

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
46th Legislative Day
Wednesday, May 18, 2011

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

Prayer by Mitchell Clyde Thomas, The United Methodist Church of Auburn.

National Anthem by Mitchell Clyde Thomas, Durham.

Pledge of Allegiance.

Doctor of the day, Thomas Page, D.O., Leeds.

The Journal of yesterday was read and approved.

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act To Exempt from the Sales Tax Meals Provided at Retirement Facilities"

(H.P. 13) (L.D. 21)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-166) in the House on May 5, 2011.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-166) AND SENATE AMENDMENT "A" (S-80)** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Bill "An Act To Allow Oak Grove Cemetery To Operate a Crematorium on a Parcel of Land Less than 20 Acres" (EMERGENCY)

(H.P. 230) (L.D. 286)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-142) in the House on May 10, 2011.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-142) AND SENATE AMENDMENT "A" (S-86)** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

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)

Reports **READ** and the Bill and accompanying papers **COMMITTED** to the Committee on **VETERANS AND LEGAL AFFAIRS** in the House on May 16, 2011.

Came from the Senate with the Majority (12) **OUGHT NOT TO PASS** Report of the Committee on **VETERANS AND LEGAL AFFAIRS** **READ** and **ACCEPTED** in **NON-CONCURRENCE**.

Representative CAREY of Lewiston moved that the House **RECEDE AND CONCUR**.

The same Representative **REQUESTED** a roll call on the motion to **RECEDE AND CONCUR**.

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

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

Representative CAREY: Thank you, Mr. Speaker. I just wanted to explain to the body what the motion before us would do. This would recede the action that we'd taken before to commit the bill to the committee. The reason to commit the bill to

the committee was that there was a technical amendment that needed to be drafted. The amendment was on the Minority Report of the bill. Because there is a fear now that this may die between the bodies, members felt that it was important to have a chance to vote on this straight up. So the Ought Not to Pass motion, I urge you to support. Thank you.

On motion of Representative CURTIS of Madison, **TABLED** pending the motion of Representative CAREY of Lewiston to **RECEDE AND CONCUR** and later today assigned. (Roll Call Ordered)

Non-Concurrent Matter

Bill "An Act To Add a Member to the Advisory Council on Health Systems Development"

(H.P. 564) (L.D. 757)

Majority (11) **OUGHT TO PASS AS AMENDED** Report of the Committee on **HEALTH AND HUMAN SERVICES** **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-140)** in the House on May 10, 2011.

Came from the Senate with the Reports **READ** and the Bill and accompanying papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

The **SPEAKER**: The Chair recognizes the Representative from North Berwick, Representative Eves.

Representative EVES: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. It is not my intention to ask for a roll call here, only to highlight the work that was done in the Health and Human Services Committee related to the Advisory Council on Health Systems Development, which was repealed recently.

This is a group that focused on many things, one of which was how to contain health care costs within our health delivery system. I look forward to hearing about the alternatives and the focus on containing costs. But I just did want to highlight, from a public policy perspective, the 11-2 report that came out of the committee and nearly unanimous consent on the work that the group has done. Thank you, Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Brunswick, Representative Priest.

Representative PRIEST: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I want to stand up today to lament the probable passing of the Advisory Council on Health Systems Development.

This was a bipartisan group composed of doctors and lay people, on which I had the pleasure of serving for four years. It involved a structured approach to looking at the health care industry in this state. It worked on improving delivery of health care in the state. For example, the In a Heartbeat program which established standards for treating heart attacks and has been saving many lives throughout the state. It gathered claims data and cost data to see what the health care industry was doing in this state. It supported public health and especially supported preventative health. It was beginning to control health care costs. For example, it worked on controlling capital improvements to hospitals, which in turn would involve increased health care costs to pay for those capital costs, which in turn would involve increasing health insurance costs.

Unfortunately, this structured approach is probably gone and that's a shame. I think I lament that because that tosses over the side about 20 years of health care costs, improvements, about 20 years of reforms that were intended to control health care costs in the state, and that's gone and the ACHSD is gone, and that's too bad. Thank you, Mr. Speaker.

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

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

COMMUNICATIONS

The Following Communication: (H.C. 168)

**STATE OF MAINE
125TH LEGISLATURE
OFFICE OF THE PRESIDENT**

May 16, 2011

The Honorable Heather J.R. Priest
Clerk of the House
2 State House Station
Augusta, Maine 04333

Dear Clerk Priest:

Pursuant to my authority under Senate Rule 201.3, I hereby appoint Senator Cynthia A. Dill to the Joint Standing Committee on Judiciary, effective May 16, 2011. She replaces Senator Philip L. Bartlett II, whom I had appointed on a temporary basis. If you have any questions regarding this appointment, please contact my office.

Sincerely,

S/Kevin L. Raye

President of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 169)

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

May 17, 2011

The Honorable Heather J.R. Priest
Clerk of the House
2 State House Station
Augusta, Maine 04333

Dear Clerk Priest:

Pursuant to my authority under House Rule 201.1 (l) (a), I have temporarily appointed Representative Chuck Kruger of Thomaston to the Joint Standing Committee on Judiciary until sine die of the First Regular Session of the 125th Legislature.

Should you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,

S/Robert W. Nutting

Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.C. 370)

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

May 17, 2011

The Honorable Heather J.R. Priest
Clerk of the House
2 State House Station
Augusta, Maine 04333

Dear Clerk Priest:

Please be advised the Senate today insisted to its previous action whereby it accepted the Minority Ought Not to Pass Report

from the Committee on State and Local Government on Bill "An Act To Make Changes to Boards and Commissions Concerning Membership, Appointments and Terms" (H.P. 663) (L.D. 904)

Sincerely,

S/Joseph G. Carleton, Jr.

Secretary of the Senate

READ and ORDERED PLACED ON FILE.

**PETITIONS, BILLS AND RESOLVES REQUIRING
REFERENCE**

Bill "An Act To Amend the Winthrop Utilities District Charter" (EMERGENCY)

(H.P. 1160) (L.D. 1577)

Sponsored by Representative FLOOD of Winthrop.

Cosponsored by Senator ROSEN of Hancock and Representative: FITTS of Pittsfield.

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

Committee on **ENERGY, UTILITIES AND TECHNOLOGY** suggested and ordered printed.

REFERRED to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** and ordered printed.

Sent for concurrence.

Bill "An Act To Clarify the Award of Fees in Domestic Violence Cases" (EMERGENCY)

(H.P. 1159) (L.D. 1576)

Sponsored by Representative CAIN of Orono.

Cosponsored by Senator GERZOFKY of Cumberland and Representatives: BLODGETT of Augusta, BURNS of Whiting, CLARKE of Bath, HASKELL of Portland, PLUMMER of Windham, Senators: MASON of Androscoggin, WHITTEMORE of Somerset.

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

Committee on **JUDICIARY** suggested and ordered printed.

REFERRED to the Committee on **JUDICIARY** and ordered printed.

Sent for concurrence.

Resolve, Relating to the State Valuation of the Town of East Millinocket (EMERGENCY)

(H.P. 1161) (L.D. 1578)

Sponsored by Representative CLARK of Millinocket.

Cosponsored by Senator THOMAS of Somerset.

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

Committee on **TAXATION** suggested and ordered printed.

REFERRED to the Committee on **TAXATION** and ordered printed.

Sent for concurrence.

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

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Mitchell Clyde Thomas, of Durham, for his many years of dedicated community involvement and volunteer work. Mr. Thomas is a music minister in the United Methodist Churches in Auburn and Lewiston. For more than 25 years, he has directed Music-Theatre camps for youth at Camp Mechuwana in Winthrop, and he is the longtime Music Director for the New England Annual Conference of the United Methodist Church. Mr. Thomas is the Communications Director at Big Brothers Big Sisters of Southern Maine, a mentoring agency serving children in Cumberland and York counties, and he is an adjunct professor at Central Maine Community College. We extend our appreciation to Mr. Thomas;

(HLS 379)

Presented by Representative BICKFORD of Auburn.
Cosponsored by Senator SNOWE-MELLO of Androscoggin, Representative ESPLING of New Gloucester.

On **OBJECTION** of Representative BICKFORD of Auburn, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **BICKFORD**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I met Mitchell Clyde Thomas about three years ago when I auditioned for a role as a gangster in the play "Kiss Me Kate." I want to tell you I had never done a play in my life, not even as a small child. Mitch was the lead actor in that play and did a flawless job with his choreography, his voice in the songs that he did, and also in his acting. He became my mentor at that time. I had not known Mitch before that. Mitch devotes countless hours to community little theater in Auburn. He is the artistic director and is a very accomplished actor, director, and producer.

The last play I did was "Children of Eden." Mitch was the music director. Three days before the opening, the lead actor became ill. Mitch, as is normal for him, learned all the lines and the songs and replaced that lead actor for the next eight plays that we did, and he did an outstanding job. You know Mitch did the opening prayer this morning and the national anthem and he's not a doctor, so he couldn't be doctor of the day. But I'm sure he's played one stage at some point in his life. Thank you.

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

Representative **GILBERT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. It is an honor to speak about my friend Mitchell Clyde Thomas this morning.

Mitch is a native and a favorite son of Jay, Maine. His is a family with many generations in Jay. In fact, Clyde Thomas, his grandfather, ran a neighborhood general store near the Rockemeka Grange in Jay village, and he was my school bus driver and that's many years ago.

I remember Mitch as a talented Jay High School student who showed great promise in the area of entertainment and coaching others to develop their performance skills.

Since graduating from the University of Maine at Farmington, Mitch has developed his talents as a performer actor, director, singer, piano player and leader.

Mitch has extensive successful and varied experiences as a minister, as a municipal official, as the president of the Washburn-Norlands Living History Center Board of Directors in Livermore, the music director at Camp Mechuwana the United Methodist Church Summer Camp in Winthrop, the faculty

advisor/director for the Central Maine Community College Lakeside Players, the Chair of the Artistic Development Committee for the L/A Community Little Theater in Auburn, a past president of the University of Maine at Farmington Alumni. Mitch is the current communications director for Big Brothers/Big Sisters of Southern Maine.

I am pleased and proud to call Mitchell Clyde Thomas my friend. Thank you, Mitch for sharing your many talents.

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

Representative **EBERLE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. It is my honor also to rise and honor Mitch. Today in the Hall of Flags are the Greater of Portland Mentoring Partnership folks who have dedicated their lives to helping the youth in our community, and Mitch, through his work with Big Brothers/Big Sisters, has done that very thing.

I think you might have heard in the prayer today his reference to mentors and how important they are for us, for society, and for our youth. So I would just like to thank Mitch for his work for the youth of the state and for his friendship. Thank you, Mr. Speaker.

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

Representative **KNIGHT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise too to congratulate Mitch. This recognition is well deserved. You've heard my good friend from Jay enumerate the many, many activities he's involved in, my friend, Representative Bickford from Auburn, talking about his talents. He is a multitalented guy and I'm very pleased to stand to recognize him today. I'm also very proud to add one thing that none of the other speakers have mentioned. I'm proud to call him a cousin.

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

REPORTS OF COMMITTEE

Divided Reports

Majority Report of the Committee on **TRANSPORTATION** reporting **Ought Not to Pass** on Bill "An Act To Establish Training Routes for School Bus Drivers"

(S.P. 424) (L.D. 1379)

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** 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 CEBRA of Naples, the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.
ORDERED SENT FORTHWITH.

Majority Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-102)** on Bill "An Act Concerning Independent Contractors in the Trucking and Messenger Courier Industries"

(S.P. 332) (L.D. 1099)

Signed:

Senators:

RECTOR of Knox
JACKSON of Aroostook
MARTIN of Kennebec

Representatives:

PRESCOTT of Topsham
DOW of Waldoboro
GILBERT of Jay
HERBIG of Belfast
HUNT of Buxton
NEWENDYKE of Litchfield
TUTTLE of Sanford
VOLK of Scarborough
WINTLE of Garland

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

Signed:

Representative:

DRISCOLL of Westbrook

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-102)**.

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-102)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Thursday, May 19, 2011.

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought Not to Pass** on Bill "An Act To Prohibit Mandatory Immunizations"

(S.P. 287) (L.D. 941)

Signed:

Senators:

McCORMICK of Kennebec
CRAVEN of Androscoggin
FARNHAM of Penobscot

Representatives:

STRANG BURGESS of Cumberland
EVES of North Berwick
FOSSEL of Alna
MALABY of Hancock
PETERSON of Rumford

SANBORN of Gorham
STUCKEY of Portland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-106)** on same Bill.

Signed:

Representatives:

O'CONNOR of Berwick
SANDERSON of Chelsea
SIROCKI of Scarborough

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

On motion of Representative STRANG BURGESS of Cumberland, the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

Majority Report of the Committee on **TAXATION** reporting **Ought Not to Pass** on Bill "An Act To Provide Economic Incentives to Businesses for the Collection of State Taxes"

(H.P. 896) (L.D. 1205)

Signed:

Senators:

TRAHAN of Lincoln
WOODBURY of Cumberland

Representatives:

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" (H-256)** on same Bill.

Signed:

Senator:

HASTINGS of Oxford

Representatives:

KNIGHT of Livermore Falls
BENNETT of Kennebunk
HARMON of Palermo
WATERHOUSE of Bridgton

READ.

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

On further motion of the same Representative, **TABLED** pending his motion to **ACCEPT** the Minority **Ought to Pass as Amended** Report and later today assigned.

Nine Members of the Committee on **TAXATION** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (H-255)** on Bill "An Act To Eliminate the Restriction on Net Operating Loss Carry-forwards"

(H.P. 123) (L.D. 140)

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

Three Members of the same Committee report in Report "B"
Ought to Pass on same Bill.

Signed:

Representatives:

BERRY of Bowdoinham
FLEMINGS of Bar Harbor
PILON of Saco

One Member of the same Committee reports in Report "C"
Ought Not to Pass on same Bill.

Signed:

Representative:

BRYANT of Windham

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-255)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Thursday, May 19, 2011.

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

CONSENT CALENDAR

First Day

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

(S.P. 151) (L.D. 518) Resolve, Authorizing the State Tax Assessor To Convey the Interest of the State in Certain Real Estate in the Unorganized Territory Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-108)**

(S.P. 312) (L.D. 992) Bill "An Act To Amend the Depuration Laws" Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-105)**

(H.P. 1041) (L.D. 1415) Bill "An Act To Update the Bankruptcy Laws To Incorporate Federal Changes Relating to Exemptions" (EMERGENCY) Committee on **JUDICIARY** reporting **Ought to Pass**

(H.P. 159) (L.D. 182) Bill "An Act To Prohibit the Sale of Russian Olive and Other Invasive Terrestrial Plants" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-259)**

(H.P. 299) (L.D. 373) Bill "An Act To Provide for Equal Rights of Appeal for the State and Defendants Concerning Post-judgment DNA Analysis" Committee on **JUDICIARY** reporting

Ought to Pass as Amended by Committee Amendment "A" (H-269)

(H.P. 482) (L.D. 652) Bill "An Act To Amend Animal Welfare Laws" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-260)**

(H.P. 501) (L.D. 671) Bill "An Act To Amend the Laws Governing the Ground Water Oil Clean-up Fund" Committee on **ENVIRONMENT AND NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-274)**

(H.P. 1074) (L.D. 1459) Bill "An Act To Establish Municipal Cost Components for Unorganized Territory Services To Be Rendered in Fiscal Year 2011-12" (EMERGENCY) Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-266)**

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:

(H.P. 574) (L.D. 767) Bill "An Act To Amend and Clarify Certain Portions of the Dental Practice Laws"

(H.P. 1050) (L.D. 1429) Bill "An Act To Amend the Laws Governing Prescription Monitoring Information"

No objections having been noted at the end of the Second Legislative Day, the House Papers were **PASSED TO BE ENGROSSED** and sent for concurrence.

BILLS IN THE SECOND READING

House

Bill "An Act To Amend the Requirements for Publishing Municipal Legal Notices"

(H.P. 318) (L.D. 392)

House as Amended

Bill "An Act To Improve the Maine Seed Capital Tax Credit"

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

(C. "A" H-217)

Bill "An Act Regarding the Use of Methadone by Operators of Commercial Motor Vehicles"

(H.P. 710) (L.D. 966)

(C. "A" H-254)

Bill "An Act Regarding the Attendance of Attorneys at Pupil Evaluation Team Meetings"

(H.P. 822) (L.D. 1110)

(C. "A" H-251)

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

ENACTORS

Emergency Measure

An Act To Ensure Regulatory Fairness and Reform

(S.P. 10) (L.D. 1)

(C. "A" S-87)

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

Representative MCKANE of Newcastle **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

The SPEAKER PRO TEM: The Chair recognizes the Representative from Newcastle, Representative McKane.

Representative **McKANE**: Thank you, Mr. Speaker. I know this bill would have gone safely by, but I thought I ought to say a word and maybe some of my committee members would also.

LD 1 represents an incredible amount of work and a unanimous report at the end of it. We went to, as you all know, seven offsite hearings. I think that's one of the reasons that we worked so hard together is that we all got the same message as we went to those offsite hearings. We listened to community leaders, business leaders, fishermen, farmers, workers. What they said in pretty much a unified voice was listen to us, understand what it takes to run a business in Maine, concern yourself with our wellbeing, don't make us jump through bureaucratic hoops, we understand the need for rules and regulations, just don't forget us. But overall, they said make it easier to run a business in the State of Maine, but do it in an environmentally aware way. That was a very strong message. We heard it and we worked very hard together for quite awhile.

I just want to thank some of the folks that helped us out. The clerk, Darlene Simoneau; OPLA analyst Patrick Norton put in an incredible amount of time, both of them; the Secretary of State's Office; the Attorney General's Office; the Department of Environmental and Community Development; the Fire Marshal's Office; the environmental lobby; the business lobby; and there were more that all put a lot of time into that. So I want to thank them and thank the committee.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Hudson, Representative Duchesne.

Representative **DUCHESNE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise reluctantly because I have to compliment my chair, the Representative from Newcastle, Representative McKane. Look at the Democrats on this committee: the Representative from Lewiston, Representative Carey, the Representative from Saco, Representative Valentino, the Representative from Hallowell, Representative Treat, and me. How would you like to chair that group?

We questioned everything. We tested our chair's patience many times, over and over, and in the end came out with a unanimous report that members can support enacting into law immediately. We honored the process and the process worked. If you work something long and hard, if you listen to the people, if you listen to each other, if you could put aside partisan politics long enough to define the actual problem, you can define the actual solution. So my thanks to the committee for all the hard work, to our chair for his leadership, and I thank you, Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Saco, Representative Valentino.

Representative **VALENTINO**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would also like to recognize the other committee members on that. Not all of you are familiar with them. Obviously our thanks go out to Representative Jonathan McKane from Newcastle who is the chair, but also the good Representative from Pittsfield, Representative Fitts, the Representative from Harrington, Representative Tilton, the Representative from Waldoboro, Representative Dow, the Representative from Raymond, Representative McClellan, the Representative from Veazie, my seatmate in the committee, Representative Parker, who I thoroughly enjoyed getting to meet, and the Democratic members which were just mentioned on that.

I would like to also thank the over 700 people who showed up at our seven listening sessions that provided us with hundreds of hours of testimony. This translated into thousands of pages of testimony, charts, graphs, side by side in numerous language revisions, all done by our extraordinary staff of Pat Norton and Darlene Simoneau.

LD 1 is a unanimous report, but it took us four and a half months to get this unanimous nonpartisan position. It was not all Kumbaya, although the minibus trips in the dead of winter to Presque Isle and Machias did have the Kumbaya moments as we munched on homemade cookies, read the paper, did crossword puzzles, and even learned the cryptoquip.

After compiling all the information gained on our listening sessions, the committee reviewed each issue and decided that many issues were best sent to the committees of jurisdiction for those committees to work on the specific items. Therefore, I would like to thank every committee that became part of the listening sessions we had and worked on all of the items that were sent to them.

Our committee also broke down into several subcommittees where we worked on specific issues to report back to the full committee. I was on the DEC subcommittee where we worked on the ombudsmen, special advocate, and other DEC issues with stakeholders. We probably went through 10 versions of just the special advocate until we could reach a consensus on language. That was how the Regulatory Fairness and Reform Committee operated. Every member was vocal, engaged, and had their concerns aired.

On the last day, on the last hour when we were ready for a final vote on this bill, one member spoke up and had a concern with two sentences in the final bill. The committee chairs broke for two and a half hours, did not take a vote, went in and worked out this language with the committee members, and we came out and voted on the final version where we could all agree on it.

LD 1 is like the old Virginia Slims slogan: "You've come a long way, baby." The LD 1 before you is not the same LD 1 that was printed in January. LD 1 before you today is a good bill that will have an immediate effect on businesses and was done in a totally nonpartisan way and I applaud every member who voted for it. Thank you.

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

Representative **CAREY**: Thank you, Mr. Speaker Pro Tem. I rise just to say that I'm very proud of the work that I and the other 14 members of my committee did. This is what the people of Maine expect from us when they sent us to Augusta. Thank you, Mr. Chair. Thank you, members of the committee. Thank you, Mr. Speaker Pro Tem.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Veazie, Representative Parker.

Representative **PARKER**: Thank you, Mr. Speaker. Mr. Speaker, Members of the House. Being a freshman, this is quite an experience for me. I sort of got tested I guess by fire. We went into there with a lot of different ideas. We got a lot of input from the various communities we visited around the state. We really got a directive.

I have to say I'm very impressed with how well our committee worked together, how we came to a unanimous decision when this was all done. There was a lot of give and take. I'm sure everyone didn't get all they wanted and probably that's the best way it could all happen. I just want to say I really appreciate this experience and I enjoyed working with both sides of the aisle in this particular endeavor and I'm glad we came to the decision we did. Thank you.

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

Representative **McCLELLAN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I was the other newbie on the committee, although now that it's May, newbie doesn't seem like an appropriate word anymore.

I learned a lot on this committee as well. I just stand to speak to leadership, what a great job they did on both sides in making sure this was such a collaborative effort. You've heard already and I would agree that it's very impressive, the collaboration on both sides and on all levels.

I guess I would just add to the discussion that in the beginning when this all just began, I was approached by many opponents, lobbyists, different people who were extremely very concerned about the implications of this work and this bill. In almost every case, those people approached me at the end of the bill to thank me and to thank the committee and to compliment us on a job well done. So thank you, Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Waldoboro, Representative Dow.

Representative **DOW**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the Chamber. It was a privilege to work on this committee. I wanted to thank everybody that was on it for all the hard work. I found myself in a new position. I didn't have to say much because the entertainment factor from the committee was already there and I didn't have to add to it much.

I just want people to realize every move forward with some of these bigger steps, that there is still a lot of work to do on regulatory reform and fairness, and I look forward to doing that in whatever manner presents itself. Thank you, Ladies and Gentlemen of the Chamber.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Orono, Representative Cain.

Representative **CAIN**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise as a member of leadership to thank the LD 1 committee, to thank the Committee on Regulatory Fairness and Reform for their work, for respecting each other, for respecting the process, and for landing in a place where we can truly say we do our best work together.

I believe in what's in this bill, I believe in the thoughtful work. I believe in the thoughtful work that not only went into it from the members of this body, but also from the members of the public, from the members of the business community, from the members of the environmental community, from all of those who showed up to the hearings, to all of those who showed up to the State House, and to all of those on the committee who really listened and not only listened to the public and those who were experts, but also listened to each other in order to land in a place where we can truly say we do our best work when we do it together. Thank you, Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Madison, Representative Curtis.

Representative **CURTIS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise also in appreciation for the time, the effort and the commitment that all on this reform committee put in, the miles that they spread across the state, the information that they gathered, and the work that they committed themselves to, to putting forth a bill that is unanimous in support and a desire to make life a little bit simpler and a little bit clearer for those that we represent. Thank you, committee.

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

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

ROLL CALL NO. 54

YEA - Ayotte, Beaudoin, Beaulieu, Beavers, Beck, Beliveau, Bennett, Berry, Bickford, Black, Blodgett, Boland, Bolduc, Briggs, 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, Eves, Fitts, Fitzpatrick, Flemings, Flood, Fossel, Foster, Fredette, Gifford, Gilbert, Gillway, Goode, Graham, Guerin, Hamper, Hanley, Harmon, Harvell, Haskell, Hayes, Herbig, Hinck, Hogan, Hunt, Innes Walsh, Johnson D, Johnson P, Kaenrath, Kent, Keschl, Knapp, Knight, Kruger, Kumiega, Lajoie, Libby, Long, Longstaff, Lovejoy, Luchini, MacDonald, Maker, Malaby, Maloney, Martin, McCabe, McClellan, McFadden, McKane, Morissette, Morrison, Moulton, Nass, Nelson, Newendyke, O'Brien, O'Connor, Olsen, Parker, Parry, Peoples, Peterson, Picchiotti, Pilon, Plummer, Prescott, 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, Tuttle, Valentino, Volk, Wagner R, Waterhouse, Weaver, Webster, Welsh, Willette A, Willette M, Winsor, Wintle, Wood, Mr. Speaker.

NAY - Bryant, Harlow, Mazurek.

Yes, 147; No, 3; Absent, 0; Vacant, 1; Excused, 0.

147 having voted in the affirmative and 3 voted in the negative, 1 vacancy, with 0 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem and sent to the Senate.

Emergency Measure

An Act To Provide Members of the Penobscot Nation with Marine Resources Licenses

(H.P. 441) (L.D. 558)

(C. "A" H-211)

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

Emergency Measure

An Act To Clarify Certain Provisions in the Harness Racing Laws

(S.P. 153) (L.D. 561)

(C. "A" S-73)

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

Emergency Measure

An Act To Authorize the Public Utilities Commission To Exercise Jurisdiction over Private Natural Gas Pipelines To Ensure Safe Operation

(S.P. 492) (L.D. 1545)

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

Acts

An Act To Provide a Sales Tax Exemption to Incorporated Nonprofit Performing Arts Organizations

(S.P. 55) (L.D. 205)
(C. "A" S-90)

An Act To Amend the Law Governing Sales Tax Exemptions for Certain Nonprofit Youth Organizations

(S.P. 109) (L.D. 396)
(C. "A" S-88)

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)
(H. "A" H-229 to C. "A" H-157)

An Act Regarding Retention and Graduation Rates for Maine's Colleges and Universities

(S.P. 156) (L.D. 564)
(C. "A" S-74)

An Act To Clarify the Method of Appealing Decisions of the Executive Director of the Maine Commission on Indigent Legal Services

(S.P. 182) (L.D. 602)
(C. "A" S-93)

An Act To Amend Certain Insurance Provisions Relating to Variable Annuity Death Benefits and Multiple Employer Trusts

(H.P. 648) (L.D. 881)
(S. "A" S-101 to C. "A" H-158)

An Act To Delay the Implementation of the Rental Housing Radon Testing Requirement

(H.P. 783) (L.D. 1048)
(C. "A" H-212)

An Act To Increase Accountability for the Most Serious Offenders of Laws Prohibiting Operating under the Influence of Drugs and Alcohol

(S.P. 331) (L.D. 1098)
(C. "A" S-72)

An Act To Conform Business Expense Deductions to Federal Law

(H.P. 843) (L.D. 1137)
(C. "A" H-155)

An Act To Amend the Probate Code Relating to the Authority of the Probate Court To Approve Transfers from a Protected Person's Estate

(S.P. 361) (L.D. 1186)
(C. "A" S-75)

An Act To Rename the Maine Fire Training and Education Program at Southern Maine Community College the Maine Fire Service Institute

(S.P. 400) (L.D. 1286)

An Act To Amend the Laws Concerning the School Revolving Renovation Fund

(S.P. 419) (L.D. 1356)
An Act Regarding the Powers of the Director of the Maine State Museum Commission

(S.P. 469) (L.D. 1493)

An Act To Support Maine State Museum Accreditation

(S.P. 470) (L.D. 1494)

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

Resolves

Resolve, To Create an Evidence-based Study and Comprehensive Plan for HIV and AIDS Services in Maine

(S.P. 213) (L.D. 724)
(C. "A" S-98)

Resolve, Establishing a Task Force To Examine the Decline in the Number of Nonresident Hunters

(S.P. 226) (L.D. 792)
(C. "A" S-76)

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

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

The Speaker resumed the Chair.

The House was called to order by the Speaker.

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

SENATE PAPERS

Bill "An Act To Conform the Authority of the Department of Environmental Protection to Federal Law" (EMERGENCY)

(S.P. 507) (L.D. 1575)

Came from the Senate, **REFERRED** to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** and ordered printed.

REFERRED to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** in concurrence.

The following Joint Resolution: (S.P. 506)

JOINT RESOLUTION RECOGNIZING OPERATION TRIBUTE

WHEREAS, Operation Tribute is a nonprofit organization founded and operated by Marc Badeau in Gorham, Maine that in 2010 provided over 32,000 gifts to the children of military families living throughout New England, New Jersey, New York and Ohio, including over 7,200 children living in the State of Maine; and

WHEREAS, Operation Tribute acknowledges the sacrifices, courage and bravery of the children of members of all branches of the military, including the United States Army, Navy, Marine Corps, Air Force, Coast Guard, Reserves and National Guard; and

WHEREAS, Operation Tribute considers the children of military families to be unsung heroes who silently shoulder a heavy burden during these difficult times; and

WHEREAS, Operation Tribute acquired, gift-wrapped and individually distributed a holiday gift to each participating child of a military family in over 1,100 cities and towns throughout New England, New Jersey, New York and Ohio; and

WHEREAS, each package sent to a child in Maine contained a letter that read: "On behalf of Operation Tribute and the people of the State of Maine, we would like to offer you this token of our appreciation for your sacrifice. You are the child of a Maine military family and the bravery that you show every day by sharing your parent to help protect our country is being recognized and honored. You should be extremely proud of your service to our country and should know that we, and the people of Maine, stand proudly beside you. We wish you and your family a Happy Holiday Season!"; and

WHEREAS, Operation Tribute seeks further expansion of its program to eventually encompass the entire country; 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 send our appreciation to the hard-working and dedicated members of Operation Tribute for their strong commitment and accomplished success in recognizing these children and to thank the members of Operation Tribute for their acknowledgment of the sacrifices, courage and bravery of the children of these military families and we encourage the citizens of the great State of Maine to support and recognize the efforts of Operation Tribute; and be it further

RESOLVED: That a suitable copy of this resolution, duly authenticated by the Secretary of State, be transmitted to Operation Tribute.

Came from the Senate, **READ** and **ADOPTED**.
READ and **ADOPTED** in concurrence.

CONSENT CALENDAR

First Day

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

(S.P. 173) (L.D. 581) Bill "An Act To Repeal the Laws Governing the Capital Investment Fund" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass**

(S.P. 263) (L.D. 859) Resolve, To Convene a Task Force To Study Cost-effective Ways of Dealing with an Increased Population of Those Affected by Alzheimer's Disease Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass**

(S.P. 351) (L.D. 1151) Bill "An Act Regarding Reporting Procedures of Lobbyists" Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass**

(S.P. 367) (L.D. 1246) Resolve, Concerning Access to the Eastern Road in Scarborough Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-111)**

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

REPORTS OF COMMITTEE

Divided Reports

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass** on Bill "An Act To Allow the Town of Surry To Join School Union No. 93" (EMERGENCY)

(S.P. 244) (L.D. 800)

Signed:

Senators:

LANGLEY of Hancock
ALFOND of Cumberland

MASON of Androscoggin

Representatives:

RICHARDSON of Carmel
EDGECOMB of Caribou
JOHNSON of Greenville
MAKER of Calais
McCLELLAN of Raymond
McFADDEN of Dennysville
NELSON of Falmouth
RANKIN of Hiram
WAGNER of Lewiston

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

Signed:

Representative:

LOVEJOY of Portland

Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports the Majority **Ought to Pass** Report.

Came from the Senate with the Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

READ.

On motion of Representative RICHARDSON of Carmel, the Majority **Ought to Pass** Report was **ACCEPTED**.

The Bill was **READ ONCE** and was assigned for **SECOND READING** Thursday, May 19, 2011.

Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-110)** on Bill "An Act To Provide Funding for the Fish Stocking Program"

(S.P. 64) (L.D. 213)

Signed:

Senators:

MARTIN of Kennebec
PATRICK of Oxford
TRAHAN of Lincoln

Representatives:

DAVIS of Sangerville
BRIGGS of Mexico
CLARK of Millinocket
CRAFTS of Lisbon
ESPLING of New Gloucester
GUERIN of Glenburn
SARTY of Denmark
SHAW of Standish
WOOD of Sabattus

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

Signed:

Representative:

EBERLE of South Portland

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-110)**.

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-110)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Thursday, May 19, 2011.

Majority Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought Not to Pass** on Bill "An Act To Require Timely Reporting of Dog Licensing"

(H.P. 867) (L.D. 1169)

Signed:

Senators:

SHERMAN of Aroostook
SCHNEIDER of Penobscot
THIBODEAU of Waldo

Representatives:

EDGECOMB of Caribou
BLACK of Wilton
CRAY of Palmyra
DILL of Old Town
FOSTER of Augusta
GIFFORD of Lincoln
KENT of Woolwich
McCABE of Skowhegan
TIMBERLAKE of Turner

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-261)** on same Bill.

Signed:

Representative:

O'BRIEN of Lincolnville

READ.

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

Majority Report of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-275)** on Bill "An Act To Modify the Requirement To Replace Trees Cut Down in Violation of Local Laws"

(H.P. 820) (L.D. 1108)

Signed:

Senators:

SAVIELLO of Franklin
GOODALL of Sagadahoc
SHERMAN of Aroostook

Representatives:

HAMPER of Oxford
AYOTTE of Caswell
DUCHESNE of Hudson
INNES of Yarmouth
KNAPP of Gorham
LONG of Sherman
NASS of Acton
PARKER of Veazie
WELSH of Rockport

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

Signed:

Representative:

HARLOW of Portland

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-275)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Thursday, May 19, 2011.

Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought Not to Pass** on Bill "An Act To Allow Nonresidents To Hunt on the First Day of the Firearm Season on Deer"

(H.P. 381) (L.D. 488)

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
WOOD of Sabattus

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-264)** on same Bill.

Signed:

Representatives:

DAVIS of Sangerville
SHAW of Standish

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 **STATE AND LOCAL GOVERNMENT** reporting **Ought Not to Pass** on Bill "An Act To Clarify the Operation of the Maine Commission for Community Service"

(H.P. 508) (L.D. 681)

Signed:

Senators:

THOMAS of Somerset
COLLINS of York
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
TURNER of Burlington

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-265)** on same Bill.

Signed:
Representative:
MOULTON of York

READ.

On motion of Representative COTTA of China, 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-267)** on Bill "An Act To Help Maine's Employers To Recruit Skilled Workers by Expanding the Availability of the Educational Opportunity Tax Credit"

(H.P. 872) (L.D. 1174)

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-267)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Thursday, May 19, 2011.

UNFINISHED BUSINESS

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

Expression of Legislative Sentiment Recognizing Craig Sickels, of Durham

(HLS 58)

TABLED - January 27, 2011 (Till Later Today) by Representative WEBSTER of Freeport.
PENDING - **PASSAGE**.

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

HOUSE DIVIDED REPORT - Majority (7) **Ought Not to Pass** - Minority (6) **Ought to Pass as Amended by Committee Amendment "A" (H-47)** - Committee on **INSURANCE AND FINANCIAL SERVICES** on Resolve, To Update the Study Regarding the Feasibility of Establishing a Single-payor Health Care System

(H.P. 50) (L.D. 57)

TABLED - March 30, 2011 (Till Later Today) by Representative CUSHING of Hampden.

PENDING - **ACCEPTANCE OF EITHER REPORT**.

Representative RICHARDSON of Warren moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

Representative **BEAUDOIN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of LD 57, Resolve, To Conduct an Updated Study of the Feasibility of Establishing a Single-payor Health Care System in the State.

Many of you have heard me speak before about single-payor health care. The Feasibility Study of a Single-payor Health Plan Model for the State of Maine was last conducted in 2002. Since 2002 when the last study was conducted, a lot has changed within the United States and it is important that we update the data that was collected.

I believe that all of us can agree that health care costs need to be lowered, that efficiency can be improved, and that health care should be made more affordable and accessed by all.

As legislators, we are all lucky enough to have health insurance. We must do everything we can to help others to obtain affordable health insurance.

Updating the Feasibility Study would help us move in that direction. In order for Maine to improve health care we need more information, which is what this study would provide.

If we want to save money and provide better health care to more people we need to have updated information and data, which is why I urge you to follow my lead and support the Minority Report. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Hallowell, Representative Treat.

Representative **TREAT**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I stand to encourage you to vote against the pending motion so that we can go on to support the legislation brought forward by the good Representative from Biddeford, Representative Beaudoin.

As we all know, the Affordable Care Act or the Patient Protection and Affordable Care Act that was enacted has in it numerous provisions and many of them provide tremendous flexibility to states to figure out their own path to provide health insurance and access to health care to all of your citizens.

One of those provisions is Section 1332, which allows states to go through a waiver process to implement their own system, if that system does three things: It provides health care to the same number or more people than are provided through the mechanisms in the Affordable Care Act, if it can be done in a way where that health insurance or health coverage is no more expensive than under the federal picture, and thirdly, if it doesn't add to the federal deficit.

Well, this legislation, should we be able to go on to support it, would update a 2002 study which actually showed that at that time something could be done to move the state forward to do a single-payor system. Obviously we are now in 2011. Times have changed, costs are different, information is needed if we are to move forward.

To explore this is one of several options that we may have before us. The state has received well over \$1 million from the Federal Government in order to study numerous actions, in order to look at insurance changes, in order to look at preventative measures, a whole variety of things that we could do.

If we move to vote down the pending motion so that we can go on to adopt the Minority Report, then we know that there would be funding available to carry out the study update that the good Representative from Biddeford, Representative Beaudoin, would like us to do. The minority of the committee certainly supports that goal and supports this legislation. So again, I hope you will follow my light and vote red.

The SPEAKER: The Chair recognizes the Representative from Brunswick, Representative Priest.

Representative PRIEST: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. This bill, this little bill which the majority of the committee has recommended that you crush under your feet, is a symbol of the struggle over health care in which this House is involved. This little bill asks for a small state funding, it already asked for information. But unfortunately, this information is contrary to the ideology that has driven health care legislation this session.

The health care industry in this state is rapidly transforming itself into a monolith. There will soon be only three or four hospitals in the state which provide a wide variety of health care systems. These hospitals are rapidly buying up private practices of physicians throughout the state. As well, health insurance companies are intertwining themselves with the governance of these hospitals.

In the face of this evolving monopoly, this House has chosen to essentially throw up its hands and to rely upon the free market system. For example, we've thrown out the State Health Care Plan, we've thrown out the Advisory Council for Health Systems Development. The free market, however, is incapable of dealing with a monopoly.

Monopolies have to be regulated or broken up. We're not going to break them up, but we certainly could regulate them. Unfortunately, the monopoly, if there is no regulation, will increase health care costs. Those increased health care costs will be reflected in increased policy charges for insurance companies.

The answer to this growing monopoly, frankly, is not throwing up your hands and walking away. It is a regulation and regulation through a single-payor system. This bill would give us information to see if we could have a single-payor system at a reasonable cost. I think we can. I think this bill is a reasonable approach to that. I urge you to vote down the Ought Not to Pass and to pass the bill. Thank you.

Representative RICHARDSON of Warren 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 Warren, Representative Richardson.

Representative RICHARDSON: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. This is a bill that I think is not appropriate at this particular time.

First of all, it's a research thing that as you know in the last few days we have approved a new plan for the State of Maine in health care and health insurance. I am willing to work with that.

The second point that I want to bring up is that the Affordable Care Act is a part that we'll be working on over the summer to create exchanges and so forth, and I think that that's the direction we should be going in. I would appreciate everybody supporting the Majority Ought Not to Pass 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. In August 2001, approximately a year before the last Maine study, a similar study was done in Vermont, and it was found in that study by The Lewin Group that Vermonters could save more than \$118 million a year over their current medical insurance costs at the time and cover every Vermonter in the process.

The analysis indicated that the single-payor model would cover all Vermont residents, including the estimated 51,390 uninsured persons in the state, and I quote, "while actually reducing total health spending in Vermont by about \$118.1 million in 2001." That's five percent of their health care costs.

Mr. Speaker, on another bill recently, I proposed an amendment that would have allowed us to benefit potentially from what Vermont is going forward with now. I think it's only fair if our goals are truly economic and moral and not merely ideological, that we allow ourselves the benefit of information, that we allow ourselves the benefit of competition, and that we keep ourselves open to solutions that we may not think will work but that may in the end prove the most fruitful and best for all Mainers. Thank you, Mr. Speaker.

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

Representative GOODE: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I just rise to also acknowledge that the Affordable Care Act exists and that we should work within that framework. But it's my understanding that starting in 2017 the Affordable Care Act allows states to experiment with different types of health care reform and that this bill fits in with that, could potentially allow our state to fit in with that framework, and that we do have an Affordable Care Act planning grant within the Bureau of Insurance that could help fund this study, which makes it a little bit different than in the past when this bill has come up and had different funding issues. So I urge you to support this bill and follow my light. 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. 55

YEA - Ayotte, Beaulieu, Bennett, Bickford, Black, Burns DC, Burns DR, Cebra, Chase, Clark T, Crafts, Cray, Crockett, Curtis, Cushing, Damon, Davis, Dow, Dunphy, Edgecomb, Espling, Fitts, Fitzpatrick, Flood, Fossil, Foster, Fredette, Gifford, Gillway, Guerin, Hamper, Harmon, Harvell, Johnson D, Johnson P, Kaenrath, Keschl, Knapp, Knight, Libby, Long, Maker, Malaby, McClellan, McFadden, McKane, Morissette, Moulton, Nass, Newendyke, O'Connor, Olsen, Parker, Parry, Picchiotti, Prescott, 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, Eves, Flemings, Gilbert, Goode, Graham, Harlow, Haskell, Hayes, Herbig, Hinck, Hogan, Hunt, Innes Walsh, Kent, Kruger, Kumiega, Lajoie, Longstaff, Lovejoy, Luchini, MacDonald, Maloney, Martin, Mazurek, McCabe, Morrison, Nelson, O'Brien, Peoples, Peterson, Pilon, Priest, Rankin, Rochelo, Rotundo, Russell, Sanborn, Shaw, Stevens, Stuckey, Theriault, Treat, Tuttle, Valentino, Wagner R, Webster, Welsh.

ABSENT - Celli, Cotta, Hanley, Plummer.

Yes, 76; No, 70; Absent, 4; Vacant, 1; Excused, 0.

76 having voted in the affirmative and 70 voted in the negative, 1 vacancy with 4 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

HOUSE DIVIDED REPORT - Majority (9) **Ought Not to Pass** - Minority (4) **Ought to Pass as Amended by Committee Amendment "A" (H-111)** - Committee on **TAXATION** on Bill "An Act To Base the Excise Tax on Vehicles on a Percentage of the Manufacturer's Suggested Retail Price"

(H.P. 67) (L.D. 79)

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

PENDING - Motion of same Representative to **ACCEPT** the Minority **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 rise in opposition to the pending motion because primarily of my concern for the state of our local roads and the budgets of our municipalities.

As a former member of the select board in the town of Bowdoinham, I recall how tough it was to decide which roads would be paved and which roads would need to wait. So I want to, in that spirit, share some data on what this proposal would do to your local roads.

As before us, as amended, the Minority Report would cut excise tax revenues to municipalities in Maine by 5 percent. If you represent a community over 10,000 and vote for the pending motion, you will be cutting funding to your municipality per year by \$175,207, on average. If you represent a community between 5,000 and 10,000, the average cut would be \$54,708. For communities between 3,500 and 5,000, the average cut would be \$36,877. Between 2,000 and 3,500, \$19,990 – almost \$20,000. Communities between 1,000 and 2,000 would receive a cut, on average, of \$11,211, and communities below 1,000 would receive an annual cut of \$3,826. I can't support the pending motion for that reason alone and I hope that no one else will either. 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. The motion before us is not lost to me in terms of where it stands relative to the report.

A little history, a little background, if we might, very quickly. This bill has been introduced for the last three sessions. I introduced the bill because as I went door to door in my district, I heard again and again and again that our excise taxes on our motor vehicles were too high, they were not based on "what I paid for my vehicle." People were frustrated and irritated and I heard this story again and again and again, and I'm sure everyone in this chamber has likewise experienced that.

The manufacturer's suggested retail price is an arbitrary

number established by folks out in Detroit or Tokyo or wherever the vehicle might have come from, as to what the vehicles should sell. The fact of the matter is no one, unless they don't have their wits about them, pays the manufacturer's suggested retail price. When you go to buy a new or used automobile, you do your best in negotiating, bargaining down that price to a level that, on average, I understand is something like 10 percent less than the manufacturer's retail price.

There was a time when we went into our local clerk's office to pay our excise tax and we'd be asked "Does your automobile have a radio?" Of course, everybody being very honest said "No." Then they might have been asked "Do you have air-conditioning?" Well, of course, the answer again was "No." "Do you have four tires on your car?" "No, I dragged it in. I'm thinking of putting a windshield on next week." The bottom line is there was a need for some substandard, some rigid level that could be depended upon. The manufacturer's suggested retail price was that figure.

What we really ought to do is when we pay taxes, our property tax, which is what this is, it ought to be based on what we paid for the vehicle that we're purchasing. Because of the tendency for people not to be totally upfront with their local tax collector, we needed a standard and that's this manufacturer's suggested retail price. But whereas the typical person pays something like 10 percent off of that, that's why I put the bill in. It has been amended and the amendment drops it to 5 percent, drops the price 5 percent I should say.

The argument my good friend from Bowdoinham presents is a valid one from the point of view that it does impact the revenue stream of local communities. But that's not what is before us today. What is before us is a tax, a very abhorrent tax that people are being asked to pay on an arbitrary value. If we're going to have an excise tax or a property tax, it should be based on what we paid for that motor vehicle. This bill, as amended, brings us closer to that point and so I would respectfully request that folks put aside the argument about the community and what it does to revenue stream, and ask you to vote equity, fairness and honesty in terms of what we do when we pay our taxes. Please follow me and push a green button.

Representative **PILON** of Saco **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 Alfred, Representative Burns.

Representative **BURNS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to the motion. Yes, I was part of that Minority Report, but understanding the impacts of what we've done up here and the cuts to funding of municipalities and stuff, this is just another way of cutting the municipality's revenue stream.

Taking that into consideration, we spent a lot of time up here talking about how towns will run their towns and how they'll collect their fees and what they should be making and should not be making. I think first we should get our own house in order. That's what a lot of us came up here to do. I think this is just a reach. Not everybody does pay the same price. The price of a vehicle in York County could be much different than a price in Washington County, and the bargaining skills of one person versus another person could also change what we might pay for a vehicle.

I ask you to respect your municipalities, respect what they do. Let's fix our house and then we can be concerning ourselves with municipalities and telling them what they can and cannot make. But again, this is important revenue. This excise tax usually goes into a municipal's budget and fixes the road and takes care of

infrastructure, and this would be a tough cost. Again, I hope you vote red. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Mexico, Representative Briggs.

Representative **BRIGGS**: Thank you, Mr. Speaker. I do work at the municipality and I do ask these questions to everybody who comes up to the counter. What we try to do is assess the fairness or the value of the car. That's our number one priority. The people that pay the excise amount on these cars, I feel it is important that it does pay for the roads. It pays for the maintenance of the roads, it pays for the salaries, it pays for the equipment.

This fee, I feel, should not be decreased. I also feel that what will happen is the added cost that is going to be incurred within the municipalities, the bottom line, it's going to come down to the taxpayers, because that additional funding will still need to be made up. So the bottom line is they're going to have to increase that amount through the tax base, so then the taxpayers will be the sole responsibility of paying the unfunded amount for this excise tax.

The people who rent, they're the ones that are really going to get the discount out of this whole deal because they're going to get the discount and then they're still not going to have to pay any property taxes because they don't pay property taxes. So it's really not fair to the property tax owners who have to pay and make up the difference of this bill.

Also, the private sales that come through. You get a bill of sale in front of you, we can't validate the amount of the sale of that vehicle. We have to take it at their word, so we have no control over the sales tax that they pay, the excise tax on that vehicle. We have to just go at face value. I just feel that it is very important that we look at the full picture and not allow this to come back down on the taxpayers again. So please, I would appreciate if you vote in opposition of the pending motion. Thank you, Mr. Speaker.

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

Representative **McCABE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. This will have a negative impact on Skowhegan. We just did our budget. We worked through this issue. We talked about it. I'm actually a member of the budget committee in Skowhegan, and several members brought this issue up and asked me to explain it.

This will not help the citizens of a town like Skowhegan. This, to me, is a tax shift. You are shifting costs on to people who pay property taxes. So just recognize that when you vote today. 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. I also rise in opposition to the pending motion. I also believe, as the good Representative from Skowhegan mentioned, that it is just a shift to the property taxpayers.

I also rise in opposition to the entire laws regarding the excise tax. I believe that the excise tax should be based on what you pay for the vehicle or its present value. If we look around at some of the other states that tax vehicles in this way, we would find other states that would use what you paid for the vehicle if it were new, or the Kelley Blue Book or other associations that value automobiles in such a way.

Massachusetts, our neighbors to the south, they use the value of the vehicle or what you paid, whichever is higher, and they multiply it by 2.5 percent. That's what you pay in excise tax. In Maine, that would actually raise more money, so I wouldn't

suggest going with 2.5, but if we could find the line as to where that percentage would fall, maybe at 2 percent, it would keep the revenues to the towns even, but it would also fix the part that people hate.

I hated this myself. Before I ever thought about running for the Legislature, I couldn't stand the fact that I was paying the excise tax on a vehicle that said it was \$38,000, which I didn't even come close to paying. I paid far less than that and I hated paying a tax on something that I felt that I didn't even own. I'm against this motion, but I think we can work out the excise tax that will keep the municipalities happy and the people of the State of Maine.

I really think that people don't mind paying the excise tax if they know it's going to fix their local roads in their communities, but they don't like paying the tax on the portion of the vehicle that they didn't even pay for. I will actually be submitting legislation in the next session, emergency legislation, to cover my idea that I just explained to the House. So this could be used as a pre-speech to next year's bill. Thank you, Mr. Speaker.

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.

This bill has come before us many times in many forms, but when I went door to door the people in my district said they don't like the excise tax, they don't like the difference between what they pay and what the sticker price says. But they think, as a rule, that that money is going to us here in the State House.

Once I tell them that money is going to their local municipality for the needs of their town, that if that money isn't there then it's going to come in a form of a raised property tax. Once that's known, they back off and say "Well, we need to keep our revenue streams here."

I disagree with my good chair from Livermore Falls. It is about community, it is about revenue stream, and I think we need to keep our communities in the forefront. Thank you very much, Mr. Speaker.

Representative **CAIN** of Orono **REQUESTED** a roll call on the motion to **ACCEPT** the **Minority 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 Brewer, Representative Celli.

Representative **CELLI**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I was at the mall this weekend and I didn't get anything, but on my way out I was stopped and told I had to pay \$50 for the lawnmower that I almost bought. That's kind of the same as what we're doing with the excise tax.

This is one of the most heinous taxes to the taxpayers in Maine. We should be paying only for the exact amount that we spent, the bill of sale, and there should be a definitive depreciation over the years that can be plugged in.

This is a tough piece of legislation though because our municipalities are hurting. They're hurting mainly because of the last –well, I've only been here 18 years – at least the last 18 years where the state has kept putting the onus on the municipalities to come up with money for their programs. I didn't hear when we did not pay our full percentage to education, I did not hear how we were going to be hurting our communities. When we took away some of the tax incentives that the communities were going to wind up having to give to corporations, I did not hear how we were going to be hurting the

municipalities.

All I see, this is a tough decision, but from where I look at it we're making a very good decision for the taxpayers in allowing them to pay less for that car and make it more accurate as to what they pay.

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

Representative **RUSSELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. You know, tax breaks can be used in a remarkable way to invest in new things for our state. If we pass the current motion, Mainers can rest assure that we will indeed be investing in our roads. In fact, we'll be investing in the number of potholes in our roads. So I want to compliment Representative Knight and the folks for advocating for Maine's first tax break for potholes.

The SPEAKER: The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative **MARTIN**: Thank you, Mr. Speaker. Mr. Speaker, Members of the House. I want to very quickly remind everyone that just a couple of years ago there was a direct initiative that went to the voters that dealt with the excise tax and sales tax on vehicles, and by a 3 to 1 margin it was rejected by the voters. They wanted to keep the law the way it is today.

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. It's hard to stay in your seat on a debate like this. We've talked about it many times in the past. I've been on the same side, the losing side in the past, but I rise in support of this amendment, this motion.

All the arguments that I hear seem to be saying essentially the same thing: It's unfair, it's an unfair tax and yet we need to pay it because the towns need it. I think that's the wrong rationale. If it's an unfair tax, then we should make the tax fair. Why don't we, when you go in and purchase a new vehicle, pay the state 5 percent of what the MSRP is if this is a fair tax? None of you want to do that. When you go into the restaurant tonight and have dinner, why don't you pay what somebody thinks the meal is worth rather than what you actually paid, pay the tax on what you actually paid?

To me, it's the same thing. We're being charged for something that we haven't actually purchased, the MSRP. When we go into our towns to pay our excise tax we should be charged for what we paid for the vehicle. To me, it's pretty simple. Anything else is inappropriate. If we're going to do it this way with excise tax, let's do it with all the rest of the taxes and see how folks like that. 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. When this bill first came to us in Taxation it really sparked my interest, and listening to the words of my good friend, the Representative from Livermore Falls, he made some very good points.

I voted Ought Not to Pass on this and I'm going to hold on that vote and the reason is, is because if we cannot make whole our revenue sharing to the municipalities, then how can we expect them to take another cut? If we were fully funding our municipal revenue sharing, I would be in favor of this bill, and until then, I'm not. Thank you.

The SPEAKER: The Chair recognizes the Representative from Boothbay, Representative Macdonald.

Representative **MacDONALD**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I just would point out to you that if we make this cut, quite likely municipal expenses will

now be extended over to the property tax or there will be cuts. If they are extended over to the property tax, you've got an equally unpalatable situation.

I paid \$136,000 for my little cape in Boothbay a good number of years ago. It's now assessed for property taxes at \$250,000. I didn't pay \$250,000 for it. Do I want more property taxes put on me in that way? No I don't.

I don't think this is a good fix for the problem that we're talking about. I don't want to see this law changed. I rise in opposition to this and leave the excise tax alone. We need to fix our whole property tax, our whole tax system in this state, not just this piecemeal onetime approach, Mr. Speaker. Thank you.

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

ROLL CALL NO. 56

YEA - Burns DC, Cebra, Celli, Cotta, Crafts, Cushing, Damon, Davis, Fredette, Guerin, Johnson D, Johnson P, Kaenrath, Knight, Malaby, McKane, Morissette, Prescott, Sirocki, Valentino.

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

ABSENT - Plummer.

Yes, 20; No, 129; Absent, 1; Vacant, 1; Excused, 0.

20 having voted in the affirmative and 129 voted in the negative, 1 vacancy with 1 being absent, and accordingly the **Minority Ought to Pass as Amended Report was NOT ACCEPTED.**

Subsequently, 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.**

The House recessed until 2:30 p.m.

(After Recess)

The House was called to order by the Speaker.

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:

(H.P. 961) (L.D. 1315) Bill "An Act To Establish an Integrated Statewide System To Manage and Enforce Electronic Warrants" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass**

(H.P. 964) (L.D. 1318) Bill "An Act To Repeal the Law Regarding DNA Collection" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass**

(H.P. 1056) (L.D. 1435) Bill "An Act To Adopt the Interstate Prescription Monitoring Program Compact" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass**

(H.P. 364) (L.D. 471) Bill "An Act To Reduce Certain Highway Fund Obligations" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-280)**

(H.P. 693) (L.D. 933) Resolve, Requiring the Department of Health and Human Services To Conduct a Review of Medicaid "Any Willing Provider" Requirements Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-284)**

(H.P. 759) (L.D. 1023) Bill "An Act To Authorize the Board of Licensure of Podiatric Medicine and the State Board of Veterinary Medicine To Establish a Podiatrist Health Program and a Veterinarian Health Program" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-285)**

(H.P. 792) (L.D. 1057) Bill "An Act To Limit Increases in the Unemployment Contribution Rate" Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-286)**

(H.P. 802) (L.D. 1067) Bill "An Act To Improve Awareness of Smoking Policies in Maine Rental Housing and Condominiums" Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-276)**

(H.P. 932) (L.D. 1241) Bill "An Act To Remove the Requirement That Employers Offer Substance Abuse Services to Employees Who Fail Drug Tests" Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-287)**

(H.P. 1124) (L.D. 1532) Resolve, Directing the Commissioner of Marine Resources To Contract for an Independent Analysis of the Limited Entry Lobster License System Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-278)**

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

REPORTS OF COMMITTEE
Divided Report

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-262)** on Bill "An Act To Assist School Administrative Units in Providing Health Insurance to Their Employees"

(H.P. 322) (L.D. 404)

Signed:

Senators:

LANGLEY of Hancock
ALFOND of Cumberland
MASON of Androscoggin

Representatives:

RICHARDSON of Carmel
EDGEComb of Caribou
JOHNSON of Greenville
LOVEJOY of Portland
MAKER of Calais
McCLELLAN of Raymond
McFADDEN of Dennysville
RANKIN of Hiram
WAGNER of Lewiston

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-263)** on same Bill.

Signed:

Representative:

NELSON of Falmouth

Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (H-262)** Report.

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-262)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Thursday, May 19, 2011.

UNFINISHED BUSINESS

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

HOUSE DIVIDED REPORT - Majority (9) Ought to Pass as Amended by Committee Amendment "A" (H-154) - Minority (4) Ought Not to Pass - Committee on TAXATION on Bill "An Act To Repeal the Alternative Minimum Tax"

(H.P. 633) (L.D. 836)

TABLED - May 5, 2011 (Till Later Today) by Representative CURTIS of Madison.

PENDING - Motion of Representative KNIGHT of Livermore Falls to 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 rise in opposition to the pending motion and I do so with great respect for my committee chair, the sponsor of the bill, the good Representative from Livermore Falls.

I sympathize with the concern that was raised by the sponsor in this bill around the simplicity of our tax code, and it is a goal that I share with certain limitations to simplify the tax code. However, I want to note that the Alternative Minimum Tax is something that we do have at the federal level as well, and by doing away with AMT we would be coming out of conformity.

Equally important, if not more so, is affordability, and the measure before us is not affordable. It costs \$10.5 million over the course of the biennium.

A third value is the value of economic development. I think it's a value that we all share here as well and understand as being an essential goal of a good tax code. In my view, the best way to create jobs is to ensure that those who will spend the money locally have money in their pockets.

Right now – and I bear as much responsibility as anyone for this – right now it is the bottom 20% of income earners who bear the highest burden in our effective combined sales, property, and income tax rates. The bottom 20% bear the highest burden.

This bill, Mr. Speaker, would provide those \$10.5 million to the very wealthy at a time when the struggling working families of Maine need it most. Two-thirds of those \$10.5 million would go to the wealthiest 1%. Two-thirds of the \$10.5 million would go to the wealthiest 1% of income earners.

You know even if we had the \$10.5 million, I don't think that's the best way to use it. Would I like to reduce everyone's taxes including those of the wealthiest 1%? Absolutely. Can we afford it? Is it the best way to create jobs? Is it the best way to help the working families and the small businesses and the young children and the elderly and the teachers of the State of Maine? Absolutely not.

I'm happy to share more information about the Alternative Minimum Tax and how it works, but I think that we should all understand that the effective tax rate for all Mainers right now is under 5%. The effective income tax rate is under 5%. And as much as we would all like to reduce taxes for the very wealthy in the State of Maine, we simply can't afford this measure.

I hope that my colleagues on both sides of the aisle will join me in voting against the pending motion. I do appreciate the intentions of the sponsor and his desire for simplifying the tax code. I would suggest, however, this is not the vehicle, this is not the way to do it, and I thank you for your time.

The Chair ordered a division on the motion to **ACCEPT** the Majority **Ought to Pass as Amended Report**.

Representative BERRY of Bowdoinham **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: 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. 57

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, Edgecomb, Espling, Fitts, Fitzpatrick, Flood, Fossil, Foster, Fredette, Gifford, Gillway, Guerin, Hamper, Harmon, Harvell, Johnson D, Johnson P, Keschl, Knapp, Knight, Libby, Long, Maker, Malaby, McClellan, McFadden, McKane, Morissette, Moulton, Nass, Newendyke, O'Connor, Olsen, Parker, Parry, Picchiotti, Prescott, 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, Driscoll, Duchesne, Eberle, Eves, Flemings, Gilbert, Goode, Graham, Harlow, Haskell, Hayes, Herbig, Hinck, Hogan, Hunt, Innes Walsh, Kaenrath, Kent, Kruger, Kumiega, Lajoie, Longstaff,

Lovejoy, Luchini, MacDonald, Maloney, Martin, Mazurek, McCabe, Morrison, Nelson, Peoples, Peterson, Pilon, Priest, Rankin, Rochelo, Rotundo, Russell, Sanborn, Shaw, Stevens, Stuckey, Theriault, Treat, Tuttle, Valentino, Wagner R, Webster, Welsh.

ABSENT - Dion, Hanley, O'Brien, Plummer.

Yes, 77; No, 69; Absent, 4; Vacant, 1; Excused, 0.

77 having voted in the affirmative and 69 voted in the negative, 1 vacancy with 4 being absent, and accordingly the Majority **Ought to Pass as Amended Report** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-154)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Thursday, May 19, 2011.

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

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

SENATE DIVIDED REPORT - Majority (7) **Ought to Pass as Amended by Committee Amendment "A" (S-77)** - Minority (5) **Ought Not to Pass** - Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Exempt Health Care Sharing Ministries from Insurance Requirements"

(S.P. 296) (L.D. 950)

- In Senate, Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-77)**.

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

PENDING - Motion of Representative RICHARDSON of Warren to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

The SPEAKER: The Chair recognizes the Representative from Hallowell, Representative Treat.

Representative TREAT: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. We have before us another health insurance bill. It's an interesting piece of legislation and perhaps something new to the members of this body; it certainly was for some of the members of our committee. This is a Divided Report and I am representing the Minority Report which was Ought Not to Pass.

This piece of legislation exempts something called health sharing ministries from the insurance code. What exactly are health insurance ministries? There are a number of them, they are not all the same, and I would say that the discomfort on the part of the minority in providing exemption to these ministries is, in part, related to the fact that these ministries are not all the same and some operate in ways that are very similar to insurance companies, others much less so.

What these ministries do and there are in fact members of the House here who participate in them so they may wish to speak to their benefits under these programs, but they involve members, in this case Christian or other religious association that is a nonprofit that collects money from its members, and that money is shared in a pool or it is distributed as bundled checks or checks that are sent individually from one family to another, which help other people pay for their health problems and for their treatment. The hope is and the promise is that when it is your turn to be helped, if you end up in the hospital, that the

same payments will come back to you from other people involved in the health ministry and pay your bills.

This legislation would exempt these ministries and it was amended by the Committee Amendment to narrow the scope to certain ones of them from the insurance laws. What does that mean and why did the minority oppose that? I think the basic, where we were coming from, essentially was that there really was no protection for someone who did not end up getting their medical bills paid for through this program, someone perhaps who had been paying into it for years on a monthly basis. There was no one to go to if in fact it didn't work out.

We had testimony from the Bureau of Insurance in opposition to this legislation and I would like to just read a little bit from that testimony. This is from Mila Kofman in April saying I have serious concerns about creating a permanent exemption for health care sharing ministries from any form of regulatory oversight. These plans function as health insurance but there is no accountability, no oversight, and the people who participate have no protection. Unlike licensed insurance companies which are required to have reserve funds to pay claims, these plans do not maintain reserves. Licensed insurance companies file financial reports to regulators every year and these plans do not.

This is now Sharon Treat speaking and not Mila Kofman. There have been a number of situations in other states where in fact there have been problems, and I would just like to read briefly from an application for Emergency Cease and Desist Order before the insurance commissioner of the state of Oklahoma. In this, it is stated that in this case, this particular company or I guess it's not a company, it's this sharing entity, it was called Medi-Share. But Medi-Share, basically people paid in these share payments. They also had a flat monthly payment to cover expenses and the salaries of officers and employees. At the time involved here, that fee was about 20 percent of the income that they received from all these payments that were made by everyone in the program. This fee was set by the program and not by the members. Of course, a similar approach in an insurance situation, there would be oversight over how much administration fee was being paid if it was covered by insurance. Well, the plaintiff stresses that Medi-Share's income is exceeded by the dollar amount of the claims received. There is no calculation of how much those claims are ultimately discounted where they have a provider.

In any event, for the purpose of this motion, these guidelines apply. It had deductibles. It had yearly and lifetime limits on benefits which I know Maine does not allow. Under this bill a similar health sharing ministry would be allowed to set lifetime and annual limits. It would be allowed to prevent someone from being involved in it who has a pre-existing condition. It would be allowed not to cover certain mandated benefits. That is what this would do and in fact if there was a problem, there would be no one really to go to unless there was criminal activity and that could somehow be proven. And again, quoting from the superintendent of insurance, "if a consumer calls and participated for years and is getting no help, the Bureau of Insurance could not get any help for them."

So we had not heard of problems here in Maine yet and we had also did not receive any testimony or any interest on the part of the Bureau of Insurance as sort of going after these companies and making them do different things. We felt that there was not a need for this legislation, that we basically have a situation where people can't participate in them. But right now if there are problems and they expect that their condition will be addressed, that their medical bills will be paid, they have someone to go to, to try to straighten it out. That is why the minority in the committee did not vote for the legislation. We voted Ought Not to

Pass and that is why I am going to be voting red on this motion and urge that you will join me as well.

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

Representative **GOODE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I just rise briefly to echo some of the comments that the Representative from Hallowell mentioned and to voice my opposition to the pending motion.

When this bill came before our committee, I and other members inquired a number of times as to whether there have been complaints of abuse from these types of institutions. We were told that there have been no complaints of abuse and I was not clear why these types of institutions would need to be exempt if they have not been doing anything wrong and don't seem to need to worry about the bureau. So the need for an exemption was not clear to me.

I also just want to highlight the 2007 legal proceedings in Oklahoma that the superintendent of insurance mentioned to us. So this is regarding an Emergency Cease and Desist against the American Evangelistic Association, the Christian Care Ministry or, aka, Medi-Share. The superintendent of insurance stated that, in 2000, one of the major plans was placed in court receivership and a jury later found that its founder and other former officials defrauded the ministry and ordered them to repay nearly \$15 million that they spent on luxury houses, motorcycles, expensive cars, and high salaries. So maybe that type of situation is not happening in the State of Maine, but I had major concerns about supporting such a policy and don't understand why they would need to be exempted and why they're worrying about the bureau if they are currently not doing anything wrong.

So I respect that some other people may disagree, but just wouldn't feel comfortable letting people give what seems like health insurance premiums to an institution that could potentially go off and spend that money on luxury cars, motorcycles and expensive houses without having there be any sort of oversight from the state. So thank you and I urge you to vote against the pending motion.

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

Representative **BECK**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. To oppose the pending motion is not to oppose the existence of these organizations or their mission. They certainly have a right to exist. People have the right to participate. But I guess the fundamental question is, is the activities of these organizations, does it count as insurance?

It's very ironic to me, Mr. Speaker, that the advocates for these organizations went to Washington during the national health care debate and said you really ought to treat us, we ought to get an exemption from the individual mandate because we're basically insurance. Now they are going to state capitols and saying you really should exempt us from any kind of oversight because we're not an insurance product.

People write a premium check for a very low amount, it's very affordable. Maybe \$50 or \$100 a month to a P.O. box somewhere, or maybe they sign up for a newsletter where they promise they'll be taken care of, and we're being told that these organizations should be completely exempt from any action from the Bureau of Insurance.

Those who support the pending motion may say, well, if there is any wrong doing, there can be a criminal action taken or a court action taken. We're simply puzzled why there has to be a complete exemption, a safe harbor, where if you read the Committee Amendment, it seems just one organization in Maine

to be completely exempt from insurance regulation.

Finally, Mr. Speaker, we heard from some commercial carriers who said, gosh, Maine has all these regulations, all these laws, all these requirements, and we meet them, why should you carve out an exemption for someone else? You know there are faith associated, faith-based insurance products in this state, from groups like the Knights of Columbus, but they are regulated by the Bureau of Insurance. So I think it would be unwise of us to have a safe harbor, it seems, for only one organization in this state from the insurance code. Thank you.

The SPEAKER: The Chair recognizes the Representative from South Portland, Representative Morrison.

Representative **MORRISON**: Thank you, Mr. Speaker. Good afternoon, Ladies and Gentlemen of the House. I am opposed to the pending motion before you today. Number one, it strikes out the word "health care" from current law and it actually, in my opinion, is health care because you are paying for someone's health care. So that's a big thing for me.

The second thing is, as the speakers before me have said, it takes away our consumer protections. The Bureau of Insurance does a wonderful job, in my opinion, of protecting our consumers against any fraudulent behavior when it comes to their health care, and I really want to stand on the side of our consumers. That's another reason why I voted against this.

I just want to read a quote from The Associated Press by insurance regulator Michael McRaith of Illinois. He said, "We have seen individuals who buy into a sharing program believing they are paying for a promise, and in fact that is not what they are receiving." There has been some fraudulent behavior in this ministry before and I would certainly want to protect our consumers and make sure that that doesn't happen here in Maine. I would urge members to vote against the pending motion. Thank you, Mr. Speaker.

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

Representative **ESPLING**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise in support of the current motion. I know that this topic is new to many of you. My family has been a part of one of these ministries in the past and it's been a very valuable resource for us to get some of our needs met that weren't able to be met in other traditional ways.

Medical sharing is not health insurance, nor should it be treated as such. If medical sharing were to be treated as health insurance, it would cease to exist, and a very innovative invaluable option for thousands of men, women, and children would be left with no other feasible medical coverage options.

I understand that faith-based health care sharing may be a new idea to this body, but it has in fact been used by folks for quite a few years. Some of the concerns that were brought were consumer protection concerns and just like any other consumer issue, consumer complaints can be handled by the Attorney General's Office, and this is no different in this case for these types of programs. I don't know if there are other issues, but this bill just ensures that these ministries can continue as they have been.

This bill was put forward by, I know the health sharing ministries wanted this bill put in so that they can be defined in law. If you just let it go and don't pass this, then they are not defined in law and so you do have a greater risk of having just random organizations pop up saying they're a health care sharing ministry and they might not be. So it does give them that added protection to be defined in law. They want this. They see this as a protection for them and for their members, and I would really ask you to support the motion before you.

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

Representative **GOODE**: Thank you, Mr. Speaker. Has any member of this body asked for a roll call yet?

The SPEAKER: The Chair would answer in the negative.

Representative **GOODE** of Bangor **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 Portland, Representative Hinck.

Representative **HINCK**: Thank you, Mr. Speaker. I request permission to ask a question through the Chair.

The SPEAKER: The Representative may pose his question.

Representative **HINCK**: I am reading the notice provision and it leads me to the question of whether this is part of a consumer protection piece in the bill or whether the bill really concerns a charity.

The notice provision says that a health care sharing ministry provides, is required under the bill to provide, a written disclaimer on or accompanying all applications and guideline materials distributed by or on behalf of the organization that reads in substance: "Notice: The organization facilitating the sharing of medical expenses is not an insurance company and neither its guidelines nor plan of operation is an insurance policy. Whether anyone chooses to assist you with your medical bills will be totally voluntary because no other participant will be compelled by law to contribute toward your medical bills."

Is consumer protection really invoked by that notice or what is the purpose of the notice provision?

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

Representative **TREAT**: In response to the question from the good Representative from Portland, Representative Hinck, I would say that that is basically a buyer beware paragraph. I guess some people are of the opinion that we shouldn't protect people from themselves and that may be a good policy. I would just say that we have a long history and a long experience, in this state and other states, where many people are not fully aware of all the nuances of what they're getting involved in.

In this case, there have been a number of cases around the country where people have spent large amounts of money believing that they would in fact get their medical bills covered when their time came, and they were not covered and they were unable to get any help, and they in fact suffered even worse medical conditions as a result. So again, you know we hope that companies, these entities, operate in a way that helps people out, but there should be some backstop. Simply being covered by some class action suit in the Attorney General's Office, I mean it's just not going to happen.

The Bureau of Insurance is set up where you have the Patients Bill of Rights, where you have an opportunity to go to the Consumer Division and get help if you are understanding that your policy, or in this case your agreement, would cover a particular condition and it didn't end up being covered, you have some place to go to help mediate and see whether or not a good result can come out of that. None of that is here and I think that passing this legislation is not going to be in the best interest of Maine people.

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

The SPEAKER PRO TEM: The Chair recognizes the Representative from Lisbon, Representative Crafts.

Representative **CRAFTS**: Mr. Speaker Pro Tem and Ladies and Gentlemen of the House. You have to realize I'm in favor of this motion. This keeps the cost of health care down. I can tell you that I have personal experience. I have looked at several of these different help one another programs and my daughter and her family have used it, have had several children with it. I know that if they didn't have this opportunity, they can't afford health insurance.

This is simply a concept of a person helping another person. I think if you look back in the history of this country, what's made it great was that simple principle of helping one another. When farmers needed a barn put up, they would come from all over from different farms and help them put it up. This is an amazing concept, a wonderful history of that concept that works just wonderful.

This is not insurance. If you look at the brochures that you'll get on this, they'll tell you right up front. This is not insurance, there is no guarantee because they're depending on somebody sending a check to you to pay for your health expenses. But I can tell you that we can put restraints on this and then drive people from not doing this and send them to emergency or send them to hospitals and they can't pay their bills, and just drive the cost of health care up. We ought to be thankful that the people can get creative enough to do this. It's amazing that you can do this with a family of four or five for, lots of times, less than \$300 a month. So this is a wonderful thing that's happened, that's working. I know many families that are involved in this.

I've not heard of one case where somebody didn't get their medical bill paid. Maybe there are stories out in other states, I don't know. But we can actually look at any industry or any circumstance or any business and pick out examples of embezzlement, cheating, lying, not coming through with your promises on what you've promised. I mean that's common everywhere, so I don't think it's fair to judge it that way and I sure hope that you will continue to be in favor of a person helping another person. Thank you.

Representative HARMON of Palermo **REQUESTED** that the Clerk **READ** the Committee Report.

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

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is 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. 58

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, Edgecomb, Espling, Fitts, Fitzpatrick, Flood, Fossel, Foster, Fredette, Gifford, Gillway, Guerin, Hamper, Harmon, Harvell, Johnson D, Johnson P, Keschl, Knight, Libby, Long, MacDonald, Maker, Malaby, McClellan, McFadden, McKane, Morissette, Moulton, Nass, Newendyke, O'Connor, Olsen, Parker, Parry, Peoples, Picchiotti, Prescott, 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,

Driscoll, Duchesne, Eberle, Eves, Flemings, Gilbert, Goode, Harlow, Haskell, Hayes, Herbig, Hinck, Hogan, Hunt, Innes Walsh, Kaenrath, Kent, Kruger, Kumiega, Lajoie, Longstaff, Lovejoy, Luchini, Maloney, Martin, Mazurek, McCabe, Morrison, Nelson, Peterson, Pilon, Rankin, Rochelo, Rotundo, Russell, Sanborn, Shaw, Stevens, Stuckey, Theriault, Treat, Tuttle, Valentino, Wagner R, Webster, Welsh.

ABSENT - Dion, Graham, Hanley, Knapp, O'Brien, Plummer, Priest.

Yes, 78; No, 65; Absent, 7; Vacant, 1; Excused, 0.

78 having voted in the affirmative and 65 voted in the negative, 1 vacancy with 7 being absent, and accordingly the Majority Ought to Pass as Amended Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-77)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Thursday, May 19, 2011.

HOUSE DIVIDED REPORT - Majority (8) **Ought to Pass as Amended by Committee Amendment "A" (H-218)** - Minority (5) **Ought Not to Pass** - Committee on **TAXATION** on Bill "An Act To Exempt Internet Sales from the Sales and Use Tax"

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

TABLED - May 16, 2011 (Till Later Today) by Representative KNIGHT of Livermore Falls.

PENDING - Motion of same Representative to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report. (Roll Call Requested)

Subsequently, on motion of Representative KNIGHT of Livermore Falls, the Bill and all accompanying papers were **INDEFINITELY POSTPONED** and sent for concurrence.

HOUSE DIVIDED REPORT - Majority (9) **Ought Not to Pass** - Minority (4) **Ought to Pass as Amended by Committee Amendment "A" (H-246)** - Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Change the Coyote Night Hunting Law"

(H.P. 687) (L.D. 927)

TABLED - May 17, 2011 (Till Later Today) by Representative DAVIS of Sangerville.

PENDING - Motion of same Representative to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-246)** was **READ** by the Clerk.

Representative SARTY of Denmark **PRESENTED** House **Amendment "A" (H-290)** to **Committee Amendment "A" (H-246)**, which was **READ** by the Clerk and **ADOPTED**.

Committee Amendment "A" (H-246) as Amended by **House Amendment "A" (H-290)** thereto was **ADOPTED**.

The Bill was assigned for **SECOND READING** Thursday, May 19, 2011.

HOUSE DIVIDED REPORT - Majority (9) **Ought Not to Pass** - Minority (4) **Ought to Pass as Amended by Committee Amendment "A" (H-247)** - Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act Regarding Stops of All-terrain Vehicles and Snowmobiles by Law Enforcement Officers"

(H.P. 900) (L.D. 1209)

TABLED - May 17, 2011 (Till Later Today) by Representative DAVIS of Sangerville.

PENDING - **ACCEPTANCE OF EITHER REPORT**.

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

The Speaker resumed the Chair.
The House was called to order by the Speaker.

SENATE DIVIDED REPORT - Majority (7) **Ought to Pass as Amended by Committee Amendment "A" (S-79)** - Minority (6) **Ought Not to Pass** - Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** 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)

- In Senate, 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.

TABLED - May 16, 2011 (Till Later Today) by Representative CURTIS of Madison.

PENDING - **ACCEPTANCE OF EITHER REPORT.**

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

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

Representative TUTTLE: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I hope that you would oppose the pending motion. The original bill repeals the limiting of hours minors 16 years of age may work while school is not in session. It also repeals all limitations on the hours a minor 17 years of age may work.

The Senate Amendment, which was put on in the other body, raises the number of hours a 16 or 17-year-old student could work during the school week from 20 to 32 hours. It removes the language pertaining to authorized school closures. It raises the number of hours a 16 or 17-year-old could work during the school day when it was in session from five to six hours. It also raises the curfew in which 16 and 17-year-old students could work during the school week from 10 pm to 11 pm. There is also another Senate Amendment that has been put on the bill that changes the hour to which a student may work on a day preceding a school day from 11 pm to 11:15 pm.

Under current law the limit the hours a student can work works. It allows time for students to engage in extracurricular activities and to concentrate on their schedules. The number one way to achieve successful participation in our economy is through education and that was resonated at the public hearing over and over again. Maine needs more high school graduates ready and willing to seek higher education for college training and apprenticeship program, in order to meet the needs of present and future Maine employers.

Current Maine law resulted from the concern of many educators that work with interfering with education of students. I mean you can talk to your teachers every day and I mean we know the students that work a lot of hours, I mean you see them sleeping during school hours, during these most productive years, and I would hope that Maine would not do that.

Education and public health concerns for Maine are as valid today as they were when the current law was crafted. I believe it was 1991. Back then, we had an issue with workers' comp where a number of students were getting hurt and former Governor McKernan was the one that did form that task force and

we did make those changes that, I think, were good and positive. I think that we should be working on prioritizing education for our students, their families, and our community. It is the first priority for teens to be in school, since it lays the groundwork for future economic and educational options. There must be a careful balance between work and work with school and work with responsibilities after school and community activities and time spent with family and friends. Working more than 20 hours a week in high school can harm grades and affect student behavior. This is a safety issue too. Consider one student's working many hours and are late driving home from school.

Another note, I receive a number of communications and, in closing, I think it is worth noting that Maine does not face a labor shortage, necessitating such a change in policy. More than 52,000 Mainers remain unemployed. The total is more than 100,000 long-term unemployed and underemployed accounted. Many of these unemployed are members of families that include teenage children. The best economic measure would be to put Maine's unemployed back to work while allowing their children to continue to balance effectively school and work. It's for that reason that I would oppose the Majority Report.

The SPEAKER: The Chair recognizes the Representative from Buxton, Representative Hunt.

Representative HUNT: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. As many of you know, one of my other jobs is in the classroom and that puts me on the front lines. I am there in the morning to greet students as they drag themselves in the classroom and pry their eyes open, sucking down an endless stream of energy drinks. As exciting as Spanish is, I can't do it alone.

There are countless studies that indicate that simply raising the amount of time a student can work from 20 to 24 hours has a remarkable impact. Conclusions published in the Sociology of Education demonstrate that intense work involvement, more than 20 hours, leads to higher rates of dropping out.

Another study, the American Educational Research Journal, reports that students who work between one and 15 hours per week are more likely to complete high school. That's a good thing. However, students who work more than 15 hours per week are more likely to drop out of high school. It goes on to say that the more hours that students work, the more likely they are to get lower grades. So there is a correlation there as well.

Finally, in the last study, in a relationship to postsecondary education, students who work more than 20 hours showed significant declines in expectations for education and interest in school. It seems that the 20 hour demarcation is the magic number. The more the students work beyond 20 hours in any given week, the more likely they are going to have difficulties in the classroom. It is clear to me that the State of Maine has made a conscious effort to ensure that education is the top priority for our young people. We consistently hear that we need better results and the best way to make sure that happens is to make sure that the school remains the top priority.

Anecdotally, I took an informal poll of my students in my classroom, and I do this every year. I asked them "What do you think a good salary is?" Every year, between 75 and 80 percent of them say "Between \$6,000 and \$8,000." Imagine a student reaching that goal in high school. That's great, but what does that do for the motivation to keep on going with high school if you are achieving your goals already? I have serious doubts about raising this from 20 to 24 hours and I hope you will share those doubts with me and oppose the pending motion. I request a roll call.

Representative HUNT of Buxton **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 Jay, Representative Gilbert.

Representative **GILBERT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I stand in opposition to this motion. Like many of you, I represent a rural district where the unemployment rate is anywhere from 9 percent to over 12 percent. I don't understand the reason for this bill. There is no shortage of help.

I also represent five rural towns in western Maine. Many students in those communities experience long school days. They start their day with a school bus ride that begins at 6:45 am and they get back home from school at 3:45 or later. That's a 7 and a half hour day already.

I believe that an 11 hour day – four hours work, in addition to seven hours of school – as currently allowed by law, is enough for a student whose primary focus should be preparing for the next day's school work.

Now we are asked to allow them to be required to work six hours with a 10:15 pm curfew. Ladies and Gentlemen, that's a 13 to 14 hour day. By the time their day ends it is 11 pm.

A student's primary attention should be getting a good education. Ours, as legislators, should be to help them succeed. I urge you to think of the students in your districts who need to have study time and vote no on LD 516.

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

Representative **HERBIG**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I stand in opposition to LD 516. I sit on the LCRED Committee. I heard hours of testimony. I've thought about this a lot. I just keep coming back to this very one simple fact. Given the current high rate of unemployment in Maine, which is continuing, we should be spending our time and energy here creating jobs for people's parents, not increasing the amount of hours that 16 and 17-year-olds can work. Thank you.

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

Representative **HARVELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The college debt in this country has ballooned in the last couple of decades and we're not even going to give kids the opportunity to save for their own college, for working, something that our grandfathers and our parents did? No. We're going to leave them in debt and we're going to leave them without the means to even alleviate that debt.

This is immoral, it's unconscionable, and anyone that has looked at kids and looked at their own lives knows that bodies in motion stay in motion. Most of the students that do well at school are involved in a number of activities, many of which keep them up late at night, and yet they remain among the top students there are. Let's put a little energy and give the people that want to take the opportunity to earn a few extra dollars for their futures the ability to do so. This bill does not require anyone to work if they don't want to. There's not a fault line waiting to push a child into. It gives them the opportunity to do it. Thank you.

The SPEAKER: The Chair recognizes the Representative from Topsham, Representative Prescott.

Representative **PRESCOTT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. LD 516 is not mandatory as the good Representative just stated. It is an option, which means that it's about choice for our teens aged 16 and 17. This isn't about children working. These are young adults who are being allowed a choice of whether to work or not.

There needs to be a better balance to allow our working teens the same flexibility in scheduling as enjoyed by their sports, their social networking, because I'm sure that people in this House know that they know either grandchildren or children of their own that are spending hours and hours and hours on Facebook or something similar to that. It's a way that they live today. They have choices about sports and travel teams and school sports teams that take up chunks of their time. Are we here in the Legislature going to say we think we know better, we're going to make those choices for you, we're going to tell you how much you can play soccer, how much you can play in the band, and how much you're going to be able to work?

Changing Maine's restrictive labor laws for working teens from four hours a day to six, from 20 hours a week for one employer to 24, and extending the last hour of the day, if they work, from 10 to 11 still retains Maine's position as the most restrictive state in New England in child labor and helps balance the scales with the other unregulated student activities. There is no other state in New England other than Maine that limits this age group to four hours a day. Having the most restrictive hours in the nation often makes it very difficult for teens to find after school jobs. Working two six-hour days will allow a student to have 12 hours in the two days rather than three days a week. Now keep in mind, they can still go out and get another job working somewhere else and put those hours in if they want to. This just makes it a little easier, if they're working somewhere where they're actually doing well and they're learning on the job and maybe that employer likes them, they have the opportunity to grow and learn. Imagine that.

Only Maine and Massachusetts limit the workday to 10 pm. No state in New England, other than Maine, limits this age group to 20 hours a week. Federal law does not voice an opinion on working hours for 16 and 17-year-old teens and neither do 38 other states. The state does not decide how many hours students may spend at the mall or playing sports or watching TV, texting, catching up on Facebook. But how come we're in here now deciding on how much we think they should work? Some of us on the committee believe that working teens and parents are in the best position to decide how often they should work, just as they do for sports, TV viewing, etcetera.

Extracurricular activities are an important part of school life. For many students, just as the same hours spent working at the corner store learning to get to work on time, to work safely, to take direction, is a worthwhile fulfilling educational opportunity that we should not be depriving them of. Why do some insist that one activity organized by or held at the school is better, more deserving of our praise than a different activity at work that also teaches life skills? It's all in the eye of the beholder, but some persist in the belief that all students should fit into the same mold. We know this isn't the case.

Students learn in different ways. Some thrive in one environment and fail in another, and, believe it or not, some thrive in multiple environments. Some of these children can handle – and I shouldn't say children because I said young adults – but I do believe some can handle school, sports, and work. I've seen that. I've seen that with my own children, I've seen that with my friends' children, and I've seen that with my constituents' children. It is essential that our laws provide real opportunity for every student to choose their path and not favor one over another. 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 support of this motion. I hesitate to do that. I don't want to bring the kiss

of death to this motion. I had a similar bill that some of you know about, but it was so vilified in the press that it went down in flames from a lot of people who never took the time to read the bill and see what the intent was and to see whether or not this was an option as opposed to a mandate.

What we're talking about here is a very good option for kids and for those who choose to employ them. As the good Representative just stated, Representative Prescott, this is a decision for parents. This isn't something we should be sitting here in the House and debating. This is a decision that can be made by rational people that have children. I haven't spent a lot of time in the classroom after I graduated, but I've raised five children, five adult children. I know a little bit about kids, just like many of you do. How many of us here in this chamber never had a job when you were in high school to support whatever the needs or desires that you had? I submit to you if you didn't have a job, you missed a lot.

I also submit to you that we are missing the boat right now because a lot of our kids are going into adulthood without the knowledge and the opportunity to have worked in the workplace, to learn work ethic, and to provide for some of these needs that they have. Not everybody has all of their needs provided for them. They just don't have the wherewithal.

I'm not going to go over all the other testimony that has been so eloquently stated by some of these folks to my right here, but Maine is one of the most restrictive states. You can call it a nanny state or you can call it restrictive, whatever you want. For young people who want to get into the workforce, it's time that we left these decisions up to moms and dads and these young people who are trying to better their situation. I know all about kids that are tired in the classroom and I think that if you look into these situations one by one, you're going to find out it's things other than work. It's habits, it's extracurricular activity, it's many other things, but it's not because they have a part-time job. It's a rare occasion that you find that.

I think the most important thing, in my mind, is this is an opportunity for kids to earn some money, to learn some work ethic. It's also an opportunity for the responsibility to be where it belongs, to be with the moms and dads, the guardians, the kids, and not in the House of Representatives. I urge you to vote for this motion, help the kids. Let's stay out of it. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative Driscoll.

Representative **DRISCOLL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Boy it seems like quite a while ago that we actually took this bill up in committee and we had a really good discussion around this issue and voiced our concerns on both sides of the issue. I think back to my local school district in Westbrook and the motto at the school is "The best education for all for life." I think we all want that here in this House and representing our constituents, and I think my constituents back in Westbrook, I think they put a high priority on the education of their children. Understanding that kids also need to learn how to prioritize and work is part of that process, and work is a good thing.

I have three daughters. They have all, as a lot of us do in Maine, worked two jobs in the summer because it is good to have a good work ethic. Maine does have the most liberal work hours in New England, of any of the New England states in the summertime. I think our predecessors got it right when they put these types of restrictions in place, that our children should be able to work, you know, quite a few hours in the summer when they're not in school. I think that was part of their reasoning behind limiting the hours while school was in session, because

their first priority and our foremost priority should be to ensure that our kids are getting a good education, especially nowadays when you need an education to work in a paper mill. I mean a high school education anymore doesn't get you a job in a paper mill here in Maine. I've talked to owners and engineers in paper mills and it just doesn't cut it anymore. So we need to ensure our kids, their priority is education first. Their extracurricular activities and work are second.

One of my concerns in the committee process, I don't remember anybody testifying in support of this legislation other than the sponsor and our friends from the restaurant and hospitality lobby. I don't remember anybody else testifying in favor of this bill other than those folks. That gives me a little bit of pause. I didn't see any parents there testifying that their kids needed to work more hours during the school year. I didn't see any children there. Probably a good thing, they probably should be in school. But that's kind of concerning to me because it's coming from the same lobby that in years past and many of you who have served here in previous Legislatures know that many faces don't change down here. Some get recycled to different positions, like Representative Clark from Millinocket, but it's a good thing that he continues to serve down here.

But for most folks, we've heard in years past that not all kids are made to even finish school, that they should have the opportunity to work if they don't want to be in school. I've heard that in the previous Labor Committees that I've served on. That kind of struck me as odd. It struck me as an industry that really didn't care, that our priorities are in the right place, that our children get the education. Regardless of how they're doing, we should always not give up on our kids. Everybody is an individual. Some kids don't catch on until they get out of high school and then their life gets into gear for them. So we're all at different levels, even though we're striving to do the best we can. We're not all at the same level, which is probably a good thing.

As I said our predecessors, I believe, had the right balance. Maine has the most liberal protections in place with respect to summer employment for students. They are allowed to work up to 50 hours a week. That's more than any other New England state, I believe, and they put the protections in place during the school year while they are in school to ensure that they have the right balance of work and education. Where do we put our priorities with our children and our students during the school year? It should be in school, it should be education.

I would just, from the testimony that I heard – and I think this bill should be more rightly titled An Act to Exploit our Children for the Financial Benefit of the Restaurant and the Hospitality Industry – I'm not sure that these folks have our children's best interests in mind when they put through this type of legislation. So thank you very much, Mr. Speaker, and Ladies and Gentlemen of the House.

The SPEAKER: The Chair recognizes the Representative from Sabattus, Representative Wood.

Representative **WOOD**: Thank you, Mr. Speaker. During my campaign one of the biggest concerns of my constituents was to get Augusta out of my personal life and to have the right to parent, not to be told how to parent. I support this bill totally because it should be between the parent and the student, child, whether he or she can maintain their grades and maintain a personal life. You know they have to do sports and stuff. My son did sports and my son worked his part-time job. He has a great work ethic right now. I fully support this bill. Thanks.

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

Representative **RUSSELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I appreciate the

good Representative from Farmington bringing up student loan debt because it's something I certainly know a little bit about having recently graduated. Sometime this year we will be reaching over a trillion dollars worth of debt. Last year, on or around my birthday, it was a great birthday present actually, student loan debt eclipsed credit card debt as the national source of debt. So I'm certainly with you on the idea of student loan debt, but I'm not necessarily with you on the idea that this is the solution to bringing it down. The solution to reducing student loan debt is investing in higher education and we continue to disinvest in higher education.

This is definitely a pro business bill, definitely a pro business bill. I'm not sure it's a pro family bill, but it's definitely pro business, at least in the short-term. In the short-term young people will certainly be able to eclipse older folks, who are currently standing on the unemployment lines, either literally or figuratively, so the short-term will put some more younger people to work, will keep our older people who are trying to pay their rent or their mortgages and their car payment, you know, back on the unemployment line. But, you know, great. But in the long-term, this does nothing to spur economic development. The point of an education is to make sure that our young people have a foundation so that they can become contributing members, not just of our democracy, not just of our communities, but also of our businesses, that they have the skills they need to move forward. And not all of those skills are related exclusively to whether or not you show up on time. Some of the skills have a more broader impact.

You know, it's interesting because when de Tocqueville came to the United States, he was comparing the U.S.'s vision of educational system versus that of the French, which was exclusively a training program, and he was comparing the success and failures of the two different revolutions. What he found was that our investment in education that went beyond simply training someone for their immediate task, that actually allowed them to think critically for themselves, to become engaged members of society – that that was the foundation that allowed our revolution to move us into a solid country and to see that the French Revolution did not see the same success that we did.

But I'm going to close on a story. As folks know, I really love telling stories and I'm sure you have all loved listening to them over the years, and, Mr. Speaker, you too. When I was 21 years old my roommate and I, a good friend of ours, we knew this young kid in the neighborhood and he was about 16 years old. He didn't really come from the best of families to say the least. He really didn't get great grades in school and he was sort of at that point where he was an at-risk kid. He could have gone somewhere. We said, you know, you don't have a good home life, you're welcome to sleep on our couch. Twenty-one years old, we said sleep on our couch, but the rule is that you have to go to school in the morning. You have to go to school.

Every morning we would get up and we'd wake him up and we'd say "You've got to go to school now." He'd be on his way out the door practically and we'd hear this buzzer. It was just as annoying, if not worse, and we'd come out and his parents would be out there. "Joey's got to go to work today. My husband can't work. He's got to go instead." He needs to go to school, that's where he gets his education. Mom and dad, day after day after day, came and said "Joey." I'm paraphrasing his name to protect the innocent as it were. Joey had to go work at the restaurant at 16 years old and every day we fought with them, and many days we won.

I remember getting a report card that he brought home and on the lines the teachers wrote, teacher after teacher after

teacher said "The grades will come. They're not there yet but the grades will come, just keep showing up to school." Show up to school. If you just show up, the grades will come. They were all encouraging.

Well, eventually his parents won that battle because they didn't want to go to work. They had a kid that could go to work for them. We finally said you might as well go home because you're not going to school. We gave you your opportunity. A couple months later I saw him and he said, at 16 years old, "Guess what? I'm going to be a dad. I'm going to be a dad." If he had just continued to go to school and he had not gone to work, maybe just maybe he would have continued on a different path.

We are providing opportunities for businesses to hire young people. We are providing opportunities for our adults in Maine who have begged us to create new jobs. We are providing opportunities for our unemployed to stand on the unemployment again and again and again and again, and we have yet to do anything to actually create jobs. This takes jobs away from adults in our state. This takes our students away from their studies, not just about the 7 am to the two o'clock in the afternoon that's important, it's also about making sure that those young people can actually do the homework that they're assigned, that they can do the reading that they're allotted. This bill certainly creates opportunities. It does not...

The SPEAKER: Will the Representative defer. The House is in order. The Representative may continue.

Representative RUSSELL: Thank you, Mr. Speaker. This bill creates opportunities for industry. It does not create opportunities for our adults in this state who are unemployed, and it certainly does not create opportunities for our young folks. The only opportunity that our young folks will have is to earn their way to yet another dead-end job. That is not economic development. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Kittery, Representative Beliveau.

Representative BELIVEAU: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to the current motion. I am a high school teacher. I spend every day with a bunch of 14, 15, and 16-year-olds, and I can tell you it is hard to get students to complete their homework. It is hard to convince 15-year-olds that completing their nightly assignment is actually a wise investment in their future. I keep telling them "If you do the work, you're probably going to pass. If you do the work, you're probably going to pass. If you don't do the work, you'll fail real fast. But if you do the work, you're probably going to pass."

Now I fully realize working the proposed expanded hours simply presents the option to work more hours; they are, of course, not mandatory. But I think this bill sends the wrong message to our kids, that we adults approve of kids spending more time at their part-time job and therefore less time on their homework, because a teenager's evening is a zero sum game. The more time at their part-time job, the less time doing schoolwork. Let's send the message that schoolwork should take precedence over their part-time job. I urge you to vote against the pending motion. Thank you, Mr. Speaker.

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

Representative VOLK: Thank you, Mr. Speaker. Representative Cushing had asked to meet with me, so I was heading up there. I rise in support of the present motion. We have an amendment in front of us which comes from the other body that simply extends the hours that a student can work on a school night until 10:15 pm. It would allow six hours a day during

the school week or on a day preceding a school day, and it would permit a student to work from current law, which is 20 hours a week, it would increase that to 24 hours a week during the school year. Those are fairly minor alterations in the current law which would not prevent some of the abuses that we have heard about coming from the other side. Under current law, a student can work up to 20 hours a week.

The SPEAKER: Will the Representative defer. The Chair would remind the Representative that we are not discussing any amendment from any other body. We are confining ourselves to the motion at hand which is the Majority Ought to Pass as Amended by Committee Amendment "A." The Representative may continue.

The Chair reminded Representative VOLK of Scarborough to confine her debate to the question before the House.

Representative VOLK: Okay, well moving along. I agree with something that my colleague from Westbrook, Representative Driscoll, did say that you cannot make a one-size-fits-all restriction.

In my own family, I can speak to that. I have a son that I have spoken of many times who will be 20 this year, who when he was in high school was in special education. He never had homework. He had no homework ever. So he came home from school, he was finished school at two o'clock, and he had nothing to do for the rest of the day. He certainly could have worked six hours a day and beyond 10 pm at any point in time.

In my own family I have a daughter currently who is 17 years old. She works very hard in her schoolwork. She does sometimes probably four hours of homework a day or more even and also participates in extracurricular activities. She does not have any extra time and I would never permit her to have a job. But this is where you get into the parent being a parent and being allowed to make that decision for their child.

I have a 12-year-old who probably does more than 20 hours a week in extracurricular activities. She skates, she pitches. She plays premier soccer, premier softball. She's a very, very busy 12-year-old and there is no law that prohibits me from allowing her to do those things beyond 20 hours a week outside of school. Thank you.

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

Representative CASAVANT: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I've been teaching high school for 35 years and when I first started, one of the problems we had was that individual kids could work 40 hours a week and go to school too. You can imagine what a disaster that happened to be. Kids would routinely fall asleep. And it wasn't because of my lectures, it was because of their fatigue. Rules were changed and we still have problems now. Some of the issues are demographics. Biddeford is a mill town, poverty rate is high, a lot of kids work. The result is they come to school tired.

When you factor in extracurriculars, it's because they want to be social too, what you end up seeing is that there's a priority list in many students. Number one might be sports, number two is work, and number three is school. I'm not talking a small percentage. I'm talking a high percentage of kids.

In my view as an active teacher, to go backwards and allow more work is just going to create a bigger problem because, after all, on one side out of our mouths what we're saying is education is important. Now all of the sudden we're saying, well, maybe there's something else too because we can count this towards education, and I entirely disagree with that proposition. Thank you.

The SPEAKER: The Chair recognizes the Representative from Buxton, Representative Hunt.

Representative HUNT: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I agree that this should be a conversation between students and parents, but what about those students and those children whose parents aren't too involved? It's our role to think about all students: Those with involved parents and those without.

Once again, Maine has made it a top priority, has made education the top priority. We want the best out of our students and the only way to do that is to make sure that education in school is their top priority. A student's profession is just that: Student. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Orono, Representative Cain.

Representative CAIN: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise in opposition to the current motion and I'm glad this is the bill that we're debating, with all due respect to my friend, the Representative from Whiting, Representative Burns, and not any other bill because it allows us to focus on some very simple points.

The report before you changes the time to 11 pm on school nights that kids can work until, and I think kids, because I mean high school students and maybe I should use that term instead. Eleven pm is what you're voting on right now. You are voting on six hours of work per day on a school night and you are voting on 24 hours per week. So what you're voting on is less sleep for kids, less time to do school work or other activities, less time to learn and succeed because of their readiness to learn in the morning for school, and more opportunity for, I believe, well meaning employers to, as a condition of hiring for a job, say you must work until 11 pm and you must work a shift that is six hours on a school night. I believe it's a false choice for parents and high school students.

I was a high school student who worked the maximum of hours I could work. That was the position of my family. That was my position as a kid who needed some spending money for a variety of things. I was also a really good student and really over involved, as I remain today. However, I chose the job and the jobs that were available to me within the law. It's a false choice if the option becomes and the default becomes 11 pm and six hours a day on a school day. It's not a fair choice. I don't think it's a fair choice for families and I don't think it's a fair choice for high school students who don't even know what the other options might be, unless we give them the opportunity by keeping the law in place to have an appropriate balance between school, between work.

I believe kids should work. I believe kids should have jobs. I believe high school students should absolutely have jobs because I think you learn as much through a job as you do in school. But I think as a state we have a responsibility to strike a balance. I believe that's what the current law does and so I remind you that the bill you are voting on right now is 11 pm, six hours on school days and 24 hours per week. Thank you, Mr. Speaker.

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

Representative HARLOW: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This has been a long debate and I will not go on for very long. I just wanted to make one point that I haven't heard made yet and that is that when high school students go to school in the morning, that's the equivalent of going to a job. So we're asking them to go to one job and then to the next job. Isn't there enough time for that later in their life?

This bill also, some of the discussion has made it sound like they can't work at all, that this bill means they can't work. Even if this bill dies right now, they are allowed to work. Thank you, Mr. Speaker.

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

ROLL CALL NO. 59

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

ABSENT - Dion, Hanley, Priest.

Yes, 78; No, 69; Absent, 3; Vacant, 1; Excused, 0.

78 having voted in the affirmative and 69 voted in the negative, 1 vacancy with 3 being absent, and accordingly the Majority Ought to Pass as Amended Report was ACCEPTED.

The Bill was READ ONCE. Committee Amendment "A" (S-79) was READ by the Clerk.

Representative HUNT of Buxton PRESENTED House Amendment "B" (H-257) to Committee Amendment "A" (S-79), which was READ by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Buxton, Representative Hunt.

Representative HUNT: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. My Democratic colleagues and I have been happy to see that there is room for compromise on this issue, because I know we can all agree that there needs to be a delicate balance between helping our kids earn some money while they are in school without pushing them too hard and harming their ability to learn and still be kids.

The bill, as amended by the other body, fixes a part of the problem with the original LD 516, but it highlights another big problem and needs another adjustment. Under its current draft a student can work up to six hours on a school night but not past 10:15 pm. This means an employer can require a student to clock in at 4:15 pm, just over an hour after they get out of a long day of school. As many of you remember, the hours after the last school bell rings are often most busy and important to a teenager's life. Requiring them to be at work at 4:15 pm eliminates their ability to participate in after school programs, to seek extra tutoring, to play intramural sports, to change clothes and get some homework done, or to have dinner with their family. They would then work until many of their classmates' families have already gone to bed.

This amendment provides a necessary compromise to the good work that has been done by the other body. It would allow for the extra 15 minutes on a school night. It also accepts the Senate proposal allowing a student to work another four hours per week, but it preserves current law which says the student cannot work more than four hours in a school night except Sunday. That provision is in place for good reason. Kids with after school jobs in high school have virtually no free time at all, they work harder than we do. They get up early, go to school until three, and they work late into the evening and they still need to find time for homework. It would be cruel for us to take away those few hours that our kids have for themselves to study, play sports, or play in the school band, participate in student government, or just relax with their family between school and work.

The amendment also clarifies the law that a kid can work later than 10:15 before a weekday if there is no school scheduled the next day because of a holiday, teacher in-service or other scheduled day off. It also allows that student to work more than four hours on that day off, but they still have to clock out at 10:15 if there is school the next day. It is a smart amendment, Mr. Speaker, but it is a really important one. I thank the body for its consideration and I hope that you'll all agree that we need to allow our kids a few free hours per day to be kids.

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

Representative TUTTLE: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I hope that you would support this amendment while, as you're aware, I have some concerns with the legislation. I think this does make it more acceptable. I wanted to remind you of the laws and the changes in 1991 were done in a bipartisan approach, both Republicans and Democrats. I'm hoping that we can get together as Republicans and Democrats in doing the right thing and I would ask that you support this amendment.

Representative CAIN of Orono REQUESTED a roll call on the motion to ADOPT House Amendment "B" (H-257) to Committee Amendment "A" (S-79).

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 Adoption of House Amendment "B" (H-257) to Committee Amendment "A" (S-79). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 60

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

NAY - Ayotte, Beaudoin, Beaulieu, Bennett, Bickford, Black, Burns DC, Burns DR, Cebra, Celli, Chase, Clark T, Cotta, Crafts, Cray, Crockett, Curtis, Cushing, Damon, Davis, Dow, Dunphy, Edgecomb, Espling, Fitts, Fitzpatrick, Flood, Fossel, Fredette, Gifford, Gillway, Guerin, Hamper, Harmon, Johnson D, Johnson P, Keschl, Knight, Libby, Long, Maker, Malaby, McClellan, McFadden, McKane, Morissette, Moulton, Nass, Newendyke, O'Connor, Olsen, Parker, Parry, Picchiotti, Plummer, Prescott, Richardson D, Richardson W, Rioux, Rosen,

Sanderson, Sarty, Sirocki, Strang Burgess, Tilton, Timberlake, Turner, Volk, Waterhouse, Weaver, Willette A, Willette M, Winsor, Wood, Mr. Speaker.

ABSENT - Dion, Foster, Hanley, Harvell, Priest.
Yes, 70; No, 75; Absent, 5; Vacant, 1; Excused, 0.

70 having voted in the affirmative and 75 voted in the negative, 1 vacancy with 5 being absent, and accordingly **House Amendment "B" (H-257) to Committee Amendment "A" (S-79) was NOT ADOPTED.**

Representative TUTTLE of Sanford moved that the Bill and all accompanying papers be **INDEFINITELY POSTPONED.**

The same Representative moved that the Bill be **TABLED** until later in today's session pending his motion to **INDEFINITELY POSTPONE** the Bill and all accompanying papers.

Subsequently, Representative TUTTLE of Sanford **WITHDREW** his motion to **TABLE** until later in today's session.

Subsequently, Representative TUTTLE of Sanford **WITHDREW** his motion to **INDEFINITELY POSTPONE** the Bill and accompanying papers.

Subsequently, **Senate Amendment "C" (S-97) to Committee Amendment "A" (S-79) was READ and ADOPTED.**

Committee Amendment "A" (S-79) as Amended by Senate Amendment "C" (S-97) thereto ADOPTED.

The Bill was assigned for **SECOND READING** Thursday, May 19, 2011.

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

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 Waive Penalties on School Administrative District No. 32 and School Administrative District No. 33 under the School Administrative Unit Consolidation Laws"

(S.P. 399) (L.D. 1289)

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" (S-107)** 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" (S-107) Report.**

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

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

Majority Report of the Committee on **TRANSPORTATION** reporting **Ought Not to Pass** on Resolve, Directing the Department of Transportation To Reopen the Pittsfield Rest Areas and To Plow a Scenic Overlook

(S.P. 20) (L.D. 5)

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-103)** on same Resolve.

Signed:

Senator:

THOMAS of Somerset

Representatives:

THERIAULT of Madawaska
WILLETTE of Mapleton

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.

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

On motion of Representative PRESCOTT of Topsham, the House adjourned at 5:20 p.m., until 10:00 a.m., Thursday, May 19, 2011.