart, Kinney J, Kinney M, Lockman, Long, Lyford, Maker, Malaby, Marean, McElwee, Nutting, O'Connor, Parry, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reed, Sanderson, Sawicki, Seavey, Sirocki, Skolfield, Stearns, Stetkis, Sukeforth, Theriault, Timberlake, Timmons, Tuell, Turner, Vachon, Wadsworth, Wallace, Ward, White, Winsor, Wood.

ABSENT - Beck, Devin, Dillingham, Frey, Higgins, Kruger, McClellan, Russell, Sherman, Stuckey, Mr. Speaker.

Yes, 76; No, 64; Absent, 11; Excused, 0.

76 having voted in the affirmative and 64 voted in the negative, with 11 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** in **NON-CONCURRENCE** and sent for concurrence.

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought Not to Pass** on Bill "An Act To Upgrade the Concealed Handgun Permit Law" (H.P. 557) (L.D. 823)

Signed:

Senators:

ROSEN of Hancock
BURNS of Washington

Representatives:

DAVITT of Hampden
LAJOIE of Lewiston
LONG of Sherman
THERIAULT of China
TIMMONS of Cumberland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-309)** on same Bill.

Signed:

Senator:

GERZOFSKY of Cumberland

Representatives:

FOWLE of Vassalboro
CHENETTE of Saco
GERRISH of Lebanon
NADEAU of Winslow
WARREN of Hallowell

READ.

On motion of Representative FOWLE of Vassalboro, **TABLED** pending **ACCEPTANCE** of either Report and later today assigned.

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought Not to Pass** on JOINT RESOLUTION MAKING APPLICATION TO THE CONGRESS OF THE UNITED STATES CALLING A CONSTITUTIONAL CONVENTION TO PROPOSE AN AMENDMENT TO THE UNITED STATES CONSTITUTION REGARDING THE STATUS OF CORPORATIONS AS PEOPLE AND THE ROLE OF MONEY IN THE ELECTION PROCESS

(H.P. 956)

Signed:

Senators:

WHITTEMORE of Somerset
LIBBY of Androscoggin
WILLETTE of Aroostook

Representatives:

MARTIN of Sinclair
BABBIDGE of Kennebunk
BEEBE-CENTER of Rockland
BRYANT of Windham
DOORE of Augusta
GREENWOOD of Wales
PICKETT of Dixfield
TUELL of East Machias
TURNER of Burlington

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

Signed:

Representative:

EVANGELOS of Friendship

READ.

Representative MARTIN of Sinclair moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

On further motion of the same Representative, **TABLED** pending his motion to **ACCEPT** the Majority **Ought Not to Pass** Report and later today assigned.

CONSENT CALENDAR

First Day

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

(H.P. 197) (L.D. 279) Bill "An Act Regarding Payment under the Business Equipment Tax Reimbursement Program" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-322)**

(H.P. 374) (L.D. 550) Bill "An Act To Adjust the Calculation of Municipal Education Contributions for Communities Faced with Sudden and Severe Property Tax Valuation Reductions" (EMERGENCY) Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-323)**

(H.P. 718) (L.D. 1049) Bill "An Act To Further Define Duties for Persons Who Hold Powers of Attorney or Act as Agents for Residents of Long-term Care Facilities" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-319)**

(H.P. 873) (L.D. 1277) Bill "An Act To Establish a Magnet School for Marine Science, Technology, Transportation and Engineering" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-314)**

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

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

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

ENACTORS
Emergency Measure

An Act To Amend the Boundaries of the Capitol Area
(S.P. 516) (L.D. 1390)
(C. "A" S-179)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 126 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem and sent to the Senate.

Emergency Measure

An Act To Establish a Bag Limit for Brook Trout on Portions of Webster Stream in Piscataquis County
(H.P. 985) (L.D. 1442)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 122 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem and sent to the Senate.

Emergency Measure

Resolve, To Establish the Commission To Strengthen and Align the Services Provided to Maine's Veterans
(H.P. 497) (L.D. 721)
(C. "A" H-255)

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

Representative GIDEON of Freeport **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 PRO TEM: 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. 167

YEA - Alley, Austin, Babbidge, Bates, Battle, Beavers, Beebe-Center, Bickford, Black, Blume, Brooks, Bryant, Buckland, Burstein, Campbell J, Campbell R, Chace, Chapman, Chenette, Chipman, Cooper, Corey, Crafts, Daughtry, Davitt, DeChant, Dion, Doore, Duchesne, Dunphy L, Dunphy M, Edgecomb, Espling, Evangelos, Farnsworth, Farrin, Fecteau, Foley, Fowle, Fredette, Gattine, Gerrish, Gideon, Gilbert, Gillway, Ginzler, Golden, Goode, Grant, Greenwood, Grohman, Guerin, Hamann, Hanington, Hanley, Harlow, Hawke, Head, Herbig, Herrick, Hickman, Higgins, Hilliard, Hobart, Hobbins, Hogan, Hubbell,

Hymanson, Jorgensen, Kinney J, Kinney M, Kornfield, Kruger, Kumiega, Lajoie, Lockman, Long, Longstaff, Luchini, Lyford, Maker, Malaby, Marean, Martin J, Martin R, Mastraccio, McCabe, McCreight, McElwee, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Noon, Nutting, O'Connor, Parry, Peterson, Picchiotti, Pickett, Pierce J, Pierce T, Pouliot, Powers, Prescott, Reed, Rotundo, Russell, Rykerson, Sanborn, Sanderson, Saucier, Sawicki, Schneck, Seavey, Shaw, Short, Sirocki, Skolfield, Stanley, Stearns, Stetkis, Sukeforth, Tepler, Theriault, Timberlake, Timmons, Tipping-Spitz, Tucker, Tuell, Turner, Vachon, Verow, Wadsworth, Wallace, Ward, Warren, Welsh, White, Winsor, Wood.

NAY - NONE.

ABSENT - Beck, Devin, Dillingham, Frey, McClellan, Sherman, Stuckey, Mr. Speaker.

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 Resolve was **FINALLY PASSED**, signed by the Speaker Pro Tem and sent to the Senate.

Emergency Measure

Resolve, To Impose a One-year Delay on the Use of Standardized Tests To Evaluate Teachers

(H.P. 517) (L.D. 764)
(C. "A" H-264)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 124 voted in favor of the same and 0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker Pro Tem and sent to the Senate.

Emergency Measure

Resolve, To Create the Task Force on School Leadership
(S.P. 368) (L.D. 1042)
(C. "A" S-162)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 113 voted in favor of the same and 17 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker Pro Tem and sent to the Senate.

Emergency Measure

Resolve, To Create the Commission To Study a Stable Continuum of Care for Persons with Intellectual and Developmental Disabilities and Autism

(H.P. 730) (L.D. 1061)
(C. "A" H-259)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 123 voted in favor of the same and 0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker Pro Tem and sent to the Senate.

Acts

An Act To Allow Dental Hygienists To Prescribe Fluoride Dentifrice and Antibacterial Rinse

(H.P. 74) (L.D. 91)
(C. "A" H-139)

An Act To Expand Deer Hunting Opportunities for Junior Hunters

(H.P. 100) (L.D. 142)
(C. "A" H-273)

An Act To Create Corridor Districts for the Purpose of Funding Transportation and Transit Services

(H.P. 179) (L.D. 247)
(C. "A" H-254)

An Act To Allow Nonresident College Students To Obtain Hunting, Fishing and Trapping Licenses at the Resident Fee and with Resident Privileges

(S.P. 94) (L.D. 256)
(C. "A" S-170)

An Act To Create Transparency in the Mortgage Foreclosure Process

(H.P. 267) (L.D. 401)
(C. "A" H-257)

An Act To Increase the Beneficial Reuse of Waste Materials

(S.P. 205) (L.D. 589)
(C. "A" S-164)

An Act Providing a Good Samaritan Defense to Individuals Reporting a Drug Overdose

(H.P. 486) (L.D. 710)
(C. "A" H-237)

An Act To Increase the Minimum Population Requirement for a Municipality in Which the Bureau of Alcoholic Beverages and Lottery Operations May Locate an Additional Agency Liquor Store

(S.P. 277) (L.D. 779)
(C. "A" S-159)

An Act To Provide Tax Fairness and To Lower Medical Expenses for Patients under the Maine Medical Use of Marijuana Act

(S.P. 312) (L.D. 867)
(C. "A" S-178)

An Act Concerning the Review of Certain Projects under the Site Location of Development Laws

(H.P. 631) (L.D. 911)
(C. "A" H-271)

An Act To Allow the Establishment of Regional Municipal Utility Districts To Support Broadband Communications

(H.P. 632) (L.D. 912)
(C. "A" H-267)

An Act To Strengthen the Right of a Victim of Sexual Assault or Domestic Violence To Take Necessary Leave from Employment

(H.P. 640) (L.D. 921)
(C. "B" H-240)

An Act To Clarify Maine's Fertilizer Quality Control Laws

(S.P. 329) (L.D. 938)
(C. "A" S-181)

An Act To Benefit the Education of Denturism Students

(S.P. 349) (L.D. 1009)
(C. "A" S-160)

An Act To Revise the Animal Welfare Laws

(H.P. 706) (L.D. 1023)
(C. "A" H-274)

An Act To Preserve MaineCare Assisted Living by Providing a 4% Rate Increase to Private Nonmedical Institutions and Adult Family Care Homes

(S.P. 380) (L.D. 1078)
(C. "A" S-168)

An Act To Promote Degree Completion by Maine Community College Students

(H.P. 779) (L.D. 1141)
(C. "A" H-262)

An Act To Clarify the Mortgage Foreclosure Sale Process

(H.P. 785) (L.D. 1147)
(C. "A" H-258)

An Act To Make Possession of a Firearm with an Altered or Obscured Serial Number a Class C Crime

(S.P. 412) (L.D. 1160)
(C. "A" S-165)

An Act To Improve the Safety and Survival of 9-1-1 Callers and First Responders

(H.P. 856) (L.D. 1256)
(C. "A" H-268)

An Act To Allow for Super Cribbage Tournaments

(H.P. 878) (L.D. 1292)
(C. "A" H-266)

An Act To Improve the Safety of Vulnerable Users in Traffic and To Clarify the Responsibilities of Bicyclists and Pedestrians

(S.P. 466) (L.D. 1301)
(C. "A" S-177)

An Act To Amend the Community-based Renewable Energy Program

(H.P. 888) (L.D. 1310)
(C. "A" H-269)

An Act To Amend the Laws Regarding Nuclear Power Generating Facilities

(H.P. 891) (L.D. 1313)
(C. "A" H-182)

An Act Regarding Legal Representation in Certain Eviction Actions

(H.P. 910) (L.D. 1338)

An Act To Promote Recycling Program Integration and Efficiencies

(S.P. 498) (L.D. 1366)
(C. "A" S-169)

An Act To Clarify the Used Car Information Laws

(S.P. 514) (L.D. 1388)

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

Resolves

Resolve, To Reduce MaineCare Spending through Targeted Prevention Services

(H.P. 565) (L.D. 831)
(C. "A" H-281)

Resolve, Directing the Real Estate Commission To Convene a Stakeholder Group on Real Estate Licensure Requirements

(H.P. 614) (L.D. 895)
(C. "A" H-256)

Resolve, To Support and Encourage the Development of an Adult Family Care Demonstration Project in Washington County

(S.P. 381) (L.D. 1079)
(C. "A" S-166)

Resolve, To Ensure the Stocking of Inland Waters in the State

(S.P. 429) (L.D. 1202)
(C. "A" S-171)

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

An Act To Amend the Health Plan Improvement Law Regarding Prescription Drug Step Therapy

(S.P. 103) (L.D. 289)
(C. "A" S-104)

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

On motion of Representative GIDEON of Freeport, 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 PRO TEM: A roll call has been ordered. The pending question before the House is Passage to be Enacted. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 168

YEA - Alley, Babbidge, Bates, Battle, Beavers, Beebe-Center, Bickford, Blume, Brooks, Bryant, Burstein, Campbell J, Campbell R, Chapman, Chenette, Chipman, Cooper, Corey, Daughtry, Davitt, DeChant, Dion, Doore, Duchesne, Dunphy M, Evangelos, Farnsworth, Fecteau, Fowle, Gattine, Gideon, Gilbert, Golden, Goode, Grant, Grohman, Hamann, Hanley, Harlow, Hawke, Herbig, Herrick, Hickman, Higgins, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kruger, Kumiega, Lajoie, Longstaff, Luchini, Maker, Martin J, Martin R, Mastraccio, McCabe, McCreight, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Noon, Peterson, Picchiotti, Pierce T, Pouliot, Powers, Prescott, Rotundo, Russell, Rykerson, Sanborn, Saucier, Schneck, Seavey, Shaw, Short, Stanley, Stearns, Sukeforth, Tepler, Tipping-Spitz, Tucker, Tuell, Verow, Wallace, Warren, Welsh.

NAY - Austin, Black, Buckland, Chace, Crafts, Dunphy L, Edgecomb, Espling, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Greenwood, Guerin, Hanington, Head, Hilliard, Hobart, Kinney J, Kinney M, Lockman, Long, Lyford, Marean, McElwee, Nutting, O'Connor, Parry, Pickett, Pierce J, Reed, Sawicki, Sirocki, Skolfield, Stetkis, Theriault, Timberlake, Timmons, Turner, Vachon, Wadsworth, Ward, White, Winsor, Wood.

ABSENT - Beck, Devin, Dillingham, Frey, Malaby, McClellan, Sanderson, Sherman, Stuckey, Mr. Speaker.

Yes, 94; No, 47; Absent, 10; Excused, 0.

94 having voted in the affirmative and 47 voted in the negative, with 10 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem and sent to the Senate.

An Act To Provide a Tax Reduction for Modifications To Make a Home More Accessible for a Person with a Disability

(H.P. 252) (L.D. 365)
(C. "A" H-277)

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

On motion of Representative GIDEON of Freeport, 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 PRO TEM: A roll call has been ordered. The pending question before the House is Passage to be Enacted. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 169

YEA - Alley, Austin, Babbidge, Bates, Battle, Beavers, Beebe-Center, Bickford, Black, Blume, Brooks, Bryant, Buckland, Campbell J, Campbell R, Chace, Chapman, Chenette, Chipman, Cooper, Corey, Crafts, Daughtry, Davitt, DeChant, Dion, Doore, Duchesne, Dunphy L, Dunphy M, Edgecomb, Espling, Evangelos, Farnsworth, Farrin, Fecteau, Foley, Fowle, Fredette, Gattine, Gerrish, Gideon, Gilbert, Gillway, Ginzler, Golden, Goode, Grant, Greenwood, Grohman, Guerin, Hamann, Hanington, Hanley, Harlow, Hawke, Head, Herbig, Herrick, Higgins, Hilliard, Hobart, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kinney J, Kinney M, Kornfield, Kruger, Kumiega, Lajoie, Lockman, Long, Longstaff, Luchini, Lyford, Maker, Marean, Martin J, Martin R, Mastraccio, McCabe, McCreight, McElwee, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Noon, Nutting, O'Connor, Parry, Peterson, Picchiotti, Pickett, Pierce J, Pierce T, Pouliot, Powers, Prescott, Reed, Rotundo, Russell, Rykerson, Sanborn, Saucier, Sawicki, Schneck, Seavey, Shaw, Short, Sirocki, Skolfield, Stanley, Stearns, Stetkis, Sukeforth, Tepler, Theriault, Timberlake, Timmons, Tipping-Spitz, Tucker, Tuell, Turner, Vachon, Verow, Wadsworth, Wallace, Ward, Warren, Welsh, White, Winsor, Wood.

NAY - NONE.

ABSENT - Beck, Burstein, Devin, Dillingham, Frey, Hickman, Malaby, McClellan, Sanderson, Sherman, Stuckey, Mr. Speaker.

Yes, 139; No, 0; Absent, 12; Excused, 0.

139 having voted in the affirmative and 0 voted in the negative, with 12 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem and sent to the Senate.

An Act To Improve Maine's Juvenile Justice System

(H.P. 712) (L.D. 1029)
(C. "A" H-235)

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

On motion of Representative GIDEON of Freeport, 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.

Representative FREDETTE of Newport **REQUESTED** that the Clerk **READ** the Committee Report.

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

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

ROLL CALL NO. 170

YEA - Alley, Babbidge, Bates, Battle, Beavers, Beebe-Center, Bickford, Blume, Brooks, Bryant, Burstein, Campbell J, Chapman, Chenette, Chipman, Cooper, Corey, Daughtry, Davitt, DeChant, Dion, Doore, Duchesne, Dunphy M, Evangelos, Farnsworth, Fecteau, Foley, Fowle, Fredette, Gattine, Gerrish, Gideon, Gilbert, Ginzler, Golden, Goode, Grant, Grohman, Hamann, Harlow, Hawke, Head, Herbig, Hickman, Hobbins,

Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kruger, Kumiega, Lajoie, Lockman, Longstaff, Luchini, Maker, Marean, Martin J, Martin R, Mastraccio, McCabe, McCreight, McElwee, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Noon, Parry, Peterson, Pierce T, Pouliot, Powers, Prescott, Rotundo, Russell, Rykerson, Sanborn, Saucier, Sawicki, Schneck, Seavey, Shaw, Short, Sirocki, Stanley, Sukeforth, Tepler, Theriault, Tipping-Spitz, Tucker, Verow, Ward, Warren, Welsh, White.

NAY - Austin, Black, Buckland, Campbell R, Chace, Crafts, Dunphy L, Edgecomb, Espling, Farrin, Gillway, Greenwood, Guerin, Hanington, Hanley, Herrick, Higgins, Hilliard, Hobart, Kinney J, Kinney M, Long, Lyford, Malaby, Nutting, O'Connor, Picchiotti, Pickett, Pierce J, Reed, Sanderson, Skolfield, Stearns, Stetkis, Timberlake, Timmons, Tuell, Turner, Vachon, Wadsworth, Wallace, Winsor, Wood.

ABSENT - Beck, Devin, Dillingham, Frey, McClellan, Sherman, Stuckey, Mr. Speaker.

Yes, 100; No, 43; Absent, 8; Excused, 0.

100 having voted in the affirmative and 43 voted in the negative, with 8 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem and sent to the Senate.

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

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

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment Friday, June 5, 2015, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

Expression of Legislative Sentiment in Memory of Wayne Hollingworth, of Freeport

(HLS 350)

TABLED - May 7, 2015 (Till Later Today) by Representative GIDEON of Freeport.

PENDING - **ADOPTION**.

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

Bill "An Act To Prevent the Infestation of Firewood by Invasive Species"

(H.P. 789) (L.D. 1151)

- In House, Majority (12) **OUGHT TO PASS AS AMENDED** Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-276)** on June 3, 2015.

- In Senate, Minority (1) **OUGHT NOT TO PASS** Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY READ** and **ACCEPTED** in **NON-CONCURRENCE**.

TABLED - June 5, 2015 (Till Later Today) by Representative McCABE of Skowhegan.

PENDING - **FURTHER CONSIDERATION**.

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **TAXATION** reporting **Ought Not to Pass** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Eliminate the Income Tax (H.P. 928) (L.D. 1367)

Signed:

Senator:

LIBBY of Androscoggin

Representatives:

GOODE of Bangor

MOONEN of Portland

RUSSELL of Portland

STANLEY of Medway

SUKEFORTH of Appleton

TEPLER of Topsham

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-324)** on same RESOLUTION.

Signed:

Senators:

McCORMICK of Kennebec

DAVIS of Piscataquis

Representatives:

BICKFORD of Auburn

CHACE of Durham

SEAVEY of Kennebunkport

SKOLFIELD of Weld

READ.

Representative GOODE of Bangor moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

Representative ESPLING of New Gloucester **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

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

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

Representative **GOODE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, just so folks are aware of what they're voting on, this is a Constitutional Resolution that would propose an amendment to the Constitution to repeal the income tax. Our committee had a public hearing and a work session on this bill. I would just rise to let members of the Legislature and folks listening in know that if the Resolution were adopted, it would have a \$1.7 billion fiscal note. It's by far the largest fiscal note I've ever seen on a bill in my seven years in the Legislature.

Based on what we heard in the committee and what we heard, I think, from Maine Revenue Services, \$1.7 billion is a lot of money. From our calculations in committee, if you eliminated every cent of state spending on public higher education and K-12 funding, you would still need to find \$400 million to fill that hole. So, I'm going to support the pending motion based on my concern for what would happen to public education if we eliminated the income tax. There was not any sort of plan presented to our committee as to what we would do if there was no income tax, and that led me to believe that it would likely cause some major negative consequences for education for children and the future workforce of our state. Thank you, Mr. Speaker.

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

Representative **ESPLING**: Thank you, Mr. Speaker, Men and Women of the House, I stand today to just voice my support for this Resolution and against this motion. I believe that people should have a choice. I'd like to see that this debate be brought to the public square; that people would have the chance to consider it, especially in this atmosphere that we have right now, when we're talking a lot about taxes and what's the best way to tax Maine people.

And, I think when we're talking about the best way to tax Maine people, that they should have a voice in that. And so, I see this Resolution as an opportunity for Maine people to have their say, and for them to confirm whether we're going in the correct direction or not. I'd like to know that, I'd like this debate to be brought to the people, I'd like them to have a voice, I'd like them to have a vote, and I would support this Resolution and vote against this motion. Thank you.

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

Representative **LOCKMAN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, the State of Maine got along very well for a very long time without a state income tax. From 1820 until 1969, we had no state income tax. But we had roads, we had bridges, we had schools, we had courthouses, we had jails.

It was adopted in 1969 to cover a 37 percent increase in state spending over the previous biennial budget. We think we got an increase in this budget this year, imagine a 37 percent increase over the last budget. And it was a tax on the rich. The top rate was six percent, and that didn't kick in until \$50 thousand of income. In today's dollars, that would be \$320 thousand of income for the top rate. And yet, when the current Chief Executive took office four years ago, the top rate had been jacked up to eight and a half percent and the bracket had been ratcheted down below \$20 thousand. So Maine was, in effect, treating people who make less than \$20 thousand like millionaires in the top bracket. And yet, state government was broke after all that revenue enhancement.

We had a three quarter of a billion dollar welfare debt to the Maine hospitals that hadn't been paid. We had a decade-long series of stop-gap supplemental budgets as medical welfare spending cannibalized the rest of the state budget. Bear in mind also that Maine's population in 1969 was one million people. It has grown from one million to 1.3 million people in that period of time, and yet we have five times as many state employees today. So, we need to ask ourselves, are Maine people better off after the explosive growth of state government since we passed the state income tax nearly half a century ago? Are the roads better? Are Maine kids better able to read, write, and compute than they were in the 1970's? Mr. Speaker, these questions answer themselves. Thank you.

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

Representative **PARRY**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I think the big thing with this Resolution is we're asking the Maine people if they want to continue paying the income tax. It always seems that we ask them questions about spending extra money, but not asking the question how they want to be taxed. If the majority thinks that the people of Maine will say no to this tax, then let's send it out and have the Maine people say no.

My only question is will the Maine people say no, or are they tired of paying some of the highest taxes in the country? We keep hearing how, if we do away with this our property taxes will

go through the roof. Well, Mr. Speaker, my property taxes have been going through the roof with the income tax. So, I know since I built my house in 2001, my property taxes have doubled with all the stuff that we've been sending to the towns and with our income tax, and I think we need to do something different.

I think the Chief Executive was correct on looking at new ways to tax and maybe shifting more of our tax burden to the tourists that come to Maine. In 2014, 32 million tourists came to Maine. What if we just taxed those 32 million, just slightly more, and then maybe the hardworking people of Maine and the small business owners like myself might be able to pay a little bit less. Thank you very much.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Durham, Representative Chace.

Representative **CHACE**: Thank you, Mr. Speaker. Ladies and Gentlemen of the House, thank you for your time and patience. I just want to emphasize that as a resident of Durham, Maine, our taxes as well have doubled over the last 10 years. We have to do something for our residents of this state and find ways to have economic opportunity.

The recent changes that we've had in the past few years of lowering the income tax rate has absolutely led to a positive increase in more money and more spend and businesses ability to hire. We need to continue on this trend. Your small mom-and-pop businesses—flower shop owners, hardware stores, ice cream shops—all of these small businesses, this is a raise to them. This is their ability to also increase their employment rolls and make them find better ways to pay better wages to their employees. So, this is the step we need to take and the most important part of all of this is a nearly split committee vote, 7:6. We need to let the citizens of Maine have the choice to have a voice on this. So, I appreciate your time, and please let's vote to allow the citizens of Maine make their decision on this.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Topsham, Representative Tepler.

Representative **TEPLER**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, I rise in support of the Majority Ought Not to Pass Report. Many years ago I took a course with the economist Charlie Colgan, and on the first day of class Charlie Colgan wrote on the board in giant-sized letters, "There is no free lunch." And he taught that that was the most important principle of economics in public policy.

I believe that the proposal to send this recommendation to the people of Maine without careful consideration means that we are offering and dangling the idea of a "free lunch." There is no free lunch. The \$1.7 billion fiscal note on this proposal means that we would lose the good quality of education that we have in the State of Maine, and I cannot support a motion that moves that forward. Thank you very much.

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

Representative **RUSSELL**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, we heard that the tax brackets were a problem. The Tax Committee agreed. We agreed unanimously that we should be changing the tax brackets to make it more progressive to deal with some of the challenges that were outlined previously. That could be dealt with in another way than actually eliminating the income tax outright. If that's the problem, we should be talking about that.

The other piece to this is that the Taxation Committee requested repeatedly for information on what the plan was to address the spending cuts. We're talking about \$1.2 to \$1.5 billion out of a \$6.6 billion budget. That is about, roughly, one-sixth of the budget that we would be losing in tax revenue. So the question is, how do you make that up? And we are not

seeing, you know, when you look at Kansas, Kansas decided to do the same thing. Schools are actually closing early, and Kansas GOP folks are actually talking about raising the taxes in Kansas because the income tax elimination failed.

But we finally, after the committee met, after the committee voted on this, after the committee requested and requested and requested information on how this was going to be paid for, only last week was something released and maybe people didn't see it. Thanks to Mario Moretto from the *Bangor Daily News* for catching it. But there is, actually, a proposal put out by the Chief Executive about how we could, what types of reductions that we would need to make in state spending in order to accommodate this more than well over a billion dollars. So, let me just walk you through a few of them because I think they're really enlightening. Eliminate municipal planning grants so that municipalities can no longer work together to try to economize on their efficiencies of scale. Reduce land owner relations so that we have no ability to work with them on forest issues. Cut entirely the Office of Victim's Services, because that's a good idea. Remove funding to publish the MDF Measures of Growth. Many of us read the Measures of Growth Report that comes out from the Maine Development Foundation every year as a record of what Maine is doing right and what Maine could be doing to improve. That's something that we use as a tool. We're going to eliminate funding for that. We're going to remove a half a million dollars annually from the Adult College Readiness Program, so for adults that are not ready to attend college who need a little extra help to be able to get ready for college so that they can earn the skills—we keep talking about the skills gap—this would allow us to help adults who need a little extra help to get into college and be successful. We're going to remove \$250 thousand a year from the School Audit Program, so we wouldn't actually be able to audit our elementary schools and our K-12 schools to make sure that the programs are being run efficiently. We're actually going to cut another quarter of a million dollars from K-12 from the EPS formula, so that's per year, so that's a \$500 thousand cut to K-12 education. We're going to take \$65 thousand a year that's set aside for illegal drug operations. I'm confused by this one because the Chief Executive continues to ask for money to fund DEA agents, Attorneys General, and court system money to help with drug enforcement and the like. So why we're cutting \$65 thousand a year to go after illegal drug operations is beyond me. We're going to eliminate state funding for Head Start. So we're going to be providing tax breaks for the rich by cutting Head Start and early childhood education for poor children, also a great priority. We're going to eliminate the DEL Fund. We're going to eliminate drugs for the elderly.

The SPEAKER PRO TEM: The Representative will defer. The Chair inquires why the Representative rises.

Representative **LOCKMAN**: Point of Order. It seems to me this discussion is not germane to the bill, to go on and on about revenue cuts when we're talking about a proposed Constitutional amendment.

On **POINT OF ORDER**, Representative **LOCKMAN** of Amherst asked the Chair if the remarks of Representative **RUSSELL** of Portland were germane to the pending question.

The SPEAKER PRO TEM: The Chair will remind all Members to limit their comments to the bill that is before us, and further, this is something that I've given some folks some leeway on, so I believe. The Chair will announce that the Chair will monitor the debate and make a determination and thanks the Point of Order, and encourages the Representative from Portland, Representative Russell to proceed.

The Chair reminded Representative **RUSSELL** of Portland to stay as close as possible to the pending question.

The SPEAKER PRO TEM: The member may proceed.

Representative **RUSSELL**: Thank you, Mr. Speaker, and just to clarify for folks who are listening, and to my good friend from Amherst, who so graciously brought this point up, this is actually directly related to this. Quote from the *Bangor Daily News*, "Here are the programs LePage might slash to pay for income tax cuts. In a press release today, Governor Paul LePage insisted that he has continued to meet with Republican Leaders..."

The SPEAKER PRO TEM: The Member will defer. The Chair reminds all Members to refer to the Chief Executive as the Chief Executive.

The Chair reminded members when they are referencing the Chief Executive that they refer to him as the Chief Executive.

The SPEAKER PRO TEM: Thank you. The Representative may proceed.

Representative **RUSSELL**: My sincere apologies, I was quoting the *Bangor Daily News*, you're right. But essentially, what I am reading to you right now is the proposed cuts that would need to be made for this bill to actually pass. So as I was saying: We would eliminate state funding for Head Start; We would eliminate the Drugs for the Elderly program. The key piece for the Drugs for the Elderly program is that it is largely paid for by the casino in Bangor. The casino that Maine people voted on, and when they voted on that casino in Bangor, they actually were asked if you would support a casino, or a racino at the time, if some of the money went to scholarships and if some of the money went to fund prescription drugs for the elderly. But don't worry folks, that would be cut under this particular bill. It eliminates the Children Need a Healthy Start program for \$4 million a year. That program works to improve the health of women of reproductive age, children from birth to 21 years, and children with health needs.

Again, most of the funding cuts on this, if this proposal were to move forward, would provide tax breaks for the rich. In fact we saw under the recent proposal, which is a much more modest version of this, that the preponderance of tax breaks went to the wealthiest among us, well over \$10 thousand per year. I can't imagine what this particular proposal would do considering it is a significantly bigger chunk. Those funding cuts are going to disproportionately impact children, and they are going to disproportionately impact the elderly.

I wish that I could've made this up. I wish that the piece of information that I was presented to you and reading to you on the floor of the House was not related to this. It would be so much more convenient to be able to say, "Hey, let's eliminate the income tax." But this is specifically from the Chief Executive's office. It is specifically related to LD 1367. And it is specifically demonstrating exactly the kind of cuts to the children and the elderly of this state that we are going to see move forward if this bill moves forward.

Now to the point about whether or not people should have the right to vote on this. They have voted three times on variations of spending cuts. They have voted on variations of tax policy three times. And may I remind the people of this chamber, the last time the people of Maine voted on whether or not they wanted to have major cuts in order to cap spending, they voted 60 percent to 40 percent against it. So why this body would even consider going against the will of the people is beyond me. The people have voted on it three times and I don't think that they want to see Drugs for the Elderly cut and I don't think they want to see Head Start cut. It is why I am asking you to vote in support of the pending motion, which would once and for all vote Ought Not to Pass on this Constitutional Resolution. Thank you, Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Dresden, Representative Pierce.

Representative **PIERCE**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, 1969 we passed income tax in Maine. It was supposed to be a temporary measure just to get us through a budget crisis of a because we spent 37 percent. What's temporary?

It's now been 44 plus years since this was supposed to have sunsetted. You think that's long enough to see if this worked? We can follow the decline of Maine and its economy through the income tax starting in the early 70's, and as the taxes went up, we saw our mills closing, we saw our people leaving. 1969 we were a state of a million people. We're a state now, 40 something years later, of a million, three hundred thousand people. That's really not much growth and it's because of our onerous income tax. It was supposed to be temporary.

Now, I know the state's got addicted to opium, other people's money. But that's okay. I ask, if New Hampshire has such high property tax rates, at 18 percent, we have that here in Maine. Has that solved any problems? Cutting your income tax or getting rid of it, as it was supposed to have sunset, in my opinion, is the right thing to do. Our economy has shifted from a manufacturing economy to a tourism economy. Maybe when they place these income taxes in Maine, and we actually had manufacturing, this made sense to the body that did this. But, as our economy is changing—We no longer have manufacturing. We don't encourage manufacturing with our onerous tax policies.—then, maybe it's time to look at a new way to tax, or revise our tax codes.

Yes, there are going to be some cuts, but we spend an awful lot of money for stuff. We have a spending problem in this state. We have no problem sending it out to the voter when we want to spend more money. Fifty five percent to fund the schools. Have we done that yet? That's been 12 plus years. I just ask that we revisit this and if the people say no, well, then they said no. But, I'm sure in my district people would vote for this. Thank you.

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

Representative **LOCKMAN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, when the top rate of the state income tax was reduced from 8.5 to 7.95 percent four years ago, that was the biggest tax cut in state history. Because it was the only tax cut in state history. Going from 8.5 to 7.95 is not exactly a big tax cut.

We were told that would blow a \$300 million hole in the state budget. Didn't happen. It actually generated more revenue than before. And why is that? Because when you let people keep more of the money that they have earned—and again, let's remember that: they earned it; this isn't the government's money that they're giving back to them—when you let people keep more of the money that they've earned, they don't stuff it in a mattress. They don't put it in a coffee can and bury it out in the back yard. They spend it or invest it. It generates more taxable transactions in the economy.

But I know I'm not going to be able to win that argument today. I would just leave you with the thought that the nine states that have no state income tax are doing very, very well compared to the 41 states that continue to tax individual's income. And I haven't heard any reports that in those nine states with no state income taxes, that they are shredding the safety net and throwing poor people and children out on the streets. Thank you, Mr. Speaker.

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

Representative **GROHMAN**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I wholeheartedly support a healthy discussion of the way that we are taxed. But I note that there is a tendency to imply that this tax change would be business-friendly. That may be true, but we are not really talking about a business tax. Most of our corporations, including the greatest majority of our manufacturers are C corporations. We tax those corporations a top rate of 8.93 percent. So, I'm fond of telling you about all the taxes I send in and the forms, 9-40 and 9-41, and 44-73, and K-1 that I'm constantly filling out.

We are talking about the individual income tax here. It's a bit of a journey to imply that that affects our esteemed business community. So again, we tax that community at 8.93 percent. The rate starts at \$19,418 and then it's 8.93 percent on top of that. That really, in my view, is what we should be talking about. I would also note that New Hampshire has a very similar business tax structure so, I really want to talk about the way we support business and the way we tax business, but I don't think that this is the vehicle to do it. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Topsham, Representative Tepler.

Representative **TEPLER**: Thank you, Mr. Speaker. And thank you, Ladies and Gentlemen of the House, I rise again to remind you of one word: Kansas. This is not a vote on exporting our tax burden, nor is it a vote on tax reform in general or any other portion of the tax code other than the individual income tax. My esteemed colleagues on the other side of the aisle want us to rediscover legislative intent from decades ago. I hope that they will stick with that opinion when it comes to revenue sharing. Thank you very much.

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

Representative **GOODE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, this debate went in a couple directions I didn't anticipate so I'd like to add just a couple more comments. And for those that might be listening in, I just want to be very clear about the opportunity for Maine people to vote on taxes. I became involved in politics 13 years ago, in 2002, and counting the failed Poleski referendum, the two failed TABOR referendums, the failed excise tax referendum, the tax reform referendum in 2009, and the beverage tax referendum, I think that's six different tax referendums we've had in the last 13 years. So, if Maine people want to vote on taxes, they certainly don't need our permission. They can vote on an income tax cut. They can send out lots of different tax questions. We are not the people who hold the keys to any different type of tax referendum for the state.

So, I do not view the vote today as preventing anybody from having an opportunity to have a public vote on tax policy. We're going to have lots of different public votes in my lifetime in Maine. I expect there'll be more tax policy votes that people have. I think the process that people went through to get the signatures for TABOR or for an excise tax cut for the Poleski referendum seemed to be a process that worked fine, and I don't know why this policy area would need to have a different process.

Would just like to comment a little bit, because we talked about reforming the tax code and taxing tourists. I think that this bill before us just deals with eliminating the income tax. And there have been efforts to try to tax tourists, or export taxes, and those efforts have run into major roadblocks, and so that's not before us today. Regarding small businesses, I have yet to see an idea to eliminate the income tax that does not result in cuts to healthcare, education, things that increase property taxes or increase sales taxes. That's just the way it is. If we cut the

income tax, we're going to either cut education or healthcare, or increase property taxes or sales taxes.

I've talked to lots of small businesses who want an educated workforce, who want a healthy workforce, and were concerned about property taxes and sales taxes. So, I'm very confident in the motion before us. It's \$1.7 billion a year, so I think that's well over half the state budget. Very concerned about schools. And lastly, we got a distributional analysis on this. And I want to be very clear around tax policy and taxes in general, I'm concerned about who wins and who loses. And when we talked to Maine Revenue Services and got information on the state budget and on eliminating the income tax, it was very clear that those who earn over \$350,000 a year, would get a \$60 thousand tax cut if the state eliminated the income tax. So, if you're making \$400,000 a year, if you're making \$352,000 a year, if you're in the top bracket and this passed, you would get to keep an extra \$60 thousand a year. That is a giant tax cut for people who are doing very well.

Interesting thing that we learned from the distributional analysis, was that on average, the bottom fifth Mainers would actually get a tax increase since many of them currently have a negative income tax liability because of a zero percent bracket that we've all worked on, and the refundable Property Tax Fairness Credit. So, totally fine with letting people vote on tax questions. They can collect the signatures right now. And I feel really reluctant, at a time when we have a lot of unmet needs in our state to give a \$60 thousand, on average, annual tax cut to people who make over \$350 thousand a year. And I feel especially reluctant, if there's going to be a tax increase for the bottom fifth of income earners. Thank you, Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Berwick, Representative O'Connor.

Representative O'CONNOR: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I'm a little surprised here. It's the taxpayers that finance all government programs. Every single one of them. And now I'm hearing here, in such a pro-choice audience, that they don't want to send this choice out to the taxpayers to be able to vote on this issue. That's as simple as this is. The people getting a choice to vote.

There are other ways that we could settle this \$1.7 billion. The easiest way would be, probably, we have 32 million tourists come to this state annually. Tax them \$53 more and then you've got your \$1.7 billion, and the people, we the people, get our choice in the voting booth. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Appleton, Representative Sukeforth.

Representative SUKEFORTH: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, I rise in favor of the pending motion, Ought Not to Pass, on the Resolution proposing a Constitutional Amendment to eliminate the income tax. I serve on the Taxation Committee. This was a dare and I voted against this when it came before our committee. It was a very difficult vote for me.

I fully support the concept. I applaud what the Chief Executive has been doing reducing, or trying to reduce, the income tax. I agree with Representative Lockman, when he stood up earlier, saying that some assumptions were made and I will say that I think Representative Russell and Representative Goode were making assumptions when they said that for this to happen, that we would have to cut these programs. What this amendment does is it cuts revenue to the state. It doesn't say about cutting any programs.

The reality is, that yes, programs probably would be cut but we don't know that. The revenue could be made up in sales tax. So, now it sounds like perhaps I was in favor of this, but now I'll

tell you why I'm not. In committee I asked Doctor Michael Allen what the sales tax would be if we eliminated the income tax to make up for this. And he hadn't run the numbers, but when I said it would probably be around 10 or 12 percent, he agreed. And, if that's what we want to do, that's fine. But the reality is, this does have a \$1.8 billion fiscal note. Now, even the Chief Executive put before Taxation a tax plan, an income tax plan and a sales tax plan for the next four years. And even if this Legislature fully implemented his cuts in the income tax, and his increase and broadening in the sales tax, at the end of four years, the income tax still would be collecting \$1.2 billion, that would be approximately a \$600 million decrease over four years, and the Sales and Use Tax would increase about \$400 billion to \$1.7 billion. And this is with the Chief Executive's plan, what he would like to see done.

And Doctor Michael Allen testified that yes, you know, the Chief Executive does want to get rid of the income tax. He's taking a measured approach and over, if his plan was implemented, over his eight years, the income tax would've been reduced 40 percent. That's great. But to go and reduce it 40 percent over eight years and then take the next 60 percent in one year and create a fiscal cliff, I just do not think that that's a reasonable approach.

Think about this: this Chief Executive will be serving until the fall of 2018. We will be electing a new Chief Executive in the fall of '18, who will take office in 2019. This new Governor that we elect would have six months, the first half of Fiscal Year 2019 with a normal budget with income tax. And then, so when they submit their biennium budget for starting July 1, 2019, they will have six months of revenue with an income tax, and then the next year and a half would be no income tax and a \$1.2 billion hole, and they would have to present a budget having just taken office, a biennium budget with, essentially, no income tax. I think that's unreasonable.

And to be honest with you, I'm not even sure where the Chief Executive is on this. Because I've heard in the last couple of weeks at press conferences that yes, he realizes that maybe it's not doable in 2020. Maybe it should be 2024, or even 2030. And, we're not voting on a "maybe." Do you "maybe" want to eliminate the income tax? We're voting, or would be voting, onto eliminating this in 2020. So, I just think it's an unreasonable approach.

And, just one final thought is, we oftentimes try to make things simple and we refer to government spending and borrowing versus a household budget and stuff. Well, just think about if there was a husband and wife sitting down around the kitchen table and thinking about one of them is going to become a stay-at-home mom or dad and quit their job. So, the household is going to lose half to two-thirds of its income. Don't you think that they would sit down and plan out a budget and decide how they're going to make some spending cuts, or perhaps where they would get some other revenue: a part-time job or something. And we're not doing here.

My approach is, and I said this in committee, if this is such a great idea, and I'm not opposed to lowering the income taxes, but the Chief Executive, in his next biennium budget, just as he proposed a budget for this—actually in the biennium budget his last two years of terms, the next one is coming up in a couple of weeks, so—but in his next one, he did propose income tax cuts. But in his last biennium budget, for FY '18 and '19, he could propose, just as he did this year, he proposed income tax rates. And he lowered them. Well, in his last biennium budget, he could propose a budget with zero percent income tax. But he would have to propose a balanced budget. And then we would all see the implications of what this is, whether it's going to be a sales

tax increase, whether we're going to cut revenue sharing, whether we're going to cut local aid to education, whether we're going to cut other property tax relief programs. But we would all see it, we could vet that budget, we'll have public hearings. All the citizens in the state would know what the implications are.

And so, if we wanted to do this, my approach would be to put this off and let the Chief Executive propose a budget with zero percent income taxes, and have a referendum in 2018. One is, it's a gubernatorial election year, so there's going to be a lot bigger turnout. Because if we pass this today, by law, it has to happen in 2015, the referendum would be this November. And that's not going to be as big of a turnout as it would be in a 2018 one. And also, if the referendum was in 2018, and the Chief Executive had put out a budget with zero percent income taxes, the gubernatorial candidates could debate that. And they may take a stance on it. And then the people would know when they vote. Thank you, Mr. Speaker.

The SPEAKER PRO TEM: The Chair would remind all Members that it's unparliamentary and inconsistent with the independence of the legislative body to refer to the name or the Office of the Executive in order to influence the vote. It is in order to debate, to refer to the Executive or the Executive opinions, with either approval or criticism when such reference are relevant to the subject under discussion and otherwise conform with the rules. So, I've given folks a lot of leeway this morning, and I just remind folks that as we enter into this week of what will be a lot of debate, I think I will be tightening things up a little bit.

The Chair advised all members it is inappropriate to refer to the name or the office the Executive in order to influence the vote of the House pursuant to Sec. 111, Part I, of Mason's Rules.

The SPEAKER PRO TEM: So, thank you for this morning and I recognize the Representative from Dedham, Representative Ward.

Representative **WARD**: Thank you, Mr. Speaker Pro Tem, and thank you for that clarifying statement. I think this body probably needed that. I do not pretend to think for one second that I can ever fully understand the will of the people that I represent, but the one thing that I do understand very, very clearly is that I was sent here to do one thing, and that was simply to represent their issues. Numerous times so far, Mr. Speaker, I have voted against my own party, and I have voted against my own conscience because it was the expressed will of the people that I represent to vote the way that I did. And I, kind of, respect the folks back home. They voted for me. They must've known what they were doing. At least I hope they do.

What we're debating here is not whether or not we should eliminate the income tax. What we're debating here is whether or not we should put a choice in front of the people. This entire government was formed on the premise of trusting the people. And we've been debating issues like that on those merits. The people have the power. We should not pretend to know what the conscience or the thought process of the people will be until we've had a thorough debate of those issues. We kind of started on that debate here. In fact, if anything, this encourages me to put this question in front of the Maine people. I give them a lot of credit. I think they're pretty smart.

It's been referred to already, some earlier referendums where tax issues have come up and the Maine people have voted against those. Great. Let's let them have their say on this one as well. For me, this issue is very, very clear, Mr. Speaker. Do we trust the Maine people or not? Now, if you vote in favor of the pending motion, to me, that means that we do not trust the Maine voter. If we vote against, that means that we do. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Auburn, Representative Melaragno.

Representative **MELARAGNO**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, I will keep this brief. I rise in opposition of the Resolution to eliminate the income tax. It sounds good to attempt to eliminate the income tax, but it is one of the only progressive taxes we have. That is to say, the income tax is instituted based on a person's ability to pay.

There will be consequences of the elimination of the income tax, and that will be a shift of the tax burden to the working and middle class people we are supposed to be representing. That will be in the form of increased property taxes, a broadening and increase in sales taxes, and cuts to services and education. These taxes cut into the budgets of working and middle class people more than income tax does. If we want to go to bat for working and middle class people for a change, please vote Ought Not to Pass on eliminating the income tax. Thank you, Mr. Speaker.

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

Representative **LONGSTAFF**: Thank you, Mr. Speaker Pro Tem, Ladies and Gentlemen of the House, I agree that the issue before us today is not the issue of income tax, but whether we should ask the Maine people to tell us where they stand on this issue. Before I'm willing to do that, however, I want to ask you to remember, as I am remembering, that the people of Maine have spoken several times.

They spoke in respect to 55 percent sharing for education. They spoke in response to revenue sharing from municipalities. They spoke in response to a number of bond issues before them. I would say, before I want to go, I trust the people of Maine, but before I want to go to the people of Maine and ask them to speak, I'd like to know that they can trust us to listen. Thank you.

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is Acceptance of the Majority Ought Not to Pass Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 171

YEA - Alley, Babbidge, Bates, Beavers, Beebe-Center, Blume, Brooks, Bryant, Burstein, Campbell J, Chapman, Chenette, Chipman, Cooper, Daughtry, Davitt, DeChant, Dion, Doore, Duchesne, Dunphy M, Evangelos, Farnsworth, Fecteau, Fowle, Gattine, Gideon, Gilbert, Golden, Goode, Grant, Grohman, Hamann, Harlow, Herbig, Hickman, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kruger, Kumiega, Lajoie, Longstaff, Luchini, Maker, Martin J, Martin R, Mastraccio, McCabe, McCreight, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Noon, Peterson, Pierce T, Powers, Rotundo, Russell, Rykerson, Sanborn, Saucier, Schneck, Shaw, Short, Stanley, Stuckey, Sukeforth, Tepler, Tipping-Spitz, Tucker, Tuell, Verow, Warren, Welsh, Mr. Speaker.

NAY - Austin, Battle, Bickford, Black, Buckland, Campbell R, Chace, Corey, Crafts, Dunphy L, Edgecomb, Espling, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Greenwood, Guerin, Hanington, Hanley, Hawke, Head, Herrick, Higgins, Hilliard, Hobart, Kinney J, Kinney M, Lockman, Long, Lyford, Malaby, Marean, McElwee, Nutting, O'Connor, Parry, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reed, Sanderson, Sawicki, Seavey, Sherman, Sirocki, Skolfield, Stearns, Stetkis, Theriault, Timberlake, Timmons, Turner, Vachon, Wadsworth, Wallace, Ward, White, Winsor, Wood.

ABSENT - Beck, Devin, Dillingham, Frey, McClellan.

Yes, 82; No, 64; Absent, 5; Excused, 0.

82 having voted in the affirmative and 64 voted in the negative, with 5 being absent, and accordingly the Majority

Ought Not to Pass Report was **ACCEPTED** and sent for concurrence.

UNFINISHED BUSINESS

The following matter, in the consideration of which the House was engaged at the time of adjournment Friday, June 5, 2015, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

HOUSE DIVIDED REPORT - Majority (12) **Ought Not to Pass** - Minority (1) **Ought to Pass as Amended by Committee Amendment "A" (H-212)** - Committee on **TAXATION** on Bill "An Act To Lower the Individual Income Tax Incrementally to Zero" (H.P. 275) (L.D. 409)

TABLED - May 28, 2015 (Till Later Today) by Representative GOODE of Bangor.

PENDING - Motion of same Representative to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report. (Roll Call Ordered)

The SPEAKER PRO TEM: A roll call having been previously ordered, the pending question before the House is Acceptance of the Majority Ought Not to Pass Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 172

YEA - Alley, Babbidge, Bates, Beavers, Beebe-Center, Blume, Brooks, Bryant, Burstein, Campbell J, Chapman, Chenette, Chipman, Cooper, Daughtry, Davitt, DeChant, Dion, Doore, Duchesne, Dunphy M, Evangelos, Farnsworth, Fecteau, Fowle, Gattine, Gideon, Gilbert, Golden, Goode, Grant, Grohman, Hamann, Harlow, Herbig, Hickman, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kruger, Kumiega, Lajoie, Longstaff, Luchini, Maker, Marean, Martin J, Martin R, Mastraccio, McCabe, McCreight, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Noon, Peterson, Pierce T, Powers, Rotundo, Russell, Rykerson, Sanborn, Saucier, Schneck, Shaw, Short, Stanley, Stearns, Stuckey, Tepler, Tipping-Spitz, Tucker, Tuell, Verow, Warren, Welsh.

NAY - Austin, Battle, Bickford, Black, Buckland, Campbell R, Chace, Corey, Crafts, Dunphy L, Edgcomb, Espling, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Greenwood, Guerin, Hanington, Hanley, Hawke, Head, Herrick, Higgins, Hilliard, Hobart, Kinney J, Kinney M, Lockman, Long, Lyford, Malaby, McElwee, Nutting, O'Connor, Parry, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reed, Sanderson, Sawicki, Seavey, Sherman, Sirocki, Skolfield, Stetkis, Sukeforth, Theriault, Timberlake, Timmons, Turner, Vachon, Wadsworth, Wallace, Ward, White, Winsor, Wood.

ABSENT - Beck, Devin, Dillingham, Frey, McClellan, Mr. Speaker.

Yes, 82; No, 63; Absent, 6; Excused, 0.

82 having voted in the affirmative and 63 voted in the negative, with 6 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

CONSENT CALENDAR

First Day

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

(H.P. 309) (L.D. 470) Bill "An Act To Allow Children's Residential Care Facilities To Ensure the Safety of Their Residents" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-329)**

(H.P. 384) (L.D. 560) Bill "An Act Regarding Patient Information Under the Maine Medical Use of Marijuana Act" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-330)**

(H.P. 505) (L.D. 752) Bill "An Act To Permit Medical Marijuana Cultivation by Incapacitated Adults" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-331)**

(H.P. 959) (L.D. 1412) Bill "An Act To Fund a Training Partnership between Riverview Psychiatric Center and the University of Maine at Augusta" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-332)**

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

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

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH** with the exception of matters being held.

REPORTS OF COMMITTEE

Divided Reports

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act Regarding Educational Standards for Maine Students" (H.P. 946) (L.D. 1396)

Signed:

Senators:

LANGLEY of Hancock
EDGECOMB of Aroostook
MILLETT of Cumberland

Representatives:

KORNFIELD of Bangor
DAUGHTRY of Brunswick
FARNSWORTH of Portland
HUBBELL of Bar Harbor
MAKER of Calais
PIERCE of Falmouth
POULIOT of Augusta
STEARNS of Guilford
TIPPING-SPITZ of Orono

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-315)** on same Bill.

Signed:

Representative:

McCLELLAN of Raymond

READ.

On motion of Representative KORNFIELD of Bangor, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-316)** on Bill "An Act To Amend Provisions Regarding the Appointment of Members of the Maine Charter School Commission"

(H.P. 360) (L.D. 536)

Signed:

Senator:

MILLETT of Cumberland

Representatives:

KORNFIELD of Bangor
DAUGHTRY of Brunswick
FARNSWORTH of Portland
HUBBELL of Bar Harbor
PIERCE of Falmouth
TIPPING-SPITZ of Orono

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

Signed:

Senators:

LANGLEY of Hancock
EDGECOMB of Aroostook

Representatives:

MAKER of Calais
McCLELLAN of Raymond
POULIOT of Augusta
STEARNS of Guilford

READ.

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

Representative ESPLING of New Gloucester **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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

The **SPEAKER PRO TEM**: 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. 173

YEA - Alley, Babbidge, Bates, Beavers, Beebe-Center, Blume, Brooks, Bryant, Burstein, Campbell J, Chapman, Chenette, Chipman, Cooper, Daughtry, Davitt, DeChant, Doore, Duchesne, Dunphy M, Evangelos, Farnsworth, Fecteau, Fowle, Frey, Gattine, Gideon, Gilbert, Golden, Grant, Grohman, Hamann, Harlow, Herbig, Hickman, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kruger, Kumiega, Lajoie, Longstaff, Luchini, Martin J, Martin R, Mastraccio, McCabe, McCreight, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Noon, Peterson, Pierce T, Powers, Rotundo, Russell, Rykerson, Sanborn, Saucier, Schneck, Shaw, Short, Stanley, Stuckey, Sukeforth, Tepler, Tipping-Spitz, Tucker, Verow, Warren, Welsh.

NAY - Austin, Battle, Bickford, Black, Buckland, Campbell R, Chace, Corey, Crafts, Dunphy L, Edgcomb, Espling, Farrin, Foley, Gerrish, Gillway, Ginzler, Greenwood, Guerin, Hanington, Hanley, Hawke, Head, Herrick, Higgins, Hilliard, Hobart, Kinney J, Kinney M, Lockman, Long, Lyford, Maker, Malaby, Marean, McElwee, Nutting, O'Connor, Parry, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reed, Sanderson, Sawicki, Seavey, Sherman, Sirocki, Skolfield, Stearns, Stetkis, Theriault,

Timberlake, Timmons, Tuell, Turner, Vachon, Wadsworth, Wallace, Ward, White, Winsor, Wood.

ABSENT - Beck, Devin, Dillingham, Dion, Fredette, Goode, McClellan, Mr. Speaker.

Yes, 78; No, 65; Absent, 8; Excused, 0.

78 having voted in the affirmative and 65 voted in the negative, with 8 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-316)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-316)** and sent for concurrence.

Seven Members of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** report in Report **"A" Ought to Pass as Amended by Committee Amendment "A" (H-317)** on Bill "An Act To Increase the Minimum Wage to \$8.00 per Hour"

(H.P. 75) (L.D. 92)

Signed:

Senator:

PATRICK of Oxford

Representatives:

HERBIG of Belfast
BATES of Westbrook
CAMPBELL of Newfield
FECTEAU of Biddeford
GILBERT of Jay
MASTRACCIO of Sanford

Three Members of the same Committee report in Report **"B" Ought to Pass as Amended by Committee Amendment "B" (H-318)** on same Bill.

Signed:

Senators:

VOLK of Cumberland
CUSHING of Penobscot

Representative:

WARD of Dedham

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

Signed:

Representatives:

AUSTIN of Gray
LOCKMAN of Amherst
STETKIS of Canaan

READ.

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

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

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

The SPEAKER PRO TEM: The Chair recognizes the Representative from Westbrook, Representative Bates.

Representative **BATES**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, here we go. Forgive my nerves, it's my first floor speech, and, in my freshman lawmaker wisdom, I've chosen a traditionally divisive issue. Because, what else could go wrong?

Mr. Speaker, Men and Women of the House, as you are doubtless aware, the need to raise the minimum wage is very real, and could not be more evident. We need to look out for Maine's workforce, which is shrinking in our great state. Further, we want to help our small employers. We must do something to help our workers, yet we don't want to shock the system by introducing a massive jump in the wage. Therefore, we do not.

This has been a compromise bill from its inception. The concept is remarkably simple, and quite workable if we value the Maine worker and their families. This bill would raise the minimum wage gradually, in statute, the way in which it's always been done.

Now, I am not one to say that we should never forge our own path, but there is, however, value in doing something in the way in which it's always happened, especially when it works. If you look at the statute, you will notice that all previous adjustments to the minimum wage have been to a specified amount. There is no reason to change that tried and true approach.

While the old argument to adjust the wage to the rate of inflation is a valid one, sadly, that ship sailed years ago when the wage stopped mirroring inflation and we must act responsibly from where we stand today. Mr. Speaker, large employers, who would not be adversely affected by this change, employ the vast majority of workers currently making minimum wage. Interestingly, they already pay these or higher wages in a majority of states. As of February 24th of this year, 29 states and the District of Columbia already pay higher than the federal minimum wage, and 25 states and the District of Columbia pay higher than Maine's minimum wage. It's only fair that these larger companies should pay a little more to Maine workers, especially since most Maine employers are already honoring their employees by doing so. It's fitting and this statute fits. This plan falls in line with the Chief Executive's stated plan to make out-of-staters pay their fair share.

So, make no mistake about it. This bill protects small businesses and employers. Eighty-two percent of our small businesses already pay all of their employees above the minimum wage. By asking large employers to pay their fair share, we're sheltering those small Maine employers already doing the right thing. When surveyed by the Department of Labor, small business owners were asked why the overwhelming majority among them were supportive of raising the minimum wage. The responses varied, but the most common were that it would increase local consumer purchasing power and it would lead to a decreased rate of employee turnover, both of which directly benefit them.

Additionally, the claims that the minimum wage hike is bad for business have been repeatedly disproven. The United States Department of Labor reviewed 64 different studies and found that there was no discernable effect on employment when raising the minimum wage. To further refute the anti-business rhetoric, one need only look to Washington State, which boasts one of the country's best business climates. Washington is the state with the highest current minimum wage, and a perennial resident of the United States Chamber of Commerce's top 10 business rankings. Clearly, the state's current minimum wage of \$9.47, which is slated to be raised again next year, isn't scaring away employers, large or small.

The court of public opinion on this issue has clearly spoken, with 75 percent of Americans favoring an increase in the minimum wage to \$12.50. This includes 93 percent of Democrats, 75 percent of Independents, and 53 percent of Republicans. Indeed, a majority of all these major political factions must indicate this is an idea whose time has come. We can assume that a more modest proposal might even attract more approval.

We have before us today the opportunity to spur the economy by pumping money directly into it. So, in summary, Mr. Speaker, this is a modest increase in the manner in which it's always been done, and it is both a pro-worker and pro-business initiative. By offering a small measure of financial security to our workers, we can actually save the state money by lightening the burden on social services, empowering small Maine employers, and we can take action on an issue for which action's is long been overdue. I would encourage you all to support what I truly believe to be a "common sense" proposal.

So, Mr. Speaker, I ask you and all of our colleagues to look into our economic reality, to look to our constituents, and to look into our hearts. And, if we do that, I am confident that we will do the right thing for Maine and we will accept this report. Thank you, Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Canaan, Representative Stetkis.

Representative **STETKIS**: Thank you, Mr. Speaker, Ladies and Gentleman of the House, I believe this is one of the most important pieces of legislation we will deal with this session. The ripple effect of this legislation will make a difference in the quality of life of many Mainers. We are talking about retirees supplementing their social security, the mom working part-time to help with the bills with raising her young children or the teenager's first step onto the ladder of opportunity.

In the field of economics, mandated government wage hikes are one of the most studied topics there is, so as you might imagine there is no shortage of empirical data. We could easily base our decisions on right leaning or left leaning think tanks, like the Heritage Foundation or Economic Policy Center but our constituents deserve far better than that. Mr. Speaker, did you know that 85 percent of all credible studies since 1990 show a negative impact on the economy? Just that in itself should stop this legislation in its tracks as the entire country is barely crawling out of the Great Recession.

In February of 2014 the nonpartisan Congressional Budget Office released their study on the effects of a proposed federal level wage mandate. They reported that if the minimum wage was raised to \$10.10 an hour, it could cost as many as a million jobs. Although the idea of this bill is well intentioned, this bill is a job killer for Maine and especially rural Maine. Studies have shown that historically, in rural areas of the country, government wage mandates are even more destructive on employment than urban areas. Some of the latest overall unemployment numbers are looking great in Maine but in some of the rural counties the unemployment rate is still between 8 and 10 percent.

What are the negative effects we can expect if these mandates were to go into effect? There is no question that some people will lose their jobs, but what's most disturbing is that it will be the least educated, least skilled and least able to find another job. Some of the lucky ones to not lose their jobs will have their hours cut. Yes, they may make more per hour but their pay check at the end of the week will be no larger. Like any increase to a business's bottom line, in a lot of cases those costs get passed off to the consumer. Economists have reported that a 10 percent increase in minimum wage mandates grocery prices alone can rise as much as 4 percent. If you do the math, with

this legislation of a \$2 an hour wage mandate, which is about a 30 percent wage increase or a near 12 percent possible rise in grocery prices. This will be devastating to older folks on a fixed income, stretched family budgets will become even tighter, and for many of us the occasional night out to our favorite restaurant will become even less frequent, which in turn negatively impacts some of the very same people this bill proposes to help. Please vote down this job killing wage mandate and allow employers to set the wages that they can afford so they can continue to provide jobs. Thank you, Mr. Speaker.

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

Representative **LOCKMAN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, I want to share with Members some of what happened in committee during the public testimony. One of the witnesses in favor of the bill was asked about a Congressional Budget Office report from the Obama administration, which was a study of studies. And they looked at a whole lot of data, and this nonpartisan office concluded that if you raise the minimum wage, nationwide, to \$10.10 an hour, there's a very good likelihood that will destroy between a half million and a million jobs.

So, actually it was Representative Hamann who was asked about that statistic. "What do you think of that? What happens if this CBO Report is true? What's the potential there?" Representative Hamann said that would be a good trade-off. And the reasoning here is that because several million people will get a modest increase in their wages, it's ok if half a million or a million people lose their jobs. And I think this illustrates progressive thinking. Individuals can be sacrificed for the greater good. Progressives are willing to throw hundreds, or even thousands, of Maine workers under the bus with a job-killing wage mandate.

This bill should have a warning label similar to the disclaimers we hear on television about the potential harmful side effects of various prescription drug products. In this case, some people will get a small increase in their hourly wage, while others will have their hours reduced or their jobs eliminated. And those people who lose their jobs or have their hours reduced will be the people with the fewest skills and the least likelihood of finding another job. I urge my colleagues to follow my light and say "no" to this job killing wage mandate. Thank you, Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Lewiston, Representative Brooks.

Representative **BROOKS**: Thank you, Mr. Speaker. Mr. Speaker, Women and Men of the House, I rise in support of increasing the minimum wage in support of this pending question. I think of my friend, Nancy, who had worked in the shoe factories in Lewiston-Auburn several years ago, and she did have employment. However, the conditions of the employment weren't ideal, to say the least.

I don't believe this bill, by any stretch of the imagination, is harmful to our economy. Moving towards a livable wage would lift everybody. Imagine working 40 hours a week on a minimum wage job. If you worked 40 hours a week with no vacation, no sick time, I believe the wage, and I haven't done the math recently, but I believe it was around \$15-\$16,000 a year. Imagine trying to support a family on \$15-\$16,000 a year, trying to get a good rent, trying to live on that amount of money. It's just not feasible.

This is a modest step in the right direction. In my heart, I would hope for more progressive—you're using the word progressive, Mr. Speaker, is true—it's a jobs bill. It makes jobs more livable and makes them more reasonable and helps get us in the direction of a more sustainable economy. When common

people have a little bit more money in their pockets, they will spend it for coffee. And if the price of coffee goes up 10 cents at the local coffee shop, people that are working will be able to afford that coffee. So, I do appreciate this bill and urge people to follow the light of green. And, I thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Jay, Representative Gilbert.

Representative **GILBERT**: Mr. Speaker, Ladies and Gentlemen of the House, I stand in support of this amendment to LD 92, An Act To Increase the Minimum Wage to \$8 an Hour. This amends the Majority Report of the Joint Standing Committee on Labor, Commerce, Research and Economic Development.

It changes the bill by adding four subsequent minimum wage raises, to \$8 on October 1st of this year, \$8.50 on October 1st of 2016, \$9 on October 1st 2017, and \$9.50 on October 1st 2018. The amendment adds an appropriations and allocations section. Report "A" is a modest step to boost wages. Around the country, people are coming on board with step increases to the minimum wage. They wage stopped keeping up with inflation long ago, and we need to bring it up to date with our current economy. Please follow my light.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Berwick, Representative O'Connor.

Representative **O'CONNOR**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I stand in opposition to the motion on the floor. When one considers a minimum wage raise, they must also understand that there are other legally mandated benefits to be paid for such as Social Security, Medicare, unemployment compensation, workman's compensation. Those costs add 30 percent more to those rates.

Raising the minimum wage is a feel good pat on the back for those who don't understand basic economics. When the cost of a product, in this case human capital, elevates to a level where the cost outweighs the value of the capital, there are two choices: cut the waste or increase the cost to consumers. Both, unfortunately, have the end result of hurting those who the minimum wage is proposed to help, the poorest of poor. My business that I work for would lose over \$200 thousand a year on this.

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

Representative **HAMANN**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, I'm rising because my name was mentioned and my presentation and my testimony during the hearing was a little bit mischaracterized, so I wanted to set the record straight.

Actually, what I said in response to the Congressional Budget Report was that my understanding of it was that perhaps some jobs may be lost, but the overall impact on the economy will be positive. Which is, I think a fair interpretation of that Report, is that the aggregate overall impact will be positive on the economy. Because when people have more money in their pocket, it's good for the economy, plain and simple. When people have more money to spend, it's a good thing for our economy.

I think the question of whether or not to raise the minimum wage opposition comes down to: is it good or is it bad to have an increased cost of doing business, for business? And the opposition states that when you increase the cost of labor, which is one cost of doing business, there's no other conclusion to draw other than the fact that jobs will be lost, which to me is ludicrous because you could transfer that over to any cost of doing business. If you increase your cost of marketing, do you have to turn around and cut a job to pay for your marketing? If you buy a piece of equipment, do you have to turn around and cut a job to pay for that piece of equipment? Of course not.

So why, then, when we invest in our most valuable resources, our human resources, do we have to turn around and cut a job? Of course, we don't. When you increase people's pay, you increase their productivity and that's good for business. And when people have more money in their pocket to spend, that's also good for business.

The **SPEAKER PRO TEM**: The Representative will defer. The Chair reminds the Representative to pose all comments and debate through the Chair. Thank you.

The Chair reminded Representative **HAMANN** of South Portland to address his comments toward the Speaker Pro Tem.

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

Representative **HAMANN**: Thank you, Mr. Speaker. When people have more money to spend, Mr. Speaker, I have to remember where I was, when people have more money to spend, it's good for business and you're going to sell more stuff. If I have a company and I sell stuff and everybody who walks by my business needs to buy stuff, I'm going to sell more stuff if they have more money in their pocket. And that's the point of raising the minimum wage. It gets money going through the economy, and people who sell ice cream and shoes and whatever else they're selling, they're going to sell more of it if people have more money and they're not living paycheck to paycheck, struggling to get by. Thank you, Mr. Speaker.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Belfast, Representative Herbig.

Representative **HERBIG**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, our economy is out of balance. This imbalance is rooted in stagnant wages and staggering inequality. Wages for the bottom 70 percent have been flat since the late 1970's while almost all gains from the increasing productivity of our workforce has flowed to the top 10 percent. From 1997 through 2012, the wealthiest one percent of Americans claimed 72 percent of all income growth. This means that the bottom 90 percent of American households got none of the income growth in the past 15 years, as income from work declined and income from investments soared.

An economy built on wage suppression and radical inequality, does not work. This type of economy produces weak growth, financial bubbles, and financial crises and instability. More importantly, it produces suffering and hardship for ordinary working people. We've seen a lot of this in Maine. Many families are working more hours than ever before, while wages for working class people have largely flat lined for the past three decades.

LD 92 is about making work pay. It's about working people who earn \$15,000 a year, despite the fact they're working full time, 40 hours a week. No one working 40 hours a week should be living in poverty. LD 92 is good for workers and it's good for business. When working people have money in their pockets, they spend it. In this economy, consumer spending makes up 70 percent of economic activity. This will inject an estimates \$33 million into Maine's economy. This is going to your local convenience stores, your supermarkets, all businesses in your district. This is good for our economy. When the value of wages does not keep up with the cost of living, the economy cannot grow. This is about improving the overall economic health of our state. I urge you to support the pending motion.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Auburn, Representative Bickford.

Representative **BICKFORD**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, I was asked, about a month ago, outside the chamber by a good friend of mine from Auburn who was here representing his union, how my

daughter was doing. He said, "I saw your daughter a couple weeks ago at Wendy's and wouldn't it be great if she was making \$15 an hour, rather than the paltry minimum wage that she's making?" And here's my response: "She actually is enjoying her job at close to minimum wage, because that's what she signed up for." She's currently just out of high school, doing her first year in the community college and she lives at home with mom and dad.

Most of these jobs that we're talking about that are minimum wage jobs are just that. They're for students and young people starting their life trying to create a resume that they can carry on with them as they grow older, as they get their degrees, as they decide what field they're going to work in, as they build their credit. We're talking about a 6.7 percent increase in minimum wage. To a normal business that tries to manage their profits, manage their expenses, and tries to manage a 20 percent payroll, that's a 1.3 percent increase in payroll—not only an increase in payroll, but they're paying payroll taxes on top of that—they're paying additional federal and state taxes on top of that.

Mr. Speaker, Ladies and Gentlemen of the House, the only winners in this, if this passes, are people like my good friend from Auburn, the person that works for the union. Because many of them already have a clause that says should minimum wage go up, our wages must go up in turn. Knowing that, the \$20 a week that my daughter would receive, or would have received, she's since moved up and gotten better wages at that current company, that \$20 a week, they're going to take home \$12 because they'll have to pay their federal, and yes, there are state income taxes on a working couple that both make minimum wage. They will take home \$12 and out of that \$12, their cost of goods has gone up by 1.3 percent. Thank you, Mr. Speaker.

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

Representative **STUCKEY**: Thank you, Mr. Speaker, what Representative Herbig said. Thank you, Mr. Speaker.

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

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

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

Representative **FOWLE**: I've heard from one side of the aisle that this bill will cause wages to go up to \$15 an hour, and I thought I heard someone on, maybe it was Representative Gilbert, actually read what the bill did do as to the increase into 2017. I don't think I heard him say it went up to \$15 an hour. So, I'm kind of confused and if somebody could clarify that for me please.

The **SPEAKER PRO TEM**: The Representative from Vassalboro, Representative Fowle, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Westbrook, Representative Bates.

Representative **BATES**: Thank you, Mr. Speaker, the bill, as amended, raises by 50 cent increments over the next four years to a high wage of \$9.50 an hour. That's as high as it goes. There is nothing that would increase it further.

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

Representative **FECTEAU**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I rise in support of the pending motion and I just want to mention that whether you're 16 years old or you're 90 years old, earning a minimum wage is the same value. So, if I'm 16 years old and I'm working at Wendy's, the

value of earning that wage means something to that person and we have to look at this in the holistic picture, what this means for our economy as a whole.

In the last 11 years, student loan debt has increased to over \$1 billion in this country. If someone is earning a minimum wage and they're young, let's not just assume that that wage means nothing; that they're spending it silly. Earning a minimum wage as a young person is important for saving up and making sure you can afford to pay off student loans. So you can afford to pay for text books. So you can afford to then have the economic freedom to do what you want after you graduate and not have to be in servitude to student loan debt.

I also want to mention that this report was so rational, the increase was so rational and so reasonable over the next four years, that three of our colleagues on the committee also adopted the same increase in their report, which is reflected in the Committee Report. So I think this is a very reasonable, not a progressive liberal mess, as it was described earlier. Thank you, Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Jay, Representative Gilbert.

Representative GILBERT: Mr. Speaker, Ladies and Gentlemen of the House, I just wanted to clarify that this bill does not raise the minimum wage to \$15, although I would've liked to have seen it go to \$12. But, we all can make compromises. Let me clarify again that this bill would have four subsequent minimum wage increases. The first one, October 1st of this year, we would go from \$7.50 an hour to \$8 an hour. That's not \$15 an hour; \$8 an hour. Next year on October 1, 2016, it would increase another half a dollar to \$8.50 an hour. October 1, 2017, two years from now, it would go to \$9 an hour. And three years from now on October 1, 2018 the proposal is to bring the minimum wage to \$9.50 an hour. That's a far difference from \$15 an hour. Thank you, Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from York, Representative Hymanson.

Representative HYMANSON: Thank you, Mr. Speaker Pro Tem, Ladies and Gentlemen, I also wanted to mention that there are no tip wages that are involved here. So, tip wages, people who are waitresses, waiters, who get wages, that will not be affected by this bill. And, it has been 10 years since we have not had a minimum wage increase and most statewide referendum have gained momentum and have passed to much higher wage increases. So I ask you to keep those in mind as well as you think about this. Thank you.

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

ROLL CALL NO. 174

YEA - Alley, Babbidge, Bates, Beavers, Beebe-Center, Blume, Brooks, Bryant, Burstein, Campbell J, Chapman, Chenette, Chipman, Cooper, Daughtry, Davitt, DeChant, Dion, Doore, Duchesne, Dunphy M, Evangelos, Farnsworth, Fecteau, Fowle, Frey, Gattine, Gideon, Gilbert, Golden, Grant, Grohman, Hamann, Harlow, Herbig, Hickman, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kruger, Kumiega, Lajoie, Longstaff, Luchini, Martin J, Martin R, Mastraccio, McCabe, McCreight, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Noon, Peterson, Pickett, Pierce T, Powers, Rotundo, Russell, Rykerson, Sanborn, Saucier, Schneck, Shaw, Short, Stanley, Stuckey, Sukeforth, Tepler, Tipping-Spitz, Tucker, Verow, Warren, Welsh, Mr. Speaker.

NAY - Austin, Battle, Bickford, Black, Buckland, Campbell R, Chace, Corey, Crafts, Dunphy L, Edgecomb, Espling, Farrin,

Foley, Fredette, Gerrish, Gillway, Ginzler, Greenwood, Guerin, Hanington, Hanley, Hawke, Head, Herrick, Higgins, Hilliard, Hobart, Kinney J, Kinney M, Lockman, Long, Lyford, Maker, Malaby, Marean, McClellan, McElwee, Nutting, O'Connor, Parry, Picchiotti, Pierce J, Pouliot, Prescott, Reed, Sanderson, Sawicki, Seavey, Sherman, Sirocki, Skolfield, Stearns, Stetkis, Theriault, Timberlake, Timmons, Tuell, Turner, Vachon, Wadsworth, Wallace, Ward, White, Winsor, Wood.

ABSENT - Beck, Devin, Dillingham, Goode.

Yes, 81; No, 66; Absent, 4; Excused, 0.

81 having voted in the affirmative and 66 voted in the negative, with 4 being absent, and accordingly Report "A" **Ought to Pass as Amended** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-317)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-317)** and sent for concurrence.

Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-321)** on Bill "An Act To Restore Revenue Sharing" (EMERGENCY)

(H.P. 677) (L.D. 980)

Signed:

Senators:

DAVIS of Piscataquis
LIBBY of Androscoggin

Representatives:

GOODE of Bangor
MOONEN of Portland
RUSSELL of Portland
STANLEY of Medway
TEPLER of Topsham

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

Signed:

Senator:

McCORMICK of Kennebec

Representatives:

BICKFORD of Auburn
CHACE of Durham
SEAVEY of Kennebunkport
SKOLFIELD of Weld
SUKEFORTH of Appleton

READ.

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

Representative ESPLING of New Gloucester **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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

The SPEAKER PRO TEM: 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. 175

YEA - Alley, Babbidge, Bates, Battle, Beavers, Beebe-Center, Blume, Brooks, Bryant, Burstein, Campbell J, Chapman, Chenette, Chipman, Cooper, Daughtry, Davitt, DeChant, Dion, Doore, Duchesne, Dunphy M, Evangelos, Farnsworth, Fecteau, Fowle, Frey, Gattine, Gideon, Gilbert, Gillway, Golden, Grant, Grohman, Hamann, Harlow, Herbig, Hickman, Higgins, Hilliard, Hobart, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kruger, Kumiega, Lajoie, Longstaff, Luchini, Maker, Martin J, Martin R, Mastraccio, McCabe, McCreight, McElwee, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Noon, Peterson, Picchiotti, Pickett, Pierce T, Pouliot, Powers, Prescott, Rotundo, Russell, Rykerson, Sanborn, Saucier, Schneck, Shaw, Short, Stanley, Stuckey, Tepler, Tipping-Spitz, Tucker, Tuell, Turner, Verow, Warren, Welsh, Wood, Mr. Speaker.

NAY - Austin, Bickford, Black, Buckland, Campbell R, Chace, Corey, Crafts, Dunphy L, Edgecomb, Espling, Farrin, Foley, Fredette, Gerrish, Ginzler, Greenwood, Guerin, Hanington, Hanley, Hawke, Head, Herrick, Kinney J, Kinney M, Lockman, Long, Lyford, Malaby, Marean, McClellan, Nutting, O'Connor, Parry, Pierce J, Reed, Sanderson, Sawicki, Seavey, Sherman, Sirocki, Skolfield, Stearns, Stetkis, Sukeforth, Theriault, Timberlake, Timmons, Vachon, Wadsworth, Wallace, Ward, White, Winsor.

ABSENT - Beck, Devin, Dillingham, Goode.

Yes, 93; No, 54; Absent, 4; Excused, 0.

93 having voted in the affirmative and 54 voted in the negative, with 4 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-321)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-321)** and sent for concurrence.

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-196)** on Bill "An Act To Support School Nutrition"

(S.P. 460) (L.D. 1285)

Signed:

Senator:

MILLETT of Cumberland

Representatives:

KORNFIELD of Bangor
DAUGHTRY of Brunswick
FARNSWORTH of Portland
HUBBELL of Bar Harbor
PIERCE of Falmouth
TIPPING-SPITZ of Orono

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

Signed:

Senators:

LANGLEY of Hancock
EDGEComb of Aroostook

Representatives:

MAKER of Calais
McCLELLAN of Raymond
POULIOT of Augusta
STEARNS of Guilford

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

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

Representative ESPLING of New Gloucester **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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

The SPEAKER PRO TEM: 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. 176

YEA - Alley, Babbidge, Bates, Battle, Beavers, Beebe-Center, Blume, Brooks, Bryant, Burstein, Campbell J, Chapman, Chenette, Chipman, Cooper, Daughtry, Davitt, DeChant, Dion, Doore, Duchesne, Dunphy M, Evangelos, Farnsworth, Fecteau, Fowle, Frey, Gattine, Gideon, Gilbert, Golden, Grant, Grohman, Hamann, Harlow, Herbig, Hickman, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kruger, Kumiega, Lajoie, Longstaff, Luchini, Martin J, Martin R, Mastraccio, McCabe, McCreight, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Noon, Peterson, Picchiotti, Pierce T, Powers, Rotundo, Russell, Rykerson, Sanborn, Saucier, Schneck, Shaw, Sherman, Short, Stanley, Stuckey, Tepler, Tipping-Spitz, Tucker, Verow, Warren, Welsh, Mr. Speaker.

NAY - Austin, Bickford, Black, Buckland, Campbell R, Chace, Corey, Crafts, Dunphy L, Edgecomb, Espling, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Greenwood, Guerin, Hanington, Hanley, Hawke, Head, Herrick, Higgins, Hilliard, Hobart, Kinney J, Kinney M, Lockman, Long, Lyford, Maker, Malaby, Marean, McClellan, McElwee, Nutting, O'Connor, Parry, Pickett, Pierce J, Pouliot, Prescott, Reed, Sanderson, Sawicki, Seavey, Sirocki, Skolfield, Stearns, Stetkis, Sukeforth, Theriault, Timberlake, Timmons, Tuell, Turner, Vachon, Wadsworth, Wallace, Ward, White, Wood.

ABSENT - Beck, Devin, Dillingham, Goode, Winsor.

Yes, 82; No, 64; Absent, 5; Excused, 0.

82 having voted in the affirmative and 64 voted in the negative, with 5 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-196)** 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-196)** in **NON-CONCURRENCE** and sent for concurrence.

Majority Report of the Committee on **TAXATION** reporting **Ought Not to Pass** on Bill "An Act To Base the Excise Tax Imposed on the Purchase of a Motor Vehicle on the Price Paid" (H.P. 77) (L.D. 94)

Signed:
Senators:
McCORMICK of Kennebec
LIBBY of Androscoggin

Representatives:
GOODE of Bangor
MOONEN of Portland
STANLEY of Medway
SUKEFORTH of Appleton
TEPLER of Topsham

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-327)** on same Bill.

Signed:
Senator:
DAVIS of Piscataquis

Representatives:
BICKFORD of Auburn
CHACE of Durham
SEAVEY of Kennebunkport
SKOLFIELD of Weld

READ.

Representative GIDEON of Freeport moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

Representative ESPLING of New Gloucester **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

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

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from East Machias, Representative Tuell.

Representative **TUELL**: Thank you, Mr. Speaker, if you'd humor me a minute, I've had a technology malfunction. There we go. Mr. Speaker, I rise in opposition to the pending motion. I want to say right off the bat that I am a municipal official. I fully understand that this bill will result in less excise tax revenue for my town. But at the same time, this bill will help many low-income Mainers in East Machias and in the rest of my district.

As a matter of fact, at a recent selectman's meeting, I brought this issue up and was told by the clerk that she had heard from a lot of people in town about excise taxes and how they should be based on what you actually paid for a vehicle. This is a common belief amongst my friends and family back home, many of whom ride around in secondhand vehicles, drive the same beat up old pickup truck 'til the floor boards rust out, or won't trade in their 10-year-old jalopy with 150 thousand miles or more on it because the cost of a vehicle. And I don't just mean the price you pay for the vehicle, but the various taxes and whatnot that go along with it are out of control.

I think we, as a state, ought to reward people who have an eagle eye for a deal. If you can find a car, get it inspected, insured, and on the road, you deserve a bit of a tax break, especially if you're an elderly herring choker riding back and forth between Machias and Bangor for doctor's appointments or to do the week's grocery shopping. But even if you're not, even if you like to travel, if you've got kids in sports and activities and you're on the go all the time, you should only be paying taxes on what

you actually bought. It's common sense. And I know this bill has failed before many times, but common sense is still common sense no matter how many times it does come forward. And I'd like to thank you for the opportunity to speak here today, and I would encourage you to vote against the pending motion. Thank you.

The **SPEAKER PRO TEM**: A roll call has been ordered. The pending question before the House is Acceptance of the Majority **Ought Not to Pass** Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 177

YEA - Babbidge, Bates, Battle, Beebe-Center, Blume, Brooks, Bryant, Burstein, Chapman, Chenette, Chipman, Cooper, Daughtry, Davitt, DeChant, Dion, Doore, Duchesne, Dunphy M, Evangelos, Farnsworth, Fecteau, Fowle, Frey, Gattine, Gideon, Gilbert, Gillway, Golden, Grant, Greenwood, Grohman, Hamann, Hanley, Harlow, Herbig, Hobbins, Hubbell, Hymanson, Jorgensen, Kinney M, Kruger, Kumiega, Lajoie, Longstaff, Luchini, Martin J, Martin R, Mastraccio, McCabe, McCreight, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Noon, Nutting, Parry, Peterson, Pickett, Pierce T, Powers, Rotundo, Russell, Rykerson, Sanborn, Sanderson, Saucier, Schneck, Short, Stanley, Stuckey, Sukeforth, Tepler, Tipping-Spitz, Tucker, Warren, Welsh.

NAY - Alley, Austin, Beavers, Bickford, Black, Buckland, Campbell J, Campbell R, Chace, Corey, Crafts, Dunphy L, Edgecomb, Espling, Farrin, Foley, Fredette, Gerrish, Ginzler, Guerin, Hanington, Hawke, Head, Herrick, Hickman, Higgins, Hilliard, Hobart, Hogan, Kinney J, Lockman, Long, Lyford, Maker, Malaby, Marean, McClellan, McElwee, O'Connor, Picchiotti, Pierce J, Pouliot, Prescott, Reed, Sawicki, Seavey, Shaw, Sherman, Sirocki, Skolfield, Stearns, Stetkis, Theriault, Timberlake, Timmons, Tuell, Turner, Vachon, Verow, Wadsworth, Wallace, Ward, White, Winsor, Wood.

ABSENT - Beck, Devin, Dillingham, Goode, Kornfield, Mr. Speaker.

Yes, 80; No, 65; Absent, 6; Excused, 0.

80 having voted in the affirmative and 65 voted in the negative, with 6 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

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

Majority Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-328)** on Bill "An Act To Enact the Toxic Chemicals in the Workplace Act"

(H.P. 799) (L.D. 1165)

Signed:
Senator:
PATRICK of Oxford

Representatives:
HERBIG of Belfast
BATES of Westbrook
CAMPBELL of Newfield
FECTEAU of Biddeford
GILBERT of Jay
MASTRACCIO of Sanford

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

Signed:

Senators:

VOLK of Cumberland
CUSHING of Penobscot

Representatives:

AUSTIN of Gray
LOCKMAN of Amherst
STETKIS of Canaan
WARD of Dedham

READ.

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

Representative ESPLING of New Gloucester **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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

The **SPEAKER PRO TEM**: 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. 178

YEA - Alley, Babbidge, Bates, Battle, Beavers, Beebe-Center, Blume, Brooks, Bryant, Burstein, Campbell J, Chapman, Chenette, Chipman, Cooper, Daughtry, Davitt, DeChant, Dion, Doore, Duchesne, Dunphy M, Evangelos, Farnsworth, Fecteau, Fowle, Frey, Gattine, Gideon, Gilbert, Golden, Grant, Hamann, Harlow, Herbig, Hickman, Hobbins, Hogan, Hubbell, Hymanson, Kruger, Kumiega, Lajoie, Longstaff, Luchini, Martin J, Martin R, Mastraccio, McCabe, McCreight, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Noon, Peterson, Pierce T, Powers, Rotundo, Russell, Rykerson, Sanborn, Saucier, Schneck, Shaw, Short, Stanley, Stuckey, Tepler, Tipping-Spitz, Tucker, Verow, Warren, Welsh, Mr. Speaker.

NAY - Austin, Bickford, Black, Buckland, Campbell R, Chace, Corey, Crafts, Dunphy L, Edgcomb, Espling, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Greenwood, Grohman, Guerin, Hanington, Hanley, Hawke, Head, Herrick, Higgins, Hilliard, Hobart, Kinney J, Kinney M, Lockman, Long, Lyford, Maker, Malaby, Marean, McClellan, McElwee, Nutting, O'Connor, Parry, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reed, Sanderson, Sawicki, Seavey, Sherman, Sirocki, Skolfield, Stearns, Stetkis, Sukeforth, Theriault, Timberlake, Timmons, Tuell, Turner, Vachon, Wadsworth, Wallace, Ward, White, Winsor, Wood.

ABSENT - Beck, Devin, Dillingham, Goode, Jorgensen, Kornfield.

Yes, 77; No, 68; Absent, 6; Excused, 0.

77 having voted in the affirmative and 68 voted in the negative, with 6 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-328)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-328)** and sent for concurrence.

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought Not to Pass** on Bill "An Act To Establish the Forensic Treatment Fund To Establish a Behavioral Assessment and Safety Evaluation Unit"

(H.P. 974) (L.D. 1428)

Signed:

Senator:

HASKELL of Cumberland

Representatives:

GATTINE of Westbrook
BURSTEIN of Lincolnville
HAMANN of South Portland
HYMANSON of York
PETERSON of Rumford
STUCKEY of Portland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-334)** on same Bill.

Signed:

Senator:

BRAKEY of Androscoggin

Representatives:

HEAD of Bethel
MALABY of Hancock
SANDERSON of Chelsea
VACHON of Scarborough

READ.

Representative GATTINE of Westbrook moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Westbrook, Representative Gattine.

Representative **GATTINE**: Thank you, Mr. Speaker, I'll be brief. This is a bill that came to the Health and Human Services Committee very late in the session. In essence, it proposes to allow the Department of Health and Human Services to contract with an outside company to outsource a lot of the forensic mental health services that are currently being provided at Riverview Hospital and perhaps other places in our mental health system.

It proposes that we put a month of funding for the operation of this new configuration of forensic mental health system in one month of Fiscal Year '17. That will then go into the baseline at a cost of about \$18.5 million a year. Those of us in the majority in the committee thought that, you know, given the scope and magnitude of this proposal, the fact the Department is proposing something very, very new, something that wouldn't even be licensed or regulated as a hospital or within our existing licensing structure, that we really didn't have the information from the Department that we needed to fully evaluate this type of outsourcing at this time.

So, that's why those of us in the majority rejected the proposal. Maybe we'll have additional information going forward next year. But at this point, given the fact that this is proposing such a large, large change in the way that we treat some very, very seriously ill people in Maine at a very, very high cost, General Fund cost to the taxpayer, we thought it wasn't prudent to move forward with this at this time. So, that's the basis of the **Ought Not to Pass** Report.

On motion of Representative ESPLING of New Gloucester, **TABLED** pending the motion of Representative GATTINE of Westbrook to **ACCEPT** the Majority **Ought Not to Pass** Report and later today assigned.

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act To Repeal the Certificate of Need Requirement for Hospitals"

(S.P. 264) (L.D. 734)

Majority (7) **OUGHT NOT TO PASS** Report of the Committee on **HEALTH AND HUMAN SERVICES READ** and **ACCEPTED** in the House on June 5, 2015.

Came from the Senate with that Body having **ADHERED** to its former action whereby the Minority (6) **OUGHT TO PASS AS AMENDED** Report of the Committee on **HEALTH AND HUMAN SERVICES** was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-167)** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

CONSENT CALENDAR

First Day

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

(S.P. 266) (L.D. 736) Bill "An Act To Require Destruction of Certain Medical Records and Allow Access to Certain Death Records" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-199)**

(H.P. 971) (L.D. 1425) Bill "An Act To Amend the Laws Relating to Corporations and Limited Partnerships" Committee on **JUDICIARY** reporting **Ought to Pass**

(H.P. 644) (L.D. 925) Bill "An Act To Promote Small Diversified Farms and Small Food Producers" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-335)**

(H.P. 732) (L.D. 1063) Bill "An Act To Promote Community Broadband Planning and Strengthen Economic Opportunity throughout Maine" Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-336)**

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

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

ENACTORS

Acts

An Act To Clarify the Liability of Funeral Practitioners
(S.P. 162) (L.D. 433)
(C. "A" S-187)

An Act To Require the Department of Health and Human Services To Update Its Rules Governing Services for Children with Cognitive Impairments and Functional Limitations
(S.P. 240) (L.D. 647)
(C. "A" S-193)

An Act To Amend the Campaign Reports and Finances Laws and the Maine Clean Election Act
(S.P. 395) (L.D. 1123)
(C. "A" S-192)

An Act To Promote Economic Development
(S.P. 409) (L.D. 1140)
(C. "A" S-190)

An Act To Create the Southwest Harbor Water and Sewer District
(S.P. 436) (L.D. 1231)
(C. "A" S-185)

An Act To Implement the Recommendations of the Commission To Study College Affordability and College Completion
(S.P. 524) (L.D. 1406)
(C. "A" S-163)

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

Resolves

Resolve, Authorizing the Commissioner of Administrative and Financial Services To Sell or Lease the Interests of the State in Certain Real Property Located in Bangor and Thomaston
(S.P. 262) (L.D. 732)
(C. "A" S-186)

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

An Act To Protect Children in School Facilities by Requiring Boiler Inspections
(S.P. 114) (L.D. 299)
(C. "A" S-191)

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

On motion of Representative GIDEON of Freeport, 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 PRO TEM: A roll call has been ordered. The pending question before the House is Passage to be Enacted. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 179

YEA - Alley, Austin, Babbidge, Bates, Battle, Beavers, Beebe-Center, Black, Blume, Brooks, Bryant, Buckland, Burstein, Campbell J, Chace, Chapman, Chenette, Chipman, Cooper, Corey, Crafts, Daughtry, Davitt, DeChant, Dion, Doore, Duchesne, Dunphy L, Dunphy M, Espling, Evangelos, Farnsworth, Farrin, Fecteau, Foley, Fowle, Fredette, Frey, Gattine, Gerrish, Gideon, Gilbert, Golden, Grant, Greenwood, Grohman, Guerin, Hamann, Hanington, Hanley, Harlow, Head, Herbig, Herrick, Hickman, Hilliard, Hobart, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kinney J, Kruger, Kumiega, Lajoie, Long, Longstaff, Luchini, Malaby, Marean, Martin J, Martin R, Mastraccio, McCabe, McCreight, McElwee, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Noon, O'Connor, Parry, Peterson, Picchiotti, Pickett, Pierce T, Pouliot, Powers, Prescott, Reed, Rotundo, Russell, Rykerson, Sanborn, Sanderson, Saucier, Sawicki, Schneck, Seavey, Shaw, Short, Sirocki, Stanley, Stearns, Stuckey, Sukeforth, Tepler, Timberlake, Timmons, Tipping-Spitz, Tucker, Turner, Vachon, Verow, Wadsworth, Wallace, Ward, Warren, Welsh, Wood, Mr. Speaker.

NAY - Bickford, Campbell R, Edgecomb, Gillway, Ginzler, Hawke, Lockman, Lyford, Maker, McClellan, Pierce J, Sherman, Skolfield, Stetkis, Tuell, White, Winsor.

ABSENT - Beck, Devin, Dillingham, Goode, Higgins, Kinney M, Kornfield, Nutting, Theriault.

Yes, 125; No, 17; Absent, 9; Excused, 0.

125 having voted in the affirmative and 17 voted in the negative, with 9 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem and sent to the Senate.

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act To Create Transparency with Regard to Large Employers in the State with Workforce Members Who Receive Public Benefits"

(H.P. 902) (L.D. 1324)

Majority (7) **OUGHT TO PASS AS AMENDED** Report of the Committee on **HEALTH AND HUMAN SERVICES READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-282)** in the House on June 5, 2015.

Came from the Senate with the Minority (5) **OUGHT NOT TO PASS** Report of the Committee on **HEALTH AND HUMAN SERVICES READ** and **ACCEPTED** in **NON-CONCURRENCE**.

The House voted to **INSIST** and **ASK** for a **COMMITTEE OF CONFERENCE**. Sent for concurrence.

Non-Concurrent Matter

Bill "An Act To Improve Child Care in the State"

(H.P. 674) (L.D. 977)

Majority (7) **OUGHT TO PASS AS AMENDED** Report of the Committee on **HEALTH AND HUMAN SERVICES READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-287)** in the House on June 5, 2015.

Came from the Senate with the Minority (6) **OUGHT NOT TO PASS** Report of the Committee on **HEALTH AND HUMAN SERVICES READ** and **ACCEPTED** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Orono, Representative Tipping-Spitz, who wishes to address the House on the record.

Representative **TIPPING-SPITZ**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, in reference to Roll Call 150 on LD 132, had I been present, I would have voted "yea."

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

On motion of Representative GROHMAN of Biddeford, the House adjourned at 3:45 p.m., until 9:00 a.m., Tuesday, June 9, 2015.