

MAINE STATE LEGISLATURE

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

Daily Edition

First Regular Session

December 1, 2010 – June 29, 2011

pages 1 - 1067

ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE
FIRST REGULAR SESSION
44th Legislative Day
Monday, May 16, 2011

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

Prayer by Gary Winn, DO, MPH, Messiah Christian Church, Wells.

Colors presented by U.S. Naval Sea Cadet Corps, Coast Guard (CG) Group Portland Division.

National Anthem by Gary Winn, DO, MPH, Arundel.

Pledge of Allegiance.

Doctor of the day, Gary Winn, DO, MPH, Arundel.

The Journal of Thursday, May 12, 2011 was read and approved.

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act To Amend Certain Insurance Provisions Relating to Variable Annuity Death Benefits and Multiple Employer Trusts" (H.P. 648) (L.D. 881)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-158) in the House on May 12, 2011.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-158) AS AMENDED BY SENATE AMENDMENT "A" (S-101)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Bill "An Act To Decrease the Tax Burden on Maine's Seniors" (H.P. 601) (L.D. 805)

Majority (8) **OUGHT TO PASS AS AMENDED** Report of the Committee on **TAXATION READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-165)** in the House on May 10, 2011.

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

Representative NUTTING of Oakland moved that the House **ADHERE**.

Representative KNIGHT of Livermore Falls **REQUESTED** a roll call on the motion to **ADHERE**.

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

Representative BERRY of Bowdoinham moved that the Bill be **TABLED** until later in today's session pending the motion of Representative NUTTING of Oakland to **ADHERE**.

Subsequently, Representative BERRY of Bowdoinham **WITHDREW** his motion to **TABLE** until later in today's session pending the motion of Representative NUTTING of Oakland to **ADHERE**.

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

ROLL CALL NO. 45

YEA - Ayotte, Beaudoin, Beaulieu, Beavers, Beck, Beliveau, Bennett, Berry, Bickford, Black, Blodgett, Boland, Briggs, Bryant, Burns DC, Burns DR, Cain, Carey, Casavant, Cebra, Celli, Chapman, Chase, Chipman, Clark H, Clark T, Clarke, Cotta,

Crafts, Cray, Crockett, Curtis, Cushing, Damon, Davis, Dill J, Dion, Dow, Driscoll, Duchesne, Dunphy, Eberle, Espling, Fitts, Fitzpatrick, Flemings, Flood, Fossel, Fredette, Gifford, Gilbert, Gillway, Goode, Graham, Guerin, Hamper, Hanley, Harlow, Harmon, Harvell, Haskell, Hayes, Hinck, Hogan, Hunt, Innes Walsh, Johnson D, Johnson P, Kaenrath, Kent, Keschl, Knapp, Knight, Kruger, Kumiega, Lajoie, Long, Longstaff, Lovejoy, Luchini, MacDonald, Maker, Malaby, Maloney, Martin, Mazurek, McCabe, McClellan, McFadden, McKane, Morissette, Morrison, Moulton, Nass, Nelson, Newendyke, O'Brien, O'Connor, Olsen, Parker, Parry, Peoples, Peterson, Picchiotti, Pilon, Plummer, Priest, Rankin, Richardson D, Richardson W, Rioux, Rochelo, Rosen, Rotundo, Russell, Sanborn, Sanderson, Sarty, Shaw, Sirocki, Stevens, Strang Burgess, Stuckey, Theriault, Tilton, Timberlake, Treat, Turner, Valentino, Volk, Wagner R, Waterhouse, Weaver, Webster, Welsh, Willette A, Willette M, Winsor, Wood, Mr. Speaker.

NAY - NONE.

ABSENT - Bolduc, Cornell du Houx, Edgecomb, Eves, Foster, Herbig, Libby, Prescott, Tuttle, Wintle.

Yes, 140; No, 0; Absent, 10; Vacant, 1; Excused, 0.

140 having voted in the affirmative and 0 voted in the negative, 1 vacancy with 10 being absent, and accordingly the House voted to **ADHERE**.

Non-Concurrent Matter

Bill "An Act To Make Changes to Boards and Commissions Concerning Membership, Appointments and Terms" (H.P. 663) (L.D. 904)

Majority (7) **OUGHT TO PASS AS AMENDED** Report of the Committee on **STATE AND LOCAL GOVERNMENT READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-182)** in the House on May 11, 2011.

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

On motion of Representative CURTIS of Madison, **TABLED** pending **FURTHER CONSIDERATION** and later today assigned.

COMMUNICATIONS

The Following Communication: (H.C. 163)

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

May 12, 2011

The Honorable Heather J.R. Priest

Clerk of the House

2 State House Station

Augusta, Maine 04333

Dear Clerk Priest:

Due to the resignation of Representative Cynthia A. Dill of Cape Elizabeth and pursuant to my authority under House Rule 201.1 (l) (a), I am extending the appointment of Representative Charles B. Kruger of Thomaston to the Joint Standing Committee on Judiciary through May 13, 2011.

Sincerely,

S/Robert W. Nutting

Speaker of the House

READ and ORDERED PLACED ON FILE.

LEGISLATIVE RECORD - HOUSE, May 16, 2011

The Following Communication: (H.C. 164)
STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0001

May 13, 2011

The Honorable Robert W. Nutting
 Speaker of the House
 2 State House Station
 Augusta, Maine 04333

Dear Speaker Nutting:

This is to inform you that I am today nominating the Honorable Lt. General Robert J. Winglass (Ret.) of Bath for appointment as the Commissioner of Labor.

Pursuant to Title 26, MRSA §1401-A, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Labor, Commerce, Research and Economic Development.

Sincerely,
 S/Paul R. LePage
 Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 165)
STATE OF MAINE
CLERK'S OFFICE
2 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0002

May 16, 2011

The Honorable Robert W. Nutting
 Speaker of the House
 2 State House Station
 Augusta, Maine 04333

Dear Speaker Nutting:

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

Criminal Justice and Public Safety

L.D. 690 An Act To Amend the Laws Governing the Transfer of Prisoners to Other States

L.D. 1178 An Act To Repeal the Laws Governing the Consolidation of Jails

L.D. 1192 An Act To Require That Marijuana Seized by Law Enforcement Officers Be Tested and Made Available for Use by Authorized Medical Marijuana Dispensaries

L.D. 1423 An Act To Amend the Laws Governing Disorderly Conduct

Education and Cultural Affairs

L.D. 93 An Act To Improve Essential Programs and Services Funding for Education

L.D. 347 Resolve, Directing the Commissioner of Education To Convene a Task Force To Develop a Proposal for a More Equitable Distribution of Kindergarten to Grade 12 State Education Funding

L.D. 598 An Act To Provide Assistance to Economically Disadvantaged Students

L.D. 606 An Act To Protect State Education Funds

L.D. 758 Resolve, To Establish a Schoolchildren's Well-being Stakeholder Group

L.D. 886 An Act To Remove All Federal Funding from Inclusion in the Essential Programs and Services Funding Formula

L.D. 1017 An Act To Improve the Essential Programs and Services Funding Model by Providing for a Cost of Housing Adjustment

L.D. 1051 An Act To Calculate Essential Programs and Services Funding on an Equal Labor Market

L.D. 1425 An Act To Protect the Quality and Integrity of Maine's Educational Materials

Environment and Natural Resources

L.D. 510 An Act To Exclude Shellfish Processing Facilities from Arsenic Wastewater Testing (EMERGENCY)

L.D. 1320 An Act To Increase the Recycling Rate in Maine

Health and Human Services

L.D. 499 An Act To Protect Persons in Residential Care Who Are under Limited Guardianship

L.D. 962 An Act To Amend the Medicaid Income Requirements To Promote Agricultural Labor

Judiciary

L.D. 335 An Act To Allow Foresters, Soil Scientists and Geologists To Use Mechanics Liens

L.D. 1093 An Act To Require the State To Pay Costs and Fees in Actions against Certain State Agencies

L.D. 1448 An Act To Protect Time-share Condominium Associations

State and Local Government

L.D. 1002 An Act To Encourage Affordable Housing in Municipal Zoning

L.D. 1297 An Act Relating to the Qualifications for the Position of Municipal Officer

L.D. 1373 Resolve, To Produce Cost Savings by Requiring the State E-mail System To Be Hosted by Google

L.D. 1442 An Act To Clarify Enforcement of Maine's Building Codes

L.D. 1476 An Act To Streamline the County Budget Process

L.D. 1481 An Act To Require the State To Transfer Employee Pension Premium Payments to the Employee's Pension Plan within 2 Business Days

L.D. 1518 An Act To Make Changes to the Laws Regarding Notice and Publication of Unclaimed Property

Taxation

L.D. 415 An Act To Provide a Sales Tax Trade-in Credit for Core Parts

L.D. 550 An Act To Provide a Property Tax Credit to Veterans

L.D. 752 An Act To Provide Funding for Landfills by Imposing a Gift Package Surcharge

L.D. 809 An Act Regarding the Fairness of Sales Tax on Certain Precious Metals Purchases

L.D. 826 An Act To Permit a Local Option Sales Tax

L.D. 838 An Act To Make the Homestead Property Tax Exemption More Flexible for Municipalities and Remain Revenue Neutral for the State

L.D. 931 An Act To Ensure Proper Tax Assessment of Property Owners

L.D. 1096 An Act To Enhance Economic Development by Encouraging Job and Business Growth in Maine's Aviation Industry

- L.D. 1235 An Act To Allow a Tax-free Employee Illness Account
- L.D. 1259 An Act To Encourage Computer Data Center Development
- L.D. 1292 Resolve, To Establish a Study Group To Examine the Taxation by Municipalities of Renewable Energy Facilities' Property
- L.D. 1295 An Act To Amend the Process of Resolving Property Tax Abatement Disputes
- L.D. 1401 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Restrict Property Revaluations
- L.D. 1414 An Act To Provide Property Tax Relief for Year-round Residents 67 Years of Age or Older
- L.D. 1449 An Act To Strengthen Maine Industry through Energy Efficiency Investment

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

Sincerely,
S/Heather J.R. Priest
Clerk of the House

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

The Following Communication: (S.C. 357)

**MAINE SENATE
125TH LEGISLATURE
OFFICE OF THE SECRETARY**

May 11, 2011

The Honorable Robert W. Nutting
Speaker of the House
2 State House Station
Augusta, Maine 04333

Dear Speaker Nutting:

In accordance with 3 M.R.S.A. §158 and Joint Rule 506 of the 125th Maine Legislature, please be advised that the Senate today confirmed the following nomination:

Upon the recommendation of the Committee on Education and Cultural Affairs, the nomination of Gregory G. Johnson of Harpswell for appointment to the University of Maine System, Board of Trustees.

Sincerely,
S/Joseph G. Carleton, Jr.
Secretary of the Senate

READ and **ORDERED PLACED ON FILE.**

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

SENATE PAPERS

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Provide for the Popular Election of the Secretary of State, Attorney General, Treasurer of State and State Auditor (S.P. 504) (L.D. 1572)

Came from the Senate, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed.

REFERRED to the Committee on **STATE AND LOCAL GOVERNMENT** in 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. 1115) (L.D. 1512) Bill "An Act To Ensure That the State Is in Compliance with Certain Federal Motor Carrier Safety Regulations" Committee on **TRANSPORTATION** reporting **Ought to Pass**

(H.P. 1136) (L.D. 1549) Resolve, To Name the Main Street Bridge in Newport after Sergeant Donald Sidney Skidgel Committee on **TRANSPORTATION** reporting **Ought to Pass**

There being no objections, the above items were ordered to appear on the Consent Calendar tomorrow under the listing of Second Day.

ORDERS

On motion of Representative McCABE of Skowhegan, the following Joint Order: (H.P. 1158)

ORDERED, the Senate concurring, that Bill, "Resolve, To Streamline the Laws Governing Small Slaughterhouses," H.P. 682, L.D. 922, and all its accompanying papers, be recalled from the Governor's desk to the House.

READ and **PASSED.**

Sent for concurrence. **ORDERED SENT FORTHWITH.**

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Bill "An Act To Allow Retired Dentists To Obtain a License To Practice in Nonprofit Clinics"

(H.P. 1155) (L.D. 1573)

Sponsored by Representative CORNELL du HOUX of Brunswick. Cosponsored by Senator RECTOR of Knox and Representatives: GILBERT of Jay, HERBIG of Belfast, HUNT of Buxton, NEWENDYKE of Litchfield, PRESCOTT of Topsham, TUTTLE of Sanford, Senators: JACKSON of Aroostook, MARTIN of Kennebec.

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

Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** suggested and ordered printed.

REFERRED to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed.

Sent for concurrence.

Bill "An Act To Tax Water Used by Hydroelectric Facilities"

(H.P. 1156) (L.D. 1574)

Sponsored by Representative CLARK of Millinocket.

Cosponsored by Representatives: BERRY of Bowdoinham, DAVIS of Sangerville, MARTIN of Eagle Lake, Senators: JACKSON of Aroostook, PATRICK of Oxford, SHERMAN of Aroostook.

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

Committee on **TAXATION** suggested.

On motion of Representative KNIGHT of Livermore Falls, **TABLED** pending **REFERENCE** and later today assigned.

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

ORDERS

On motion of Representative MORISSETTE of Winslow, the following Joint Resolution: (H.P. 1157) (Cosponsored by Representatives: AYOTTE of Caswell, BEAUDOIN of Biddeford, BEAULIEU of Auburn, BEAVERS of South Berwick, BECK of Waterville, BELIVEAU of Kittery, BENNETT of Kennebunk, BERRY of Bowdoinham, BICKFORD of Auburn, BLACK of Wilton, BLODGETT of Augusta, BOLAND of Sanford, BOLDUC of Auburn, BRIGGS of Mexico, BRYANT of Windham, BURNS of Whiting, BURNS of Alfred, CAIN of Orono, CAREY of Lewiston, CASAVANT of Biddeford, CEBRA of Naples, CELLI of Brewer, CHAPMAN of Brooksville, CHASE of Wells, CHIPMAN of Portland, CLARK of Millinocket, CLARK of Easton, CLARKE of Bath, CORNELL du HOUX of Brunswick, COTTA of China, CRAFTS of Lisbon, CRAY of Palmyra, CROCKETT of Bethel, CURTIS of Madison, CUSHING of Hampden, DAMON of Bangor, DAVIS of Sangerville, DILL of Old Town, DION of Portland, DOW of Waldoboro, DRISCOLL of Westbrook, DUCHESNE of Hudson, DUNPHY of Embden, EBERLE of South Portland, EDGEComb of Caribou, ESPLING of New Gloucester, EVES of North Berwick, FITTS of Pittsfield, FITZPATRICK of Houlton, FLEMINGS of Bar Harbor, FLOOD of Winthrop, FOSSEL of Alna, FOSTER of Augusta, FREDETTE of Newport, GIFFORD of Lincoln, GILBERT of Jay, GILLWAY of Searsport, GOODE of Bangor, GRAHAM of North Yarmouth, GUERIN of Glenburn, HAMPER of Oxford, HANLEY of Gardiner, HARLOW of Portland, HARMON of Palermo, HARVELL of Farmington, HASKELL of Portland, HAYES of Buckfield, HERBIG of Belfast, HINCK of Portland, HOGAN of Old Orchard Beach, HUNT of Buxton, INNES of Yarmouth, JOHNSON of Eddington, JOHNSON of Greenville, KAENRATH of South Portland, KENT of Woolwich, KESCHL of Belgrade, KNAPP of Gorham, KNIGHT of Livermore Falls, KRUGER of Thomaston, KUMIEGA of Deer Isle, LAJOIE of Lewiston, LIBBY of Waterboro, LONG of Sherman, LONGSTAFF of Waterville, LOVEJOY of Portland, LUCHINI of Ellsworth, MacDONALD of Boothbay, MAKER of Calais, MALABY of Hancock, MALONEY of Augusta, MARTIN of Eagle Lake, MAZUREK of Rockland, McCABE of Skowhegan, McCLELLAN of Raymond, McFADDEN of Dennysville, McKANE of Newcastle, MITCHELL of the Penobscot Nation, MORRISON of South Portland, MOULTON of York, NASS of Acton, NELSON of Falmouth, NEWENDYKE of Litchfield, Speaker NUTTING of Oakland, O'BRIEN of Lincolnville, O'CONNOR of Berwick, OLSEN of Phippsburg, PARKER of Veazie, PARRY of Arundel, PEOPLES of Westbrook, PETERSON of Rumford, PICCHIOTTI of Fairfield, PILON of Saco, PLUMMER of Windham, PRESCOTT of Topsham, PRIEST of Brunswick, RANKIN of Hiram, RICHARDSON of Carmel, RICHARDSON of Warren, RIOUX of Winterport, ROCHELO of Biddeford, ROSEN of Bucksport, ROTUNDO of Lewiston, RUSSELL of Portland, SANBORN of Gorham, SANDERSON of Chelsea, SARTY of Denmark, SHAW of Standish, SIROCKI of Scarborough, SOCTOMAH of the Passamaquoddy Tribe, STEVENS of Bangor, STRANG BURGESS of Cumberland, STUCKEY of Portland, THERIAULT of Madawaska, TILTON of Harrington, TIMBERLAKE of Turner, TREAT of Hallowell, TURNER of Burlington, TUTTLE of Sanford, VALENTINO of Saco, VOLK of Scarborough, WAGNER of Lewiston, WATERHOUSE of Bridgton, WEAVER of York, WEBSTER of Freeport, WELSH of Rockport, WILLETTE of Mapleton, WILLETTE of Presque Isle, WINSOR of Norway, WINTLE of Garland, WOOD of Sabattus, Senators: ALFOND of Cumberland, BARTLETT of Cumberland, BRANNIGAN of Cumberland, COLLINS of York, COURTNEY of York, CRAVEN of Androscoggin, DIAMOND of Cumberland,

DILL of Cumberland, FARNHAM of Penobscot, GERZOFKY of Cumberland, GOODALL of Sagadahoc, HASTINGS of Oxford, HILL of York, HOBBS of York, JACKSON of Aroostook, KATZ of Kennebec, LANGLEY of Hancock, MARTIN of Kennebec, MASON of Androscoggin, McCORMICK of Kennebec, PATRICK of Oxford, PLOWMAN of Penobscot, President RAYE of Washington, RECTOR of Knox, ROSEN of Hancock, SAVIELLO of Franklin, SCHNEIDER of Penobscot, SHERMAN of Aroostook, SNOWE-MELLO of Androscoggin, SULLIVAN of York, THIBODEAU of Waldo, THOMAS of Somerset, TRAHAN of Lincoln, WHITTEMORE of Somerset, WOODBURY of Cumberland)

JOINT RESOLUTION TO COMMEND ALL THOSE WHO HAVE TAKEN PART IN THE EFFORTS AGAINST TERRORISM

WHEREAS, members of the United States Armed Forces and the United States counterterrorism community have worked tirelessly to eliminate the most wanted terrorist in the world and leader of al-Qaida, known as "public enemy number one"; and

WHEREAS, members of the United States Special Operations Forces have stood tall for American ideals as they concluded the intense search for and elimination of public enemy number one; and

WHEREAS, they have worked hard to bring justice to the families of the victims and the survivors of the September 11, 2001 attacks on the United States of America; and

WHEREAS, they have diligently worked for justice "o'er the land of the free and the home of the brave"; and

WHEREAS, this momentous achievement marks a victory for America and for all those affected by the September 11, 2001 events worldwide; and

WHEREAS, the fire and police departments of all communities have dedicated their continued support to the safety of our Nation and to the memory of their fallen comrades; and

WHEREAS, many service organizations have continued to keep the memory alive in an effort to never forget the fallen and all victims, families and survivors of September 11, 2001; and

WHEREAS, members of the United States Navy, Army, Air Force, Marines and Coast Guard and their families have committed their lives to continued efforts to protect the homeland against terrorism; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-fifth Legislature now assembled in the First Regular Session, on behalf of the people we represent, take this opportunity to commend all those who have taken part in the efforts against terrorism and the elimination of the most wanted terrorist, and we thank everyone for the continued support of those affected by the events of September 11, 2001; and be it further

RESOLVED: That We, the Members of the One Hundred and Twenty-fifth Legislature, acknowledge that the actions of May 1, 2011 should be honored each year as a day of continued efforts against terrorism and as a day of national unity for our State and Nation.

READ.

The SPEAKER: The Chair recognizes the Representative from Winslow, Representative Morissette.

Representative MORISSETTE: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. On May 1st the continued efforts against terrorism brought a renewed sense of unity to our country, a reminder to the ever vigilant in concerns for protection of our freedoms, and a reminder to thank those who sacrifice so much for our nation, our state, and our communities. I conclude with a simple two words for those mentioned in this Resolve and our own resident heroes. Thank you.

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

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

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

the Town of Falmouth, which was named Top City to Live and Learn by Forbes Magazine and GreatSchools, in the second annual national study ranking cities across the United States. The Falmouth schools earned an education quality score of 100, earning the only perfect score, and consistently outperforming state and national averages in achievement. We congratulate the Town of Falmouth on its achieving this honor and send the town our best wishes for continued excellence;

(HLS 352)

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

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

READ.

On motion of the same Representative, **TABLED** pending **PASSAGE** and later today assigned.

In Memory of:

Elizabeth O'Donoghue, of Eliot, a longtime town leader and 2-term selectwoman. Mrs. O'Donoghue served on many of the Board of Selectmen's committees and helped the town make important planning decisions. She earned a doctorate in 1992 at Boston University and worked as a mental health counselor, specializing in geriatric counseling. She moved to Eliot 15 years ago and became involved in local and county politics. She will be greatly missed and long remembered by her family and those whose lives she touched;

(HLS 270)

Presented by Representative BEAVERS of South Berwick.
Cosponsored by Senator HILL of York.

On **OBJECTION** of Representative BEAVERS of South Berwick, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **BEAVERS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise to make tribute to Elizabeth O'Donoghue. Instead of a favorite teacher, I'm here today to honor the person who most inspired me to participate in public service. Betsy and her wonderful Great Pyrenees dog, "Izzy," appeared in my campaign literature last year.

Betsy O'Donoghue died in March of this year at the age of 80, way too young for the woman we in District 148 expected to live forever. She was posting notices and responding to discussions on EliotOnline the day before she went in for heart surgery, from which she survived in a coma for nearly two weeks before succumbing.

She played many roles in her adopted community of Eliot: Selectwoman, Planning Board Member, Leader at Large, Activist, role model, friend, advisor, listener, mediator, advocate, teacher.

At 61 she found that she had some rare free time so she went back to school and got herself a doctorate in Counseling Psychology at Boston University so she could help the elderly. She was smart, fun, funny, focused and, most of all, fair. You could always count on solid objectivity from Betsy. She had no enemies and everyone who knew her, regardless of party or politics, respected who she was and what she stood for. This woman, who was a local legend and hero, always said, "Participate! Eliot is run by those who show up!" She didn't just show up. She showed up and she got it done. Collaboration was her second favorite word. She motivated well over a dozen Eliot citizens to participate in the preparation of the Eliot Comprehensive Plan, which most you know is a long and intense process.

There could be no better example of outstanding committed leadership than the late, great Betsy O'Donoghue. As a woman of character and integrity, we who knew her count ourselves among the blessed. In her honor and memory, I urge that this august body follow the lead of the late, great Betsy O'Donoghue by showing up and getting it done for the people of Maine in a respectful way. Our constituents deserve no less. Thank you.

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

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

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

the YMCA Alliance of Maine, which provides vital services throughout the State. The 17 YMCAs in the State collectively serve over 100,000 people each year. The YMCA is an association of men, women and children of all ages and from all walks of life joined together by a shared passion: to strengthen the foundations of community. With a commitment to nurturing the potential of young people, promoting healthy living and fostering a sense of social responsibility, the programs and services of the YMCAs ensure that every individual has access to the essentials needed to learn, grow and thrive. We send our appreciation to the YMCA Alliance of Maine on its contributions to the State of Maine and we send our best wishes for future success;

(SLS 263)

On **OBJECTION** of Representative STRANG BURGESS of Cumberland, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **STRANG BURGESS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just would like to draw your attention to the Sentiment that the Clerk has just read to you all and just ask you to think for a moment about your communities where you grew up, and also where our children are today, and the importance of the YMCA program. We are very lucky in this state to have 17 different offices and affiliates of the YMCA.

I am a product of the YMCA program myself. Growing up in Camden we had a very, very active Y and still do today, and I think basically I can say that I lived there pretty much from age six on through high school. It creates a wonderful environment for our young people and does a great service in our community.

I would encourage you all at some point through this morning

to, as we say, stop by the Y, who for the purposes of today is located in the Hall of Flags. They are all downstairs and I hope that you will make a few minutes to stop by and see your local representatives from your local Y. I appreciate the time and thank you very much.

Subsequently, the Sentiment was **PASSED** in concurrence.

REPORTS OF COMMITTEE

Divided Reports

Majority Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-79)** on Bill "An Act To Amend Maine Law To Conform with Federal Law Regarding Employment Practices for Certain Minors"

(S.P. 149) (L.D. 516)

Signed:

Senators:

RECTOR of Knox
MARTIN of Kennebec

Representatives:

PRESCOTT of Topsham
DOW of Waldoboro
NEWENDYKE of Litchfield
VOLK of Scarborough
WINTLE of Garland

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

Signed:

Senator:

JACKSON of Aroostook

Representatives:

DRISCOLL of Westbrook
GILBERT of Jay
HERBIG of Belfast
HUNT of Buxton
TUTTLE of Sanford

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-79) AS AMENDED BY SENATE AMENDMENT "C" (S-97)** thereto.

READ.

On motion of Representative CURTIS of Madison, **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 Bill "An Act Relating to Selection of Constitutional Officers and the State Auditor"

(S.P. 382) (L.D. 1261)

Signed:

Senator:

SULLIVAN of York

Representatives:

COTTA of China
BOLAND of Sanford

BOLDUC of Auburn
CASAVANT of Biddeford
CELLI of Brewer
GRAHAM of North Yarmouth
HARVELL of Farmington
KAENRATH of South Portland
MOULTON of York
TURNER of Burlington

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-44)** on same Bill.

Signed:

Senators:

THOMAS of Somerset
COLLINS of York

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

READ.

On motion of Representative COTTA of China, the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass** on Bill "An Act To Prohibit Organized Retail Theft"

(H.P. 478) (L.D. 648)

Signed:

Senators:

MASON of Androscoggin
WHITTEMORE of Somerset

Representatives:

PLUMMER of Windham
BURNS of Whiting
LONG of Sherman
MORISSETTE of Winslow
SANDERSON of Chelsea

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

Signed:

Senator:

GERZOFKY of Cumberland

Representatives:

BLODGETT of Augusta
CLARKE of Bath
HANLEY of Gardiner
HASKELL of Portland
LAJOIE of Lewiston

READ.

On motion of Representative PLUMMER of Windham the Majority **Ought to Pass** Report was **ACCEPTED.**

The Bill was **READ ONCE** and was assigned for **SECOND READING** Tuesday, May 17, 2011.

Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought Not to Pass** on Bill "An Act To Encourage Coyote Management"

(H.P. 470) (L.D. 640)

Signed:

Senators:

MARTIN of Kennebec
TRAHAN of Lincoln

Representatives:

BRIGGS of Mexico
CLARK of Millinocket
EBERLE of South Portland
ESPLING of New Gloucester
SARTY of Denmark
SHAW of Standish

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-221)** on same Bill.

Signed:

Senator:

PATRICK of Oxford

Representatives:

DAVIS of Sangerville
CRAFTS of Lisbon
GUERIN of Glenburn
WOOD of Sabattus

READ.

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

Majority Report of the Committee on **TAXATION** reporting **Ought Not to Pass** on Bill "An Act To Improve the Maine Seed Capital Tax Credit"

(H.P. 14) (L.D. 22)

Signed:

Senator:

TRAHAN of Lincoln

Representatives:

KNIGHT of Livermore Falls
BENNETT of Kennebunk
BICKFORD of Auburn
BURNS of Alfred
HARMON of Palermo
WATERHOUSE of Bridgton

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-217)** on same Bill.

Signed:

Senator:

HASTINGS of Oxford

Representatives:

BERRY of Bowdoinham
BRYANT of Windham
FLEMINGS of Bar Harbor
PILON of Saco

READ.

Representative KNIGHT of Livermore Falls 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.

Majority Report of the Committee on **TAXATION** reporting **Ought Not to Pass** on Bill "An Act To Extend the Historic Preservation Tax Credit"

(H.P. 213) (L.D. 260)

Signed:

Senators:

TRAHAN of Lincoln
HASTINGS of Oxford
WOODBURY of Cumberland

Representatives:

KNIGHT of Livermore Falls
BENNETT of Kennebunk
BICKFORD of Auburn
BURNS of Alfred
HARMON of Palermo
WATERHOUSE of Bridgton

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-219)** on same Bill.

Signed:

Representatives:

BERRY of Bowdoinham
BRYANT of Windham
FLEMINGS of Bar Harbor
PILON of Saco

READ.

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

Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-216)** on Bill "An Act To Strengthen Maine's Economy through Improvements to the Educational Opportunity Tax Credit"

(H.P. 632) (L.D. 835)

Signed:

Senators:

TRAHAN of Lincoln
HASTINGS of Oxford

Representatives:

KNIGHT of Livermore Falls
BENNETT of Kennebunk
BERRY of Bowdoinham
BICKFORD of Auburn
BRYANT of Windham
BURNS of Alfred
FLEMINGS of Bar Harbor
HARMON of Palermo
PILON of Saco
WATERHOUSE of Bridgton

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

Signed:

Senator:

WOODBURY of Cumberland

READ.

On motion of Representative KNIGHT of Livermore Falls, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-216)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Tuesday, May 17, 2011.

Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-218)** on Bill "An Act To Exempt Internet Sales from the Sales and Use Tax"

(H.P. 705) (L.D. 961)

Signed:

Senators:

TRAHAN of Lincoln

HASTINGS of Oxford

Representatives:

KNIGHT of Livermore Falls

BENNETT of Kennebunk

BICKFORD of Auburn

BURNS of Alfred

HARMON of Palermo

WATERHOUSE of Bridgton

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

Signed:

Senator:

WOODBURY of Cumberland

Representatives:

BERRY of Bowdoinham

BRYANT of Windham

FLEMINGS of Bar Harbor

PILON of Saco

READ.

Representative KNIGHT of Livermore Falls moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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

Representative **BERRY**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I have great respect for the sponsor of this bill and for those who voted on the prevailing side and in favor of the pending motion.

I rise in opposition to the pending motion because this measure, if enacted, would be unfair, it would be unaffordable, and it would have no net impact in a positive way on Maine's economy, only a negative impact.

Currently, there is no other state of the 46 states with sales taxes that entirely exempt internet sales. Maine Municipal Association testified against this bill because it would, in the short term, result in a \$52 million cut to revenue sharing, to the property tax relief that each of our towns and cities depends on.

In the long term, the effect will be far greater. The cost to the General Fund: over \$1 billion. That's billion with a "b" in the long term.

The business associations of the State of Maine did not testify in support of the bill. In fact, no one testified in support of the bill.

But Maine Merchants Association, representing primarily bricks and mortar businesses, testified that this would be extremely unfair to Maine's downtown businesses, to the bricks and mortar businesses, to the mom-and-pops, and the larger businesses that keep our economy afloat in a state, I might add, that has significant challenges with respect to rural internet access.

This is a bad bill for the State of Maine. It is a bad bill for our towns and cities. It is a bad bill for our businesses. It had no support and I ask that we not support it today. Mr. Speaker, I request a roll call.

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

The SPEAKER: The Chair recognizes the Representative from Palermo, Representative Harmon.

Representative **HARMON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. In general, this topic of e-commerce has been an interest of mine since the days in graduate school, and I rise to speak in strong support of the legislation brought before you today.

After studying the sales and use tax for a number of years, I came to the conclusion that the use and sales tax must have five qualities. One, simplicity. The tax should be easy to understand and inexpensive to administer.

Two, neutrality. This tax should not divert economic resources from more productive to less productive uses or create biases in favor of the particular taxpayer's activities or industries.

Three, equity. The tax should not impose burdens on taxpayers without offering them corresponding gains or proportional benefits in return.

Four, transparency. The tax should not be imposed in ways that obscure its burden. That is it should not be a hidden tax.

Five, low rates. Lower tax rates reduce general collection administration burdens for taxpayers and minimize distortions in the base since higher tax rates create pressures for carve outs.

In most cases, in the State of Maine as well other states, the sales tax has these properties, yet e-commerce has changed the rules of the game so to speak. More importantly, the complexities of internet sales and transactions has complicated both from the consumer perspective as well as the regulatory perspective.

In 2002, while studying this issue, e-commerce was .016 of consumer purchasing, thus refuting that the argument that Main Street really was adversely affected by e-commerce. It would be good if we could, again, examine those results today, and we have, which is almost 10 percent of people. Yet economic projections then were that regardless of how much e-commerce grows, in the future it was unlikely to displace a substantial portion of Main Street sales.

Also, with regards to the fiscal note, it would be \$475 million, yet that's 50 percent of what Maine Revenue Services says we would be projecting for the last year. That would be a 50 percent increase in internet sales. Most economists, most economic projections say that is untrue. People will not subvert to internet sales except for Maine Street because people want their product then and now.

Our goal should be to design legislation to be most consumer-friendly, most tax-friendly, as well as being constitutionally permissible for the citizens in Maine in regards to e-commerce. Our own sales tax and use tax brought in last year \$197 million, not \$1 billion as my Representative on the Taxation Committee had before noted. So I would just ask you to consider

this bill. It's something that's very important to help modernize the economy and I would ask you to follow my light. Thank you, Mr. Speaker.

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

Representative **PILON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Everyone should have received by now this green pass out from Maine Municipal Association. This one paragraph strikes me as very important. It says under current law there is an effective sales tax exemption for internet retailers that do not have a physical presence in this state because of a U.S. Supreme Court decision in the early 1990s that prohibits states from compelling remote sellers from collecting the state sales tax. Without the compelled sales tax collection, those remote sales transactions become subject to each state's use tax, which is largely ignored by shoppers and unenforceable. The end result is that the effective sales tax exemption for internet sales that favors remote internet retailers over the downtown brick and mortar merchants.

Can you imagine with technology, where it's come and where it's going, the virtual store? We're almost there, the virtual store. You don't have to go to the mall anymore. Just literally just going online and buying whatever you'd like to buy and not having to worry about the sales tax or the use tax. But don't forget, if you do buy something online you have to pay the sales tax or the use tax to the State of Maine. Now how often does that actually occur? How often do people remit the sales or use tax to the State of Maine? Perhaps 50 percent, 40 percent, 50 percent. If you sit in Taxation with us, those of use on the Taxation Committee, and you listen to testimony day after day after day, you'll hear people say "I submit my tax," but then you hear the other people that say "Oh, I've forgotten to pay my sales or use tax."

Remember the virtual store is upon us. LD 961 is something that we need to think about and this is a bill that doesn't have the ability to be implemented and enforced. So I hope that you will support the Ought Not to Pass. Thank you.

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

Representative **CHAPMAN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This is a one sentence bill and I think contrary to the sponsor's intent, I can picture an internet terminal in a retail store for large ticket items and the sales person indicating to the customer that if they'd like to make their purchase online they might be able to avoid the sales tax, rather than making the purchase directly in the store. Even though the person has come to the store and may even take delivery of the item there, I didn't see anywhere in this one sentence anything that would close that major loophole, and I just wanted to make everyone aware of that. Thank you.

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

Representative **BRYANT**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise in opposition to the pending motion. As you can see, if we allowed the internet sales to have no sales tax, we would be taking jobs away from our local retailers. Right now, we're trying to build our Main Street, trying to have little mom-and-pop stores. This is a vote against that. I urge you to vote red.

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

Representative **HARVELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. A couple of weeks ago I mentioned that economies were not zero sum games. I guess I'm going to have to bring it up again.

Mercantilism is dead. I have been to L.L.Bean and that is a store made of a lot of brick and mortar, a lot.

The reality is that the internet is transforming the economy, and, yes, there are winners and, yes, there are losers. Consider Amazon. Those that have book sales now are able to sell their books to the rest of the country, oh wait, the world, and they are coming from small places like downtown Farmington's Twice Sold Book Tales.

The reality is if you challenge these internet sales, there will be reciprocities by other states, and companies like L.L.Bean, Kittery and those will suffer. It's not a zero sum game. We can win at this too. But if we shackle ourselves, there is no way we can.

On motion Representative **KNIGHT** of Livermore Falls, **TABLED** pending his motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report and later today assigned. (Roll Call Requested)

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

CONSENT CALENDAR

First Day

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

(S.P. 213) (L.D. 724) Resolve, To Create an Evidence-based Study and Comprehensive Plan for HIV and AIDS Services in Maine Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-98)**

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.

(S.P. 492) (L.D. 1545) Bill "An Act To Authorize the Public Utilities Commission To Exercise Jurisdiction over Private Natural Gas Pipelines To Ensure Safe Operation" (EMERGENCY) Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass**

On motion of Representative **CUSHING** of Hampden, was **REMOVED** from the First Day Consent Calendar.

The Unanimous Committee Report was **READ** and **ACCEPTED**.

The Bill was **READ ONCE**.

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** in concurrence.

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-90)** on Bill "An Act To Provide a Sales Tax Exemption to Incorporated Nonprofit Performing Arts Organizations"

(S.P. 55) (L.D. 205)

Signed:

Senators:

TRAHAN of Lincoln

HASTINGS of Oxford

WOODBURY of Cumberland

Representatives:

KNIGHT of Livermore Falls
BERRY of Bowdoinham
BICKFORD of Auburn
BRYANT of Windham
FLEMINGS of Bar Harbor
HARMON of Palermo
PILON of Saco

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

Signed:

Representatives:

BENNETT of Kennebunk
BURNS of Alfred
WATERHOUSE of Bridgton

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-90)**.

READ.

On motion of Representative KNIGHT of Livermore Falls, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. Committee Amendment "A" (S-90) was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Tuesday, May 17, 2011.

CONSENT CALENDAR

First Day

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

(H.P. 196) (L.D. 243) Bill "An Act To Ensure Emergency Communications for Persons with Disabilities" Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass**

(H.P. 464) (L.D. 634) Bill "An Act To Allow a Person To Designate Information Submitted for a Hunting or Fishing License as Confidential" Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass**

(H.P. 990) (L.D. 1349) Bill "An Act To Amend the Laws Governing the Handling of Medical Examiner Cases" Committee on **JUDICIARY** reporting **Ought to Pass**

(H.P. 306) (L.D. 380) Bill "An Act To Enhance Enforcement of Civil Orders of Arrest" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-241)**

(H.P. 631) (L.D. 834) Bill "An Act To Exempt Orthotics from Sales Tax" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-242)**

(H.P. 716) (L.D. 972) Bill "An Act To Provide Administrative Support to the Citizen Trade Policy Commission" Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-249)**

(H.P. 720) (L.D. 976) Bill "An Act To Require 3 Years of Experience in a School Administrative Unit before a Teacher May Receive a Continuing Contract Offer" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-243)**

There being no objections, the above items were ordered to appear on the Consent Calendar tomorrow under the listing of Second Day.

CONSENT CALENDAR

Second Day

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

(S.P. 400) (L.D. 1286) Bill "An Act To Rename the Maine Fire Training and Education Program at Southern Maine Community College the Maine Fire Service Institute"

(S.P. 419) (L.D. 1356) Bill "An Act To Amend the Laws Concerning the School Revolving Renovation Fund"

(S.P. 469) (L.D. 1493) Bill "An Act Regarding the Powers of the Director of the Maine State Museum Commission"

(S.P. 470) (L.D. 1494) Bill "An Act To Support Maine State Museum Accreditation"

(S.P. 10) (L.D. 1) Bill "An Act To Ensure Regulatory Fairness and Reform" (C. "A" S-87)

(S.P. 109) (L.D. 396) Bill "An Act To Amend the Law Governing Sales Tax Exemptions for Certain Nonprofit Youth Organizations" (C. "A" S-88)

(S.P. 156) (L.D. 564) Bill "An Act Regarding Retention and Graduation Rates for Maine's Colleges and Universities" (C. "A" S-74)

(S.P. 182) (L.D. 602) Bill "An Act To Clarify the Method of Appealing Decisions of the Executive Director of the Maine Commission on Indigent Legal Services" (C. "A" S-93)

(S.P. 226) (L.D. 792) Resolve, Establishing a Task Force To Examine the Decline in the Number of Nonresident Hunters (C. "A" S-76)

(S.P. 331) (L.D. 1098) Bill "An Act To Increase Accountability for the Most Serious Offenders of Laws Prohibiting Operating under the Influence of Drugs and Alcohol" (C. "A" S-72)

(S.P. 361) (L.D. 1186) Bill "An Act To Amend the Probate Code Relating to the Authority of the Probate Court To Approve Transfers from a Protected Person's Estate" (C. "A" S-75)

(H.P. 842) (L.D. 1136) Bill "An Act To Require the Opportunity To Recite the Pledge of Allegiance in Schools"

(H.P. 959) (L.D. 1307) Bill "An Act To Amend and Clarify Certain Education Statutes"

(H.P. 539) (L.D. 708) Bill "An Act Concerning Arrests for Violating Protection from Abuse Orders" (C. "A" H-228)

(H.P. 555) (L.D. 748) Bill "An Act To Improve Driver Education Licensing" (C. "A" H-227)

(H.P. 647) (L.D. 880) Bill "An Act To Protect Minors from Questioning by Private Investigators" (C. "A" H-222)

(H.P. 741) (L.D. 1005) Bill "An Act To Modify the Standard of Proof for Traffic Infractions" (C. "A" H-220)

(H.P. 767) (L.D. 1033) Bill "An Act To Support Resource Sharing among Maine Libraries" (C. "A" H-225)

(H.P. 875) (L.D. 1177) Bill "An Act To Make Minor Changes to Municipal Health Inspection Activities" (C. "A" H-238)

(H.P. 955) (L.D. 1303) Bill "An Act To Increase the Fee Paid to a Funeral Home To Transport a Body at the Request of the State Medical Examiner" (C. "A" H-239)

(H.P. 1068) (L.D. 1454) Bill "An Act To Allow Police Officers To Operate Mobile Command Units without a Special License" (C. "A" H-226)

No objections having been noted at the end of the Second Legislative Day, the Senate Papers were **PASSED TO BE ENGROSSED** or **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.

(H.P. 370) (L.D. 477)
(C. "A" H-144)

BILLS IN THE SECOND READING
Senate as Amended

Bill "An Act To Clarify Certain Provisions in the Harness Racing Laws"

(S.P. 153) (L.D. 561)
(C. "A" S-73)

House as Amended

Bill "An Act To Require Insurance Companies To Reissue Qualifying Long-term Care Partnership Policies"

(H.P. 472) (L.D. 642)
(C. "A" H-209)

Reported by the Committee on **Bills in the Second Reading**, read the second time, the Senate Paper was **PASSED TO BE ENGROSSED as Amended** in concurrence and the House Paper was **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

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. 129 voted in favor of the same and 6 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act To Permit Disposal of Abandoned Manufactured Housing

(H.P. 487) (L.D. 657)
(C. "A" H-183)

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. 134 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

ENACTORS

Emergency Measure

An Act To Regulate the Keeping of Wolf Hybrids

(S.P. 26) (L.D. 11)
(C. "A" S-50)

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 3 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act To Clarify Maine's Phaseout of the "Deca" Mixture of Polybrominated Diphenyl Ethers

(H.P. 690) (L.D. 930)
(C. "A" H-152)

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. 136 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act To Amend the Laws Governing the Capital Reserve Funds of the Maine Educational Loan Authority

(H.P. 54) (L.D. 66)
(C. "A" H-149)

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. 138 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act To Amend the Maine Limited Liability Company Act

(H.P. 727) (L.D. 983)
(C. "A" H-135)

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. 130 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act To Improve the Rate of Organ and Tissue Donation by Establishing the Organ Donation Advisory Council

(S.P. 139) (L.D. 435)
(C. "A" S-57)

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. 133 voted in favor of the same and 2 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act To Increase the Availability of Independent Medical Examiners under the Workers' Compensation Act of 1992

(H.P. 791) (L.D. 1056)
(C. "A" H-204)

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

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

Emergency Measure

An Act Relating to Noise Violations by Motor Vehicles, Including Motorcycles

Emergency Measure

An Act To Amend the Authority of the Washington County Development Authority

(H.P. 839) (L.D. 1127)

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. 138 voted in favor of the same and 1 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act To Amend the Laws Regarding the Determination of Domicile Based on the Geographic Location of an Individual's Bank

(S.P. 339) (L.D. 1130)
(C. "A" S-59)

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. 135 voted in favor of the same and 2 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, To Improve Access to Employment Opportunities for Persons with Intellectual Disabilities and Autistic Disorders

(H.P. 20) (L.D. 28)
(C. "A" H-139)

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. 138 voted in favor of the same and 1 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, Regarding Legislative Review of Portions of Chapter 101: Maine Unified Special Education Regulation Birth to Age Twenty, a Major Substantive Rule of the Department of Education

(H.P. 88) (L.D. 106)
(C. "A" H-148)

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. 140 voted in favor of the same and 2 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, To Study the Promotion and Expansion of the Maine Maple Sugar Industry

(H.P. 91) (L.D. 109)
(C. "A" H-159)

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

Representative CAIN of Orono **REQUESTED** a roll call on **FINAL PASSAGE**.

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

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

ROLL CALL NO. 46

YEA - Ayotte, Beaudoin, Beaulieu, Beavers, Beck, Beliveau, Bennett, Berry, Bickford, Black, Blodgett, Boland, Bolduc, Briggs, Bryant, Burns DC, Burns DR, Cain, Carey, Casavant, Cebra, Celli, Chapman, Chase, Chipman, Clark H, Clark T, Clarke, Cornell du Houx, Cotta, Crafts, Cray, Crockett, Curtis, Cushing, Damon, Davis, Dill J, Dion, Dow, Driscoll, Duchesne, Dunphy, Eberle, Edgecomb, Espling, Fitts, Fitzpatrick, Flemings, Flood, Fossel, Fredette, Gifford, Gilbert, Gillway, Goode, Graham, Guerin, Hamper, Hanley, Harlow, Harmon, Harvell, Haskell, Hayes, Herbig, Hinck, Hogan, Hunt, Innes Walsh, Johnson D, Johnson P, Kaenrath, Kent, Keschl, Knapp, Knight, Kruger, Kumiega, Lajoie, Long, Longstaff, Lovejoy, Luchini, MacDonald, Maker, Malaby, Maloney, Martin, Mazurek, McCabe, McClellan, McFadden, McKane, Morissette, Morrison, Moulton, Nass, Nelson, Newendyke, O'Brien, O'Connor, Olsen, Parker, Parry, Peoples, Peterson, Picchiotti, Pilon, Plummer, Priest, Rankin, Richardson D, Richardson W, Rioux, Rochelo, Rosen, Rotundo, Russell, Sanborn, Sanderson, Sarty, Sirocki, Stevens, Strang Burgess, Stuckey, Theriault, Tilton, Timberlake, Treat, Turner, Valentino, Volk, Wagner R, Weaver, Webster, Welsh, Willette A, Willette M, Winsor, Wintle, Wood, Mr. Speaker.

NAY - Waterhouse.

ABSENT - Eves, Foster, Libby, Prescott, Shaw, Tuttle.

Yes, 143; No, 1; Absent, 6; Vacant, 1; Excused, 0.

143 having voted in the affirmative and 1 voted in the negative, 1 vacancy with 6 being absent, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, To Change Rules Concerning Landfill Gas and Odor Management from Routine Technical Rules to Major Substantive Rules

(H.P. 157) (L.D. 180)

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. 134 voted in favor of the same and 0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, Directing the Commissioner of Professional and Financial Regulation To Convene a Working Group To Review the Laws and Rules Governing Boilers

(H.P. 301) (L.D. 375)

(C. "A" H-176)

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. 138 voted in favor of the same and 1 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, To Study the Creation of a School of Hospitality and Hotel Management within the University of Maine System

(S.P. 171) (L.D. 579)

(C. "A" S-70)

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 4 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

**Resolve Pursuant to the Constitution
Public Land**

Resolve, To Authorize the Exchange of Interest in Certain Lands Owned by the State

(S.P. 341) (L.D. 1132)
(C. "A" S-55)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section 23 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 141 voted in favor of the same and 0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Acts

An Act To Allow a Nonresident To Perform a Single Marriage Ceremony

(H.P. 120) (L.D. 138)
(C. "A" H-134)

An Act To Create a Short-term All-terrain Vehicle Registration System

(H.P. 152) (L.D. 175)
(C. "A" H-195)

An Act To Amend the Laws Regarding Tips Used in Payment of Service Employees

(S.P. 57) (L.D. 207)
(C. "A" S-58)

An Act To Make Changes to the Motorcycle Inspection Sticker Requirements

(S.P. 72) (L.D. 221)
(C. "A" S-66)

An Act To Provide a Sales Tax Exemption to Commercial Horticulturists

(H.P. 187) (L.D. 234)
(C. "A" H-153)

An Act To Permit Insured Persons To Designate a 3rd Party To Receive Notice of Cancellation of Medicare Supplement Policies and To Restrict the Cancellation of Certain Insurance Policies for Nonpayment of Premium Due to Cognitive Impairment or Functional Incapacity

(S.P. 93) (L.D. 313)
(C. "A" S-71)

An Act To Change the Qualifications of Certain Members of the Board of Pesticides Control

(H.P. 254) (L.D. 321)
(C. "A" H-187)

An Act To Facilitate a Change of Location for Agency Liquor Stores

(S.P. 105) (L.D. 343)
(C. "A" S-68)

An Act To Exempt from the Income Tax Military Survivors Annuity Payments

(H.P. 284) (L.D. 358)
(C. "A" H-136)

An Act Relating to Temporary Disability Parking Permits

(H.P. 349) (L.D. 456)
(C. "A" H-145)

An Act To Amend the Laws Dealing with Limitation of Actions

(H.P. 375) (L.D. 482)
(C. "A" H-192)

An Act To Assist the Commercial Fishing Safety Council

(H.P. 421) (L.D. 538)
(C. "A" H-168)

An Act To Exempt Certain Meals Provided to Food Service Employees from the Sales and Use Tax

(S.P. 184) (L.D. 604)
(C. "A" S-53)

An Act To Update the Radon Registration Act

(H.P. 461) (L.D. 631)
(C. "A" H-143)

An Act To Allow a Portion of Snowmobile Registration Fees To Be Used for the Repair of Trail-grooming Equipment

(H.P. 471) (L.D. 641)

An Act Regarding the Milk Handling Fee

(H.P. 514) (L.D. 718)
(C. "A" H-162)

An Act To Increase Efficiency and Effectiveness in the Licensing of Certain Health and Human Services Providers

(H.P. 566) (L.D. 759)
(C. "A" H-171)

An Act To Allow Municipalities the Option To Subsidize Publicly Owned Bus Stops through Advertising

(H.P. 608) (L.D. 812)
(C. "A" H-169)

An Act Regarding the Minimum Stock Required by Agency Liquor Stores

(S.P. 268) (L.D. 864)
(C. "A" S-69)

An Act To Require Certification of Private Applicators of General Use Pesticides

(H.P. 719) (L.D. 975)
(C. "A" H-163)

An Act To Allow a Person To Receive a Designation of Active Military or Veteran Status on a Driver's License or Nondriver Identification Card

(S.P. 304) (L.D. 986)
(C. "A" S-62)

An Act To Provide a Remedy to Property Owners When a Tenant Defaults on a Lease

(H.P. 742) (L.D. 1006)
(C. "A" H-180)

An Act To Require a Mortgagee To Provide the Original Release of Mortgage to the Mortgagor after the Release Is Recorded

(H.P. 748) (L.D. 1012)
(C. "A" H-202)

An Act To Reduce Unnecessary Reporting Requirements Related to Natural Resources

(H.P. 751) (L.D. 1015)
(C. "A" H-199)

An Act To Amend the Law Concerning Overboard Discharge Systems

(H.P. 758) (L.D. 1022)
(C. "A" H-151)

An Act To Amend the Laws Governing Land Surveyors

(H.P. 760) (L.D. 1024)
(C. "A" H-203)

An Act To Protect the Privacy of Maine Residents under the Driver's License Laws

(H.P. 803) (L.D. 1068)
(C. "A" H-177)

An Act To Allow a Stay of an Administrative License Suspension for Refusal To Submit to a Test

(S.P. 323) (L.D. 1090)
(C. "A" S-61)

An Act To Direct the Judicial Branch To Take Requisite Measures To Collect Fines and Penalties

(S.P. 337) (L.D. 1104)

An Act To Enable Prosecutions for Criminal Invasion of Computer Privacy

(H.P. 863) (L.D. 1165)
(C. "A" H-185)

An Act To Make Changes to the Maine College Savings Program

(H.P. 871) (L.D. 1173)
(C. "A" H-208)

An Act To Promote Fairness in Negotiations between Health Insurance Carriers and Health Care Service Providers

(H.P. 913) (L.D. 1222)

An Act To Streamline the Liquor Licensing Reporting Procedure

(H.P. 919) (L.D. 1228)
(C. "A" H-137)

An Act Relating to Custom Vehicles

(H.P. 958) (L.D. 1306)
(C. "A" H-200)

An Act To Amend the Washington County Development Authority

(H.P. 983) (L.D. 1342)

An Act To Amend the Yarmouth Water District Charter

(S.P. 448) (L.D. 1441)

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

Resolves

Resolve, Directing the Department of Environmental Protection To Evaluate and Amend Its Rules Regarding Snow Dumps

(H.P. 266) (L.D. 333)
(C. "A" H-156)

Resolve, To Evaluate the Energy Use of the State House and the Burton M. Cross State Office Building

(H.P. 287) (L.D. 361)
(C. "A" H-92)

Resolve, To Implement Certain Recommendations of the Governor's Task Force on Expanding Access to Oral Health Care for Maine People

(H.P. 316) (L.D. 390)
(C. "A" H-170)

Resolve, Directing the Commission on Governmental Ethics and Election Practices To Study Modifying the Maine Clean Election Act

(S.P. 251) (L.D. 848)
(C. "A" S-54)

Resolve, Directing the Department of Environmental Protection To Amend Its Rules Governing the Length of Time Certain Permits Are Valid

(S.P. 266) (L.D. 862)
(C. "A" S-56)

Resolve, To Encourage the Use of Defibrillators in Health Clubs and Gyms

(H.P. 808) (L.D. 1073)
(C. "A" H-172)

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

An Act To Provide the Opportunity To Register with the Selective Service System When Obtaining a Driver's License or Nondriver Identification Card

(H.P. 394) (L.D. 501)
(C. "A" H-157)

On motion of Representative CEBRA of Naples, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION**.

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

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

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-157)** was **ADOPTED**.

The same Representative **PRESENTED House Amendment "A" (H-229)** to **Committee Amendment "A" (H-157)**, which was **READ** by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative from Naples, Representative Cebra.

Representative **CEBRA**: Thank you, Mr. Speaker. This House Amendment to the Committee Amendment, just for the edification of the body, this amendment strikes the Appropriations and Allocations section that was inadvertently part of Committee Amendment "A." It should have never been there and it just cleans it up. Thank you, Mr. Speaker.

Subsequently, **House Amendment "A" (H-229)** to **Committee Amendment "A" (H-157)** was **ADOPTED**.

Committee Amendment "A" (H-157) as Amended by **House Amendment "A" (H-229)** thereto was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (H-157)** as Amended by **House Amendment "A" (H-229)** thereto in **NON-CONCURRENCE** and sent for concurrence.

An Act To Allow a Waiver for On-premises Signs

(H.P. 403) (L.D. 520)
(C. "A" H-201)

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

On motion of Representative **CUSHING** of Hampden, was **SET ASIDE**.

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

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

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

ROLL CALL NO. 47

YEA - Ayotte, Beaudoin, Beaulieu, Beavers, Bennett, Berry, Bickford, Black, Bolduc, Briggs, Burns DC, Burns DR, Cain, Cebra, Chase, Chipman, Clark H, Clark T, Clarke, Cornell du Houx, Cotta, Crafts, Cray, Crockett, Curtis, Cushing, Damon, Davis, Dill J, Dion, Dow, Driscoll, Duchesne, Dunphy, Eberle, Edgecomb, Espling, Fitts, Fitzpatrick, Flood, Fossel, Fredette, Gifford, Gilbert, Gillway, Guerin, Hamper, Hanley, Harmon, Harvell, Haskell, Hayes, Hinck, Hogan, Hunt, Johnson D, Johnson P, Keschl, Knapp, Knight, Kumiega, Lajoie, Long, Longstaff, Luchini, MacDonald, Maker, Malaby, Martin, Mazurek, McCabe, McClellan, McFadden, McKane, Morissette,

Nass, Nelson, Newendyke, O'Connor, Olsen, Parker, Parry, Peoples, Picchiotti, Pilon, Plummer, Priest, Rankin, Richardson W, Rioux, Rosen, Russell, Sanderson, Sarty, Shaw, Sirocki, Strang Burgess, Tilton, Timberlake, Turner, Valentino, Volk, Waterhouse, Webster, Willette A, Willette M, Winsor, Wintle, Wood, Mr. Speaker.

NAY - Beck, Beliveau, Blodgett, Boland, Bryant, Carey, Casavant, Chapman, Flemings, Goode, Graham, Harlow, Herbig, Innes Walsh, Kaenrath, Kent, Kruger, Lovejoy, Maloney, Morrison, Moulton, O'Brien, Peterson, Richardson D, Rochelo, Rotundo, Sanborn, Stevens, Stuckey, Theriault, Treat, Wagner R, Weaver, Welsh.

ABSENT - Celli, Eves, Foster, Libby, Prescott, Tuttle.

Yes, 110; No, 34; Absent, 6; Vacant, 1; Excused, 0.

110 having voted in the affirmative and 34 voted in the negative, 1 vacancy with 6 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

An Act To Amend the Process of Federal Aviation Administration Airport Improvement Program Grants

(H.P. 585) (L.D. 778)

(C. "A" H-193)

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

On motion of Representative CEBRA of Naples, was **SET ASIDE**.

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

An Act To Revise the Laws on Tournament Games

(H.P. 718) (L.D. 974)

(C. "A" H-179)

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

On motion of Representative BEAULIEU of Auburn, was **SET ASIDE**.

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

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

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

CONSENT CALENDAR

First Day

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

(H.P. 106) (L.D. 124) Bill "An Act To Eliminate Certain Restrictions on the Installation of Chimneys and Equipment" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-253)**

(H.P. 580) (L.D. 773) Bill "An Act To Further Restrict the Availability of Methamphetamine and Amphetamine Pills" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-252)**

There being no objections, the above items were ordered to appear on the Consent Calendar tomorrow under the listing of Second Day.

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

The House recessed until 2:30 p.m.

(After Recess)

The House was called to order by the Speaker.

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

Bill "An Act To Make Changes to Boards and Commissions Concerning Membership, Appointments and Terms"

(H.P. 663) (L.D. 904)

Which was **TABLED** by Representative CURTIS of Madison pending **FURTHER CONSIDERATION**.

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

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

REPORTS OF COMMITTEE

Divided Reports

Majority Report of the Committee on **TAXATION** reporting **Ought Not to Pass** on Bill "An Act To Create a Scholarship Granting Organization Tax Credit"

(S.P. 401) (L.D. 1287)

Signed:

Senators:

TRAHAN of Lincoln

HASTINGS of Oxford

WOODBURY of Cumberland

Representatives:

KNIGHT of Livermore Falls

BENNETT of Kennebunk

BERRY of Bowdoinham

BICKFORD of Auburn

BRYANT of Windham

BURNS of Alfred

FLEMINGS of Bar Harbor

PILON of Saco

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-109)** on same Bill.

Signed:

Representatives:

HARMON of Palermo

WATERHOUSE of Bridgton

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

On motion of Representative KNIGHT of Livermore Falls, the Majority Ought Not to Pass Report was **ACCEPTED** in concurrence.

Majority Report of the Committee on **TRANSPORTATION** reporting **Ought Not to Pass** on Bill "An Act To Amend the Laws Governing the TransCap Trust Fund"

(S.P. 130) (L.D. 426)

Signed:

Senators:

COLLINS of York
DIAMOND of Cumberland

Representatives:

CEBRA of Naples
GILLWAY of Searsport
HOGAN of Old Orchard Beach
MAZUREK of Rockland
PARRY of Arundel
PEOPLES of Westbrook
RIOUX of Winterport
ROSEN of Bucksport
THERIAULT of Madawaska
WILLETTE of Mapleton

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-104)** on same Bill.

Signed:

Senator:

THOMAS of Somerset

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

On motion of Representative CURTIS of Madison, the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment Thursday, May 12, 2011, 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 Kayla Burchill, of Portland, a student at Deering High School, who was named the 2011 Miss Basketball

(HLS 235)

TABLED - April 12, 2011 (Till Later Today) by Representative HASKELL of Portland.

PENDING - **PASSAGE.**

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

HOUSE DIVIDED REPORT - Majority (8) **Ought Not to Pass** - Minority (5) **Ought to Pass as Amended by Committee Amendment "A" (H-112)** - Committee on **TAXATION** on Resolve, To Study Adoption of the Streamlined Sales and Use Tax Agreement

(H.P. 344) (L.D. 451)

TABLED - April 27, 2011 (Till Later Today) by Representative KNIGHT of Livermore Falls.

PENDING - Motion of same Representative to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

Representative BERRY of Bowdoinham **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

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

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

Representative **BERRY**: Thank you, Mr. Speaker. The Resolve before us, if we vote down the pending motion, would simply allow us to have some very important information regarding a national movement towards a streamlined sales and use tax agreement, whereby Maine would become one of what would now be a majority of states that have chosen to align their sales tax systems to create a level playing field for businesses across the country. This is especially important for multi-state businesses. It is especially important also for bricks and mortar businesses.

The Resolve, again which simply would provide information, that information would come to us from Maine Revenue Services at no cost. We would just have the information.

And Mr. Speaker, Men and Women of the House, there was no opposition to this bill. There was significant support, however. Maine Municipal Association strongly supported this Resolve. The Maine Merchants Association strongly supported this Resolve. Last but not least, the National Conference of State Legislatures flew a gentleman, the former House Republican House Speaker of Iowa, to Augusta to speak to our committee at great length about this bill. Again, there was no opposition. There was a great deal of support. There was no cost.

I can't for the life of me understand why we would not want this information. I hope that we can vote down the pending motion so that we can vote in favor of this very informative and helpful Resolve. It will help Maine businesses. It will help businesses across the country. It will help Maine to move its economy and its tax system into the 21st century. Thank you, Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Bridgton, Representative Waterhouse.

Representative **WATERHOUSE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. It's a small wonder that our business community supports this measure and I will compare my pro business voting record with anybody in this House.

In my past eight years, I had 100 percent voting record with NFIB, high 90s with the rest of the business community. But above anything, I'm up here for the consumer, for the taxpayer. We have income tax, sales tax, corporate tax, use tax, capital gains tax, estate tax, on and on and on. We have it all. Is it any wonder that our business community is looking for some help? But this is not it.

This is an anti-consumer bill. The streamlined sales tax proposal sets up a tax cartel of states. The cartel is the mechanism to coordinate tax rates and policies across state lines so that, as successful, the streamlined sales tax proposal will allow states to raise taxes with impunity. A governor or state senator no longer need worry that businesses and consumers will plead to neighboring states when he or she is guaranteed that neighboring states will adopt the same new taxpayer-hostile policies.

The streamlined sales tax proposal is the first and essential step to create a stealth tax hike that will stem a national state

sales tax to out of state, internet and other remote purchases, costing consumers hundreds of millions of dollars. So before we look at what the business community wants, let's look at what's good for the taxpayer and the consumer and not set up this tax cartel of states.

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

Representative BERRY: Thank you, Mr. Speaker. I want to acknowledge the interest of my colleague and friend from Bridgton in his desire to protect Maine consumers. I think that's an interest that we all do share.

I'm hopeful that if we can move forward, we might actually have some information that would allow us to make informed decisions that would help Maine businesses and Maine consumers. I don't think that those things are mutually exclusive.

It is true that because of the growing phenomenon of internet sales, all states are suffering some revenue loss. For Maine, it's between \$50 and \$100 million per biennium as a result of internet sales and effectively the avoidance of taxes by some individuals and some businesses, sometimes by choice and sometimes not by choice.

But again, the goal here is to have information. If the information helps us to level the playing field, close loopholes, prevent tax avoidance so that we can reduce the sales tax, then I would gladly work with the majority party in finding ways to do that. But information is the only way that we can go forward knowledgeably.

So I do hope that we can move forward in some way today as a group, with arming ourselves with knowledge, and decide what constitutes the best, the wisest use of that information in the coming session. Thank you.

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

Representative KNIGHT: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. During the 124th Legislature, we actually did a study of the streamlining tax initiative and I don't disagree with my good friend from Bowdoinham that an additional study would not hurt us. It's a matter of timing.

We had a great debate on this during the Tax Committee and if we can move ahead with some kind of a re-codification of the tax code, which I favor reviewing in the next year or two or three, that would be the time, I believe, to do that study so it would be timely and helpful during the time of re-codification. Right now, it would be premature, spending monies unnecessarily, and I would ask that people follow my light.

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

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

The SPEAKER: The Representative may pose her question.

Representative HASKELL: Thank you. My understanding of this proposal is that this is simply a study in order to provide information, that it does not move us in one direction or the other, but just simply prepares us. I was not aware – I was just trying to find the fiscal note here and apparently I am not able to do it quickly. So I guess I would question what the cost of this is compared to being able to receive information, if anyone could fill me in on that.

The SPEAKER: The Representative from Portland, Representative Haskell, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Livermore Falls, Representative Knight.

Representative KNIGHT: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I'm not sure that I

can answer specifically, other than it's going to take time for Maine Revenue Services staff. The study has been done. We will do it again, as I just said moments ago, as we move ahead for re-codification. It's not that we don't want the information. We have the information, we will bring it up to speed when we get to that point in time. So as for a dollar figure, all I can say is the time and energies of Maine Revenue Services can be better spent in another capacity at this time.

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

Representative HASKELL: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. During that brief interlude I was able to appropriately, on my computer, find the fiscal note, which I understand indicates that the department will be able to absorb those costs within existing budgeted resources. Thank you.

The SPEAKER: The Chair recognizes the Representative from Bridgton, Representative Waterhouse.

Representative WATERHOUSE: Thank you, Mr. Speaker. In response to my good friend, the Representative from Bowdoinham, this is more than just information. This effort was tried before. It went to the Supreme Court and in the Quill decision decided that because the entities that were trying to be pulled into this didn't have a nexus, didn't have a presence and a stake. What this actually is, it's an effort to get all the states in collusion to get critical mass so Congress will grant them the power to implement this. That's all this is about. It's not about more information. Everybody knows if you get online you can read the streamlined sales tax proposal. It's been online for quite awhile, it's been around for quite awhile. This is to reach critical mass for all the states so Congress will say, yes, we'll grant you the power to do that, because without Congress' approval, it's unconstitutional.

The SPEAKER: The Chair recognizes the Representative from Bar Harbor, Representative Flemings.

Representative FLEMINGS: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to the pending motion and in support of LD 451. I just wanted to add a few things. I do appreciate the comments from the Representative from Bridgton.

I also want to remind folks that what we're doing today would not be joining that compact. It would simply be getting more information from Maine Revenue Services so that we can understand how we might move forward in the future, in the future when the situation may change and there may be more clarity in terms of what is appropriate for a state to do. Many states are moving forward in this direction and I do believe there is great opportunity for benefit, for leveling the playing field, for supporting consumers, for supporting Maine businesses.

In addition, in terms of the previous study, it is true that a number of years ago there was a study done and folks on the committee did want to be sure that this was not repeating work unnecessarily. So we did speak with Maine Revenue Services and we questioned them about what would happen, about whether or not this study would be beneficial and would bring new information. What we heard back from Maine Revenue Services was that, in fact, the old study was outdated and because of changes in our tax code, having a new study, updating the old one would provide very important information that would be necessary to understand the full picture of what this streamlined sales and use tax agreement would mean. So I do want to focus on the fact that this is something that we did hear from Maine Revenue Services that was doable within existing resources and that would provide new information for us to understand more clearly how we should move forward, should we

decide that this makes sense. I do believe there is great opportunity for benefit for our state, our communities, our businesses, and our consumers. Thank you.

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

Representative **SHAW**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. Since the bill directs them to do a study of the issue, it really doesn't explain what the issue is, so I was wondering if I could pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative **SHAW**: Thank you, Mr. Speaker. Could someone explain exactly what a streamlined sales and use tax agreement is?

The SPEAKER: The Representative from Standish, Representative Shaw, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Palermo, Representative Harmon.

Representative **HARMON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I think enacting a study for a multi-state tax compact has many hindering business results as well as from a legal perspective. The multi-state tax compact, in my view, creates collusive cartel federalism because it runs counter to true American federalist structure with states' rights. Federalism is about state independence, not state tax collusion.

The proposal does not appear to conform to its proponents' stated admiration for rights. It turns over some of the most important state powers, the power to formulate tax policy among them, to an ill-defined board or commission and panel with representatives of unknown origin.

It would create a sub-national, extra-constitutional, possibly unconstitutional, governance body that is inconsistent with the principles of federalism and state sovereignty. To me, this is the very antithesis of American federalism. Also, the system also places a third party organization collecting more personal information, which can be deemed a serious threat to privacy and property.

In conclusion about the first proposal, internet taxes come down to a question of which overarching tax philosophy will prevail in the future. State tax competition, intrastate tax collusion, or maintaining the status quo.

In conclusion, it is my belief that our guiding principle must be this: State tax competition, not tax collusion. Tax competition between states should be seen as a virtue, not a drawback. I think it would be wrong for the consumer to advocate for tax collusion. I also think it is wrong to prevent the consumer from finding the best deal. Our goal should be to design legislation to be the most consumer friendly, most tax friendly, as well as being constitutionally permissible for the citizens of Maine in regards to e-commerce. Thank you.

The SPEAKER: The Chair recognizes the Representative from Bowdoinham, Representative Berry. Having spoken twice now requests unanimous consent to address the House a third time. Is there objection? Chair hears no objection, the Representative may proceed.

Representative **BERRY**: Thank you, Mr. Speaker. I rise only to answer the question that was posed regarding what is a streamlined sales and use tax agreement. I commend to the entire body a website – streamlinedsalestax.org – where you can find abundant information regarding what the streamlined sales tax actually is. Again, a majority of states have chosen to go forward with the streamlined sales tax agreement.

I want to respond as well, since I do have permission, to the concerns that were raised about constitutionality and it sounds as

if there is some confusion and conflation of this proposal with what are called the Amazon Tax Laws. There are some proposals. There is one in fact before this body, LD 469, which tackles this issue in a weaker way.

But there are proposals which have been challenged on their constitutionality, because they seek to go after revenue from internet sales, or, in some way, to regulate internet sales so that people will be encouraged, reminded – some might argue reminded in too forceful a way – that when you do purchase something on the internet, you are supposed to pay use tax. That is true in all 46 states that have a sales tax.

But my point here is there is no constitutional issue with streamlined sales and use tax. There is constitutional challenge to the streamlined sales and use tax. And to get back to the original question, it is essentially a decision tree that would be presented to us by Maine Revenue Services, updated so that it reflects the last four or five years of experience regarding what we could do within our purview as legislators here, to modernize and update our tax system.

Every multi-state business that has to collect sales and use tax and operates in more than one state has to deal with multiple iterations and variations on the tax code. It is unfair to those businesses that they have to deal with such a patchwork of state tax systems.

By entering into the streamlined sales and use tax agreement, Maine would simply commit itself to seeking, wherever possible, to update its tax code in a way that is aligned with the rest of the nation, and it helps United States multi-state businesses to compete and to be efficient, to eliminate much of the unnecessary bureaucratic red tape that they currently have to deal with.

That, Mr. Speaker, is worth going forward with. It is the reason that there was literally no opposition to this bill. Maine Municipal, Maine Merchants, NCSL, supported it, and, again, there is no cost if we decide to proceed. Thank you, Mr. Speaker.

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

Representative **BICKFORD**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This study under this Resolve is not for new information. My understanding is that this information is necessary in order to align us with the other states to create a pact. We have the information. The information was studied. I would question any Resolve, including this one, that the entities we have in the state tell us they can do it with existing resources.

We pass a lot of Resolves in this House every year and we do a lot of studies. If we have that much time and that many resources available, then possibly some of our entities within the state that do our business have a little bit too much time on their hands. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Bar Harbor, Representative Flemings.

Representative **FLEMINGS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just want to add a few quick things in response to the question earlier and some other comments.

The streamlined sales and use tax agreement was created by the National Governors Association and the National Conference of State Legislatures in 1999 to address the concerns about our outdated tax system across the country, and we've been talking about that a little bit already. So this is an ongoing living process in terms of the agreement.

And again, today we're not talking about whether or not to join the agreement, we're talking about how to make sure we

understand how our tax code currently aligns or does not align with the agreement. Again, this is a business friendly state sales tax system, this agreement, so that there is more continuity in terms of definitions of what is a taxable item.

I also want to make sure folks know that this does not bind our hands in any way in terms of saying what we will or will not tax. Simply the study would enable us to understand where we might change how our definitions may or may not be aligned with other states, where we could change those definitions should we choose so, and then ultimately, of course, it is us who decides whether something is taxed or not based on that new definition.

As folks have said, many Maine businesses have multi-state branches now. We have a very interdependent economy. So again, creating more continuity in terms of definitions helps those businesses, and this study, because it's a living process and because things change both within the state and within the agreement, would absolutely provide us new information, as we heard from Maine Revenue Services, and so I do think this is a helpful bill to move forward on. Thank you.

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

Representative BRYANT: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise in opposition to the pending motion. I'd urge this body to pass the Resolve to ensure that we have available tools that we need to use and to continue our discussion about the state's tax code. It's time we have the facts in front of us so we can make an informed decision moving forward. Again, I urge my colleagues to vote down the pending motion. Thank you.

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

ROLL CALL NO. 48

YEA - Ayotte, Beaulieu, Bennett, Bickford, Black, Burns DC, Burns DR, Cebra, Celli, Chase, Clark T, Cotta, Crafts, Cray, Crockett, Curtis, Cushing, Damon, Davis, Dow, Dunphy, Edgcomb, Espling, Fitts, Fitzpatrick, Flood, Fossil, Foster, Fredette, Gifford, Gillway, Guerin, Hamper, Harmon, Harvell, Johnson D, Johnson P, Keschl, Knapp, Knight, Long, Maker, Malaby, McClellan, McFadden, McKane, Morissette, Moulton, Nass, Newendyke, O'Connor, Olsen, Parker, Parry, Picchiotti, Plummer, Richardson D, Richardson W, Rioux, Rosen, Sanderson, Sarty, Sirocki, Strang Burgess, Tilton, Timberlake, Turner, Volk, Waterhouse, Weaver, Willette A, Willette M, Winsor, Wintle, Wood, Mr. Speaker.

NAY - Beaudoin, Beavers, Beck, Beliveau, Berry, Blodgett, Boland, Bolduc, Briggs, Bryant, Cain, Carey, Casavant, Chapman, Chipman, Clark H, Clarke, Cornell du Houx, Dill J, Dion, Driscoll, Duchesne, Eberle, Flemings, Gilbert, Graham, Hanley, Harlow, Haskell, Hayes, Herbig, Hinck, Hogan, Hunt, Innes Walsh, Kaenrath, Kent, Kruger, Kumiega, Lajoie, Longstaff, Lovejoy, Luchini, MacDonald, Maloney, Martin, Mazurek, Morrison, Nelson, O'Brien, Peoples, Peterson, Rankin, Rochelo, Rotundo, Russell, Sanborn, Shaw, Stevens, Stuckey, Theriault, Treat, Valentino, Wagner R, Webster, Welsh.

ABSENT - Eves, Goode, Libby, McCabe, Pilon, Prescott, Priest, Tuttle.

Yes, 76; No, 66; Absent, 8; Vacant, 1; Excused, 0.

76 having voted in the affirmative and 66 voted in the negative, 1 vacancy with 8 being absent, and accordingly the Majority Ought Not to Pass Report was ACCEPTED and sent for concurrence.

HOUSE DIVIDED REPORT - Majority (8) Ought Not to Pass - Minority (5) Ought to Pass as Amended by Committee Amendment "A" (H-189) - Committee on EDUCATION AND CULTURAL AFFAIRS on Resolve, To Facilitate Participation in Individualized Education Program Team Meetings and Special Education Dispute Resolution Procedures (H.P. 517) (L.D. 688)

TABLED - May 11, 2011 (Till Later Today) by Representative RICHARDSON of Carmel.

PENDING - Motion of same Representative to ACCEPT the Majority OUGHT NOT TO PASS Report.

The SPEAKER: The Chair recognizes the Representative from Cumberland, Representative Strang Burgess.

Representative STRANG BURGESS: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to the pending motion and would like to give you a little background on this bill.

You've already heard me speak this session on the subject on our special education laws and how things actually work in the world of our school systems. This was a bill put in that, you know, at first read you would say, gosh, you know isn't this sort of logical to ask a school if you have the technology on hand that certainly folks that are participating in a PET, pupil education meeting, that if you couldn't be there in person, you could avail yourself with the technology that we have. Isn't that basic and obvious and why would you need a bill?

Well, Ladies and Gentlemen, you've heard me mention this before that there's sort of a little bit of an assault. As a parent of a couple of kiddos that have been through this process of special education, you know it's just a cooperation thing and we are finding some parents are not getting the logical cooperation. This bill was put in and all this bill says is that for a PET meeting that's at a school, that the parent or other qualified persons who want to participate in this PET, if there is technology available, that the school can certainly use that. What that means in reality is that say a husband, a wife, that the wife, the mom of the kid goes to the meeting and sometimes you know the husband might want to listen in from work. It might be on a conference call for some schools that have video conferencing, whatever might be available there at the school.

What the Minority Report does not say is it does not ask any school to buy anything, to put anything that's not easily available into play. It simply says that if there is technology available within that school and if the parent so desired to have it used, that the school should do their very best to accommodate that. It's really common sense.

But unfortunately, for parents it's really, really hard. It's a hard job being a parent, as if most of you didn't already know that, and it's really extra hard if you are a parent of a kiddo that has to sort of constantly work with the school to make sure that things are being done and you're advocating for your kid. It could be a person who is part of your student support team. It just saves people from physically having to travel to a school meeting and be there. It just says, hey, if the school has the technology, use it.

Just to repeat, the Minority Report does not require the schools to purchase a thing, so there is no money involved here. It simply puts it in the statute that if technology is available and the parents request to have somebody attend through the use of technology, that the school should allow that to happen.

I would ask for the sake of the parents out there who are doing their best to advocate for their kids and do the best they possibly can to navigate the complicated school system, to follow my light and vote against the pending motion and we'll hopefully turn this report over and get some common sense put in the

books here, and move forward and show the parents you're about supporting what works best for the child. Thank you.

The SPEAKER: The Chair recognizes the Representative from Woolwich, Representative Kent.

Representative **KENT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to the pending motion on the floor. I am the sponsor of this bill. Every special education student is subject to an educational planning meeting specific to his needs, and in that meeting are various school players – evaluators, parents, any special education teachers who are on board – and they plan that student's specific educational future. It's different for every special ed child.

On May 25th, I have a meeting with my son who, as most of you know by now, has Downs syndrome and is not speaking yet. I have a meeting with a specialist in Portland. I'm paying for it. I'm not against. We appreciate and enjoy the work that the therapist who is working with my son now is doing. We've been working with her for two or three years. We're at a point now that we've been advised that there is an individual in Portland who has special intuition and abilities and diagnostic abilities concerning what other direction we might be taking, because we're beginning to get concerned.

Again, this is not an adversity to anyone or any system. We're paying for it. I would like to think that I can go back to my son's educational planning meeting and ask that this specialist be able to participate in that meeting via a cell phone in the middle of the table, a speaker phone, Skype if it's available, and talk with that group about their feelings about my son's educational future and what he might need.

It's about information. This is not complicated. I have held meetings at times in my life concerning million dollar projects with a cell phone in the middle of the table. In committee a month ago, concerning wolf hybrids, we conferred via speakerphone with two experts out of state. It's not complicated.

It's financially friendly in that not only is it expensive to have experts, sometimes you may go as far away as Boston to get advice from, say the Children's Hospital, from doctors who do not have the time to travel to Presque Isle or to Portland or to Bath, to participate in 15 minutes of a meeting, and they're expensive. If the schools aren't on board with this already, they should be because they confer with attorneys, and I would hope that they're not paying attorneys to travel from their firm in Portland to Presque Isle and paying them by the hour. For \$50 you can buy a speakerphone, a parent can come in with their own speakerphone if the school really wants to resist.

Anyone who has a child in this body knows the heart wrenching longing that can go into concern about your child's future and your desire to protect it, especially when you know that you will not always be there to protect that child. It's in these early years that it's absolutely critical and this is true for all children, and it's especially true for the parents of special education, kids who have special needs, because they are particularly vulnerable.

I have a letter from a family who has a child who spent four years in elementary public education having great difficulty learning. The school system kept saying, it's okay, don't worry. Finally they went, traveled south to Portland, got an opinion, found out the child had dyslexia, had a problem that had to do with the inability to process except very slowly. They went back to this school district to the next educational planning meeting and they said they would not accept any information from that individual unless they could show up in person, from Portland to northern Maine.

This, as has already been said, costs nothing. The original

bill, LD 688, said the school merely needed to permit the use of technology. The Minority Report amended it to clearly state that the schools have absolutely no financial responsibility to purchase technology. There is no cost. If anything, there is a savings. I ask you to vote against the pending motion on the floor, and Mr. Speaker, I request a roll call. Thank you.

Representative **KENT** of Woolwich **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

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

The SPEAKER: The Chair recognizes the Representative from Carmel, Representative Richardson.

Representative **RICHARDSON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise just to offer a little bit of information about why the committee voted this Majority Report and for two reasons.

One, is we can already do this. The Chapter 101 rules clearly state and I quote "Alternative Means of Meeting Participation. When conducting IEP team meetings and placement meetings pursuant to 20 USC" and so forth and so on and so on, "and carrying out administrative matters under 1415 (such as scheduling, exchange of witness lists, and status conferences) the parent of a child with a disability and a SAU may agree to use alternative means of meeting participation, such as video conferences and conference calls."

Section H says the same thing. "Other methods to ensure parent participation. If neither parent can attend an IEP Team meeting, the public agency must use other methods to ensure parent participation."

In paragraph 300.328, Alternative Means to Meeting Participation. When conducting IEP team meetings and placement meetings pursuant to this subpart, and subpart E of this part, and carrying out administrative matters under Section 615 of the Disabilities Education Act, the parent of a child with a disability and a public agency may agree to use alternative means of meeting participation.

The other testimony that led us to Ought Not to Pass is that last year the Chapter 101 Rules underwent an extensive, extensive review, and this subject, this problem did not arise. For that reason, the majority voted Ought Not to Pass.

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

Representative **GRAHAM**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to the pending motion and I strongly support my good friends from Cumberland and Woolwich.

I come from a different perspective on both sides of this equation. I worked for six years in pediatric neurology with one of the specialists who probably was consulted many times for children who have dyslexia, autism, epilepsy, Downs syndrome. I could go on. I will tell you quite honestly that if a parent ever asked if I as a nurse practitioner or the physician in the practice that I worked with could ever attend an IEP, the answer was categorically no. Why, because there was absolutely no way the physicians I worked with or myself could take time away from a very, very busy practice, where certain points in time this practice took care of all the kids with pediatric neurology problems in the entire state. So in my perspective, if there was a way we could communicate our concerns and our ideas and plans for a child with special needs or learning difficulties within the school system and we could do it easily, then we would have jumped at the chance and been involved in that way.

I also come from the other side of the equation. My older son has ADHD, or thankfully somewhat resolved at this point, and

dyslexia. He struggled his entire school career. The cool thing about that is he has a mother who knows how to advocate and has been in the field and understands how to fight the good fight and get many of his needs met, not as well as I wished they had. So I don't think this hurts in any way and enhances the ability for children to receive the social education they need in a thoughtful way without costing anybody. I think it's very important that we recognize that we should not draw battle lines and fight schools. We need to work together to find the very best plan for our children. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Raymond, Representative McClellan.

Representative **McCLELLAN**: Thank you, Mr. Speaker. I'm also on the Education Committee and got to hear this discussion and I guess I rise to support Representative Richardson and what he said. He read to you the current law. There currently is a law. We would just be mucking up the situation. I think currently parents do have this right.

The last time I spoke about the Education Committee, I shared that I brought many core values to this House when I was elected and ultimately on the Education Committee. For me, it comes down to the filter of can the school board do this? I think, again, this is a situation where the local school board can deal with this situation.

Some of the testimony that you heard today makes the assumption this is a major problem around the state and I do empathize with some of the case studies we heard. There certainly seems to be maybe some school districts that struggle with this, but I can say from the testimony we heard and also from my life experience – my wife was a special ed teacher, I've been familiar with it for years – I don't see it as a statewide problem and I'm really reluctant to convict all our school systems in the state because in some situations there is a problem. Why not do this again because the school board can't handle it? The concept is local control. So thank you, Mr. Speaker, and I urge you to support what the committee voted on in the first place.

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

Representative **LOVEJOY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to the current motion. There are problems in special education. We've seen a lot of them over this session in the Education Committee. One of the things that we have to recognize is this is no cost. It clarifies the law because there are districts that have said people could not participate over a distance. So if there is misunderstanding in the law, this clears it up.

Also, if you listened when my good friend Representative Richardson read the bill, talking about the language in it, it talks about the parents being able to get permission. It does not say anything about the school district itself. So this is a no cost option that should save money for both school districts who hire consultants and attorneys to attend, should save money for the parents, and it merely clarifies what the intent was all along. So if you're going to think about this, think in terms of the children out there, think in terms of the parents, think in terms of getting the most accurate and complete information for this decision that you can. If you're going to want complete information, then you want to oppose this motion so that we can vote this bill in. Thank you.

Representative **JOHNSON** of Greenville **REQUESTED** that the Clerk **READ** the Committee Report.

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

The SPEAKER: The Chair recognizes the Representative from Cumberland, Representative Strang Burgess.

Representative **STRANG BURGESS**: Thank you, Mr.

Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just would like to acknowledge and thank the good House Chair, Representative Richardson, for reading all of that and to clarify. However, I am going to stick to my guns, so to speak, here and urge your rejection of the current floor position simply because this is an area that needs to be quantified and qualified, so that people, parents, and other folks that need to participate in these meetings, you've heard a few other anecdotes about how important this is, and this actually will create and make this very clear for people to know that it's there.

I have actually heard from a fair number of parents of kiddos who are working their way through the school systems and they really are feeling a very strong desire to get this clarified and put into the law so that there's no question that people can use the technology that pretty much everybody has. Again, it's no cost to the school systems at all. Thank you for your consideration.

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

Representative **NELSON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I also serve on the Education Committee. I think that the reason that this is before you is that there is a problem.

We have a paperless chamber here, we encourage people to listen to committee meetings and to a variety of other things long distance, and I have participated in many, many committee meetings and many board meetings where I am not physically present but the participation is available to me.

I think all that we're asking is that parents who have these very strong concerns about children at their IEP meetings, that the best things be done for that child, that the people who could help come up with the best plan for that child be participants in that meeting. I urge you, it seems to be one of the most common sense items that has come before this House, and I urge people to reject the pending motion. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Woolwich, Representative Kent.

Representative **KENT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The department at the public hearing said that this already exists and they quoted Chapter 101, Section 6, 2d, as a reference for why this exists and let me read what that says to you. D., when conducting an educational planning meeting the parent of a child with a disability and a school administrative unit may agree to use alternative means. May agree to use alternative means. The fact is the school administrative unit district carries the power to control the meeting, and if they do not disagree, the parent has no power to override that. Thank you.

The SPEAKER: The Chair recognizes the Representative from Whiting, Representative Burns.

Representative **BURNS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to the pending motion. I'm having a hard time understanding what the issue is here. It seems to me that this is a pretty reasonable request. I've had many opportunities, many occasions and I won't go through my personal story all over again, except for the fact that when I adopted my three-year-old son, it all began with a venture of dealing with autism. He is now 27 years old and I can assure you it hasn't ended. It doesn't after you get out of school, after they get out of school. He went all the way through and graduated from high school.

What is being requested here isn't an issue of cost. I hear all the time about the exceptional costs that are involved in special education. This isn't about any extra cost. This is about technology that's already available. My good friend a couple rows behind me just reminded me that we're trying to do the

same thing in corrections. We're trying to utilize technology to cut down on the costs. This right here is an opportunity to cut down on the costs, both for the school and for the parents. They need this support. Any type of support that we can bring to a family that parents a special needs child is valuable, both immediately and in the long run, the rest of that child's adult life.

This seems to me to be a reasonable approach. I've been in a lot of PET meetings, IEP meetings, and I do know that the one that's running the meeting has a lot of power and control over that meeting. If the choice was made not to use this technology, probably the parent or their children's specialist or support system is not going to be able to participate. This isn't a local issue. This is an issue for all special needs kids throughout the state and I think it needs to be addressed accordingly. I just don't understand what the big issue is.

I'm sorry to part company with good friends on the Education Committee. I wished I'd had the opportunity to attend this hearing to hear what the conflict is, what the issues are, but it sounds to me like this is a reasonable approach to a very significant issue to families of special needs children. Please oppose this present motion. Thank you, Mr. Speaker.

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

ROLL CALL NO. 49

YEA - Bennett, Chase, Crafts, Cray, Curtis, Cushing, Damon, Dunphy, Edgcomb, Espling, Fitts, Hamper, Harmon, Johnson D, Johnson P, Keschl, Long, Maker, McClellan, McFadden, O'Connor, Parker, Plummer, Richardson D, Richardson W, Rioux, Tilton, Waterhouse, Winsor, Wintle, Mr. Speaker.

NAY - Ayotte, Beaudoin, Beaulieu, Beavers, Beck, Beliveau, Berry, Bickford, Black, Blodgett, Boland, Bolduc, Briggs, Bryant, Burns DC, Burns DR, Cain, Carey, Casavant, Cebra, Celli, Chapman, Chipman, Clark H, Clark T, Clarke, Cornell du Houx, Cotta, Crockett, Davis, Dill J, Dion, Dow, Driscoll, Duchesne, Eberle, Fitzpatrick, Flemings, Flood, Fossel, Foster, Fredette, Gifford, Gilbert, Gillway, Graham, Guerin, Harlow, Harvell, Haskell, Hayes, Herbig, Hinck, Hogan, Hunt, Innes Walsh, Kaenrath, Kent, Knapp, Knight, Kruger, Kumiega, Lajoie, Longstaff, Lovejoy, Luchini, MacDonald, Malaby, Maloney, Martin, Mazurek, McKane, Morissette, Morrison, Moulton, Nass, Nelson, Newendyke, O'Brien, Olsen, Parry, Peoples, Peterson, Picchiotti, Rankin, Rochelo, Rosen, Rotundo, Russell, Sanborn, Sanderson, Sarty, Shaw, Sirocki, Stevens, Strang Burgess, Stuckey, Theriault, Timberlake, Treat, Turner, Valentino, Volk, Wagner R, Weaver, Webster, Welsh, Willette A, Willette M, Wood.

ABSENT - Eves, Goode, Hanley, Libby, McCabe, Pilon, Prescott, Priest, Tuttle.

Yes, 31; No, 110; Absent, 9; Vacant, 1; Excused, 0.

31 having voted in the affirmative and 110 voted in the negative, 1 vacancy with 9 being absent, and accordingly the Majority Ought Not to Pass Report was NOT ACCEPTED.

Subsequently, the Minority Ought to Pass as Amended Report was ACCEPTED.

The Resolve was READ ONCE. Committee Amendment "A" (H-189) was READ by the Clerk and ADOPTED. The Resolve was assigned for SECOND READING Tuesday, May 17, 2011.

HOUSE DIVIDED REPORT - Majority (12) Ought Not to Pass - Minority (1) Ought to Pass - Committee on VETERANS AND LEGAL AFFAIRS on Bill "An Act To Limit the Use of the National Guard to Situations Specifically Authorized by the United States Constitution"

(H.P. 957) (L.D. 1305)

TABLED - May 11, 2011 (Till Later Today) by Representative CUSHING of Hampden.

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

Subsequently, the Bill and all accompanying papers were COMMITTED to the Committee on VETERANS AND LEGAL AFFAIRS and sent for concurrence.

HOUSE DIVIDED REPORT - Majority (11) Ought to Pass as Amended by Committee Amendment "A" (H-213) - Minority (2) Ought to Pass as Amended by Committee Amendment "B" (H-214) - Committee on AGRICULTURE, CONSERVATION AND FORESTRY on Bill "An Act To Protect Children's Health and Promote Safe Schools and Child Care Centers by Limiting the Use of Pesticides"

(H.P. 634) (L.D. 837)

TABLED - May 12, 2011 (Till Later Today) by Representative CURTIS of Madison.

PENDING - Motion of Representative EDGECOMB of Caribou to ACCEPT the Majority OUGHT TO PASS AS AMENDED Report.

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

Representative NELSON: Thank you, Mr. Speaker. I rise to oppose the pending motion. I sponsored LD 837 for one very simple reason - to protect our most valuable resource in Maine, our children.

LD 837 is written as part of Chapter 20-A - the Education statutes. It was written this way because it is not really a "pesticide bill" - it is rather a "school" bill and a children's health and safety bill. It was, however, heard before the Agriculture Committee because it included the word "pesticide" in the bill.

So what do we know? We know that pesticides are toxic chemicals used to control and kill unwanted living organisms such as weeds or insect pests. We know that pesticides remain in the ground long after their initial application.

Two, we know that there is a growing body of medical and scientific evidence suggesting that children are particularly susceptible to the harmful effects of some pesticides, including those that have been shown to be nerve poisons, carcinogens, reproductive toxins or hormone inhibitors.

Three, we know that children face greater exposure and danger to these toxic substances because of their small size and developing organ systems, their greater intake of air relative to body weight, and their typical behavior in sports or general play of being on or near the ground and putting their hands close to their faces or in their mouths. We also know that these substances linger and build up in children's bodies.

Four, there is growing evidence of allergic reactions to the many chemicals which children are exposed to every day. Scores of scientific studies show significantly increased risk of childhood cancer, learning disabilities, and behavioral disorders after exposure to herbicides and insecticides.

Five, we know that several states - New York, Connecticut, New Jersey - and a number of Maine towns - Camden, Ogunquit, Brunswick - have successfully passed legislation

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

restricting the use of pesticides on school grounds, playing fields, day care center grounds, and public parks.

Six, we know that there are effective and proven ways to maintain healthy and safe school grounds and playing fields without using toxic chemicals for cosmetic purposes.

So why should Maine pass LD 837, not just as a Resolve as the majority would suggest? Most schools in Maine do use pesticides, and we are unsure how often they are applied, who applies them, or how carefully the use of those fields and playgrounds are monitored following application.

Parents expect that their children, when they go to school, will be in an environmentally safe environment. Many parents have contacted me supporting this legislation. We work hard to insure the quality of the air and the water in our schools; we should also insure the safety of outdoor school grounds.

Although the use of IPM, which is Integrated Pest Management, policies is recommended to schools, these policies do not prevent the use of insecticides. Because the Insecticide Control Board cannot possibly physically enforce these policies, and because insecticide use is often believed to be the "quickest" and "easiest" way to treat outdoor school grounds, the only way to prevent insecticide use is to disallow their use except in very special, carefully defined situations.

Number four, alternative lawn care methods for school athletic fields have been shown to yield financial savings after three to four years, when compared with chemically-intensive lawn care methods.

Maine, with its Kids Safe Products Act, has demonstrated a commitment to protecting the health of its youngest citizens. The Safe School Grounds Act complements that Act, and creates a safe environment in which our children can learn and play.

I urge you to vote against the pending motion so that Maine can be a leader in insuring safe school grounds for our children. Mr. Speaker, I would request a roll call.

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

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

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

Representative **SANBORN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. It is recognized that environmental toxins may be a significant cause of some of the most serious childhood illnesses including asthma, leukemia, and other childhood illness or cancers and neurodevelopmental disorders.

We know that children are more susceptible to the negative effects of toxins. Many of these toxins are absorbed through the skin or inhaled. The surface area of a child, think skin, compared to his or her volume is significantly larger than that of an adult and therefore the dose absorbed is larger. This exposure is happening at a time when the child's organs are rapidly growing and developing. Think brain, kidneys, etcetera. When there is rapid growth of cells, there is more of a chance for genetic mutation or DNA damage.

To be exposing our children, their nursing mothers or pregnant mothers and teachers to toxins on our schoolyards or athletic fields to prevent anything other than a greater known risk, such as stinging insects that might cause serious allergic reactions, seems like a risk not balanced by its benefit. For this reason I oppose the motion on the floor and rather would support an Ought to Pass motion on this bill, should the current motion fail. Thank you.

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

Representative **WELSH**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I'm also speaking in support of LD 837, Committee Amendment "B."

In my community, the town of Camden, we've banned the use of pesticides on town properties with no problems. The lawns are healthy and the town is saving money. Also, a group of sixth graders have mounted a campaign called "Kids for Greener Camden" to educate and advocate for homeowners to stop using pesticides, no weed and feed products, no Round-Up and no toxic chemicals. Our young people are asking us to pay attention and stop the use of these pesticides.

We're learning more and more about the harmful effects of pesticides in other toxics and are taking steps to eliminate toxics from children's toys and to reduce contamination in our homes. This bill is a modest attempt to allow our children to run, skip, jump, tackle and roll around in the grass that would be one less exposure to chemicals. It just makes sense, plus it saves money. I ask you to defeat the current motion and to support Committee Amendment "B." Thank you.

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

ROLL CALL NO. 50

YEA - Ayotte, Baulieu, Bennett, Bickford, Black, Burns DC, Burns DR, Cebra, Celli, Chase, Clark T, Cotta, Crafts, Cray, Crockett, Curtis, Cushing, Damon, Davis, Dill J, Dow, Dunphy, Edgecomb, Espling, Fitts, Fitzpatrick, Flood, Fossel, Foster, Fredette, Gifford, Gillway, Guerin, Hamper, Harvell, Hayes, Johnson D, Johnson P, Keschl, Knapp, Knight, Long, Longstaff, Luchini, Maker, Malaby, McClellan, McFadden, Morissette, Moulton, Nass, O'Connor, Olsen, Parker, Parry, Picchiotti, Plummer, Richardson D, Richardson W, Rioux, Rosen, Sanderson, Sarty, Sirocki, Tilton, Timberlake, Turner, Valentino, Waterhouse, Weaver, Willette A, Willette M, Winsor, Wintle, Wood, Mr. Speaker.

NAY - Beaudoin, Beavers, Beck, Beliveau, Berry, Blodgett, Boland, Bolduc, Briggs, Bryant, Carey, Casavant, Chapman, Chipman, Clark H, Clarke, Cornell du Houx, Dion, Driscoll, Duchesne, Eberle, Flemings, Gilbert, Graham, Harlow, Harmon, Haskell, Herbig, Hinck, Hogan, Hunt, Innes Walsh, Kaenrath, Kent, Kruger, Kumiega, Lajoie, Lovejoy, MacDonald, Maloney, Martin, Mazurek, McKane, Morrison, Nelson, Newendyke, O'Brien, Peoples, Peterson, Rankin, Rochelo, Rotundo, Russell, Sanborn, Shaw, Stevens, Strang Burgess, Stuckey, Theriault, Treat, Tuttle, Volk, Wagner R, Webster, Welsh.

ABSENT - Cain, Eves, Goode, Hanley, Libby, McCabe, Pilon, Prescott, Priest.

Yes, 76; No, 65; Absent, 9; Vacant, 1; Excused, 0.

76 having voted in the affirmative and 65 voted in the negative, 1 vacancy with 9 being absent, and accordingly the Majority Ought to Pass as Amended Report was **ACCEPTED**.

The Bill was **READ ONCE**. Committee Amendment "A" (H-213) was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Tuesday, May 17, 2011.

REPORTS OF COMMITTEE

Divided Reports

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Eliminate Penalties under the School Administrative Unit Consolidation Laws for Grand Isle School Department, Madawaska School Department, School Administrative District No. 32 and School Administrative District No. 33"

(H.P. 819) (L.D. 1107)

Signed:

Senators:

LANGLEY of Hancock
ALFOND of Cumberland
MASON of Androscoggin

Representatives:

RICHARDSON of Carmel
JOHNSON of Greenville
LOVEJOY of Portland
MAKER of Calais
McCLELLAN of Raymond
NELSON of Falmouth
RANKIN of Hiram
WAGNER of Lewiston

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-223)** on same Bill.

Signed:

Representatives:

EDGECOMB of Caribou
McFADDEN of Dennysville

Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports the **Minority Ought to Pass as Amended by Committee Amendment "A" (H-223)** Report.

READ.

On motion of Representative RICHARDSON of Carmel, 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 Not to Pass** on Bill "An Act To Amend the School Consolidation Laws Pertaining to Higher Performing Schools"

(H.P. 897) (L.D. 1206)

Signed:

Senators:

LANGLEY of Hancock
ALFOND of Cumberland
MASON of Androscoggin

Representatives:

RICHARDSON of Carmel
JOHNSON of Greenville
LOVEJOY of Portland
MAKER of Calais
McCLELLAN of Raymond
NELSON of Falmouth
RANKIN of Hiram
WAGNER of Lewiston

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-224)** on same Bill.

Signed:

Representatives:

EDGECOMB of Caribou
McFADDEN of Dennysville

Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports the **Minority Ought to Pass as Amended by Committee Amendment "A" (H-224)** Report.

READ.

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

Majority Report of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought Not to Pass** on Bill "An Act To Support Solar Energy Development in Maine"

(H.P. 969) (L.D. 1323)

Signed:

Senators:

THIBODEAU of Waldo
BARTLETT of Cumberland
RECTOR of Knox

Representatives:

FITTS of Pittsfield
CORNELL du HOUX of Brunswick
CRAY of Palmyra
DION of Portland
DUNPHY of Embden
HAMPER of Oxford
HINCK of Portland
LIBBY of Waterboro
LUCHINI of Ellsworth

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

Signed:

Representative:

BEAVERS of South Berwick

READ.

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

Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought Not to Pass** on Bill "An Act To Provide Free Hunting, Fishing and Trapping Licenses To Wartime Veterans Who Are at Least 80 Years of Age"

(H.P. 405) (L.D. 522)

Signed:

Senators:

MARTIN of Kennebec
PATRICK of Oxford
TRAHAN of Lincoln

Representatives:

BRIGGS of Mexico
CLARK of Millinocket

CRAFTS of Lisbon
EBERLE of South Portland
ESPLING of New Gloucester
GUERIN of Glenburn
SARTY of Denmark
SHAW of Standish
WOOD of Sabattus

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-245)** on same Bill.

Signed:

Representative:

DAVIS of Sangerville

READ.

On motion of Representative CURTIS of Madison, 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.**

On motion of Representative BEAVERS of South Berwick, the House adjourned at 4:18 p.m., until 10:00 a.m., Tuesday, May 17, 2011, in honor and lasting tribute to Elizabeth O'Donoghue, of Eliot.