

# 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  
54th Legislative Day  
Thursday, June 2, 2011

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

Prayer by Pastor Doug Warren, Christ the Redeemer Presbyterian Church, Portland.  
National Anthem by Kaitlin Ann McGinley, Lyman.  
Pledge of Allegiance.  
Doctor of the day, Richard Fein, D.O., Manchester.  
The Journal of yesterday was read and approved.

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**COMMUNICATIONS**

The Following Communication: (S.C. 410)

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

June 1, 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 adhered to its previous action whereby it accepted the Minority Ought Not to Pass Report from the Committee on Taxation on Bill "An Act To Allow a Tax Credit for Tuition Paid to Private Schools" (S.P. 325) (L.D. 1092)

Sincerely,

S/Joseph G. Carleton, Jr.

Secretary of the Senate

**READ and ORDERED PLACED ON FILE.**

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

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

**UNFINISHED BUSINESS**

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

Bill "An Act Regarding the Saltwater Recreational Fishing Registry" (EMERGENCY)

(S.P. 60) (L.D. 210)

(S. "B" S-147 to C. "A" S-136)

- In Senate, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-136) AS AMENDED BY SENATE AMENDMENT "B" (S-147)** thereto.

TABLED - May 26, 2011 (Till Later Today) by Representative McKANE of Newcastle.

PENDING - **PASSAGE TO BE ENGROSSED.**

On motion of Representative McKANE of Newcastle, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION.**

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (S-136) as Amended by Senate Amendment "B" (S-147)** thereto was **ADOPTED.**

The same Representative **PRESENTED House Amendment "A" (H-457) to Committee Amendment "A" (S-136)**, which was **READ** by the Clerk.

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

Representative **McKANE:** This amendment simply exempts persons fishing for mackerel between June 15th and August 15th from the Recreational Saltwater Fishing Registry. Thank you.

Subsequently, **House Amendment "A" (H-457) to Committee Amendment "A" (S-136)** was **ADOPTED.**

**Committee Amendment "A" (S-136) as Amended by House Amendment "A" (H-457) and Senate Amendment "B" (S-147)** thereto was **ADOPTED.**

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-136) as Amended by House Amendment "A" (H-457) and Senate Amendment "B" (S-147)** thereto in **NON-CONCURRENCE** and sent for concurrence.

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

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

TABLED - May 31, 2011 (Till Later Today) by Representative CURTIS of Madison.

PENDING - **RECONSIDERATION** (Returned by the Governor without his approval).

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 ask you that you do vote to override the veto on this legislation, LD 1222. LD 1222 was a good bill when it was unanimously endorsed by the Insurance and Financial Services Committee, it was a good bill when it was voted unanimously by the House and the other body, and it remains a good bill today.

A vote to sustain the veto will not create a single job in the State of Maine, in fact the reverse. We had compelling testimony from physical therapists and medical doctors that not passing this bill will lead to job losses as small, independent medical providers are closed and consolidated. These job losses will lead to reduced access to health care, particularly in rural areas.

No one opposed the bill at the public hearing where it was strongly supported by doctors, physical therapists, and the Maine Medical Association. The hospitals took no position and only afterwards in a letter did Anthem convey its objections. No one from the administration testified on the bill and when asked specifically if there were any concerns, the Bureau of Insurance staff said no.

LD 1222 does what 14 other states have already done: It bans coercive anticompetitive contracts between insurers and medical practices that unilaterally reduce the amount of payment for medical services after the original contract is negotiated, signed, sealed and delivered. I ask that you continue to support LD 1222 and vote to override, a vote for jobs, for access to health care, and for fair contracting practices.

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

Representative **EBERLE:** Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. Imagine that you are a small private practice health care provider. You struggle on a daily basis to support your staff, your business. You have competition from large physician-owned practices and hospitals. But you provide care for your patients that is unmatched by any other provider.

You find out that there is going to be a law that will give another unfair advantage to the insurance company. They cut your reimbursement rates by 16 percent in the past few years and continue to cut the reimbursement rate. You rally your colleagues, you try to figure out how to approach this issue, try to protect your practice. You come to Maine; you aren't seeing your patients that day. You come to Augusta. You present your testimony in a very compelling way to the committee and at the end of the day you think that you have been successful. The committee has agreed with you. The committee has unanimously endorsed your position, passed the bill. The bill passes unanimously in the House and the other body, no opposition anywhere, and you think this system is good, it works. It was hard to get our physicians out there and to support it, but in the end it was supported.

Suddenly you find out that the law, this very good bill, this very good law to protect your small business is going to be vetoed. The system has failed. Politics have come before people. Your private practice is in jeopardy and we have completely and utterly failed to protect our small businesses, health care providers, and the worst outfall from all of this, the people who lose the most are the patients, the people of the State of Maine who rely on these small private practices and we have utterly failed them if we do not overturn this veto.

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

Representative **GRAHAM**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I urge you to override this veto. This is a blow to accessible, affordable health care and it will hurt primarily our friends in rural areas. I echo my good friend and colleague, Representative Eberle. This will hurt patients. My good friends and colleagues, this is not about business. This is about health care, quality, accessible, affordable health care for all Mainers, and I urge you to override this veto. Thank you, Mr. Speaker.

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

Representative **SANBORN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. As you've heard, LD 1222 would prohibit the use of the most favored nation clauses, the clauses that force health care providers to accept payment from the insurance carrier at the lowest reimbursement rate accepted from any other carrier.

Clearly this is an anticompetitive measure in a shrinking market of health insurance carriers. Although many act as if Maine is the only state without competition in the health insurance market, recent studies show that we are one of 24 states in which 70 percent of the market is served by two or less carriers.

I heard from the discussion of LD 1333 of the great need for increased competition in the market, thus the push to expand the market across state lines and decrease Maine's strong consumer protections. If you support this veto, you are supporting anticompetition in the health insurance market. Worse, you are forcing small independent practices out of business.

I heard from a physical therapy group that has offices in Gorham and South Portland a couple of nights ago. Michel Brunet and his wife Mary, both physical therapists, own Back in Motion, a group I often referred to in physical therapy. They said if LD 1222 does not pass, at least four physical therapy practices they are aware of will close. Michel told me Anthem has decreased his reimbursement rate by something like 16 percent two years ago and four percent again last year. This, despite the increasing costs of providing their employees health insurance, has led them to offering a health savings account and having

insurance with very high deductibles. One company, Anthem, is squeezing them on both ends.

If you are anti small business, anti competition, and against lowering the cost of health care and you like to flip-flop, support this veto. Otherwise please use some common sense and stick with your support of LD 1222. Thank you.

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

Representative **McKANE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I was informed by the insurers that no one is actually using the most favored nation clause at this time, and there is another bill coming that will address the issue and make some improvements. It will be carried over so we can study the issue more thoroughly. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative **CAREY**: I guess just as in reference to the good Representative from Newcastle, what is the status of that bill and why won't that bill come out this year if it was worked by committee, if this issue was worked by committee?

The SPEAKER: The Chair would suggest that we are not here to discuss bills that may be coming later on. The Chair recognizes the Representative from Warren, Representative Richardson.

Representative **RICHARDSON**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I just want to add one thing to Representative McKane's comments in that the person who testified the most at our hearing that we had has in fact endorsed our new legislation that will be proposed. I think that is an important step forward and I just wanted to let everybody know that that was in fact the case.

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

Representative **TREAT**: Thank you, Mr. Speaker. Since apparently the rule against talking about something that is unrelated to this has been waived by implication, I would just say that we have an opportunity now by not sustaining this veto to take action today. That is a lot better, since we all seem to agree on the policy, than taking action sometime next year when we don't even know whether that will happen.

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. When we voted on this bill or when we passed this bill under the hammer, it was a good bill. It is still a good bill today. I think that this policy is a no-brainer. It is good for small businesses. It is good for small providers like physical therapists. This is really, policy-wise, a choice between small providers and small businesses or large insurance companies.

I would just like to point out that the CEO of Anthem, Angela Braly, in 2009, got a 51 percent increase, receiving a salary of \$13.1 million and I doubt that many of the small businesses and small providers in our state saw increases like that in 2009 or are seeing increases like that today.

In our committee, again no one from the administration put forward any concerns. When the Governor decided to veto this bill, he definitely didn't call me, and I haven't heard of anybody in this body that he called to let know that he was going to veto this bill. I just feel like that's a little odd and I feel like on numerous occasions in this body this session, we have rushed forward with

bills when we could have held over until next year and for a policy, like this one, that seems to be a slam dunk, it seems weird that we would delay this one when, again, numerous times we have rushed forward with public hearings and bills that maybe we were not prepared for. I think it is odd that on something that we were already unanimous on we would change our mind, so I urge you to override the veto. Thank you.

The SPEAKER: The Chair would remind members when they are referencing the Chief Executive on the second floor that they refer to him as the Chief Executive.

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

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

Representative TREAT: Thank you, Mr. Speaker. I am actually not asking to speak again. I wish to request a roll call if that isn't automatically part of a veto vote.

The SPEAKER: The Chair would inform the Members that a roll call is in order by virtue of the fact that it is a veto. The Constitution.

The Chair recognizes the Representative from South Portland, Representative Eberle.

Representative EBERLE: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. You are that small provider, you are still struggling to keep your business afloat and provide the best possible care for your patients who depend on you, and you are hearing today that we have a measure in front of us that could immediately be implemented and you are being told to wait. You are being told to wait and try to keep your business afloat, but we already have a measure in front of us that is going to help you. That is not acceptable. Thank you, Mr. Speaker.

Representative HARLOW of Portland 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 Westbrook, Representative Driscoll.

Representative DRISCOLL: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I find it sadly ironic that as our sign that was installed down around Kittery on the Turnpike, "Maine Open for Business," has been removed and probably rightly so with respect to this upholding if you decide to the Governor's veto. Certainly over this session we have seen some of his quick, reckless types of initiatives such as this that do nothing to support small business in this state. I would encourage you to vote to override the Reconsideration. Thank you very much.

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

Representative SHAW: Thank you very much, Mr. Speaker. Mr. Speaker, Men and Women of the House. I have a slightly different angle on this. I would suggest that we overturn the veto and pass the bill right now, and the new bill, from what we understand that's coming, adds just a very small piece. If we override the veto, the floor debate will be much less when we can only debate the very small piece that we might consider should that bill arise.

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

Representative HINCK: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I won't address the merits of the bill that we passed here unanimously. I understand

them to be a proud moment for the body. It was a good vote. Instead I am going to address the procedural posture. It is a little bit momentous actually, the first veto of a Governor.

I'm not sure I was in the body for the first veto of the last Governor, but I was here for an early veto by the last Governor and the veto was of a bill that I had supported. For those members who weren't here, it was a bill related to gambling, then, as now, not the easiest subject for this body. There was discussion in our caucus, I don't mind saying, about the need to sustain the veto of a Governor from the same party. It left me shaking my head a little bit because, as I saw it, we are a separate body. It is an important part of the scheme of how this government is set up.

Now I was a naïve freshman. I went ahead and voted to override the veto and I was told in the days that followed that I was now on a list that the Governor had. That worried me for a little while, half an hour or so, and I am still standing. I survived it and it actually felt good. I'd do it again.

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

Representative RUSSELL: Thank you, Mr. Speaker. I think I'm already on that list. May I pose a question through the Chair to the members of the body?

The SPEAKER: The Representative may pose her question.

Representative RUSSELL: Thank you, Mr. Speaker. If this were to not be overridden, if this veto was not overridden, would there be small businesses that are on the verge of going out of business that might end up going out of business were we not to take action this year? Thank you, Mr. Speaker.

The SPEAKER: The Representative from Portland, Representative Russell, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Falmouth, Representative Nelson.

Representative NELSON: Thank you, Mr. Speaker. Men and Women of the House, when I consider how I am going to vote on a bill I look often to the Committee Report that comes to me. This Committee Report came unanimously. I assume that the committee considered and carefully evaluated the legislation in front of us and concluded that it was a good bill.

I also have a physical therapy, Casco Bay Physical Therapy, in my town. They are very concerned. This bill is a good bill for them. It will help them to stay in business. They are very legitimately concerned that they will have to close their doors and go out of business if this bill is not passed. I urge you to override the veto. Thank you, Mr. Speaker.

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

Representative SIROCKI: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I have a few things to say. One is I have spoken at length with a constituent of mine who asked that this bill be presented. As I understand it, these clauses have been in place for quite some time. There is a situation in Michigan that is being investigated by the Department of Justice right now.

I support the Chief Executive for his decision to veto this bill, to give us time to get this right. I think there may be more information forthcoming and it is probably the right and duty of the Executive to veto this bill. That's why we have the checks and balances with the three branches of government. I appreciate your time. Thank you.

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

Representative MORRISON: Thank you, Mr. Speaker. Good morning, Ladies and Gentlemen of the House. We can all agree, I believe, in this body that this is a great bill. We all agreed to

that when we voted on this. But it is unfortunate now that when this position we are in, that it has become partisan, and this particular piece of legislation, I believe it is about the citizens of Maine, not about partisan politics. That is exactly what this has become. I would encourage all members here to vote with their constituents and vote for small business and do the right thing for Maine people, not about partisan politics. Thank you, Mr. Speaker.

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

Representative **McKANE**: Thank you, Mr. Speaker. In answer to the question from the Representative from Portland, it is very unlikely that any small businesses will be going out of business as it is to my understanding that no insurers are using the most favored nation clause, never have and don't intend to. But we will look at this issue more deeply over the next year.

The SPEAKER: A roll call has been ordered. The pending question before the House is the question, 'Shall this Bill become a law notwithstanding the objections of the Governor?' All those in favor will vote yes, those opposed will vote no.

After reconsideration, the House proceeded to vote on the question, 'Shall this Bill become a law notwithstanding the objections of the Governor?' A roll call was taken.

**ROLL CALL NO. 104V**

YEA - 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, Hanley, Harlow, Haskell, Hayes, Herbig, Hinck, Hogan, Hunt, Innes Walsh, Kaenrath, Kent, Kruger, Kumiega, Lajoie, Longstaff, Lovejoy, 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.

NAY - Ayotte, Beaulieu, Bennett, Bickford, Black, Burns DC, Burns DR, Cebra, Chase, Clark T, Cotta, Crafts, Cray, Curtis, Damon, Davis, Dow, Dunphy, Edgcomb, Espling, Fitts, Fitzpatrick, Flood, Fossel, 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, 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 - Celli, Crockett, Cushing, Dion, Luchini, Wintle.

Yes, 70; No, 74; Absent, 6; Vacant, 1; Excused, 0.

70 having voted in the affirmative and 74 voted in the negative, 1 vacancy with 6 being absent, and accordingly the Veto was sustained.

HOUSE REPORT - **Ought to Pass as Amended by Committee Amendment "A" (H-393)** - Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act Regarding Special Taste-testing Festivals" (EMERGENCY)

(H.P. 479) (L.D. 649)

TABLED - June 1, 2011 (Till Later Today) by Representative FITTS of Pittsfield.

PENDING - **ACCEPTANCE OF COMMITTEE REPORT.**

Subsequently, the Unanimous Committee Report was **ACCEPTED.**

The Bill was **READ ONCE.** **Committee Amendment "A" (H-393)** was **READ** by the Clerk.

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

Representative **CAREY**: Thank you, Mr. Speaker. I would like to pose a question through the Chair to the Representative from Pittsfield, Representative Fitts.

The SPEAKER: The Chair would ask the Representative to defer until the Clerk reads House Amendment "A." The Clerk will read House Amendment "A."

Representative FITTS of Pittsfield **PRESENTED House Amendment "A" (H-462) to Committee Amendment "A" (H-393)**, which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Pittsfield, Representative Fitts.

Representative FITTS: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Hopefully I can answer the question before he poses it. This amendment – or I will back up – this bill was brought forward because of some issues within our wine and beverage tasting laws regarding festivals and an event that is planned for June 9th in Portland called the Italian Heritage Festival.

In that regard, the promoters of this festival are going to have wine representatives from Italy in Portland as part of an economic development and trade tour to promote importation of new wines that are not yet available in our system. So the amendment to the Committee Amendment corrects a problem that was discovered within the Committee Amendment after discussions with the Department of Public Safety and addresses who can pour at this event. The people within this amendment that will be allowed to pour are going to have to be sales representatives of the manufacturer. As sales representatives, they will have registered with the department and bought a sales representative license.

So with that, this corrects what is an oversight or what was left out of the amendment and timing is of the essence for this bill because, as I said, the event is on June 9th. There are people with plane tickets ready to come to the United States that will arrive and, without this amendment, will not be able to do what they thought they were going to be able to do when they arrived. That is in essence the nature of this amendment. Thank you, Mr. Speaker.

On motion of Representative CURTIS of Madison, **TABLED pending ADOPTION of House Amendment "A" (H-462) to Committee Amendment "A" (H-393)** and later today assigned.

**REPORTS OF COMMITTEE**

**Divided Reports**

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought Not to Pass** on Bill "An Act To Allow the Use of Electronic Benefits Transfer Funds at Farmers' Markets"

(S.P. 227) (L.D. 735)

Signed:

Senators:

McCORMICK of Kennebec  
FARNHAM of Penobscot

Representatives:

STRANG BURGESS of Cumberland  
FOSSEL of Alna  
MALABY of Hancock  
O'CONNOR of Berwick  
SANDERSON of Chelsea

SIROCKI of Scarborough

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-204)** on same Bill.

Signed:

Senator:

CRAVEN of Androscoggin

Representatives:

EVES of North Berwick

PETERSON of Rumford

SANBORN of Gorham

STUCKEY of Portland

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

**READ.**

Representative STRANG BURGESS of Cumberland moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

Representative CAIN of Orono **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.

On motion of Representative CURTIS of Madison, **TABLED** pending the motion of Representative STRANG BURGESS of Cumberland to **ACCEPT** the Majority **Ought Not to Pass** Report and later today assigned. (Roll Call Ordered)

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Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought Not to Pass** on Resolve, To Amend the Rules Concerning Long-term Care Services To Better Support Family Caregivers

(S.P. 232) (L.D. 739)

Signed:

Senators:

McCORMICK of Kennebec

FARNHAM of Penobscot

Representatives:

FOSEL of Alna

MALABY of Hancock

O'CONNOR of Berwick

SANDERSON of Chelsea

SIROCKI of Scarborough

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-205)** on same Resolve.

Signed:

Senator:

CRAVEN of Androscoggin

Representatives:

STRANG BURGESS of Cumberland

EVES of North Berwick

PETERSON of Rumford

SANBORN of Gorham

STUCKEY of Portland

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

**READ.**

On motion of Representative STRANG BURGESS of Cumberland, **TABLED** pending **ACCEPTANCE** of either Report and later today assigned.

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Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-133)** on Bill "An Act To Conform Maine's Estate Tax to the Federal Estate Tax"

(S.P. 347) (L.D. 1147)

Signed:

Senators:

TRAHAN of Lincoln

HASTINGS of Oxford

WOODBURY of Cumberland

Representatives:

KNIGHT of Livermore Falls

BENNETT of Kennebec

BICKFORD of Auburn

BURNS of Alfred

HARMON of Palermo

PILON of Saco

WATERHOUSE of Bridgton

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

Signed:

Representatives:

BERRY of Bowdoinham

BRYANT of Windham

FLEMINGS of Bar Harbor

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-133) AS AMENDED BY SENATE AMENDMENT "B" (S-217)** thereto.

**READ.**

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

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

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Majority Report of the Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass** on Bill "An Act To Change the Campaign Contribution Limits"

(S.P. 260) (L.D. 856)

Signed:

Senators:

FARNHAM of Penobscot

PLOWMAN of Penobscot

Representatives:

BEAULIEU of Auburn

CROCKETT of Bethel

DAMON of Bangor

JOHNSON of Eddington

RUSSELL of Portland

WILLETTE of Presque Isle

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

Signed:

Senator:

PATRICK of Oxford

Representatives:

CAREY of Lewiston  
CHIPMAN of Portland  
LONGSTAFF of Waterville  
VALENTINO of Saco

Representative MITCHELL of the Penobscot Nation - of the House - supports the Minority **Ought Not to Pass** Report.

Came from the Senate with the Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-220)**.

**READ.**

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

Representative CAIN of Orono **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass** Report.

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

On further motion of Representative CURTIS of Madison, **TABLED** pending his motion to **ACCEPT** the Majority **Ought to Pass** Report and later today assigned. (Roll Call Ordered)

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Six Members of the Committee on **STATE AND LOCAL GOVERNMENT** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (S-189)** on Bill "An Act To Promote Rural Job Creation and Workforce Development" (S.P. 300) (L.D. 954)

Signed:

Senator:

SULLIVAN of York

Representatives:

BOLAND of Sanford  
BOLDUC of Auburn  
CASAVANT of Biddeford  
GRAHAM of North Yarmouth  
KAENRATH of South Portland

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

Signed:

Senators:

THOMAS of Somerset  
COLLINS of York

Representatives:

COTTA of China  
HARVELL of Farmington  
MOULTON of York  
TURNER of Burlington

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

**READ.**

Representative COTTA of China moved that the House **ACCEPT** Report "B" **Ought Not to Pass**.

Representative CAIN of Orono **REQUESTED** a roll call on the motion to **ACCEPT** Report "B" **Ought Not to Pass**.

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

Subsequently, Representative CAIN of Orono **WITHDREW** her **REQUEST** for a roll call.

Subsequently, Report "B" **Ought Not to Pass** was **ACCEPTED** in concurrence.

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Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-422)** on Bill "An Act Relating to Concealed Firearms Locked in Vehicles"

(H.P. 28) (L.D. 35)

Signed:

Senators:

MASON of Androscoggin  
WHITTEMORE of Somerset

Representatives:

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

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

Signed:

Senator:

GERZOFISKY of Cumberland

Representatives:

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

**READ.**

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

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

---

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-418)** on Bill "An Act To Increase Potential Criminal Penalties for the Possession of Cocaine and Cocaine Base"

(H.P. 37) (L.D. 44)

Signed:

Senators:

MASON of Androscoggin  
WHITTEMORE of Somerset

Representatives:

PLUMMER of Windham  
BLODGETT of Augusta  
BURNS of Whiting  
CLARKE of Bath



HANLEY of Gardiner  
LONG of Sherman  
MORISSETTE of Winslow  
SANDERSON of Chelsea

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-419)** on same Bill.

Signed:

Senator:

GERZOFKY of Cumberland

Representatives:

HASKELL of Portland

LAJOIE of Lewiston

**READ.**

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

The Bill was **READ ONCE. Committee Amendment "A" (H-418)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-418)** and sent for concurrence.

---

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-420)** on Bill "An Act To Allow Concealed Weapons in the State House"

(H.P. 692) (L.D. 932)

Signed:

Senators:

MASON of Androscoggin

WHITTEMORE of Somerset

Representatives:

PLUMMER of Windham

BURNS of Whiting

HANLEY of Gardiner

LONG of Sherman

MORISSETTE of Winslow

SANDERSON of Chelsea

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

Signed:

Senator:

GERZOFKY of Cumberland

Representatives:

BLODGETT of Augusta

CLARKE of Bath

HASKELL of Portland

LAJOIE of Lewiston

**READ.**

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

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Require Every School Administrative Unit To Have a Food Service Director"

(H.P. 609) (L.D. 813)

Signed:

Senators:

LANGLEY of Hancock

MASON of Androscoggin

Representatives:

RICHARDSON of Carmel

EDGECOMB of Caribou

JOHNSON of Greenville

McCLELLAN of Raymond

McFADDEN of Dennyville

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-388)** on same Bill.

Signed:

Senator:

ALFOND of Cumberland

Representatives:

LOVEJOY of Portland

MAKER of Calais

NELSON of Falmouth

RANKIN of Hiram

WAGNER of Lewiston

Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports the **Minority Ought to Pass as Amended by Committee Amendment "A" (H-388)** Report.

**READ.**

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

---

Majority Report of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought Not to Pass** on Bill "An Act To Correct a Statutory Oversight Regarding Renewable Capacity Resources Portfolio Requirements for Consumer-owned Utilities"

(H.P. 794) (L.D. 1059)

Signed:

Senators:

THIBODEAU of Waldo

RECTOR of Knox

Representatives:

FITTS of Pittsfield

CORNELL du HOUX of Brunswick

CRAY of Palmyra

DION of Portland

DUNPHY of Embden

HAMPER of Oxford

LIBBY of Waterboro

LUCHINI of Ellsworth

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-456)** on same Bill.

Signed:  
Senator:  
BARTLETT of Cumberland

Representatives:  
BEAVERS of South Berwick  
HINCK of Portland

**READ.**

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

---

Majority Report of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought Not to Pass** on Bill "An Act To Increase Home Weatherization and Energy Independence"

(H.P. 801) (L.D. 1066)

Signed:  
Senators:  
THIBODEAU of Waldo  
RECTOR of Knox

Representatives:  
FITTS of Pittsfield  
CRAY of Palmyra  
DUNPHY of Embden  
HAMPER of Oxford  
LIBBY of Waterboro

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-438)** on same Bill.

Signed:  
Senator:  
BARTLETT of Cumberland

Representatives:  
BEAVERS of South Berwick  
CORNELL du HOUX of Brunswick  
DION of Portland  
HINCK of Portland  
LUCHINI of Ellsworth

**READ.**

Representative CURTIS of Madison moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

---

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought Not to Pass** on Resolve, To Ensure Patient Safety in the Use of Certain Imaging Equipment

(H.P. 1000) (L.D. 1361)

Signed:  
Senators:  
McCORMICK of Kennebec  
FARNHAM of Penobscot

Representatives:  
STRANG BURGESS of Cumberland  
FOSSEL of Alna

MALABY of Hancock  
O'CONNOR of Berwick  
SANDERSON of Chelsea  
SIROCKI of Scarborough

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-416)** on same Resolve.

Signed:  
Senator:  
CRAVEN of Androscoggin

Representatives:  
EVES of North Berwick  
PETERSON of Rumford  
SANBORN of Gorham  
STUCKEY of Portland

**READ.**

Representative STRANG BURGESS of Cumberland moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

Representative CAIN of Orono **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.

On motion of Representative CURTIS of Madison, **TABLED** pending the motion of Representative STRANG BURGESS of Cumberland to **ACCEPT** the Majority **Ought Not to Pass** Report and later today assigned. (Roll Call Ordered)

---

Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-443)** on Bill "An Act To Amend the Laws Governing Bear Hunting"

(H.P. 361) (L.D. 468)

Signed:  
Senators:  
MARTIN of Kennebec  
PATRICK of Oxford  
TRAHAN of Lincoln

Representatives:  
DAVIS of Sangerville  
CLARK of Millinocket  
CRAFTS of Lisbon  
ESPLING of New Gloucester  
SARTY of Denmark  
SHAW of Standish  
WOOD of Sabattus

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

Signed:  
Representatives:  
BRIGGS of Mexico  
EBERLE of South Portland  
GUERIN of Glenburn

**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" (H-443)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-443)** and sent for concurrence.

---

Majority Report of the Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-429)** on Bill "An Act To Allow School Administrative Units To Seek Less Expensive Health Insurance Alternatives"

(H.P. 972) (L.D. 1326)

Signed:

Senators:

WHITTEMORE of Somerset  
SNOWE-MELLO of Androscoggin

Representatives:

RICHARDSON of Warren  
FITZPATRICK of Houlton  
McKANE of Newcastle  
MORISSETTE of Winslow  
PICCHIOTTI of Fairfield

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-430)** on same Bill.

Signed:

Senator:

BRANNIGAN of Cumberland

Representatives:

BEAUDOIN of Biddeford  
BECK of Waterville  
GOODE of Bangor  
MORRISON of South Portland  
TREAT of Hallowell

**READ.**

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

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

---

Majority Report of the Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought Not to Pass** on Bill "An Act To Establish a Single-payor Health Care System To Be Effective in 2017"

(H.P. 1026) (L.D. 1397)

Signed:

Senators:

WHITTEMORE of Somerset  
SNOWE-MELLO of Androscoggin

Representatives:

RICHARDSON of Warren  
FITZPATRICK of Houlton  
McKANE of Newcastle  
MORISSETTE of Winslow

PICCHIOTTI of Fairfield

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-431)** on same Bill.

Signed:

Senator:

BRANNIGAN of Cumberland

Representatives:

BEAUDOIN of Biddeford  
BECK of Waterville  
GOODE of Bangor  
MORRISON of South Portland  
TREAT of Hallowell

**READ.**

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

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

---

Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on Bill "An Act To Amend the Application of the Maine Human Rights Act Regarding Public Accommodations" (H.P. 781) (L.D. 1046)

Signed:

Senators:

BARTLETT of Cumberland  
WOODBURY of Cumberland

Representatives:

BEAULIEU of Auburn  
MOULTON of York  
PRIEST of Brunswick  
KRUGER of Thomaston  
MALONEY of Augusta  
ROCHELO of Biddeford

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-452)** on same Bill.

Signed:

Senator:

HASTINGS of Oxford

Representatives:

NASS of Acton  
SARTY of Denmark  
WATERHOUSE of Bridgton  
FOSTER of Augusta

**READ.**

Representative NASS of Acton moved that the House **ACCEPT** the Minority **Ought to Pass as Amended** Report.

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.

On motion of Representative CURTIS of Madison, **TABLED** pending the motion of Representative NASS of Acton to

**ACCEPT** the Minority **Ought to Pass as Amended** Report and later today assigned. (Roll Call Ordered)

---

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-453)** on Bill "An Act To Amend the Maine Condominium Act" (H.P. 978) (L.D. 1332)

Signed:

Senators:

HASTINGS of Oxford  
BARTLETT of Cumberland  
WOODBURY of Cumberland

Representatives:

BEAULIEU of Auburn  
DILL of Cape Elizabeth  
FOSTER of Augusta  
MOULTON of York  
PRIEST of Brunswick  
WATERHOUSE of Bridgton

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-454)** on same Bill.

Signed:

Representatives:

NASS of Acton  
MALONEY of Augusta  
ROCHELO of Biddeford  
SARTY of Denmark

**READ.**

Representative NASS of Acton moved that the House **ACCEPT** the Minority **Ought to Pass as Amended** Report.

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

---

Majority Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought Not to Pass** on Bill "An Act To License Residential Builders and Register Specialty Contractors" (H.P. 165) (L.D. 188)

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  
VOLK of Scarborough  
WINTLE of Garland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-450)** on same Bill.

Signed:

Representatives:

DRISCOLL of Westbrook  
TUTTLE of Sanford

**READ.**

Representative PRESCOTT of Topsham moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

Representative TUTTLE of Sanford **REQUESTED** a division on the motion to **ACCEPT** the Majority **Ought Not to Pass** 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. As you can see, it is myself and Representative Driscoll of Westbrook are the only dissenting members of the committee. I know that the Representative from Saco, Representative Pilon, has been working on this issue over the years, particularly for a number of the elderly people we have in my district and yours that over the years have had difficulties with contractors who constantly do not perform work duties. That is why I know that the good Representative from Saco feels that this issue was important.

The proponents of the bill feel that now the code is in place it is time to license contractors as long as current contractors could be grandfathered into the statute. The timing of the license should be in line with other things the committee is doing. I think that this is a consumer protection bill and is supported by public employees safety reasons. By licensing builders a homeowner would experience a peace of mind when selecting a contractor whose knowledge has been tested in his trade. I think it's a good consumer bill. The good Representative has worked hard on this and I would ask that you would listen to the debate and vote your conscience on this issue. Thank you, Mr. Speaker.

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

Representative PILON: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. It has only been seven years that we've been working on trying to license remodeling contractors. This has been before what has been the BRED Committee and this is an issue that has affected every one of us here. We had people, consumers and constituents, come before the BRED Committee and ask that we license home improvement contractors.

We're not looking to license contractors that are building tracks of homes. We're just asking for licensing of the people that put a sign on the back of their truck or on the side of their truck that says "Don's Home Improvement Contractor." I know nothing about building a garage and I have no business in being a home improvement contractor, but the State of Maine doesn't disallow me to call myself a home improvement contractor. But I can simply get a magnetic sign, put it on the side of my car and call myself a home improvement contractor. But I certainly wouldn't want anyone here to hire me to remodel a garage or put a garage on to somebody's house, but that's what the State of Maine allows everyone here to do. Once we're out of session, everyone here can call themselves a home improvement contractor. All we're trying to do is put some legitimacy into the business.

Many states, including a lot of states in New England, have licensed home improvement contractors. In my district we have had a number of complaints where people have gone in, quoted someone a price to remodel a rec-room, transform a garage into a playroom, taken half of the cost to do the transformation, done a third of the work and have never shown up again. We license plumbers, we license master electricians, but we don't license the

home improvement contractor. Towns are trying to, again, weed out the people that are taking/doing the building projects and one day they are Don's Home Improvement Contractor and they rip off somebody in Saco and the next day they go over into Biddeford and they are Bob's Home Improvement Contractor. If there is a way that we can track them so that we can put a system into place that we can, if we can track them so that we can put them in a database so that the code enforcement officer in Biddeford can go online and find them through, let's say, their driver's license. We've looked at using their social security number, but that was not something that anyone wanted to use so we decided that we were going to use a driver's license to use as a tracking number. If we use that and put it in a database and the code enforcement officers could go in and look and track them that way, so if they go into Biddeford and apply for a building permit and then find out that they did not fulfill a contract in Saco, then they would not be able to pull a permit in Biddeford. Licensing is one way to weed out the bad players in the industry and this is something, again like I mentioned earlier, we started working on seven years ago and it would, again, put legitimacy in the industry and do away with the fraud in the industry.

Finally, in the public hearing many members on the committee felt that there are already procedures in place through the AG's Office that prevent this kind of fraud. I know firsthand that that is not the case. The procedures take many, many months in order for a consumer, if they are lucky, to get their money back. By the time a contractor has absconded with all the consumer's money and has either left the state or gone into business under another name, their money is gone, so the procedures that are in place in the AG's Office do not work. Licensing is the only method in order to prevent fraud and protect consumers. Thank you, Mr. Speaker.

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. I rise in support of the Ought Not to Pass Report. I did not expect to be speaking on this today as this Report was an 11-2 Majority Ought Not to Pass.

There have been many issues with the codes bill that was passed out of the current Labor, Commerce, Research and Economic Development Committee, and former BRED members dealt with licensing issues in the past, me being one of them. Not that I am against licensing and I don't believe fellow committee members are against licensing, but licensing now is not the time. I would think that if we go back to the drawing board after the codes are passed and that we as a body agree on how to go forward to fix the codes that are in place with better legislation, then and only then should licensing be taken up. Three former BRED members are on this Majority Ought Not to Pass Report, and, Ladies and Gentlemen of the House, your support on the Ought Not to Pass at this time will be greatly appreciated. Thank you.

The Chair ordered a division on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

A vote of the House was taken. 78 voted in favor of the same and 34 against, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

---

Majority Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-451)** on Bill "An Act To Regulate Boxing and Prizefighting in Maine"

Signed:

Senators:

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:

Senator:

RECTOR of Knox

Representative:

DRISCOLL of Westbrook

**READ.**

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-451)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-451)** and sent for concurrence.

---

Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-434)** on Bill "An Act To Require Review of Certain Changes to Sales Tax Policy Application or Practice prior to Implementation"

(H.P. 448) (L.D. 590)

Signed:

Senators:

TRAHAN of Lincoln  
WOODBURY of Cumberland

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-435)** on same Bill.

Signed:

Representatives:

BERRY of Bowdoinham  
BRYANT of Windham

PILON of Saco

**READ.**

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

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

---

Majority Report of the Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-405)** on Bill "An Act To Protect the Privacy of Persons Involved in Reportable Motor Vehicle Accidents"

(H.P. 865) (L.D. 1167)

Signed:

Senators:

COLLINS of York  
THOMAS of Somerset

Representatives:

CEBRA of Naples  
GILLWAY of Searsport  
PARRY of Arundel  
RIOUX of Winterport  
ROSEN of Bucksport  
WILLETTE of Mapleton

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-406)** on same Bill.

Signed:

Senator:

DIAMOND of Cumberland

Representatives:

HOGAN of Old Orchard Beach  
MAZUREK of Rockland  
PEOPLES of Westbrook  
THERIAULT of Madawaska

**READ.**

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-405)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-405)** and sent for concurrence.

---

Majority Report of the Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-385)** on Bill "An Act To Strengthen Maine's Election Laws by Requiring Photograph Identification for the Purpose of Voting"

(H.P. 176) (L.D. 199)

Signed:

Senators:

FARNHAM of Penobscot

PLOWMAN of Penobscot

Representatives:

BEAULIEU of Auburn  
CROCKETT of Bethel  
DAMON of Bangor  
JOHNSON of Eddington  
WILLETTE of Presque Isle

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

Signed:

Senator:

PATRICK of Oxford

Representatives:

CAREY of Lewiston  
CHIPMAN of Portland  
LONGSTAFF of Waterville  
RUSSELL of Portland  
VALENTINO of Saco

**READ.**

Representative BEAULIEU of Auburn moved that the House **ACCEPT** the Minority **Ought Not to Pass** Report.

On motion of Representative CURTIS of Madison, **TABLED** pending the motion of Representative BEAULIEU of Auburn to **ACCEPT** the Minority **Ought Not to Pass** Report and later today assigned.

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Majority Report of the Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-384)** on Bill "An Act Regarding Corporate and Other Entity Campaign Advertising Disclosure and Accountability"

(H.P. 1120) (L.D. 1526)

Signed:

Senator:

PATRICK of Oxford

Representatives:

CAREY of Lewiston  
CHIPMAN of Portland  
LONGSTAFF of Waterville  
RUSSELL of Portland  
VALENTINO of Saco  
WILLETTE of Presque Isle

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

Signed:

Senators:

FARNHAM of Penobscot  
PLOWMAN of Penobscot

Representatives:

BEAULIEU of Auburn  
CROCKETT of Bethel  
DAMON of Bangor  
JOHNSON of Eddington

Representative MITCHELL of the Penobscot Nation - of the House - supports the Majority **Ought to Pass as Amended by**

**Committee Amendment "A" (H-384) Report.**

**READ.**

Representative BEAULIEU of Auburn moved that the House **ACCEPT** the Minority **Ought Not to Pass** Report.

Representative CAIN of Orono **REQUESTED** a roll call on the motion to **ACCEPT** the Minority **Ought Not to Pass** Report.

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

On motion of Representative CURTIS of Madison, **TABLED** pending the motion of Representative BEAULIEU of Auburn to **ACCEPT** the Minority **Ought Not to Pass** Report and later today assigned. (Roll Call Ordered)

Eight Members of the Committee on **VETERANS AND LEGAL AFFAIRS** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (H-401)** on Bill "An Act To Amend the Laws Pertaining to High-stakes Beano" (EMERGENCY)

(H.P. 418) (L.D. 535)

Signed:

Senators:

FARNHAM of Penobscot  
PATRICK of Oxford  
PLOWMAN of Penobscot

Representatives:

CAREY of Lewiston  
CHIPMAN of Portland  
DAMON of Bangor  
LONGSTAFF of Waterville  
VALENTINO of Saco

Three Members of the same Committee report in Report "B" **Ought to Pass as Amended by Committee Amendment "B" (H-402)** on same Bill.

Signed:

Representatives:

CROCKETT of Bethel  
JOHNSON of Eddington  
WILLETTE of Presque Isle

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

Signed:

Representatives:

BEAULIEU of Auburn  
RUSSELL of Portland

**READ.**

Representative BEAULIEU of Auburn moved that the House **ACCEPT** Report "B" **Ought to Pass as Amended**.

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

**CONSENT CALENDAR**

**First Day**

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

(H.P. 103) (L.D. 121) Bill "An Act To Amend the Laws Regarding Public Health Infrastructure" Committee on **HEALTH**

**AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-459)**

(H.P. 977) (L.D. 1331) Bill "An Act To Increase Health Care Quality through the Promotion of Health Information Exchange and the Protection of Patient Privacy" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-458)**

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

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

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

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

**ENACTORS**

**Constitutional Amendment**

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Require a Two-thirds Vote To Approve the Issuance of a Bond or Security by the Maine Governmental Facilities Authority

(H.P. 728) (L.D. 984)  
(C. "A" H-304; S. "A" S-182)

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

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

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

On motion of Representative CURTIS of Madison, **TABLED** pending **FINAL PASSAGE** and later today assigned. (Roll Call Ordered)

**Emergency Measure**

An Act To Amend the Laws Administered by the Department of Environmental Protection

(H.P. 1027) (L.D. 1398)  
(C. "A" H-369)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 133 voted in favor of the same and 1 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

**Emergency Measure**

Resolve, To Coordinate Stakeholders To Review Best Practices in the Management of Strangulation and Determine Methods To Address the Issue in Maine

(H.P. 761) (L.D. 1027)  
(C. "A" H-378)

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

**Acts**

An Act To Make Permanent the Direction of Fines Derived from Tribal Law Enforcement Activities to the Passamaquoddy Tribe and the Penobscot Nation

(H.P. 171) (L.D. 194)  
(C. "A" H-375)

An Act To Amend the School Administrative Unit Consolidation Laws

(H.P. 311) (L.D. 385)  
(C. "A" H-357)

An Act To Exempt Persons Performing Simple Electrical Repairs from Licensing Requirements

(H.P. 591) (L.D. 784)  
(C. "A" H-300)

An Act To Clarify the State's Authority under Public Health Laws for Municipal Inspections of Establishments

(S.P. 273) (L.D. 869)  
(C. "A" S-166)

An Act To Enhance Mandated Reporting and Prosecution of Elder Abuse, Neglect and Exploitation

(H.P. 699) (L.D. 939)  
(C. "A" H-374)

An Act To Provide Prevailing Mortgagors Attorney's Fees in the Foreclosure Process

(H.P. 999) (L.D. 1360)  
(C. "A" H-373)

An Act To Amend the Uniform Principal and Income Act

(S.P. 479) (L.D. 1517)  
(C. "A" S-167)

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

**Resolves**

Resolve, To Examine the Representation of Families by Nonattorney Advocates at Special Education Due Process Hearings

(H.P. 258) (L.D. 325)  
(C. "A" H-376)

Resolve, To Implement the Recommendations of the Report on Services for Elders and Other Adults Who Need Long-term Home-based and Community-based Care

(S.P. 452) (L.D. 1461)  
(C. "A" S-165)

Resolve, To Transfer the Gilford Butler School to Regional School Unit 13

(S.P. 498) (L.D. 1559)  
(C. "A" S-164)

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

An Act To Assist Seasonal Entertainment Facilities with Public Safety Requirements

(H.P. 105) (L.D. 123)  
(S. "A" S-163)

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

On motion of Representative HASKELL of Portland, was **SET ASIDE**.

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

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

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

Representative **HASKELL**: Thank you, Mr. Speaker, and I apologize for speaking on the same bill for about the fourteenth time to the Men and Women of the House. However, I feel very strongly about this bill, Mr. Speaker, and I think that you have seen with my record that generally if I see a bill is not going anywhere, I haven't spent a whole lot of time speaking to you about it. But this is about public safety.

I served as a member of the Town Council in Gorham and Bob, the fire marshal at the town of Gorham, spent a lot of time educating me about sprinklers and about safety and about public assembly and where people are. This is a college town and I came to understand and have learned in my time on the Criminal Justice and Public Safety Committee about the importance of prevention and of making sure that when people are assembled here in the State of Maine, that we provided them with safety. I feel so strongly about this that we are going to allow in perpetuity now businesses, seasonal businesses, got more than 100 people with a band in a facility with no, even the most modest of requirements around individual early safety to allow them the opportunity to get out of those buildings in a case of a fire. I would urge you my colleagues to think seriously about the public policy around this and vote Ought Not to Pass on LD 123. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Bath, Representative Clarke.

Representative **CLARKE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. As my colleague from Portland has just said, we have discussed this bill in the past and I rise in opposition to this bill and this motion. We have already discussed the unintended consequences on passing of this bill. People will die. We have discussed good stewardship or the lack of. The Maine fire chiefs, fire chiefs in your communities, do not support this bill and I am quite sure that they have not changed their minds either, and if they did support this bill, I would question their true capabilities. This bill is about people, period. It is about the survival of a customer, an employee, and the owners of a business. As I have said before, it is not a matter of if a disaster will happen but when. Thank you, Mr. Speaker.

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

Representative **MacDONALD**: Thank you, Mr. Speaker. I rise in support of the point of view of the good Representative from Portland, Representative Haskell, and in opposition to the passage of this bill. It seems to me that it makes about as much sense to pass this bill as it would to allow me to take up my airplane, say 10 days out of the year, without it having had a proper safety check. Would I want to be up in my airplane because I only take it up 10 days out of the year without a proper safety check? This bill makes about as much sense as allowing me to take a boat out only four or five days of the year without it being properly equipped and checked for safety. It does not make any sense.

It is illogical to suspend the kind of safety rules that we require for other establishments just because they are going to be open for a small number of days of the year. In fact, it is precisely those small number of days in the year when there is the most danger due to all the people that are in there for the kinds of activities that are likely going on in there. It does not make any sense. I ask you, please vote against this just based upon common sense and logic. Safety doesn't take a holiday.



Safety shouldn't in this case. I urge you to vote no on Enactment of this bill. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Sangerville, Representative Davis.

Representative DAVIS: Mr. Speaker, I would agree with the previous speakers that it is too bad we are debating this again. I would just add to the debate that current law allows for numerous exemptions. Snowmobile clubs, grange halls, Masonic halls all across the State of Maine. There are numerous exemptions to the current law. This adds just one more which happens to be a private business. 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. As has been mentioned, my question is how much is a life worth? This does put lives in jeopardy. Thank you, Mr. Speaker. I rise in opposition to the motion.

On motion of Representative PLUMMER of Windham, **TABLED** pending **PASSAGE TO BE ENACTED** and later today assigned. (Roll Call Ordered)

**CONSENT CALENDAR  
First Day**

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

(H.P. 772) (L.D. 1038) Bill "An Act Regarding Property Deposited with Museums and Historical Societies" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-465)**

(H.P. 963) (L.D. 1317) Bill "An Act Concerning Sex Offender Registry Information" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-466)**

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

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

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

(H.P. 484) (L.D. 654) Bill "An Act To Amend the Occupational Disease Reporting Laws" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass**

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

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

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

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

HOUSE DIVIDED REPORT - Majority (8) **Ought Not to Pass** - Minority (5) **Ought to Pass as Amended by Committee Amendment "A" (H-416)** - Committee on **HEALTH AND HUMAN SERVICES** on Resolve, To Ensure Patient Safety in the Use of Certain Imaging Equipment

(H.P. 1000) (L.D. 1361)

Which was **TABLED** by Representative CURTIS of Madison pending the motion of Representative STRANG BURGESS of Cumberland to **ACCEPT** the Majority **Ought Not to Pass** Report. (Roll Call Ordered)

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

Representative STRANG BURGESS: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just want to give you as brief as one can explanation of what this bill is trying to accomplish and how we ended up where we have on the Majority Report.

First of all, this is discussing a new piece of technology called a cone beam CT scanner, and it is primarily used at this time in dentists' offices. It is used mostly by oral surgeons who need to see the mouth area in 3D and it shows exactly in the x-ray where the nerves are, blood vessels, bones, all of that in a patient. So for a more complicated surgery, this is a great new technology.

So far in the State of Maine there is approximately 10 or 12 of these units, mostly in dental surgery offices. The numbers we heard were for a multiple surgeon dental office that would have this technology on hand. It is really used maybe two or three times a week. Obviously it is a new technology and like anything new, we always have some questions about it, and we want to make sure that we do it safely and correctly. Any new piece of medical equipment or x-ray equipment or scanners and all of that has to be regulated and registered with the Department of Human Services, so all of the machines that are currently in use out there fit that, have been registered and the department is aware.

The concern of this bill, I think, is really aimed at children and the concern being that we all have, as we've all learned through our daily living, that exposure to excessive radiation is obviously a concern and we are especially concerned with radiation exposure for our young people. People are very good at sort of keeping track of that and being as sensitive as possible and giving the adequate protection.

The Maine Dental Association shared with us that these machines will also, in addition to being registered by the state, is that they will also have ADA guidance that is currently in process of being developed, and they expect sometime in the next year or so. We felt that while the bill was very well intended and we all agree with the principle that we were trying to get at, that we didn't necessarily need to perhaps jump the gun maybe a year early and creating a whole work group. The work group that was specified is the - I don't have it right in front of me here - but it is the radiation, we actually have a standing radiation review board. However, that standing review board is empty for a variety of reasons, which it was speculation on our part as to why that is, but it hasn't met in a number of years. In order to do this bill, that work group, if you will, will have to be repopulated and that is done through appointments and different appointments and different stakeholders. The group put back together, which would take a little time, and then to review this, probably about the same time that the ADA and everybody else has some guidelines to go with that.

That's how the Majority Report came to be. We felt that was excellent to be aware of this. It is going to happen. They are being operated safely now. Not many young people are getting these cone beam scans as it is and so we went that way. The other part of this bill also wanted to collect data about usage and the department felt that, for the most part, since there is only 10 or 12 machines out there, they are on top of that. But obviously we always like to learn as much as we can, but due to economic times in the situation, we felt it was probably going to be safe, it is

safe, and that we will be learning more all together and the bill was therefore not necessary. Thank you.

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. I rise to ask for your support in defeating this pending motion. This Resolve requires the Advisory Committee on Radiation and the Board of Dental Examiners to review the licensing, required operator training and continuing education requirements and state oversight of cone beam computed tomography scanners, as used in dental offices.

Just yesterday we considered a bill that involved radiation in children and I ask that you give this bill the same serious consideration that you gave that one. When we are dealing with children's health as it relates to radiation exposure, we should tread lightly and proceed cautiously. All we are asking in this Resolve is to review the current rules and practices as they relate to dental examinations that involve scanning technology, in order to ensure the highest safety standards. I ask that you think about children's safety. The science is not out on this one, it is in, and I think that the position of the minority on this bill was that we are going to err on the side of protecting children, particularly as it relates to exposure to radiation. Thank you, Mr. Speaker.

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

Representative **CHAPMAN**: Thank you, Mr. Speaker. Mr. Speaker, Colleagues and Friends of the House. I rise to make a point about the science of ionizing radiation. Every x-ray exposure is a known carcinogen. It is a known harm to health. It is an obvious risk/benefit matter. We use medical imagining for the purposes of understanding problems and solving problems of our health, even though we are increasing our probability of getting a cancer from that.

Now it is interesting to me that the argument of yesterday which involved non-ionizing radiation for which there is only speculative concern about potential health problems, we went ahead with, and yet today there is a call for not rushing into it when there is a known health concern. Thank you, Mr. Speaker.

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

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

The SPEAKER: The Representative may pose his question.

Representative **DRISCOLL**: Thank you, Mr. Speaker. I'm just concerned if the committee had any professional insight from anybody – from the American Society of Radiology or from the American Pediatric Group – around exposure to pediatric patients and what this type of device might provide with respect to exposure and if there are any concerns around that, any professional advice from radiologists or pediatricians who might have expertise around this area. Thank you, Mr. Speaker.

The SPEAKER: The Representative from Westbrook, Representative Driscoll, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Cumberland, Representative Strang Burgess.

Representative **STRANG BURGESS**: Thank you, Mr. Speaker. I rise to attempt to answer the good Representative's question. We didn't have a tremendous amount of testimony. Obviously this was focused around dental equipment, so therefore we heard more from the dental associations and dentists. The department testified neither for nor against. In their testimony they noted that we also know that informing the doctor of radiation exposure from different devices can often lead to a

decrease in the use of highest exposure devices. Although we know these things, we also understand that it is the doctor's determination of what is medically necessary to make a diagnosis and treat the patient. We understand the American Dental Association is also planning to undertake a study on the use of the dental CT units, and as I think I mentioned to you, also the ADA is working on those guidelines. But in the meantime, please know that there is already regulation – any piece of equipment like this is registered with the state. They are inspected by the state, so it's not that they just bought them somewhere and are starting to use them. There are rules and regs in place. Thank you.

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

Representative **EVES**: Thank you, Mr. Speaker. As it relates to this specific scanner, the technology is newer than other conventional dental imaging and there have been published journal reports indicating that there is a significantly higher level of radiation using the cone beam models than the dental imaging. We did hear testimony related to that and that's what gave us pause in terms of wanting to give this further consideration and make sure that all of our practices do meet the safety standards, that this new technology will be coming. Thank you, Mr. Speaker.

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

#### ROLL CALL NO. 105

YEA - Ayotte, Bennett, Bickford, Black, Burns DC, Burns DR, Casavant, Cebra, Celli, Chase, Clark T, Cotta, Crafts, Cray, 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, Knapp, Knight, Libby, Long, Maker, Malaby, McClellan, McFadden, McKane, Morissette, Moulton, 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.

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

ABSENT - Crockett, Dion, Luchini, Wintle.

Yes, 75; No, 71; Absent, 4; Vacant, 1; Excused, 0.

75 having voted in the affirmative and 71 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.

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

#### REPORTS OF COMMITTEE Divided Reports

Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-460)** on Bill "An Act To Amend the Law Governing Tax Increment Financing Districts"

(H.P. 619) (L.D. 823)

Signed:

Senators:

TRAHAN of Lincoln  
HASTINGS of Oxford  
WOODBURY of Cumberland

Representatives:

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

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

Signed:

Representatives:

HARMON of Palermo  
WATERHOUSE of Bridgton

**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-460)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-460)** and sent for concurrence.

Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-461)** on Bill "An Act To Amend the Tax Laws"

(H.P. 971) (L.D. 1325)

Signed:

Senators:

TRAHAN of Lincoln  
HASTINGS of Oxford  
WOODBURY of Cumberland

Representatives:

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

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

Signed:

Representative:

WATERHOUSE of Bridgton

**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-461)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-461)** and sent for concurrence.

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

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The **SPEAKER**: The Chair recognizes the Representative from Sanford, Representative Tuttle, who wishes to address the House on the record.

Representative **TUTTLE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. As we are aware, we will be having a very important public hearing today at 2:30 before the Committee on Labor, Commerce, Research and Economic Development. As in previous debate, I still do have some concerns as to location. My understanding is there are up to 1,000 people who will be attending the hearing today. My understanding is the state Fire Marshall's Office has been notified. I feel the people of Maine who have driven hundreds of miles to attend this hearing have been treated very poorly. I would ask that something be done by 2:30 today. I am still very concerned and I feel that I will be derelict of my duty if I didn't express those concerns.

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The **SPEAKER**: The Chair recognizes the Representative from Sanford, Representative Boland, who wishes to address the House on the record.

Representative **BOLAND**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would like to request that had I been present for vote 104, my vote would have been yes.

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On motion of Representative **PRESCOTT** of Topsham, the House adjourned at 11:59 a.m., until 9:00 a.m., Friday, June 3, 2011.