

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
55th Legislative Day
Friday, June 3, 2011

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

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

Prayer by the Honorable Dale J. Crafts, Lisbon.

Pledge of Allegiance.

Doctor of the day, Daniel Hammond, D.O., Belgrade.

The Journal of yesterday was read and approved.

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act To Create the Children's Wireless Protection Act"

(H.P. 750) (L.D. 1014)

Minority (2) **OUGHT TO PASS AS AMENDED** Report of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-404)** in the House on June 1, 2011.

Came from the Senate with the Majority (11) **OUGHT NOT TO PASS** Report of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY READ and ACCEPTED** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act To Modify the Laws Regarding Status as an Independent Contractor (EMERGENCY)

(S.P. 437) (L.D. 1420)

(C. "A" S-150)

- In House, **PASSED TO BE ENACTED** on May 26, 2011.

- In Senate, **PASSED TO BE ENACTED** on May 31, 2011, in concurrence.

- **RECALLED** from the Governor's Desk pursuant to Joint Order, S.P. 514.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-150) AS AMENDED BY SENATE AMENDMENT "A" (S-191)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

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)

(C. "A" H-267)

PASSED TO BE ENACTED in the House on May 26, 2011.

Came from the Senate with the Bill and accompanying papers **COMMITTED** to the Committee on **TAXATION** in **NON-CONCURRENCE**.

On motion of Representative KNIGHT of Livermore Falls, the House voted to **RECEDE**.

On further motion of the same Representative, the Bill and all accompanying papers were **INDEFINITELY POSTPONED** in **NON-CONCURRENCE** and sent for concurrence.

COMMUNICATIONS

The Following Communication: (H.C. 191)

June 2, 2011

The Honorable Robert W. Nutting

Speaker of the House

2 State House Station

Augusta, Maine 04333

Dear Speaker Nutting:

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

Education and Cultural Affairs

L.D. 782

An Act To Expand Competitive Bidding for Energy Service Contracts with Schools

Health and Human Services

L.D. 582

An Act To Amend the Maine Certificate of Need Act of 2002

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

Sincerely,

S/Heather J.R. Priest

Clerk of the House

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

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

ORDERS

On motion of Representative HAMPER of Oxford, the following House Order: (H.O. 25)

ORDERED, that Representative Mary Pennell Nelson of Falmouth be excused May 31 for personal reasons.

READ and **PASSED**.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Wayne Farrington, of Gray, on the occasion of his retirement from teaching. A standout student and athlete at Jay High School, Mr. Farrington went on to graduate from Farmington State Teachers College and began teaching in 1966. His career began with a 6th-grade class in Farmington and took him to a variety of public and private schools in Maine and New Hampshire, as well as abroad to Venezuela. In more than 4 decades as an educator, Mr. Farrington taught an impressive array of courses at the high school and middle school levels, from history to science to foreign languages. Since 1992, he has taught Spanish and French at Lawrence Junior High School in Fairfield. Mr. Farrington also spent 15 years as a successful high school boys basketball coach. His wide-ranging, expansive knowledge, his humble and patient manner, his cheerful disposition and his compassion have enriched the lives of thousands of students, many of whom have become his good friends. We send our appreciation to Mr. Farrington on his exemplary teaching career and his commitment to the youth of his community and our State. We congratulate him on his well-deserved retirement and send him our best wishes;

(HLS 434)

Presented by Representative BRYANT of Windham.
Cosponsored by Senator WOODBURY of Cumberland,
Representative GRAHAM of North Yarmouth.

On **OBJECTION** of Representative BRYANT of Windham,
was **REMOVED** from the Special Sentiment Calendar.

READ.

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 am honored to stand
before you today to recognize Wayne Farrington, but in full
disclosure it was his son, former Representative David
Farrington, who put this all together. One can say that an apple
doesn't fall far from the tree.

Wayne Farrington is one of those people who seems to know
something about everything. There are many teachers who can
be skillful and help students dissect frogs, there are others who
can teach them how to conjugate Spanish verbs, others who can
explain Churchill's war-time strategies, and still others who can
demonstrate proper free throw techniques. But Wayne
Farrington can do it all. He has done it all for over four decades.

Over the course of his distinguished career, Wayne
Farrington has taught students from communities all across
central and southern Maine. His positive impact has been felt in
classrooms, on basketball courts, ball fields, and especially in the
lives of those he has taught. In the words of one of his former
students, "When I was in school the person who exemplified to
me what it meant to be a caring, giving, humane teacher was
Wayne Farrington."

William James stated the greatest use of life is to spend it for
something that will outlast it. Wayne may be retiring, but his
legacy of kindness and compassion will live on in the lives of
those men and women and me who are fortunate enough to have
him as our teacher, mentor, guide, and friend. We congratulate
Wayne to wish him and his wife Bobbie many, many happy
years. Thank you.

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

Recognizing:

Sheila M. Bearor, of Augusta, Principal Law Librarian for
Technical Services at the State Law and Legislative Reference
Library, on the occasion of her retirement after 34 years of
dedicated service to the State of Maine. Prior to coming to the
Legislature, she served at the University of Maine at Farmington's
Mantor Library, spending 7 1/2 years as Head of Technical
Services. While there Ms. Bearor played an important role in
developing technical standards for URSUS, the University of
Maine's collaborative online library system, in which the State
Law and Legislative Reference Library participates. Since her
arrival at the Legislature in 1990, Ms. Bearor has overseen the
development of the library's online catalog, which enables library
patrons to research its unique collections from anywhere on the
Internet. Over the past 21 years, she has been a leading force
behind the State Law and Legislative Reference Library's
transition into the age of electronic information. Whether working
behind the scenes or at the reference desk, Ms. Bearor, through
her analytical approach to technological and research challenges,
has earned the respect of her colleagues and the gratitude of
those of us who have benefited from her labors. We send her
our appreciation for her outstanding work and her commitment to
her profession and to the State of Maine. We congratulate her on
her retirement and send our best wishes on her future endeavors;
(HLS 471)

Presented by Representative BLODGETT of Augusta.
Cosponsored by Senator KATZ of Kennebec, Representative
FOSTER of Augusta, Representative MALONEY of Augusta,
President RAYE of Washington, Senator COURTNEY of York,
Senator PLOWMAN of Penobscot, Senator HOBBS of York,
Senator ALFOND of Cumberland, Speaker NUTTING of
Oakland, Representative CURTIS of Madison, Representative
CUSHING of Hampden, Representative CAIN of Orono,
Representative HAYES of Buckfield.

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

READ.

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

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

UNFINISHED BUSINESS

The following matter, in the consideration of which the House
was engaged at the time of adjournment 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 Nicholas
Phinney, of Damariscotta

(HLS 430)

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

PENDING - PASSAGE.

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. It is my pleasure
to present this Sentiment today to a young man who will
represent the little town of Damariscotta and the State of Maine in
his tour with the Sousa International Honors Band throughout
Europe. The band is known as one of America's best and finest
musical touring groups. He will be traveling throughout Europe
with a bunch of other young musicians. I just want to add that
many young people dabble in music and some actually become
proficient, but very few excel, and Nicholas is one who has
excelled and we extend our congratulations to him.

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

REPORTS OF COMMITTEE

Ought to Pass as Amended

Report of the Committee on **TRANSPORTATION** on Bill "An
Act To Amend the Motor Vehicle Laws"

(S.P. 410) (L.D. 1313)

Reporting **Ought to Pass as Amended by Committee
Amendment "A" (S-192).**

Came from the Senate with the Report **READ** and
ACCEPTED and the Bill **PASSED TO BE ENGROSSED AS
AMENDED BY COMMITTEE AMENDMENT "A" (S-192) AS
AMENDED BY SENATE AMENDMENT "A" (S-218)** thereto.

Report was **READ** and **ACCEPTED**. The Bill was **READ
ONCE**.

Committee Amendment "A" (S-192) was **READ** by the
Clerk. **Senate Amendment "A" (S-218)** to **Committee
Amendment "A" (S-192)** was **READ** by the Clerk and
ADOPTED.

Committee Amendment "A" (S-192) as Amended by
Senate Amendment "A" (S-218) thereto **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-192) as Amended by Senate Amendment "A" (S-218)** thereto in concurrence.

Divided Reports

Majority Report of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** reporting **Ought Not to Pass** on Bill "An Act To Clarify the Natural Resources Protection Act" (EMERGENCY)

(S.P. 276) (L.D. 872)

Signed:

Senators:

SAVIELLO of Franklin
GOODALL of Sagadahoc
SHERMAN of Aroostook

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-115)** on same Bill.

Signed:

Representative:

LONG of Sherman

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

READ.

Representative HAMPER of Oxford moved that the House **ACCEPT** the Majority **Ought Not to Pass Report**.

Representative HARLOW of Portland **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.

Subsequently, Representative HARLOW of Portland **WITHDREW** her **REQUEST** for a roll call.

Subsequently, the Majority **Ought Not to Pass Report** was **ACCEPTED** in concurrence.

Majority Report of the Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-212)** on Bill "An Act To Establish Standards for Portable Electronic Device Insurance"

(S.P. 455) (L.D. 1464)

Signed:

Senators:

WHITTEMORE of Somerset
BRANNIGAN of Cumberland

SNOWE-MELLO of Androscoggin

Representatives:

BEAUDOIN of Biddeford
BECK of Waterville
FITZPATRICK of Houlton
GOODE of Bangor
McKANE of Newcastle
MORISSETTE of Winslow
MORRISON of South Portland
TREAT of Hallowell

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

Signed:

Representatives:

RICHARDSON of Warren
PICCHIOTTI of Fairfield

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-212)**.

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-212)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-212)** in concurrence.

Majority Report of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-203)** on Bill "An Act Regarding the Disposition of Mercury-added Lamps"

(S.P. 145) (L.D. 512)

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

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

Signed:

Representatives:

HARLOW of Portland
WELSH of Rockport

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-203)**.

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" (S-203)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-203)** in concurrence.

Majority Report of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "B" (S-197)** on Bill "An Act To Amend the Requirements for Electric Transmission Lines"

(S.P. 246) (L.D. 802)

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" (S-196)** 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

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 "B" (S-197)**.

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "B" (S-197)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "B" (S-197)** in concurrence.

Majority Report of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-201)** on Bill "An Act To Conform the Authority of the Department of Environmental Protection to Federal Law" (EMERGENCY)

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

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 to Pass as Amended by Committee Amendment "B" (S-202)** on same Bill.

Signed:

Representative:

HARLOW of 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-201)**.

READ.

Representative HAMPER of Oxford 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 **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-170)** on Bill "An Act To Reduce Student Hunger"

(S.P. 264) (L.D. 860)

Signed:

Senators:

LANGLEY of Hancock
ALFOND of Cumberland

Representatives:

RICHARDSON of Carmel
EDGECOMB of Caribou
JOHNSON of Greenville
LOVEJOY of Portland
MAKER of Calais
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:
Senator:
MASON of Androscoggin

Representative:
McCLELLAN of Raymond

Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (S-170)** Report.

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-170) AS AMENDED BY SENATE AMENDMENT "A" (S-206)** thereto.

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" (S-170)** was **READ** by the Clerk.

Senate Amendment "A" (S-206) to **Committee Amendment "A" (S-170)** was **READ** by the Clerk and **ADOPTED**.

Committee Amendment "A" (S-170) as Amended by **Senate Amendment "A" (S-206)** thereto was **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (S-170)** as Amended by **Senate Amendment "A" (S-206)** thereto in concurrence.

Majority Report of the Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Improve Transparency in Maine Government"

(S.P. 381) (L.D. 1260)

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 to Pass as Amended by Committee Amendment "A" (S-219)** on same Bill.

Signed:
Senator:
PATRICK of Oxford

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

Representative MITCHELL of the Penobscot Nation - of the House - supports the Minority **Ought to Pass as Amended by Committee Amendment "A" (S-219)** Report.

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

Representative BEAULIEU of Auburn 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.

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. 106

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, Knapp, Knight, Libby, Long, Maker, Malaby, McClellan, McFadden, McKane, Morissette, Moulton, Nass, 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, Beavers, Beck, Beliveau, Berry, Blodgett, Boland, Bolduc, Briggs, Bryant, Cain, Carey, Casavant, 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, Kent, Kruger, Kumiega, Lajoie, Longstaff, Lovejoy, Luchini, MacDonald, Maloney, 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 - Chapman, Dion, Kaenrath, Martin, Newendyke, Wintle.

Yes, 76; No, 68; Absent, 6; Vacant, 1; Excused, 0.

76 having voted in the affirmative and 68 voted in the negative, 1 vacancy with 6 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought Not to Pass** on Bill "An Act To Establish an Animal Abuser Registry"

(H.P. 567) (L.D. 760)

Signed:
Senators:
MASON of Androscoggin
GERZOFISKY of Cumberland
WHITTEMORE of Somerset

Representatives:
PLUMMER of Windham
BURNS of Whiting
CLARKE of Bath
HANLEY of Gardiner
HASKELL of Portland

Lajoie of Lewiston
LONG of Sherman
MORISSETTE of Winslow
SANDERSON of Chelsea

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-464)** on same Bill.

Signed:

Representative:

BLODGETT of Augusta

READ.

Representative PLUMMER of Windham moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

Representative **BLODGETT**: Thank you, Mr. Speaker. Mr. Speaker, Members of the House. I rise in opposition to the pending motion and I would like for you to vote for Ought to Pass as Amended and I will tell you why and what my resolve is.

It is direct. All this does, if we pass this today, it is a Resolve directing the Bureau of Identification to determine how to establish an animal abuser registry. We are speaking for those that can't speak for themselves and we try to do that a lot in this House. This is something that is greatly needed.

The amendment, it replaces the bill, it directs the Department of Public Safety, State Bureau of Identification, and the Department of Administrative and Financial Services, Office of IT, using existing criminal history record information, how to coordinate and implement an animal abuser registry accessible to the public that includes, at a minimum, the names and any aliases of animal abusers, the dates of birth of the animal abusers, and the offense for which animal abusers were convicted.

The recommendations regarding this Resolve would come back to our committee February 2012. Fiscal note, there is no fiscal note. Additional costs to these departments are associated with all of the recommendations of this Resolve, can be absorbed within existing staff and with existing budgeted resources.

It includes the animal abusers and what they were accused of. Many times you want to purchase a pet or somebody has purchased a pet. Horses, dogs, cats, anything. You could go to a registry, which this does not, this is a study but this is what the study would show us is who these people are and to protect the animals and yourself from purchasing from these people. This is all this will do. It is a study. It does not implement anything, but it will show us. It is a first step in protecting those that can't speak for them and I would ask for a roll call. Thank you.

Representative BLODGETT of Augusta **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 Standish, Representative Shaw.

Representative **SHAW**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I was just taking a look at the bill before us. I also would like to not accept the Majority Ought Not to Pass Report and move on to the Minority Report. Like the good Representative from Augusta said, it is a Resolve with no cost, asking them to study how to determine how to establish the animal abuser registry.

In the last session of the Legislature I was involved in a project at Bonny Eagle Middle School where the sixth graders

had a civics project. There were around 13 groups of students, 9 students in each group, who had to identify an area of law or rule that they thought should be changed. One of the groups of students did their whole project on animal abuse and one of their recommendations was to establish an animal abuser registry. They all came up to testify on a different bill that we had in the 124th and some things were passed and some things weren't. At the time, the Department of Agriculture said they could actually establish the animal abuser registry with existing funds.

Like the good Representative from Augusta said, also really the animal abuser registry could be used for people that are selling animals to try to find out if someone who's considering buying one of the animals is on the list and then that could prevent that person from obtaining the animal. I would also ask that you vote against the current motion and for the Minority Report. Thank you, Mr. Speaker.

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

Representative **STEVENS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise today to speak against the pending motion. There are many stories that we as a state have heard in recent years. Horrific puppy mills in our state where innocent animals are neglected and malnourished. Animals as lovely and loyal as horses are being beaten and starved. Stories like these exist and each and every one of us are sad to see them. We hope not to see them again.

We as a state are fortunate to have so many different rescue organizations for many types of animals. They volunteer their time, their homes, hearts, and often bank accounts. They are the heroes of Maine's abused animals. It is our duty as a state to provide a resource that people can turn to. If you are looking to board your horse or your dog you want to check to make sure that that potential placement has not been convicted of animal abuse. If you are an agency responsible for placing animals, looking for their forever home, this resource would prove to be invaluable in ensuring that you place that animal with a safe home.

History has shown that people who have committed horrific crimes often started with acts of violence against animals. Having information available and disseminated amongst our communities will only better the chance that people will be able to make safer decisions. Animal shelter personnel would use this resource when determining if an adoption is a safe choice for the animal they have rescued and cared for. When purchasing or adopting an animal families can determine if that animal is coming from a home of a convicted animal abuser, not necessarily to reject that special needs animal, but to be able to provide and give that animal the extra attention, care and love it will need. People looking for someone to board an animal can check to make sure that possible placements do not employ animal abusers.

Another point worth mentioning is the correlation between people who abuse animals often abuse people. There is no harm in knowing this information and making it available to allow for safe decisions to be made. People who take in abused animals, nurse them back to health and essentially save those lives, would use this resource to make sure that animals are not placed with someone with a record of hurting animals.

As a member of the Appropriations Committee I am extremely mindful of the state's limited resources. There are other possibilities that have been mentioned to consider and as a result I would request that you vote against this pending motion. Thank you, Mr. Speaker.

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

Representative **HASKELL**: Thank you very much, Mr. Speaker. Mr. Speaker, Men and Women of the House. I don't disagree with many of the things that my colleagues have just suggested around the issues of animal abuse. They are serious issues. However, the committee did take a look at a registry. This is not the first time. Nor, frankly, is this the first registry that we've looked at from the committee perspective.

So far across the country there is only one governmental agency that has ever established an animal abuse registry and that is Suffolk County, New York. There is and I will give you the site if you would like to check it out. Actually there are two nationwide animal abuse registries to which people can log on and they can log on with a zip code and find out whether people have been convicted. Here in the State of Maine there are some 70 animal abuse and rescue organizations who are well aware of those people in their community for whom they've had to bring charges for this kind of abuse, and that information can be fed very simply into the – let me just make sure I've got the website correctly here. This is the list of the 70 and on here is the website which is available. It is pet/abuse.com and they have a significant number of resources. This is one of the ones that we located and were able to talk about.

Frankly, we on the Public Safety Committee have had some experience with registries, the sex offender registry, and we've also had other requests for registries to be set up in this state, for instance, a drunk driver registry. I think there is a true public safety nexus between the drunk drivers and folks wanting to know who is going to pick up your kids and drive them to school. We haven't been able to put one like that in place. Cocaine distributors. It would be really nice to know if one of them lived next door to you. We haven't created a proactive registry for that either. So there are a number of places where registries might be appropriate, however in this particular case there are already existing nationwide registries.

There is a very active local group, as I said, 70 across the state, of animal abuse shelters who are keeping track of and who know the issues that are going on in their communities. At this point in time, the reason that – and I won't speak for everybody on the committee – but my reason for not moving forward at this point in time is simply that it does not appear that there would be the funds in order to create a statewide registry that would require folks to be reporting in, and would need to set up a series of opportunities for those who are prosecuting to be able to funnel into that registry.

Frankly, there is some concern on my part that this would reduce the number of times that people were willing to bring charges against folks who are hoarding. There are two types of animal abuse. There is the cruel abusive use of animals and sometimes there is a hoarding issue which is not an abuse issue, but more of an issue of folks who sometimes take in more animals than they can possibly take care of without realizing it, without the means to mentally realize what they are doing around that number of animals. I have concerns that a registry of this sort might reduce the number of prosecutions that might go forward. So while the issue is very important and I think we do have resources to take care of it, I would ask you to reject the thought and support the Ought Not to Pass. 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. According to the amendment on my desk here, this doesn't have any fiscal impact to our budget and can be absorbed within the department. I for one support protecting animals. I've always had dogs, when I was a kid. Unfortunately, my two dogs just passed away in the

past couple of years. They had loving homes, but some of them don't. I would ask all members here, this doesn't really hurt anybody. There are no funds being taken away from the budget, so I don't see why we can't take the first step in building a Resolve and starting a Resolve to make this happen. I would ask everyone to follow my light and support this motion. Thank you, Mr. Speaker.

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

Representative **PLUMMER**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. First, I'd like to say the good Representative from Bangor, Representative Stevens, did an excellent job in her presentation to the Criminal Justice and Public Safety Committee. I believe the reason that this was a 12-1 Ought Not to Pass Report is that our committee has been there before. We've been there with arson registries. We've previously been there with animal abuser registries. We've been there with drunk driving registries. With our experience with the sex offender registry, we know it is expensive. Granted the study could be done with existing resources, I didn't ask what other things they wouldn't be doing while they were studying this, but we know that the registry would be prohibitively expensive if you do a real registry and you keep it up-to-date.

There were suggestions during the committee work session that the sponsor and others work with the Maine Humane Society and see what the possibility is for them to draw together a much lower cost registry than it would be for government to do it. I believe that is the reason that we got such a strong Ought Not to Pass Report. Not that we didn't agree that a registry could be helpful, but we didn't believe that Maine State Government has the resources to actually implement the registry. That is based on the fact that we've done studies before and it is very expensive. Thank you, Mr. Speaker.

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

Representative **BLODGETT**: Thank you, Mr. Speaker. Excuse me for rising a second time. I never do this. But the first amendment that we had thought of was a limited look at to see who these abusers would be and that was \$5,000. It was not a huge amount, so this has been reduced to zero in light of resources.

I would just like to mention that there are many abusers. I forgot to mention that I myself have rescued animals that were abused where all of their animals were dumped beside the road. I did take in one of those animals and talked my neighbors into the rest of them. But I would really like to have found the people who were that irresponsible and I think there should be some accountability for these animals in the middle of the winter trying to survive. 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. 107

YEA - Ayotte, Beaulieu, Bennett, Bickford, Black, Burns DC, Burns DR, Cain, Carey, Cebra, Celli, Chase, Clark T, Clarke, Cotta, Crafts, Cray, Crockett, Curtis, Cushing, Damon, Davis, Dill J, Dow, Duchesne, Dunphy, Edgecomb, Espling, Fitts, Fitzpatrick, Fossil, Foster, Fredette, Gifford, Gillway, Goode, Guerin, Hamper, Hanley, Harmon, Harvell, Haskell, Hayes, Johnson D, Johnson P, Knapp, Knight, Kruger, Lajoie, Libby, Long, Luchini, Maker, Malaby, McCabe, McClellan, McFadden, McKane, Morissette, Moulton, Nass, O'Brien, O'Connor, Olsen, Parker, Picchiotti, Plummer, Prescott, Richardson D, Richardson W, Rioux, Rochelo, Rosen, Sanderson, Sarty,

Sirocki, Strang Burgess, Tilton, Timberlake, Turner, Volk, Waterhouse, Weaver, Webster, Welsh, Willette A, Willette M, Wood, Mr. Speaker.

NAY - Beaudoin, Beavers, Beck, Beliveau, Berry, Blodgett, Boland, Bolduc, Briggs, Bryant, Casavant, Chipman, Clark H, Cornell du Houx, Driscoll, Eberle, Eves, Flemings, Flood, Gilbert, Graham, Harlow, Herbig, Hinck, Hogan, Hunt, Kent, Keschl, Kumiega, Longstaff, Lovejoy, MacDonald, Maloney, Mazurek, Morrison, Nelson, Parry, Peoples, Peterson, Pilon, Priest, Rankin, Rotundo, Russell, Sanborn, Shaw, Stevens, Stuckey, Theriault, Treat, Tuttle, Valentino, Wagner R, Winsor.

ABSENT - Chapman, Dion, Innes Walsh, Kaenrath, Martin, Newendyke, Wintle.

Yes, 89; No, 54; Absent, 7; Vacant, 1; Excused, 0.

89 having voted in the affirmative and 54 voted in the negative, 1 vacancy with 7 being absent, and accordingly 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 Require a Transmission and Distribution Utility To Provide Safeguards to Consumers Prior To Installing Wireless Smart Meters"

(H.P. 1025) (L.D. 1396)

Signed:

Senators:

THIBODEAU of Waldo
BARTLETT of Cumberland
RECTOR of Knox

Representatives:

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

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

Signed:

Representative:

BEAVERS of South Berwick

READ.

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

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass** on Bill "An Act To Specify Qualifications for the Director of the Office of Adult Mental Health Services within the Department of Health and Human Services"

(H.P. 414) (L.D. 531)

Signed:

Senators:

McCORMICK of Kennebec
CRAVEN of Androscoggin

FARNHAM of Penobscot

Representatives:

STRANG BURGESS of Cumberland
EVES of North Berwick
FOSSEL of Alna
PETERSON of Rumford
SANBORN of Gorham
STUCKEY of Portland

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

Signed:

Representatives:

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

READ.

Representative STRANG BURGESS of Cumberland moved that the House **ACCEPT** the Majority **Ought to Pass** Report.

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

Representative **STRANG BURGESS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. As we get into some of these divided reports I thought it might be helpful if I were to give you just a brief review of what these issues are.

This bill specifies that when the director of the Office of Adult Mental Health Services within the Department of Health and Human Services is not a psychiatrist licensed pursuant to the Maine Revised Statutes, the Commissioner of Health and Human Services shall appoint a psychiatrist licensed pursuant to the various statutes as a chief for clinical services.

So what does this mean? Essentially a number of the psychiatric physicians, Maine Medical Association, are very concerned with the demedicalization of DHHS staff and adult mental health, especially now that there are no physician positions within the department. So this is a way for, if you will, those that are working within this very important and delicate area of adult mental health services, have access in the decision-making process for policy, etcetera, will have a psychiatrist in that position. This was a compromise and it is being done at no additional cost to the department. The majority of the committee thought that sounded like a pretty good idea. Thank you for your consideration.

Subsequently, the Majority **Ought to Pass** Report was **ACCEPTED**.

The Bill was **READ ONCE**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED** and sent for concurrence.

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought Not to Pass** on Bill "An Act To Encourage Transparency in Disclosing the Ingredients in Vaccinations for Children to Parents and Guardians"

(H.P. 523) (L.D. 694)

Signed:

Senators:

McCORMICK of Kennebec
CRAVEN of Androscoggin
FARNHAM of Penobscot

Representatives:

STRANG BURGESS of Cumberland
EVES of North Berwick
FOSSEL of Alna
PETERSON of Rumford
SANBORN of Gorham
STUCKEY of Portland

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

Signed:

Representatives:

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

READ.

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

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

Representative **STRANG BURGESS**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I just would like to give you a quick overview again on this bill. Some of you who have been here for a few sessions know we've had a number of conversations about vaccines and it is a really critical and important area of public health for our state and our country. We have a tremendous amount of rules and regulations that exist around vaccinations. This bill has to do with disclosing the complete ingredients of vaccinations for the parents of children who are having their vaccinations.

First, this bill proposes to replace existing state mechanism above and beyond the federal requirements to ensure parents receive information on vaccines. As it is now we have a system. If you have a child and you are getting their regular vaccinations, the physician is required to give you a piece of paper which actually I can't hold it up, but you all just received it. It looks kind of like this. Okay, but it says on the top "Vaccine" and it says "What you need to know." It is a double-sided piece of paper and this is actually a federal mandate across the country, so it is the same everywhere, and it tells you, the parent, about that particular vaccine. I know the copy I have is about tetanus, but the doctors' offices all have fliers like this that have been written on a national basis to give to any parent. In addition the parent then has to actually sign for each and every immunization that a child receives in the pediatrician's office. Every single time there is a mini counseling session about vaccines. Here is all sorts of information.

In addition there is websites and you actually have another handout that you've received and it is at the CDC.gov/vaccines, and it has all of the ingredients that we're talking about that people have some issues with what is actually there. So it is there, granted as far as that part you'd go to the website and look, but if you were very concerned about that then it is something you are going to want to be sure you get into. The more important stuff is what is given to the family at the time of the vaccine in the doctor's office. So the majority of the committee felt that the current process of sharing the information which is done one hundred percent of the time, working with the

CDC nationally and using our federal regulations was sufficient, and that's why we are proposing and asking you to Accept the Majority Ought Not to Pass Report. Thank you.

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

Representative **BOLAND**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This is my bill and I did bring it one other time and happily we had more support for it than we did before this time. This is actually not a whole lot unlike the cell phone discussion. These are products that are considered valuable and used a lot and people depend on them a great deal, but some of the details about them are not particularly known to the parents who would be guiding children's health.

What this bill proposes, as has been stated, is that the parents have the opportunity to more easily see what the ingredients are and however the doctor chooses might say at the time of making the appointment to send them to his own website, perhaps, or her own website, to see. The idea is to give parents an opportunity to see what is being injected into their children in case they have any concerns, and also to be reminded that they do have the right to decline if they want to and that is part where this bill comes from. There is quite a large community of nurses and others who are concerned that parents sometimes feel that if they, in good conscience, feel that its not something they want to do, they are under a great deal of pressure from many medical offices to go ahead and do it anyway, and from schools, they believe that the children absolutely can't go to school unless they have a vaccination. So this is an opportunity to help actually maybe educate some of the folks who are giving out the vaccines, that also there is a need for people to understand better so they can see what is actually in them and make choices for their own family.

Our doctor, Meryl Nass, at Mount Desert Island Hospital in Bar Harbor had sent information for the committee the last time I brought this up and reminded me of it again this time, and so it came back again. Talking about studies that are done on vaccines and people in the medical field are more conscious of something called Cochrane Reports and from that her memo says the influence of vaccine clinical trials, about them, reliable evidence is thin but there is evidence of widespread manipulation of conclusions. This is from Cochrane. A 2010 update to Cochrane's 2007 meta-analysis of the published clinical trial literature on influenza vaccinations found not a lot to recommend the vaccines. Cochrane pointed out healthy adults are presently targeted mainly in North America. The implication is that Europe, where most reviews reside, is too smart to push mass flu shots on its healthy population. Farther down in this piece, it says studies funded – and this is the same thing we have with the wireless industry – studies funded from public sources were significantly less likely to report conclusions favorable to the vaccines. The review showed that reliable evidence on influenza vaccines is thin, but there is evidence of manipulation again from before. The content, in conclusion, of this review, should be interpreted in light of this finding. So people are saying things like that.

Another letter from a pediatric nurse. Many of us in the medical and nursing professions read the studies every day implicating environmental toxicity and poor nutrition as culprits. Additionally, a growing segment of health professionals as well as thousands of intelligent, caring, and observing parents believe that childhood vaccines are partially to blame. But you know this is theory, it's not evidence. But some people are very concerned.

In my experience, my first conference that I ever went to here as a legislator was to the Women in Government conference in Florida where Gardasil was launched, and I was really amazed at

how hard that was pushed. There were really more lobbyists there than there were medical people. There was such a strong push. But when people asked "Well, what's the other side of the story because we've heard some concerns," those concerns were kind of pushed away. But Gardasil ingredients include amorphous aluminum hydroxyphosphate sulfate, which is something that has been implicated for Alzheimer's, sodium chloride, L-histidine, polysorbate 80. These are things, roach killer. This is a vaccine that's being promoted for 9-year-old girls and the push comes very hard. Needless to say, medical physicians and all want to do the right thing. But often times, the pharmaceutical companies push them really hard and are very convincing and don't expose some of the other issues. Various testing has showed that there are problems with infertility and all in mice that were using this.

I'd like to close by just reading two paragraphs from a former legislator, Thom Watson, who wrote several years ago, "I represented a 13-year-old and her parents in a lawsuit brought under the Federal Tort Claims Act. When the child was an infant, she was immunized according to normal protocols with diphtheria, pertussis, and tetanus vaccine in two stages. After her first DPT immunization, she developed a high fever and what the parents described as seizure disorder that lasted three days. When she was brought in for the booster immunization, the military doctor on her case felt the worried parents were exaggerating the problem and proceeded to administer the second inoculation. The child reacted violently and suffered what was later diagnosed as a severe brain injury. When I met the parents years later, they carried their teenage daughter into my office in a large child carrier. The girl, weighing only 40 pounds, was in a near vegetative state. A few nights before they had seen a television documentary about the recently reviewed problems with pertussis vaccine and the symptoms described in the program matched what they had seen in their daughter after her first DPT shot. It turned out that such reactions were more common than was public knowledge at the time and had they been forewarned of the dangers signaled by her reaction to the first shot, they would not have agreed to the booster."

So those are the kinds of concerns people have and the other concern that I always have is that we don't trust the people who elect us to office enough with information that is highly pertinent to their ability to be responsible citizens and parents. I'd just ask you to glance at some of what the ingredients are in these. It includes iron ammonium and aluminum. Aluminum has brought up quite a lot. There is also thimerosal, monkey kidney tissue, formaldehyde. You might want to know that before it goes into your child, particularly in multiple doses. I have no doubt that all the medical people associated with this, the other side of the argument here, is very learned and of good will, but I just, with this legislation, would ask that we allow our parents to know things that they might want to know and then be able to share with the doctor what the doctor advises. But with all the information that is provided on this flier, the ingredients are hidden from you. You have to try a little harder as the medical societies were arguing at the hearing. You can always go online and look for it or you can read the insert in the package. There is a lot of good information here, but this is what some parents want to see and think about also. I would ask that you vote red on this one.

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

Representative O'CONNOR: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to the pending motion. I ask, should we as a populace have choice to know exactly what is in the vaccinations that are

given to ourselves, our children, our grandchildren? I am inclined to say yes; however, there has been a concerted effort to squelch that choice. I estimate it is because perhaps the pharmaceutical industry has concerns that some won't choose to be vaccinated. That may be so. However, regardless of that assumption, I am convinced that all individuals should be able to obtain truthful disclosure of what is being injected and ingested into theirs and their loved one's bodies. In that way we are able to make educated choices about the pros and cons of vaccinations.

By the time our children are 6 months old, they are recommended to receive 39 vaccinations. Frankly, I find this act in itself ridiculous since the baby carries a mother's natural immunity for about six months, longer if the child is breastfed. By the time a child goes to school his body has received 53 vaccination doses conservatively.

It is interesting how the DPT shot is given at 2 months, 4 months, and 6 months of age and the highest incidence of crib death (SIDS) is at 2 months, 4 months, and 6 months of age.

In Japan, during 1975-79, the government noticed the high incidence of infant death after the DPT shot was introduced. Thirty-seven died. When they stopped vaccinating all children under 2 years of age, crib death, or SIDS, virtually disappeared. Is it crib death, or vaccine death? The government doesn't acknowledge vaccine death. However, SIDS is reported as the cause of death in a vaccine injury, yet the manufacturers state death as a risk on their product.

I read a newspaper article a few weeks ago that struck me hard and really made me think. Poul Thorson, a scientist who formerly worked for the CDC over the last several years, oversaw millions of dollars in grant money that was used to conduct research to "prove" that vaccines have no link to autism. Dr. Thorson's research papers include the famous Danish study entitled "Thimerosal and the occurrence of autism: negative ecological evidence from Danish population-based data."

This paper concludes that thimerosal, the mercury-based preservative used in vaccines around the world, has no statistically significant link to autism. It is one of the key papers used by vaccination proponents who argue that thimerosal is safe to inject into young children. That same Poul Thorson's credibility is now being called into question by a federal indictment of fraud and money laundering.

Autism has only been discovered since the introduction of the DPT vaccination. I question, is that a coincidence? According to the US FDA, doctors under-report adverse vaccine reactions by 90 percent. Why would this be? This bill is about choice, educated choice and I urge you to follow my light.

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. I'm trying to keep my pulse rate down here because this information, I guess what we are trying to call education, is so wrong and so upsetting to me. I really believe that this is a very dangerous bill and hope that you can take it from scientific sources how misinformed you are being. With all due respect, when you can't pronounce the word right and you are trying to say what one of these chemicals is doing there is something wrong with that being taken as an authority.

I do believe that it is important to educate parents about vaccines and I believe that most primary care physicians, pediatricians, and family doctors spend huge amounts of time doing so. We should never refuse to share information and go into greater detail as necessary to make sure that our patients or their parents understand what it is that we're offering. The patient/doctor relationship is critical to predicting or to practicing

good medicine. To refuse to see patients or treat patients because they refuse to follow our advice is just plain wrong and that's why is it absolutely necessary that we allow exceptions to routine vaccines, and we do. We offer medical exceptions, religious exceptions, and philosophical exceptions. That is what our state does. That is what we do in our offices.

Parents want to do what is best for their most precious gifts, their children. These vaccines are complicated and it can be confusing to know if you are doing the right thing by administering these vaccines. Health care providers want to do right for their patients. Physicians take an oath to do no harm. Information is given out with every vaccine on a vaccine information statement made up by the U.S. CDC. Representative Boland was kind enough to pass those around. You can note that one of the last bullet points on these vaccine sheets is "How can I learn more?" At that site, it tells you that you can ask for the package insert. There is an excellent website that lists all of the ingredients and what they are in the vaccine for, adjuvants, preservatives, antibiotics, etcetera.

The problem with this bill is twofold. One, it requires that a health care provider hand out the ingredients in each vaccine, and two, it requires that the provider make a statement about the option of refusing the vaccine. These things are already done, but making it a point to say that you can refuse this vaccine is going to confuse parents. Any of us who have practiced know what this bill will do. It will give a mixed and confusing message to parents, one that we're advising that the vaccine is a benefit to the child and will help to protect the child as well as the community from serious disease, and then two, be careful because the vaccine contains what many would perceive to be dangerous ingredients. And I can't emphasize that perceived to be dangerous ingredients. The real danger is that many more parents will opt out, herd immunity will decrease, diseases such as measles and meningitis will increase, and more children will be permanently disabled or die. It happened in England, it happened in California, and it will happen here.

Maine once led the nation in vaccination childhood rates with nearly 90 percent of kids under the age of 3, in 1995, getting the recommended immunizations. We now rank in the bottom half of the states with that number falling to under 80 percent in 2007. If we fall further, we're going to lose that herd immunity and again we will see these diseases. All the ingredients in the vaccines have been studied and are considered and I say safe for humans in the amount used in the vaccines. When I talked about pesticides, I talked about that dose response and you can harm people with almost anything. You can harm people with table salt if you give them too much of it. The amount in these vaccines is less than children encounter in the environment, food, and water. So please, please listen to people like Dr. Sears, our State Epidemiologist, and others who testified on this vaccine, and please vote with the majority from the committee on this bill. Thank you.

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

Representative HARMON: Thank you, Mr. Speaker. I request that the Clerk read the Committee Report.

THE SPEAKER: The Chair would respond that unlike sometimes, at this time because this is one of the 6s, it is on your calendar.

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

Representative GRAHAM: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. As many of you know, as I've said several times, I've dedicated my entire adult life to pediatric health care. I am here to say, and I hope you

hear this clearly, vaccines are a public health success story and prevention is worth it. There are many areas that we have seen the success. Polio, for example. Polio vaccine prevents polio that causes people to be unable to walk. I had a good friend in college whose dad had polio, but because of this vaccine we rarely, if ever, see it. I think it's important that people realize that vaccine rates are declining significantly and I fear, as does my good friend from Gorham, that this is happening because we are scaring people unnecessarily. What happens when children don't receive immunizations? They become very sick. They have brain injury such as meningitis. They die.

I will give you an example. Pertussis. Pertussis is the term for whooping cough. Children receive the pertussis vaccine, acellular pertussis vaccine, because that is much safer early on in their life when they need to build their immunity. You may have had a bad cold this winter as many of us did with a bad cough. Well, guess what? You may have had pertussis and didn't even know it. When you held your child or your grandchild and you coughed and coughed, they could have been exposed to pertussis and, if they were unimmunized, they would have contracted pertussis, gotten severely ill with a respiratory infection, ended up in the ICU, and, yes, could have died. But because of the pertussis vaccine we are protecting children and it is safe and well studied. The HIB vaccine, haemophilus influenza b. Well, when I first started practice I was in Boston. We didn't have that vaccine and I saw a young child contract the haemophilus influenza disease and she ended up dead. But now we have it. It is very safe and, in fact, it is probably decreasing the incidents of ear infections.

Lastly, I would point out measles. Measles is a vaccine that is safe. There was a study done in England that said it wasn't and so children didn't receive the vaccine. The study was subsequently completely discredited and we are now seeing in parts of our country that measles are rising and children are becoming severely ill. Measles can result in encephalitis, another severe brain infection. It is very important to note as the good Representative from Cumberland and the good Representative from Gorham have pointed out that parents can say no. Every single time a shot is given, it is imperative that we as providers go over the vaccine, give the information to the parents, and they have to sign every single time if they want to give their child a shot. We're not deceiving them. We're giving them good information. And as the good Representative from Gorham pointed out, people, if they're worried, it's important, they should have their answers and we will lead them to that at the CDC website.

I want to thank the good Representative from Sanford for the vaccine information sheet that she handed us because it is clear that that's what it says, and we're not hiding information. It goes over all the reactions that people could have, children could have. I would point out a severe allergic reaction could occur after a vaccine. They are estimated to occur less than once in a million doses. There are risks certainly, but the benefits outweigh the risks. I truly appreciate the good Representative from Sanford's desire to protect children. That's my job. That's what I've done my entire life and I think that you should support this motion, Ought Not to Pass, because it will hurt children. This is not the way to protect children. This is the way to hurt children. I urge you to follow my light. Thank you, Mr. Speaker.

THE SPEAKER: The Chair recognizes the Representative from Alna, Representative Fossel.

Representative FOSSEL: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I don't intend to go on very long. I just want to point out that this bill would yet again make the State of Maine an outlier and get us back into the

nanny government routine. When I look at bills like this and all these bills I look at how these bills come about and, from my point of view, this is people's fears and they've taken facts to assemble and justify. They've assembled facts under those fears to justify them. If we're going to do the business of the State of Maine, we're going to start with facts, and if that leads to fears that we can appropriately deal with by legislation we do it. This does not do that. I urge you strongly to vote Ought Not to Pass with the majority and get on to the rest of our business. Thank you.

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

Representative **BOLAND**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just wanted to clarify a few things. By this legislation, actually my goal was not to promote wrong information. My goal is just to let people know and coming right from the doctor's office and other pharmaceuticals what truly is in these products. I don't want to suggest anything different or portray them as anything different. I referred to Dr. Meryl Nass, our physician in Maine who is considered an international expert on the anthrax vaccine, and she is very troubled by not having good information sometimes. She is not a proponent against vaccinating, but she is a proponent for good information, and that's why I refer to her.

I would just like to also remind people that when this was heard last year Anne Perry was chair of the Health and Human Services Committee and she was a nurse practitioner with a practice in Calais. She commented that it was only her most well-informed parents who opted against vaccines. That was surprising to some, I guess, in the committee, but she reiterated it. She didn't characterize it in any way, so maybe people who try to be well-informed are more apt to opt out. I don't know really what that means, but that's what came from that, and then really talking about children getting sick and dying from not having vaccines. Obviously the goal of this is to be able to address the concerns some people have of getting sick or dying from having vaccines. I personally know a few different people whose children never did have vaccines and are in great health. One of them who has never ever had to go to the doctor and she is 13 years old for a sick visit, just a check up.

I just wanted to reiterate that I certainly respect the medical professionals here. They know a lot, they've seen a lot, but this is again something too, with a sheet as big as this and as full of information, it seems that it would be okay to put at the bottom what the ingredients are and then they can learn more from that. It's just to respect our people that have concerns and give them enough information so that they actually feel respected in their doctor/patient relationship. 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 will be brief, I promise. I think it is appropriate that I follow the Representative from Gorham, Dr. Sanborn, and other health professionals in the field. I think that we need to follow their advice and the advice of those that came before us in our committee that know a whole lot more about this than I certainly do.

But what I do know is that childhood immunizations have been the single greatest public health accomplishment of the last century and a preventative health measure strongly supported by scientific evidence. The Maine Legislature has recognized this by defeating similar bills in prior Legislatures, most recently in the 122nd, 123rd and 124th, and my hope is in the 125th.

I am concerned that the likely result of this legislation would be to raise needless fear among parents of young children and

cause more parents to forgo immunization for their children. I'd ask that the House consider the risks of a population that is not vaccinated and I ask that you please join me in supporting the pending motion. Thank you, Mr. Speaker.

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

Representative **VOLK**: Thank you, Mr. Speaker. Whenever I hear people talk about this causes autism, that causes autism, I find it very, very aggravating and I think it makes life more difficult for those of us who actually have a family member, particularly a child, with autism because, guess what? It's not that simple. It would be nice if we knew that vaccines caused autism because all we'd have to do is change the vaccines or change the schedule that we gave children the vaccines on and, one, the rates of autism would drop. Wouldn't that be great? Guess what? That's not going to happen because we've already proven scientifically vaccines do not cause autism, nor do food allergies cause autism.

When my son was diagnosed we tried everything to figure out what was the cause, could we cure it. We took him to natural healers. We took him to people that prescribed all sorts of strange therapies, special diet. We looked at the vaccine factor. We actually even delayed vaccines on our third and fourth children because of our concerns. Unfortunately, it's not that simple. I agree with the Representatives from North Yarmouth and from Gorham that this is potentially very dangerous. The illnesses that the vaccines protect our children against are very dangerous and you'd have to be a chemist to understand the labeling on a vaccine. All the parents are going to do is become scared when they look at the amount of the ingredients they are injecting into their precious child. There is some amount of trust that we have to place in scientists who have developed these vaccines which have been extraordinarily successful around the world. There are still children around the world who are dying because they don't have access to vaccines that our children have that have eradicated illnesses. I rise in support and I urge you to follow my light on the Majority Report, Ought Not to Pass. Thank you.

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. Obviously, I guess, people are scared about these vaccines. But perhaps we ought to make them really scared and terrified. Let's roll out all the old iron lungs that are in storage right now and let people start to see that. I am voting for the proposal and I ask everyone to follow my light please.

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

Representative **SANDERSON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This bill does not advocate that parents not vaccinate their children. It merely asks that some of the information that is coming forward, questioning the potential link between vaccines and vaccine injuries, that ingredients be disclosed to parents prior to the vaccination. This form that was handed out by Representative Boland, yes it is very helpful. It has all kinds of things of what to look for after the child is vaccinated. On number eight, "How can I learn more?" that's where all your links for information are about the vaccines, what's in it, but you're getting this after you are there to get your child vaccinated. Now in this day and age we're so careful about labeling. You can't even sell a bottle of water without having an ingredients label on it. It cannot go onto the shelf for consumers to purchase, yet we do not mandate that doctors at least inform, a little bit of information here, about what is in this vaccination

beyond on something for a parent to read prior to injecting into your child's body. I think that's pretty important. There are other forms, other options other than vaccinations for parents to consider if they were informed. I mean there are preservative free vaccines. Maybe those are different, there's a different scheduling. Maybe those are different. This is not advocating for not vaccinating your child. This is just advocating to educate the parents. Thank you.

Representative BOLAND of Sanford **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 North Yarmouth, Representative Graham.

Representative **GRAHAM**: Thank you, Mr. Speaker. I apologize to the House for rising again, but I just wanted to say one other thing and that is the acting director for the CDC at that time, Dr. Sears, was at this hearing and he pointed out that the ingredients that you see on this list – and you can't actually can't pronounce most of the things – are there as how that they're the vehicle to be able to make the vaccine work. I would ask that you all go home and take out all the medications that you take – over-the-counter medications, prescription medications – and you're going to find a whole bunch of these in there. You use them all of the time and they are safe. I would point out also that thimerosal has been removed from vaccines. It was not completely proven that it was dangerous or harmful to anyone, but because of great outcry and anxiety by people in the community, they said, okay we'll take it out, but the reality was that it really wasn't hurting anyone.

I will also say that it's very, very important that we make our decisions based on sound mainstream science. I don't make decisions based on science by fringe authorities. I make my decisions based on National Institutes of Health, the CDC, people who I trust, who I know. I base my decisions on work by Harvard, by Columbia, by Johns Hopkins, by well researched scientists. I make decisions based on fact and science, not fear and anxiety. Again, I ask you to follow my light, protect children. They need to be immunized. Thank you, Mr. Speaker.

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

ROLL CALL NO. 108

YEA - Ayotte, Beaudoin, Beaulieu, Beavers, Beck, Beliveau, Bennett, Berry, Bickford, Blodgett, Bolduc, Briggs, Bryant, Burns DR, Cain, Carey, Casavant, Celli, Chase, Chipman, Clark H, Clark T, Clarke, Cornell du Houx, Cray, Curtis, Cushing, Damon, Dill J, Duchesne, Eberle, Eves, Fitts, Fitzpatrick, Flemings, Flood, Fossel, Foster, Fredette, Gifford, Gilbert, Gillway, Goode, Graham, Hamper, Hanley, Harlow, Harvell, Haskell, Hayes, Herbig, Hinck, Hogan, Hunt, Innes Walsh, Johnson D, Kent, Keschl, Knapp, Knight, Kruger, Kumiega, Lajoie, Libby, Long, Longstaff, Lovejoy, Luchini, MacDonald, Maker, Maloney, Mazurek, McCabe, McFadden, McKane, Morissette, Morrison, Moulton, Nass, Nelson, O'Brien, Olsen, Parry, Peoples, Peterson, Picchiotti, Pilon, Plummer, Prescott, Priest, Rankin, Richardson D, Richardson W, Rioux, Rochelo, Rosen, Rotundo, Russell, Sanborn, Sarty, Shaw, Stevens, Strang Burgess, Stuckey, Tilton, Treat, Turner, Valentino, Volk, Wagner R, Weaver, Webster, Welsh, Willette A, Willette M, Winsor, Wood, Mr. Speaker.

NAY - Black, Boland, Burns DC, Cebra, Cotta, Crafts, Crockett, Davis, Dow, Dunphy, Edgecomb, Espling, Guerin,

Harmon, Johnson P, Malaby, McClellan, O'Connor, Parker, Sanderson, Sirocki, Theriault, Timberlake, Tuttle, Waterhouse.

ABSENT - Chapman, Dion, Driscoll, Kaenrath, Martin, Newendyke, Wintle.

Yes, 118; No, 25; Absent, 7; Vacant, 1; Excused, 0.

118 having voted in the affirmative and 25 voted in the negative, 1 vacancy with 7 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on Bill "An Act To Require a 24-hour Waiting Period prior to an Abortion"

(H.P. 98) (L.D. 116)

Signed:

Senators:

HASTINGS of Oxford
BARTLETT of Cumberland
WOODBURY of Cumberland

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-469)** on same Bill.

Signed:

Representatives:

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

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 **JUDICIARY** reporting **Ought Not to Pass** on Bill "An Act To Educate Women on the Medical Risks Associated with Abortion"

(H.P. 684) (L.D. 924)

Signed:

Senators:

HASTINGS of Oxford
BARTLETT of Cumberland
WOODBURY of Cumberland

Representatives:

BEAULIEU of Auburn
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-467)** on same Bill.

Signed:

Representatives:

NASS of Acton
MOULTON of York
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.

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 **JUDICIARY** reporting **Ought Not to Pass** on Bill "An Act To Strengthen the Consent Laws for Abortions Performed on Minors and Incapacitated Persons"

(H.P. 1072) (L.D. 1457)

Signed:

Senators:

HASTINGS of Oxford
BARTLETT of Cumberland
WOODBURY of Cumberland

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-468)** on same Bill.

Signed:

Representatives:

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

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.

CONSENT CALENDAR First Day

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

(S.P. 86) (L.D. 280) Resolve, Reauthorizing the Balance of the 2005 Maine Biomedical Research Fund and Marine Infrastructure and Technology Fund Bond Issues (EMERGENCY) Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**

reporting **Ought to Pass as Amended by Committee Amendment "A" (S-185)**

(S.P. 110) (L.D. 397) Bill "An Act To Amend the Laws Governing Competitive Bidding for School Construction and Repair" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-187)**

(S.P. 126) (L.D. 422) Bill "An Act To Amend the Laws Governing the Tax Assessment for Correctional Services in Lincoln County and Sagadahoc County" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-209)**

(S.P. 147) (L.D. 514) Bill "An Act Regarding Conveyance of Easements across Railroad Rights-of-way" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-183)**

(S.P. 157) (L.D. 565) Bill "An Act To Provide Funding for the World Acadian Congress" Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-184)**

(S.P. 161) (L.D. 569) Bill "An Act To Support and Encourage the Use of Online Textbooks" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-186)**

(S.P. 218) (L.D. 729) Bill "An Act To Prohibit Electric Utilities from Entering into Long-term Supply Agreements" Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-193)**

(S.P. 231) (L.D. 793) Bill "An Act To Protect Ratepayers While Enhancing Energy Independence and Security" Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-194)**

(S.P. 318) (L.D. 1085) Bill "An Act Regarding Prequalification Standards for Contractors" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-188)**

(S.P. 373) (L.D. 1252) Resolve, To Develop a Plan To Improve Public Guardianship Services to Adults with Cognitive Disabilities Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-222)**

(S.P. 374) (L.D. 1253) Bill "An Act To Amend the Laws Governing the Enforcement of Statewide Uniform Building Codes" Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-210)**

(S.P. 396) (L.D. 1275) Bill "An Act To Amend the Laws Governing the Activity of Certain Nonprofit Corporations" Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-225)**

(S.P. 405) (L.D. 1308) Bill "An Act To Strengthen Computer Privacy" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-208)**

(S.P. 453) (L.D. 1462) Bill "An Act To Amend the Department of Marine Resources' Administrative Suspension Process" Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-190)**

(S.P. 467) (L.D. 1489) Bill "An Act Regarding Regulation of Emergency Medical Services" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-223)**

(S.P. 482) (L.D. 1521) Bill "An Act To Amend the InforME Public Information Access Act" Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-195)**

(S.P. 499) (L.D. 1561) Bill "An Act To Create the Nickerson Lake Sewer District" Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-199)**

(H.P. 319) (L.D. 393) Bill "An Act To Implement the Recommendations Regarding the Legislative Review of the Allocation of Slot Machine Revenue" Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-482)**

(H.P. 367) (L.D. 474) Bill "An Act To Reduce the Property Tax Burden and Improve the Circuitbreaker Program" (EMERGENCY) Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-475)**

(H.P. 617) (L.D. 821) Bill "An Act To Transfer Responsibility for the Enforcement of Liquor Laws to the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations" Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-483)**

(H.P. 816) (L.D. 1081) Bill "An Act To Provide a Property Tax Exemption for Family Burying Grounds" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-476)**

(H.P. 850) (L.D. 1144) Bill "An Act To Repeal Inactive Boards and Commissions" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-472)**

(H.P. 1116) (L.D. 1513) Bill "An Act To Clarify the Maine State Lottery Agent Licensing Process" Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-481)**

(H.P. 1122) (L.D. 1528) Bill "An Act To Amend the Election Laws and Other Related Laws" Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-474)**

(H.P. 1125) (L.D. 1533) Bill "An Act To Provide for a Method To Remove an Elected Municipal Official" (EMERGENCY) Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-480)**

(H.P. 1139) (L.D. 1552) Resolve, Authorizing the Commissioner of Administrative and Financial Services To Sell or Lease the Interests of the State in Certain Real Property Located in Rockwood and Sinclair in the Unorganized Territory Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-473)**

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

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

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

ENACTORS
Emergency Measure

An Act To Clarify the Exemption of Lineworkers from Maine Electrician Licensing Laws

(H.P. 675) (L.D. 915)
(C. "A" H-395)

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

Emergency Measure

An Act To Amend the Maine Juvenile Code To Address the Issue of Competency

(H.P. 1039) (L.D. 1413)
(C. "A" H-412)

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

Emergency Measure

An Act Regarding the Right of Native Americans To Be Issued Hunting, Trapping and Fishing Licenses

(H.P. 1071) (L.D. 1456)
(C. "A" H-392)

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

Emergency Measure

An Act To Encourage Science, Technology, Engineering and Mathematics Education

(S.P. 490) (L.D. 1540)
(C. "A" S-177)

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

Emergency Measure

Resolve, Directing the Maine Center for Disease Control and Prevention To Conduct a Review of Wood Smoke Laws

(H.P. 430) (L.D. 547)
(C. "A" H-407)

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

Representative CUSHING of Hampden **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 further motion of the same Representative, **TABLED** pending **FINAL PASSAGE** and later today assigned. (Roll Call Ordered)

Emergency Measure

Resolve, Regarding Legislative Review of Portions of Chapter 101, MaineCare Benefits Manual Chapter III, Section 21: Allowances for Home and Community Benefits for Members with Intellectual Disabilities or Autistic Disorder, a Major Substantive Rule of the Department of Health and Human Services

(H.P. 550) (L.D. 743)

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

Emergency Measure

Resolve, Establishing the Commission To Study Priorities and Timing of Judicial Proceedings in State Courts

(S.P. 297) (L.D. 951)

(C. "A" S-213)

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

Emergency Measure

Resolve, To Direct the Public Utilities Commission To Develop a Plan To Reform Telecommunications Regulation

(H.P. 1075) (L.D. 1466)

(C. "A" H-399)

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

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

The House recessed until 2:00 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:

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 (7) **Ought Not to Pass** - Minority (6) **Ought to Pass as Amended by Committee**

Amendment "A" (H-431) - Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Establish a Single-payor Health Care System To Be Effective in 2017"

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

TABLED - June 2, 2011 (Till Later Today) by Representative RICHARDSON of Warren.

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

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 would ask you to vote against the Ought Not to Pass motion so we could move on to the Ought to Pass as Amended motion.

This bill as amended represents a new approach to health care in Maine. It sets up a single-payor health care advisory committee to advise the Legislature on the design and implementation of a single-payor health care plan, which is supposed to be worked in coordination with the Affordable Care Act. The report due to the Legislature would be in December 2011.

You might ask, why single-payor? I think there are a number of reasons, but I will give you three brief reasons. First, single-payor will provide a quality affordable health care for all Maine residents. It's frankly the only plan which will do that. It will provide preventative care to Maine people. It will improve the health care of all of our citizens. The United States lags behind, as I'm sure you know, most industrialized democracies in health care of its citizens. In fact, we've been ranked 37th in that area. Single-payor systems do better in letting people live longer, healthier lives than in any other kind of health care system. Finally, single-payor will allow you to control health care costs. Private insurance, in fact, has not been able to do this. Throughout this country medical care costs have risen twice the rate of inflation. If that keeps up, we will bankrupt ourselves. We simply cannot do that.

As some of you may know Vermont is moving towards a single-payor system. The governor has signed the bill and they are on their way to coming up with a single-payor system. I think Maine can do that as well. I would urge you to vote the Ought Not to Pass Report down so we can move on to the Ought to Pass as Amended.

I would leave you with a brief quote from Winston Churchill. Winston Churchill said "Americans will always do the right thing after they've tried everything else." It's time for single-payor. Please vote against the pending motion. Thank you.

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 rise in support of the position of the Representative from Brunswick, Representative Priest, and just wanted to add that I think now is an appropriate time for us to move towards a single-payor system. The Affordable Care Act gives us the opportunity to work towards this in 2017.

I just also wanted to add that in our committee we have lots of different testimony from small businesses, medical professionals, consumers. I think there were well over 15 people who took the time to come to our committee and provide compelling testimony in support of this bill. Only I think the lobbyists for the insurance agents and the Maine State Chamber were the only two people who submitted testimony in opposition to this bill. I just really feel like after the hearing it was clear that many small businesses, many self-employed people would stand to benefit from making sure that they don't have the difficulty of competing with

businesses that have a much easier time purchasing health insurance because of the nature of them being larger.

I think the other thing that really struck me from the hearing was that these weren't people that came from places like Portland. There were people who were from Presque Isle, from Brooklin, from Springvale, from Mapleton. The range of people that came to this hearing and took time to be here was really impressive and I think was different from past hearings that our committee has had on this type of issue. I urge you to oppose the current motion and support Representative Priest's bill.

Representative TREAT of Hallowell **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 Hallowell, Representative Treat.

Representative TREAT: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. Once again, I would just like to also briefly add the support speaking on behalf of those in the minority on this report. We do feel that this is a really appropriate time to move forward because the Affordable Care Act, in particular, allows states to develop their own plans and single-payor can be that plan. It is a particularly auspicious time. There is funding available from the Federal Government. We have a state next door to us or very close us that is moving ahead and we will be able to take advantage of the research that they have done and also take a look at how what they are doing is working once they get going. So we do support this and hope that you will vote against the pending motion, so that we can go forward with the legislation in the Minority Report.

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 rise in opposition to the current motion and just would like to put out for the House's consideration the fact that I am a member of a single-payor health care system right now, and a very satisfied one at that. It is called Medicare. Indeed, because I am a member of that single-payor health care system, I don't have to burden the state with the costs of health care. I am a worker who can come and cost the state less because I am on a single-payor health care system that is working quite well. I urge you to think about those things as you cast your vote today, I hope in opposition, to the present motion. Thank you, Mr. Speaker.

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. We've had this Ought Not to Pass resolution or subject before us and I just want to remind members that we have just gone through a piece of legislation to hopefully create a competitive market here in Maine and will certainly do, I think, a lot of things that we are looking to do. Last, I just want to make a point that we recently had a bill very similar to this that we did turn aside, so I would hope that I could talk the folks into respecting my light and vote Ought Not to Pass. 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. 109

YEA - Ayotte, Beaulieu, Bennett, Bickford, Black, Burns DC, Burns DR, Cebra, Chase, Clark T, Cotta, Crafts, Cray, Crockett, Curtis, Cushing, Damon, Davis, Dow, Dunphy, Edgcomb,

Espling, Fitts, Fitzpatrick, Flood, Fossel, Foster, Gifford, Gillway, Guerin, Hamper, Harmon, Harvell, Johnson D, Johnson P, Keschl, Knapp, Knight, Libby, Long, Maker, Malaby, McClellan, McFadden, McKane, Morissette, Moulton, Nass, 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, Beavers, Beck, Beliveau, Berry, Blodgett, Boland, Bolduc, Briggs, Bryant, Cain, Carey, Casavant, 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, Luchini, MacDonald, Maloney, 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, Chapman, Dion, Fredette, Martin, Newendyke, Wintle.

Yes, 74; No, 69; Absent, 7; Vacant, 1; Excused, 0.

74 having voted in the affirmative and 69 voted in the negative, 1 vacancy with 7 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

HOUSE DIVIDED REPORT - Majority (9) **Ought to Pass as Amended by Committee Amendment "A" (H-453)** - Minority (4) **Ought to Pass as Amended by Committee Amendment "B" (H-454)** - Committee on JUDICIARY on Bill "An Act To Amend the Maine Condominium Act"

(H.P. 978) (L.D. 1332)

TABLED - June 2, 2011 (Till Later Today) by Representative NASS of Acton.

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

Representative PRIEST of Brunswick **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 Brunswick, Representative Priest.

Representative PRIEST: Thank you, Mr. Speaker. You might ask what the differences are between the Minority and the Majority Reports. Basically it is the question of whether there should be a priority lien for condominium associations for six months worth of condominium fees.

Let me read a little bit of the testimony before the committee so that you can have an understanding of what this involves. This is the testimony of Bruce McLaughlin before the committee. He said condominium associations are nonprofit entities that govern the affairs of condominiums and their owners. Each association is responsible for managing all common area property within the condominium including repairing, improving and insuring the property. They are also responsible for managing the mutual rights and responsibilities of its members from whom they must collect assessment sufficient to maintain the property and fund all other obligations of the condominium association.

When a condominium owner defaults on his or her mortgage, they also stop paying their condominium assessments. Because the first mortgage always takes priority over the condominium lien, the first mortgage takes all of the proceeds at auction and

the associations get nothing. This is true even though the bank holding the first mortgage has benefited extensively from the services of the association. Although the association receives no payments on the delinquent unit, it must continue to provide insurance on the unit, perform maintenance and improvements on roofs, siding and other common elements, plow snow, and sometimes even pay for heat and utilities if the unit is abandoned. In some cases, this can go on for years during the foreclosure process, with the association incurring substantial costs that protect the bank's collateral with no reimbursement. These foreclosures can create gaping holes in our association's budget that pose a very serious risk, not only for the association but for all condominium stakeholders including lenders.

The solution to this problem, the majority of the committee believes, is to have a priority lien for up to six months of condominium fees. This would allow the condominium association to be sure that if it had to foreclose, the bank would come in and pay off the six months worth of condominium fees so that the bank can continue having a strong lien on a foreclosed unit.

Now when this bill was brought up two years ago I was solidly on the side of the banks, and I've changed my mind and you might ask me why I've changed my mind. The reason I changed my mind is that Maine is the only state in New England which does not have a priority lien for condominiums. All the other states in New England have such a law. So I asked people who testified before us, the bankers and the credit unions, show me the harm that this law has done. Show me the harm. If you can show me the harm I will vote with you. In fact, after waiting weeks and weeks, they have not been able to show me the harm. I said can you show me that the fact that condominium mortgages cannot be sold in a secondary market because of this? So far they have not been able to show me that. I said are you going to be able to show me that loans are much more difficult to get? And again, so far they've not been able to show me that. So that's the reason I changed my mind.

Originally I said let's have a proposal of a six-month lien escrow that condominiums could require their people to pay and that way you wouldn't have to have a priority lien. Unfortunately, for whatever reason, that has not worked out and that has not been a useful tool for condominiums. If in fact we kill this Minority Report and go on to the Majority Report and there is a priority lien, then it's pretty clear that the banks will escrow six months worth of assessments so that there will be an escrow through the bank rather than through the condominium association. Again, I asked and asked and would have changed my mind if they could have shown me harm. But in fact this law is in every other state in New England and they have not been able to show me harm. Therefore, I ask that you vote down the Minority Report and move on to the Majority Report. Thank you.

The SPEAKER: The Chair recognizes the Representative from Acton, Representative Nass.

Representative NASS: Thank you, Mr. Speaker. I rise today to ask you to vote in favor of the Minority Ought to Pass as Amended Report. I agree with many sections of this bill because it makes many needed changes and updates to the Maine Condominium Act, but the Majority Report is troubling for a number of reasons.

This legislation allows condo assessments to take priority and come before a first mortgage on a condominium unit. Currently, those that make loans on condo units – our local credit unions and community banks – retain first priority against and above condo assessments and most other claims as a safeguard. It provides the lender with security that the loan will be repaid. A mortgage having a first priority allows our lenders to continue

lending. It provides a certain level of assurance and mitigates some of the risk associated with mortgages.

This legislation will erode a lender's first mortgage on condo units. It will undoubtedly increase the risk associated with condo loans and cause lenders to think twice before extending credit on what otherwise would be considered a more profitable home purchase for consumers. Instead of helping consumers, this legislation does the exact opposite – it would make it harder to get a condo loan. Consumers have had enough lending burdens imposed upon them over the past few years – adding yet another hurdle goes against what we are all trying to do.

If this legislation sounds familiar, it should. In the First Regular Session of the 124th Legislature, the Judiciary Committee heard a similar version of this bill. The Committee rejected the notion of allowing a condo assessment to come before a first mortgage and instead passed Public Law 332 which allows condo associations the ability to require new unit owners to escrow up to 6 months worth of assessments. This solution gave the condo associations a tool to protect themselves in the future from condo unit owners who fail to pay their condo fees, while preserving the lenders' first mortgage. However, at the public hearing in Judiciary this year, the proponents of this bill admitted to not taking advantage of the law passed in the last Legislature, claiming it was too complicated and too difficult to administer. So what happened to the old adage, "You never know until you try?" Before revisiting the idea of a condo assessment priority lien, I feel the proponents should utilize the tools provided to them to ensure a financially sound and solvent association before looking for an easier solution.

There are very limited exceptions in terms of claims that can come before a first mortgage – such as real estate taxes and mechanics liens. That is due in large part to policy decisions made over the years to preserve first mortgages and encourage lenders to make loans to consumers in order to purchase homes, including condos. A priority lien is a very powerful tool. It is a sure fire way to get monies due. If everyone and every association had the choice, they, too, would want a priority lien.

This legislation will hurt all lenders who make loans to condos, including our local credit unions and community banks. It would force lenders to discount the value of condo units because of the added risk they might be required to pay for condo fees. Lenders may stop lending on condo units altogether, may require higher down payments or 6 months of fees escrowing at closing, adding cost to the borrower.

Earlier this session, the Judiciary Committee debated whether to allow child support payments to take priority over a first mortgage. The Committee voted overwhelming in opposition. What this says to me is that the financial wellbeing of condo associations takes priority over that of the wellbeing of our children.

Like many of you, I am a parent and also a grandparent. I cannot imagine what message this is sending. If the Majority Report is passed, that is what will happen; in my opinion, it will be wrong. The remaining sections of this bill make other needed changes and updates to the Maine Condominium Act, changes which I do not oppose. My motion amends this bill to retain all of the changes brought forward to the Act, while removing the damaging priority lien provision. I urge you to vote in favor of the Minority Ought to Pass as Amended Report, and show some consistency in our legislative process. Thank you.

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

Representative MALONEY:

Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of the current motion to accept the

Minority Ought to Pass as Amended Report. I rise to emphasize that some of you may have been hearing from your constituents who are in condo associations who would like to have some changes made as far as being notified about meetings and being able to attend meetings. That's in both of these reports. No matter how you vote, you'll be taking care of those concerns. The only difference between these two reports is do you or do you not want to give condominium associations first priority, a first priority lien over the lien of the bank, over the lien of the credit union.

I am voting in support of this motion because I think the answer is no. I don't think that anything should take priority over a bank or credit union loan because they are the ones that make it possible for you to buy the property to begin with. If I want to get a loan and someone gives me a loan and says, look, the only requirement is you have to give me that property; if you don't pay me back, that makes sense. That should be first priority. Everything else comes afterwards. There is so many desirable honorable causes that we could say should take first priority and we rejected those in Judiciary Committee, all of the others, because the one who gives the money to buy the property should get the first loan. I think that the same is true here, that we should vote for this motion and I hope you will follow my light. Thank you.

The SPEAKER: The Chair recognizes the Representative from York, Representative Moulton.

Representative **MOULTON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am sort of in a unique position here where usually I'm defending the position of the banks. In this case, I think a higher priority should be given to those condo associations. Since the introduction of this bill, I have received all sorts of communications from individual owners from all over the landscape, and being in one of those condo rich, maybe some would suggest infested, regions of the state down on the gold coast in Ogunquit and York, it is common for unit owners, either investors, speculators or even those who are having other financial difficulties, to fall behind on their payments. Believe me, they fall behind on the condo association long before they fall behind on their mortgage payments.

In the Judiciary Committee, we had a banker come up from Connecticut who told us that they have over 20 years experience working with a law such as the one that is proposed today in the Majority Report. They do not have all of the negative characteristics or things going on as has been suggested earlier this afternoon. To be sure, when you borrow money to purchase a condo unit rather than your own home, you're paying a premium to the bank because, in most cases, the banks recognize that it is speculative, invested, or even a second home, and they are happy to make the loan.

But in the case of the condo associations, if a unit owner goes under foreclosure, you can be sure that this process is going to take much longer than the 6 months worth of fees that would be recoverable as a priority should the condo association fall in line behind the banks, as it most commonly does. In fact, the condo associations even complain that once they've taken over a title to the unit, which happens fairly often, the banks don't even pay the condo fees and have to be harassed by the condo association to prevent the most common place events like freezing pipes in the winter, failure to pay for utilities. We're not talking just mowing the lawn here. We're talking about basic services for the unit association that they desperately need these fees for. So as the prior speakers have already indicated to the body, the difference between the two reports is a matter solely or mostly of this matter of the priority lien. But to be sure, this is a reasonable request. It falls in line with other exceptions.

I am surprised at the example of the childcare payments that was mentioned earlier because that did come before the committee. It had to do with divorce and residential home. We're not talking condo units here and I'm sorry that the committee didn't come up with something workable because I would have loved to have supported such a thing. I know that, speaking aside, Mr. Speaker. But in this case, I would urge the body to go with the Majority Report, to vote in opposition to the pending motion and allow this needed measure to go through.

Finally, the reason why it is inconvenient for the associations to do the set aside is it means that all of the unit owners would have to set aside this money. They can't just sort of identify, well Dick or Jane, you've been falling behind on your payments so we're going to make you pay extra. By and large, they have to assess all of the unit owners to be fair, and they are already doing that thing for things like capital improvements. So the reason why it is cumbersome and it doesn't work is it doesn't work, which is why they came back to this committee to help try to redress this situation. Mr. Speaker, thank you very much.

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

Representative **BEAVERS**: Mr. Speaker, may I pose a couple of questions through the Chair?

The SPEAKER: The Representative may pose her questions.

Representative **BEAVERS**: The first question I had was to ask if there are any negative outcomes in those other New England states and the Representative from York did give one example from Connecticut. I'm just wondering if there are any other examples in those states.

My second question is did anybody consider if you had two units out of a four-unit condominium complex that were in foreclosure, consider the impact that would have on the other two who remain there. I mean it would be extremely overwhelming costs to those people. I just wondered if that was taken into consideration. Thank you.

The SPEAKER: The Representative from South Berwick, Representative Beavers, has posed two questions through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Brunswick, Representative Priest.

Representative **PRIEST**: Thank you, Mr. Speaker. In answer to the first question, there wasn't any harm shown us. There were a lot of predictions of harm, a lot of horror stories that might happen, but in fact with all the other New England states having this law no harm has been shown. I asked specifically for that harm. It hasn't been shown.

As far as the second question goes, I think the answer is self-evident. If you have two out of your four units in foreclosure, the burden on the two that are paying their fees and paying their mortgage up to date is incredible and very, very difficult for them to deal with. If I might proceed, Mr. Speaker?

The SPEAKER: The Representative may proceed.

Representative **PRIEST**: Thank you. I would also remind this body that this is not the only lien that takes priority over a mortgage. Tax liens take priority, sewer district liens take priority, water district liens take priority, so it's not as if this never happens. Again, there has been no harm shown. I would say that it's interesting that the lobbying on this, frankly, has been done by the credit unions, who we all know and love, and I got a hundred percent credit union rating last time so I was very careful to ask them to show me the evidence. Unfortunately, they could not. The real problem in this situation is out of state banks that have made shaky loans and then foreclosed and then sit on those loans for month after month after month, leaving the condo associations in the lurch. Frankly, there are very few foreclosures with credit unions and very few foreclosures with our local banks.

It's the out of state banks that are causing the problem here. Again, I urge you to vote against the current motion and pass the Majority Report. Thank you.

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

Representative **BRIGGS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. As you already know I do work at the Town Office in Mexico and coming from a small municipality, we wear many hats. Another one of my titles is assistant tax collector. Also, prior to working at the Town Office in Mexico, I worked at the Registry of Deeds in South Paris and at one point when I got the job at the town of Mexico, them being closed on Mondays, every Monday I worked at the Registry of Deeds in South Paris. So I got to see what was happening on both sides.

To me, I feel very strongly in support of the pending motion. The reason being, as a municipality, people who are not able to pay their property taxes and/or their sewer or water bills, then we have to put liens on the property. The next thing you know we see that they are defaulting on their mortgage payments. Also with that, as it was discussed here, they are defaulting on their condominium payments or their fees. For me being involved in this entire process, the number one priority is the mortgage of their first home. It should be the priority. The majority of the time people who purchase condos, this is their second home, their second vacation home.

With all due respect, I understand the issues that are at hand, but I don't feel that they should be a priority and be put at the top of the lists. I think, number one, their first home is of priority because they need a place to live. I know sometimes when you go to these presentations and you get, excuse my language, you get sucked into it. The next thing you know you've bought a quarter share and you are \$6,000 to \$8,000 in debt or you buy the bigger homes that are \$200,000, \$300,000, \$400,000, or \$500,000, a million dollars. I don't feel that that is a priority. The majority of the time that is their second home and it's a luxury item. This should not be put on the agenda, on the top of the list, to have these bills be paid. Thank you, Mr. Speaker.

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

Representative **LOVEJOY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I'd like to give a little different perspective. I spent over 25 years in banking, a great deal of it working in the mortgage industry including condominium project approvals as well as financing. I have no idea how many condominium units.

There was a time I would have opposed this bill and there is no question that times have changed. Condominiums have been problematic in many cases. Foreclosure rates tend to be high. A lot of them are second homes. I will tell you that although other liens have been mentioned, someone did mention mechanics liens. Mechanics liens aren't available in every state. They are here which means anyone who does work inside your unit can put a lien that goes ahead of the first mortgage, just as the water and sewer tax liens. I see no problem with selling these into the secondary market. I used to put together mortgage backed securities. It can be done. The fact that we have mechanics liens was never a problem, so there is no reason to be able to move forward with this in terms of creating problems with selling into the secondary market or underwriting these loans. I would urge you to vote no on the pending motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Bethel, Representative Crockett.

Representative **CROCKETT**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. Thank you, Mr.

Speaker. Mr. Speaker, Distinguished Members of the House and the rest of us. I served on the Judiciary with the esteemed Representative from Brunswick, Representative Priest, and I had the great pleasure of learning a great deal about this particular topic two years ago. I believe he's not giving himself enough credit. He developed the idea of the 6-month escrow for these condo associations and if the rest of the states in New England had appreciated his brilliance, that would probably be the answer they would have adopted as well. So that's one thing to look at.

But the second piece is, speaking of these other states, the other states in New England that have adopted this have just done this recently so there is no history to look at. When we went through this analysis two years ago, Rhode Island was the only state that had this condo association lien available, so these other ones are recent. There is no history to look at; it's awful hard to identify the harms that have yet to occur but certainly will.

There are a couple of other questions. There is a distinction that needs to be drawn. When we talk about the precedence of these liens, most of the organizations or entities that can have senior liens are government entities. Mechanics liens are one of the few exceptions to that. But the IRS, municipalities, quasi-municipalities, I understand why they have senior liens. But private organizations, you cannot give a senior lien to a condo association if you won't do it to a road association. Both interests are tied to the land or tied to the property in question. There is no consistency there.

Now there is one other distinction and I promise I'll be brief. Contracts. Those people that have approached you with this problem and how it exists now, this bill can't remedy that because it would be unconstitutional to interfere with an existing contract or mortgage like this. You can only do it in the most extreme circumstances when public safety or the policing powers are being used, so this can only be used prospectively which means you really can't address those problems. The solution we developed last year was the best solution and I wish the rest of New England appreciated the good Representative from Brunswick, Representative Priest, like I do, and they would have went with us on this solution and probably be voting as I'm going to be in support of the pending motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from York, Representative Moulton.

Representative **MOULTON**: Thank you, Mr. Speaker, for a second opportunity to speak just to respond to a couple of the recent points. This language in the Majority Report is prospective only because as the Representative from Bethel indicated, you cannot interfere with an existing contract. Secondly, the testimony that we did receive in committee from a banker from Connecticut was not just recent. The banker indicated it was sometime in the 1980s – and I believe it was the mid-1980s – and 20 years is a good experience basis.

Then finally by way of remark, Mr. Speaker, it would seem that sometimes one needs to be careful what one hopes to get because they may end up getting it. In the case of a four-unit condominium as suggested by the Representative from South Berwick, to be sure if the bank waits that long to take over, then the owners of the two other units may themselves go under and the bank will have to pay all of the fees at that point. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative **CLARK**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I don't want to take a lot of your time. I know the afternoon is getting late and people want to head up north or south, wherever they want to go. If you notice, my name serves on a piece of paper you have in front of

your desk. I wouldn't have put it there unless I believed in it. I believe in what we're doing here today.

When I first saw the bill I had a lot of questions to be asked. I went to the members of the committee, I went to the lobby, and I did get the answers I wanted. I was convinced when the answer was given to me and that's one of the reasons why I am supporting the bill. Thank you very much, Mr. Speaker.

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

Representative LAJOIE: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. For the past 14 years, I have been on the board of directors for a small credit union in the city of Lewiston and it is a concern for us. As has been stated previously by numerous speakers who are in favor of this particular motion who have spoken out, I agree. As a member of the board of directors we are concerned, and we are concerned to the fact that we loaned the money out for the purchase of the condominiums as we do for a primary home. Therefore, we had the first lien on the property, as we should, on a secondary piece of property where we have given the loan out.

To do something in this area would be counterproductive to the credit union as well as its memberships with regards as to their money, the money that we loan out to these individuals buying condominiums and other pieces of property, but in this particular instance condominiums. Therefore, we cannot afford to allow some type of agreement that would not give us the opportunity to have that first lien on the mortgage. It is extremely important that we keep it in the manner in which it is and I would ask your support in regards to the current motion. Thank you.

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

A vote of the House was taken. 86 voted in favor of the same and 37 against, and accordingly the Minority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "B" (H-454)** 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**.

Representative FREDETTE of Newport **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED as Amended by Committee Amendment "B" (H-454)**.

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

The SPEAKER: A roll call has been ordered. The pending question before the House is Passage to be Engrossed as Amended by Committee Amendment "B" (H-454). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 110

YEA - Ayotte, Beaudoin, Beaulieu, Beavers, Beck, Beliveau, Bennett, Berry, Bickford, Black, Blodgett, Boland, Bolduc, Briggs, Burns DC, Burns DR, Cain, Carey, Casavant, Cebra, Chase, Chipman, Clark H, Clark T, Clarke, Cornell du Houx, Cotta, Crafts, Cray, Crockett, Curtis, Cushing, Damon, Davis, Dill J, Dow, Driscoll, Duchesne, Dunphy, Eberle, Edgecomb, Espling, Eves, Fitts, Fitzpatrick, Flemings, Flood, Fossil, Foster, Fredette, Gifford, Gilbert, Gillway, Guerin, Hamper, Hanley, Harmon, Harvell, Haskell, Hayes, Herbig, Hinck, Hunt, Johnson D, Johnson P, Kaenrath, Kent, Keschl, Knapp, Knight, Kruger, Kumiega, Lajoie, Libby, Long, Longstaff, Lovejoy, Luchini, MacDonald, Maker, Malaby, Maloney, Mazurek, McCabe, McClellan, McFadden, McKane, Morissette, Moulton, Nass, Nelson, 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, Wood, Mr. Speaker.

NAY - Bryant, Harlow, Morrison.

ABSENT - Celli, Chapman, Dion, Goode, Graham, Hogan, Innes Walsh, Martin, Newendyke, Wintle.

Yes, 137; No, 3; Absent, 10; Vacant, 1; Excused, 0.

137 having voted in the affirmative and 3 voted in the negative, 1 vacancy with 10 being absent, and accordingly under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "B" (H-454)** and sent for concurrence.

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

Acts

An Act To Amend the Fees for Infant Lifetime Licenses

(H.P. 90) (L.D. 108)
(C. "A" H-391)

An Act To Amend the Maine Secure and Fair Enforcement for Mortgage Licensing Act of 2009

(H.P. 234) (L.D. 290)
(C. "A" H-427)

An Act To Create a Sales Tax Holiday for Energy-efficient Appliances and Fixtures

(H.P. 369) (L.D. 476)
(C. "A" H-337)

An Act To Implement the Insurance Payment Reform Recommendations of the Advisory Council on Health Systems Development

(H.P. 423) (L.D. 540)
(C. "A" H-428)

An Act To Amend the Definition of "Automobile" for Purposes of the Sales and Use Tax Law

(H.P. 544) (L.D. 713)
(C. "A" H-433)

An Act To Allow the Sale of Locally Produced Beer and Wine at Farmers' Markets

(H.P. 570) (L.D. 763)
(C. "A" H-342)

An Act To Create a Fair Process for Energy Service Companies Contracting with Maine Schools

(H.P. 583) (L.D. 776)
(C. "A" H-386)

An Act To Expand Net Energy Billing

(S.P. 239) (L.D. 795)
(C. "A" S-216)

An Act To Increase the Credit Toward Payment of Fines Given for Jail Time

(H.P. 686) (L.D. 926)
(C. "A" H-414)

An Act Regarding the Public Utilities Commission's Ability To Use Certain Funds

(H.P. 735) (L.D. 999)
(C. "A" H-437)

An Act To Amend the Laws Governing the Sex Offender Registry

(S.P. 313) (L.D. 1025)
(C. "A" S-180)

An Act To Clarify Assistance for Persons with Acquired Brain Injury
(H.P. 887) (L.D. 1196)
(C. "A" H-409)

An Act To Improve Hospital Reporting of MRSA and Clostridium difficile Data
(H.P. 903) (L.D. 1212)
(C. "A" H-410)

An Act Concerning the Disposal of Unclaimed, Lost or Stolen Personal Property by Law Enforcement Agencies
(H.P. 918) (L.D. 1227)
(C. "A" H-413)

An Act To Adjust Payroll Processor License Fees
(H.P. 1007) (L.D. 1368)
(C. "A" H-394)

An Act Regarding Information Provided to Consumers by Competitive Electricity Providers
(H.P. 1113) (L.D. 1510)
(C. "A" H-398)

An Act To Make Technical Changes to Marine Resources Laws
(S.P. 483) (L.D. 1522)
(C. "A" S-215)

An Act To Amend the Maine Human Rights Act Regarding Accessible Building Standards
(S.P. 488) (L.D. 1531)
(C. "A" S-214)

An Act To Update Professional and Occupational Licensing Statutes
(H.P. 1145) (L.D. 1560)
(C. "A" H-396)

An Act To Allow Retired Dentists To Obtain a License To Practice in Nonprofit Clinics
(H.P. 1155) (L.D. 1573)
(C. "A" H-397)

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 Improve Communication Regarding and the Coordination of Care for Children Who Are Prescribed Antipsychotic Medications
(H.P. 476) (L.D. 646)
(C. "A" H-408)

Resolve, To Study the Cost of Providing Behavioral Health Care and Substance Abuse Services
(H.P. 711) (L.D. 967)
(C. "A" H-424)

Resolve, To Promote Instruction in Cardiopulmonary Resuscitation and the Use of an Automated External Defibrillator
(H.P. 845) (L.D. 1139)
(C. "A" H-387)

Resolve, To Promote Prevention Practices in Oral Health Care
(H.P. 945) (L.D. 1290)
(C. "A" H-411)

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

An Act To Provide the Department of Environmental Protection with Regulatory Flexibility Regarding the Listing of Priority Chemicals
(H.P. 841) (L.D. 1129)
(C. "A" H-421)

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

On motion of Representative HAMPER of Oxford, was **SET ASIDE**.

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

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

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

ROLL CALL NO. 111

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

NAY - NONE.

ABSENT - Bickford, Celli, Chapman, Dion, Goode, Hogan, Martin, Newendyke, Priest, Wintle.

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

140 having voted in the affirmative and 0 voted in the negative, 1 vacancy with 10 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Resolve, To Study Motor Fuel and Fuel Additives and To Explore Alternatives to Ethanol Motor Fuel
(H.P. 636) (L.D. 839)
(C. "A" H-277)

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

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

On further motion of the same Representative, the Resolve and all accompanying papers were **INDEFINITELY POSTPONED** and sent for concurrence.

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. 681) (L.D. 921) Bill "An Act To Clarify the Collection Process for the Commercial Forestry Excise Tax" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-484)**

(H.P. 1070) (L.D. 1439) Bill "An Act Regarding Permits To Carry Concealed Firearms" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-485)**

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. 1060) (L.D. 1446) Bill "An Act To Establish the Maine Farm and Fish to School Program" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-488)**

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

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-477)** on Bill "An Act To Make Telecommunications Personal Property Tax Law Equitable"

(H.P. 334) (L.D. 441)

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
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:

Representative:

BRYANT of Windham

READ.

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

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

Representative **KNIGHT**: Thank you, Mr. Speaker. Mr.

Speaker, Ladies and Gentlemen of the House. This particular item, communication taxes, goes way, way back. In fact, the first instance where it appeared before the Tax Committee I believe was in 1999, but it might even go further back than that. It's been a very inequitable tax for line companies and the wireless, taxed at different levels. There is concern with the notice of property tax.

But I just want to take this opportunity to tell you that this particular bill that is before us now is here because of the collaborative efforts of all the interested parties, all the stakeholders, the line companies, the wireless folks. I want to particularly applaud Representative Chase, the good Representative from Wells, for her work on this because she, last summer, led an effort to get these folks together. They worked long and hard hours and after many, many meetings have come together, as I said, in collaboration, in agreement. We now have an excise tax. We're having a property tax. This is a very good bill that I hope everybody here in the room can support. Thank you, Mr. Speaker.

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

The Bill was **READ ONCE**. Committee Amendment "A" (H-477) 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-477)** and sent for concurrence.

ENACTORS

Emergency Measure

An Act To Provide Rebates for Renewable Energy Technologies

(H.P. 568) (L.D. 761)

(C. "A" H-455)

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. 120 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.

Mandate

An Act To Implement the Recommendations of the Right To Know Advisory Committee

(H.P. 852) (L.D. 1154)

(C. "A" H-441)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 115 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Acts

An Act To Amend the Laws Regarding Public Health Infrastructure

(H.P. 103) (L.D. 121)

(C. "A" H-459)

An Act To Increase Access to State Rule-making Notices
(H.P. 700) (L.D. 940)
(C. "A" H-445)

An Act Regarding Property Deposited with Museums and
Historical Societies
(H.P. 772) (L.D. 1038)
(C. "A" H-465)

An Act To Clarify Rights-of-way Laws
(H.P. 1082) (L.D. 1473)
(C. "A" H-440)

An Act To Raise the Speed Limit on Interstate 95 between the
City of Old Town and the Town of Houlton
(H.P. 1143) (L.D. 1557)
(C. "A" H-447)

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.

REPORTS OF COMMITTEE
Divided Report

Majority Report of the Committee on **STATE AND LOCAL
GOVERNMENT** reporting **Ought Not to Pass** on Bill "An Act To
Require Approval by the Voters of Legislation To Enact or
Increase a Tax or Fee"
(S.P. 369) (L.D. 1248)

Signed:

Senators:

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
MOULTON of York
TURNER of Burlington

Minority Report of the same Committee reporting **Ought to
Pass as Amended by Committee Amendment "A" (S-224)** 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 COTTA of China, the Majority
Ought Not to Pass Report was **ACCEPTED** 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. 295) (L.D. 949) Bill "An Act To Update Maine's High
School Graduation Requirements" Committee on **EDUCATION
AND CULTURAL AFFAIRS** reporting **Ought to Pass as
Amended by Committee Amendment "A" (S-236)**

(S.P. 309) (L.D. 989) Bill "An Act To Improve Transparency
in Political Campaigns by Providing Quicker Access to Reports"
Committee on **VETERANS AND LEGAL AFFAIRS** reporting
**Ought to Pass as Amended by Committee Amendment "A"
(S-232)**

(S.P. 333) (L.D. 1100) Bill "An Act To Increase Transparency
in Funding of Campaign Advertisements" Committee on
VETERANS AND LEGAL AFFAIRS reporting **Ought to Pass as
Amended by Committee Amendment "A" (S-234)**

(S.P. 375) (L.D. 1254) Bill "An Act To Further Restrict Push
Polling" Committee on **VETERANS AND LEGAL AFFAIRS**
reporting **Ought to Pass as Amended by Committee
Amendment "A" (S-233)**

(S.P. 386) (L.D. 1265) Bill "An Act To Allow the Unclaimed
Remains of a Veteran To Have Proper Burial" Committee on
VETERANS AND LEGAL AFFAIRS reporting **Ought to Pass as
Amended by Committee Amendment "A" (S-231)**

(H.P. 826) (L.D. 1114) Bill "An Act To Improve Preventive
Dental Health Care and Reduce Future Avoidable Costs"
Committee on **HEALTH AND HUMAN SERVICES** reporting
**Ought to Pass as Amended by Committee Amendment "A"
(H-501)**

(H.P. 1107) (L.D. 1506) Bill "An Act To Remove Obstacles to
the Use of Technological Advances for Heating in Multifamily
Structures" Committee on **ENERGY, UTILITIES AND
TECHNOLOGY** reporting **Ought to Pass as Amended by
Committee Amendment "A" (H-493)**

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

There being no objection, the Senate Papers were **PASSED
TO BE ENGROSSED as Amended** in concurrence and 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**.

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 Special Taste-testing Festivals"
(EMERGENCY)

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

TABLED - June 2, 2011 (Till Later Today) by Representative
CURTIS of Madison.

PENDING - **ADOPTION OF HOUSE AMENDMENT "A" (H-462)
to COMMITTEE AMENDMENT "A" (H-393)**.

Subsequently, Representative FITTS of Pittsfield,
**WITHDREW House Amendment "A" (H-462) to Committee
Amendment "A" (H-393)**.

Subsequently, **Committee Amendment "A" (H-393) was
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-393)** and sent for concurrence.

An Act To Assist Seasonal Entertainment Facilities with Public Safety Requirements

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

TABLED - June 2, 2011 (Till Later Today) by Representative PLUMMER of Windham.

PENDING - **PASSAGE TO BE ENACTED.** (Roll Call Ordered)

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

Representative **PLUMMER**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I believe when we heard this bill in committee and reported it out there was snow on the ground. This bill seems to have been around for quite some time. This, if I need to remind you, is the bill that would exempt certain facilities from the requirement to have sprinkler systems. We have already exempted grange halls, snowmobile clubs, other facilities, some of which have rather large gatherings. This is a bill that would help some businesses stay in business and I would encourage you to vote with the majority on this bill and vote to pass this bill. Thank you.

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

Representative **LAJOIE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I can understand Representative Plummer's statement in some sense, however that's why we have the Fire Marshal's Office and that's why we have all the options that we have with fire codes. LD 123 involves serious life issues. When it came to the Criminal Justice Committee, as well as when it came for the First Reading on the House floor, where votes were taken, a roll call, and the vote came out in opposition of the LD. I'm not sure why the vote changed in support of the LD on the House floor after it came back from the other body. Other than the amendment to remove the emergency from the LD, the serious life issue concerns are still there for the patrons who frequent the establishment, for the workers who work in the establishment, and for the owners of the establishment and their families.

The statement made by the good Representative from Sangerville, Representative Davis, regards to other establishments such as private clubs like the Elks, American Legion, Masonic Lodge, Grange Halls, as well as open entertainment, camp grounds and the like, it is correct. They are exempt. However, these exemptions assume that these establishments have met longstanding NFPA 101 Life Safety Code requirements such as proper egresses for the maximum number of individuals identified to be in the establishment, fire retardant materials such as window drapes, paneling, sheetrock, decorations around the stage area and the dance floor, smoke detectors, CO detectors and fire extinguishers. If I can get my thoughts in the right spot I'll continue.

With that said, the establishment in question in LD 123 – and it is only one establishment that the bill has brought forward, however it included other establishments for seasonal entertainment – has the ability to reestablish themselves as one of the mentioned exempt establishments as long as he or this establishment in regards to LD 123 would follow the NFPA 101 Life Safety Code as the others have. So it's not just the idea that the others don't have sprinkler systems. They have to follow certain standards as well. I'm not sure that would go over very well with the individual involved in this situation.

There are many options available to the owner of this establishment in question in LD 123, if he wishes to pursue them. The issue does not belong on the House floor, ladies and gentlemen. It belongs between the individual having the problems or the concerns and the Fire Marshal's Office to sit

together and work things out. There are many, many programs in there that would allow this individual to put the proper materials in place along with an inexpensive type sprinkler system to allow him to continue doing the work that he's doing and employing the individuals that he has employed. Whether or not this bill goes through will affect both sides of the issue anyways. I thank you for your time and I would ask you to follow my vote in opposition to this bill.

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

Representative **SANDERSON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would just like everybody to keep in mind that even though this bill would allow a business that is open 50 days or less to be exempt from sprinklers, it does not mean they are exempt from having inspections and having to be safe as determined by a fire marshal. They will still have to be inspected. They will still have to have safety issues in place. But the fire marshal from Sanford, he testified before our committee and he says there are several ways that they are willing to work with businesses such as this. This is a small business in a small town. There is not a lot of other stuff around. These jobs, even though they are 50 days a year, are very important to the people in this town. Thank you.

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 simply to remind this body of The Station night club fire, which was the fourth deadliest nightclub fire in American history, killing 100 people. The fire began at 11:07 Eastern Standard Time on Thursday, February 20, 2003, at The Station which was an entertainment facility located in West Warwick, Rhode Island.

An NIST – National Institute of Standards and Technology – investigation of that fire used computer simulations, a mockup of the stage area and dance floor, and concluded that a sprinkler system would have contained the fire long enough to get everyone out safely.

About a decade before that fire occurred, I taught at Toll Gate Senior High School in Warwick, Rhode Island. One of my former students passed away in that fire. Others lost family members or loved ones. Let's not let a similar tragedy happen here in Maine. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Sherman, Representative Long.

Representative **LONG**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. As you may know I don't rise too often for many occasions. This is a right to work bill. We talk about put people to work, well we're talking about taking people out of work here. Where do we draw the line? We have 12 people here, another 12 there. There is no work in that area. If you don't think so drive north or go out into the country. I urge you to support this bill because it is important for these people. What else are they going to do for work? We tell them to move south? Well that's not the answer either. We have a way of life we can't afford. I ask you to follow my light and support this bill. Thank you, Mr. Speaker.

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. Sorry to have to rise again on this bill that we've discussed several times here, but there have been statements made that concern me. I think we're out of balance, I think we're out of whack with some of the comparisons that we're making on this.

As I said the other day, I greatly respect the men and women

of the fire service and the Fire Marshal's Office, but I think we're talking about a balance here. We're talking about a balance of small business needs, reasonable safety precautions, and some unnecessary regulations. I think that's what we have to keep in mind as we make a decision on this. I think the balance can be struck here with a business that is small, operating less than 50 days a year. I think it is a very reasonable balance.

Frankly, I reject some of the statements that are made about if we do this people are going to die. I think it's the wrong perspective on this. We just passed without any discussion, without any debate, an increase in the Turnpike speed, up to 75 miles per hour, something that is very important to me. People are going to die. That doesn't mean what we did was unreasonable. We have to use reason. We have to apply it to the bill we just passed. We have to apply it to this situation we're facing here right now. This is a reasonable compromise. I would ask you to support the motion. Thank you, Mr. Speaker.

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

Representative **BLODGETT**: Thank you, Mr. Speaker. Mr. Speaker, Members of the House. I can't believe I'm rising again on this, but we talk about compromise. We have done – the fire marshal constantly compromises with organizations, companies, businesses to make it work for them financially and safely. The people that work in these jobs, that's great. I am definitely for jobs. You'll see that next week, hopefully.

The people that work in these places though, they deserve a safe place to work and that's what this is about. All the other companies, small companies, they have already adhered to this. This company had five years to do something and they didn't contact them at all. The Fire Marshal's Office is still willing to work with them. We do not need a law for this.

Most importantly, like I said, it's unfair to the others who have done their sprinkler systems and their safety systems in place to make an exception for one business, and this business, as I said the first time, the owner never even came to our committee. Please follow my light and vote for this Ought Not to Pass.

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

ROLL CALL NO. 112

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

ABSENT - Celli, Chapman, Cushing, Dion, Flood, Goode, Hogan, Kent, Martin, McCabe, Newendyke, Priest, Wintle.

Yes, 72; No, 65; Absent, 13; Vacant, 1; Excused, 0.

72 having voted in the affirmative and 65 voted in the negative, 1 vacancy with 13 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

SENATE DIVIDED REPORT - Majority (8) **Ought Not to Pass** - Minority (5) **Ought to Pass as Amended by Committee Amendment "A" (S-204)** - Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Allow the Use of Electronic Benefits Transfer Funds at Farmers' Markets"

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

- In Senate, Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

TABLED - June 2, 2011 (Till Later Today) by Representative CURTIS of Madison.

PENDING - 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 wanted to rise and give you a little background on this bill because I think that on first blush, certainly from the title, everybody in here would say absolutely, why wouldn't we want to do this? So I wanted to just give you a little background.

I would tell you that our committee absolutely does want to do this, however like many things I'm sure we've all learned sometimes the simple things are the hardest and most complicated.

This bill was to allow a recipient who has the food supplement called Snap, used to be called food stamps, which now is administered through an automatic debit card system as they swipe that. We certainly support and encourage folks, all folks for that matter, to purchase fresh food and support our farmers' markets. However, as we know in our farmers' markets a lot of them do not take credit cards or have the swipe equipment that is necessary to take these. But I'm happy to tell you that over the course of the last year or so, a number of the larger farmers' markets have really actively worked very hard to accomplish that. So I think there is about 10 or 12, we think, right now that you actually can use debit cards and also your EBT cards. It is really a dollars and cents issue of if we were to pass this bill, it would essentially ask all the farmers' markets to figure out how to financially purchase swipe equipment at all.

But another idea that was brought forward was to use private/public monies for farmers' markets to somehow apply to grants or get money. A number of farmers' markets have in fact done that, so we applaud creative uses to solve a problem. In the end of the day, we all felt or I should say the majority felt that that's where the solution should lie. The solution is by individual farmers' markets for them to figure out. I think everybody intellectually understands and would like to accomplish this and I think that they are. There is nothing in this bill, if it were to pass, there is nothing that is magical in the bill that would allow people to go out and get grants or do public/private partnerships, things like that.

I kind of came down with the side of the bill it really isn't necessary. We're certainly not going to mandate that farmers'

markets purchase these pieces of equipment for lots of different reasons. One, they don't have the money to do that. So without having the message that we are not encouraging the local support and use of a farmer's market, we thought that we should maybe stay out of this one and let the local markets work on trying to make sure that folks with EBT cards are welcome there and part of doing that, in order to take EBT cards for anybody, you have to get actually approved by the Department of Agriculture and the USDA, and that's a little paperwork that has to happen by each of the farmers' markets. That needs to really happen, sort of organically if you will, from each of these farmers' markets and we hope that they will do that. I hope you will all understand and support the Majority Ought Not to Pass Report. 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 believe this bill is as much to do about awareness as it is about the application of EBT cards at farmers' markets.

In the Health and Human Services Committee we have often talked about restricting the types of food that individuals can buy that are on food supplement benefits, formerly known as food stamps. We thought that this is a fresh approach to expanding the options to include locally grown fresh foods and vegetables at local farmers' markets. We felt that this serves two purposes. One, it helps the local farmers, and two, it addresses a need. That is our very high level of food insecurity here in Maine.

What the Resolve does is it directs the Department of Agriculture and the Department of Health and Human Services to work with the Maine Federation of Farmers' Markets to issue letters of support to a public/private partnership working towards universal access of farmers' markets to machines required to process the food supplement benefit.

We heard testimony from many different people, one of which was a woman named Meghan Morgan Gibney from Preble Street. In her work at food pantries, she reports getting overwhelming feedback from clients who would much rather purchase fresh fruits and vegetables than canned alternatives. The EBT machines at farmers' markets will increase access to fresh local options for low-income families.

As you've heard, more farmers' markets are beginning to have swipe EBT cards, but the lack of machines at farmers' markets poses a barrier to families being able to purchase fresh fruits and vegetables at farmers' markets with their benefits. I serve a community that has just this year started to take EBT cards, in North Berwick at their farmer's market, and it is an overwhelming success. Everybody thinks it is the right thing to do. We've gotten positive feedback from the community and they have done just this. They have developed a matching program where they have partnered with local banks and businesses that see a value in this.

What I would hope is that you defeat the pending motion so that we can continue the awareness about using EBT cards at farmers' markets. Again, as I began I will end; this is as much about awareness as it is about the practical application of using EBT cards. I ask your support in defeating the pending motion. 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. 113

YEA - Ayotte, Beaulieu, Bennett, Bickford, Black, Burns DC, Burns DR, Casavant, Cebra, Chase, Clark T, Cotta, Crafts, Cray,

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

ABSENT - Celli, Chapman, Dion, Goode, Hogan, Kent, Kumiega, Martin, McCabe, Newendyke, Priest, Wintle.

Yes, 76; No, 62; Absent, 12; Vacant, 1; Excused, 0.

76 having voted in the affirmative and 62 voted in the negative, 1 vacancy with 12 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

**REPORTS OF COMMITTEE
Divided Report**

Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-154)** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Use a Portion of the Sales and Use Tax for the Protection of Maine's Fish and Wildlife

(S.P. 155) (L.D. 563)

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 RESOLUTION.

Signed:

Senator:

WOODBURY of Cumberland

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the RESOLUTION **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-154) AS AMENDED BY SENATE AMENDMENT "B" (S-237)** thereto. **READ.**

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

The **RESOLUTION** was **READ ONCE**. **Committee Amendment "A" (S-154)** was **READ** by the Clerk.

Senate Amendment "B" (S-237) to **Committee Amendment "A" (S-154)** was **READ** by the Clerk and **ADOPTED**.

Committee Amendment "A" (S-154) as Amended by Senate Amendment "B" (S-237) thereto was **ADOPTED**.

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

Under further suspension of the rules the **RESOLUTION** was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-154) as Amended by Senate Amendment "B" (S-237)** thereto in concurrence.

CONSENT CALENDAR

First Day

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

(H.P. 510) (L.D. 683) Bill "An Act To Enhance Long-term Care Services for Maine Citizens" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-502)**

(H.P. 551) (L.D. 744) Bill "An Act To Amend the Definition of 'Service Animal' To Conform with Federal Law" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-506)**

(H.P. 1100) (L.D. 1499) Bill "An Act Concerning Fees for Users of County Registries of Deeds" (EMERGENCY) Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-503)**

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.

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.

SENATE DIVIDED REPORT - Majority (8) Ought to Pass - Minority (5) Ought Not to Pass - Committee on VETERANS AND LEGAL AFFAIRS on Bill "An Act To Change the Campaign Contribution Limits"

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

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

TABLED - June 2, 2011 (Till Later Today) by Representative **CURTIS** of Madison.

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

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

Subsequently, the Majority **Ought to Pass** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Senate Amendment "A" (S-220)** was **READ** by the Clerk.

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

Representative **CAREY**: Thank you, Mr. Speaker. Mr. Speaker, I would like to pose a Point of Order to the Chair.

The **SPEAKER**: The Representative may pose his Point of Order.

Representative **CAREY**: Thank you, Mr. Speaker. Under Rule 506 dealing with germane amendments, the rule reads, in whole, an amendment must be germane to the proposition under consideration.

This amendment is not germane to the bill from the committee. The bill from the committee dealt entirely with municipal and county campaign contribution limits. As the body and the Chair know, those races are not eligible for the Clean Elections funding system. The Senate Amendment that is not germane deals entirely with the gubernatorial campaign funding limits. The gubernatorial campaigns are eligible for Clean Elections. That brings it not germane to the proposition.

Mason's reads in this question, first of all, the section 402 in *Mason's*, that an amendment proposed must be germane to the subject of the proposition or to the section or paragraph to be amended. And part 2, to determine whether an amendment is germane a question to be answered is whether the amendment is relevant, appropriate, and a natural logical sequence to the subject matter of the original proposal.

Mr. Speaker, in the Record of the House from March 23, 1998, there was a bill before the House in that session, LD 2163. In that bill, that bill dealt with the fingerprinting of teachers. The Committee Amendment of that bill required certain applicants, this amendment requires the applicant for initial certification and it goes on for other things, or approval as a teacher or other educational employee to pay for the expenses involved in undergoing fingerprinting and obtaining criminal record checks.

The House Amendment that was brought forward dealt solely with candidates seeking election to a state office to undergo the same criminal background check. The ruling from the Chair on that date, and this is from H-1826, "The Chair rules that the amendment before the body is not germane to the bill. The original bill pertains solely to the payment of expenses for school employees and the amendment pertains to other state employees." On that precedent, Mr. Speaker, and on *Mason's*, this deals with an entirely different proposition and the amendment is not germane. Thank you, Mr. Speaker.

Representative **CAREY** of Lewiston asked the Chair to **RULE if Senate Amendment "A" (H-220)** was germane to the Bill.

The **SPEAKER**: This item will be Tabled pending ruling from the Chair.

Subsequently, the Bill was **TABLED** by the Speaker pending a **RULING OF THE CHAIR**.

HOUSE DIVIDED REPORT - Majority (7) Ought Not to Pass - Minority (6) Ought to Pass as Amended by Committee Amendment "A" (H-438) - Committee on ENERGY, UTILITIES AND TECHNOLOGY on Bill "An Act To Increase Home Weatherization and Energy Independence"

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

TABLED - June 2, 2011 (Till Later Today) by Representative **CURTIS** of Madison.

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

Representative **CUSHING** of Hampden **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 Kittery, Representative Beliveau.

Representative **BELIVEAU**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This is a bill I submitted, a bill you will quickly realize was submitted by a very green, very freshman legislator. I have some good news and some bad news. The bad news is that Maine's dependence on foreign oil makes us vulnerable. The good news is that we can do something about it.

America imports over half of the oil we need from abroad, and as a result we enrich some of the most unstable and undemocratic places in the world.

In 1973 we learned the danger of such dependence, when the Arab oil embargo quadrupled oil prices, and left the US almost powerless to do anything about it. The OPEC countries used our dependence on oil against us – punishing America at the time for its support of Israel.

One would think that after having our dependence on OPEC so publicly and so embarrassingly and so internationally exposed, one would think that the US would pursue an energy policy of more energy independence, and less energy dependence.

But, amazingly, the opposite happened. After the 1973 oil crisis, our country slowly increased the percentage of imported oil, from about 35%-imported then to over 50%-imported today.

Today we remain dependent, we remain vulnerable, and oil prices continue to climb.

Maine can do better than dependence and vulnerability. Maine can do better than betting our future on a non-renewable, dictator-empowering, finite resource that will eventually run out.

Renewable energy is the obvious answer, but it is also an expensive answer. There is something else that we can do, that we know how to do, that can quickly lessen our dependence and vulnerability created by foreign oil. We can do weatherization.

When it comes to reducing our dependence on foreign oil, weatherizing our homes and businesses is not just the low hanging fruit. Weatherization, says US Energy Secretary Steven Chu, weatherization is "the fruit already on the ground." And Maine's weatherization programs have already proven to get a 25%–50% reduction in heating costs for those homes that are weatherized. We all generally agree on weatherization. We have a general consensus on weatherization.

In Maine the 124th Legislature realized this – and in its wisdom ordered a study be conducted to find the best strategy that would dramatically increase the weatherization of Maine homes and businesses. This bill would simply implement the weatherization strategy suggested by the previous Legislature's study, namely to add a modest system benefit charge on home heating oil – from which low-income Mainers would be exempt, and which would not be in effect when the price of oil nears record highs.

I fully realize that this is an unattractive option for many of you in this chamber. But what is also unattractive, and what is actually unsustainable, is Maine's status quo – dependence and vulnerability.

There was a recent report on the economic radio show Marketplace about the role of oil profits in the rise of Libyan dictator Muammar Gaddafi – I would like to read you an excerpt from the show that I think best illustrates the consequences of our dependence on foreign oil...

"Since the Arab oil embargo, money has gushed into the oil producers' coffers. But, not – in the case of Libya – to the benefit of the people. Gaddafi is alleged to have ripped off billions in oil

revenues from Libya for his own personal enrichment. And many say he's undoubtedly ploughed millions into financing terrorism abroad.

(Of course the 1988 Pan Am flight 103 terrorist bombing – the Lockerbie bombing – which killed 270 people and 178 Americans, is an example of Gaddafi-sponsored terrorism)

Libya accepted responsibility for the Lockerbie bombing. Former deputy head of OPEC, Fadhil Chalabi, says oil played a crucial part in Gaddafi's story. He says the Libyan leader was empowered, corrupted and even unhinged by the boundless revenues he helped unleash. (Chalabi) It is the oil money – the petro dollars – that made Gaddafi, the man who was liberating his oil industry, into the image of a killer. It's the oil money. Gaddafi, says this former OPEC chief, is the Curse of Oil personified."

Our history in addressing our dependence on oil is one of doing nothing, of sticking our head in the sand. Thanks to the previous Legislature, here's a chance for us to do actually do something to lessen Maine's vulnerability caused by our dependence on foreign oil.

So while I understand that many of us will find this bill to be a tough sell in this economic climate, what I just can't understand is continuing to do nothing. Thank you very much, Mr. Speaker.

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

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

The SPEAKER: The Representative may pose his question.

Representative **FREDETTE**: Mr. Speaker, I was inquiring as to whether or not anybody in this body could indicate whether or not there is a fiscal note attached to this bill and, if there is, how much it is.

The SPEAKER: The Representative from Newport, Representative Fredette, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Buckfield, Representative Hayes.

Representative **HAYES**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of the good Representative from Kittery and his efforts to try to bring all of us to a place where we should be already. We're leaders, we were elected to be leaders from our communities, and we know that this is the right thing to do. Do we have the political courage to do it? We're not going to weatherize the oldest housing stock in this country by talking about it. We have to figure out a way to pay for it.

This model that the proposal included in this particular piece of legislation has proved to be successful in other ways with regard to energy efficiency. In other words, we've already proven that it will work. We're doing it successfully for businesses around Efficiency Maine programming and they're raving about it. When I visit businesses in my communities and I ask them "Is there anything we're doing right?" that's the first thing they tell me that we're getting right, is helping them by subsidizing and financially benefiting the work that they do to become more energy efficient. It benefits their bottom lines immediately, the fastest payback of most of the investments they will do.

I will tell you that for me I appreciate the opportunity to vote for this and I'm happy to go home and defend my vote to my constituents because this is something we all should be willing to do and, if we did it together, imagine what we could accomplish, instead of ducking under it. There is not another proposal that will come before us that will allow us to do the same thing. There is not an alternative that is being proposed that will get us there. I would ask that you think about this prior to your vote and find out if you have the courage to be the leaders that Maine wants

and needs you to be at this point in time on an issue that we cannot continue to duck. Thank you.

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. When I was a freshmen I too was very green and rose a good many a times talking about the importance of energy efficiency. We have debated over and over again whether or not we should have wind power. We have thoroughly discussed whether or not TIFs should be available for wind power, but have yet to talk about energy efficiency. Efficiency is the cheapest form of energy because the cheapest form of energy is the energy never used. If you don't use something, you don't have to pay for it.

Two years ago we had a select committee that took a 10,000 foot view of our energy policy in Maine and it recognized that not only was the best investment in terms of cost savings for our people energy efficiency, but the best investment in job creation was energy efficiency. These are jobs that do not get exported out of the country. These are jobs that don't even get exported down to Portland from some of the rural parts of the state. It requires a significant amount of labor in order to actually weatherize a home and there is a lot of honor in weatherizing a home. There is a lot of honor in making sure that grandma gets to go home and sleep in a warm bed at night. There is a lot of honor in making sure that 4 and 5 year olds do not not wake up the next morning because of carbon monoxide because parents have been doing dangerously ingenious things to heat their home when they cannot afford to put oil in the tank.

You can call it an oil tax if you like, but I will call it a patriot tax because, you know what, we're actually investing in our state. We're investing in reducing the costs for our people. We cannot save people as much in taxes as we can in their annual heating costs and unlike taxes that can be gone up or gone down, once you have made the energy efficiency investment that savings is every year. The best part about that savings is that every time OPEC or Iran or Iraq or any of those places decide to increase the costs or even the speculators on Wall Street decide to increase the cost of heating oil, the amount that you actually save goes up. Every time the cost of oil goes up if you have weatherized your home, the amount of savings that you have in your pocket goes up as well.

We continue to have the oldest housing stock in the country. We continue to have the highest dependence on foreign oil of any state in the country to heat our homes. We can talk about the politics of this or we can talk about the people of this. Talk to your energy professionals, talk to the folks that actually weatherize homes and listen to the stories that they tell of folks. There was one guy, every night he would sleep next to his furnace just to keep putting wood in the fire. All night long he slept down by the furnace so that his kids would sleep at night. After the weatherization, he was actually able to sleep in his own bed next to his wife, spend time with his kids because he didn't actually have to sleep in front of the furnace. That's what this would do. It's not just about reducing our energy costs; it's not just about saving lives. It's also about improving the quality of life of our people.

Two years ago, we passed sweeping legislation that made major policy investments in energy efficiency and we passed the buck. We said the Federal Government was going to invest in our state and it did, but we refused to actually fund the program at the time. I supported the bill because I had fought so darn hard for it, but I was disappointed that we had not gone the extra mile. We had gone 25 miles and not the extra mile to finish the marathon. We depended on the Federal Government, just as we

do every year when they invest in LIHEAP. Every time we beg the Federal Government for LIHEAP money, every year, and this year they started to tell us no. What happens when there is no LIHEAP money and we haven't invested in weatherization? How many of your constituents do you want to not wake up in the morning because of carbon monoxide poisoning and don't think I'm being hyperbolic or dramatic because it has happened in this state. This is what gets me up in the morning. I don't know what gets you up in the morning, but it also keeps me up at night.

We have an opportunity to fund this, to do it right, and to make sure this happens, and once and for all to get off our dependence on oil by getting off our duffs and actually doing something for once, and in the process, oh by the way, we could create significant amounts of jobs. This was part of our deal two years ago, was that the Efficiency Maine Trust was going to come back with a plan for how to fund. They did that. We committed to them back then and we committed to the people of Maine that we were going to make sure that that proposal moved forward. I guess I now understand why people get frustrated, but I am hoping that the Ought Not to Pass Report is able to be turned over and to allow an Ought to Pass Report because this is not only good policy, this is some of the best investment we can make in our state to create jobs and to reduce the costs of our people, day after day after day, year after year after year. Thank you very much and have a great day.

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. The Energy, Utilities and Technology Committee has been working on energy efficiency issues, whether it be for electricity or for heat, we've even rolled in some items related to transportation. But the one thing that the majority of the committee could not support was adding a tax to heating oil at this time, in this place, when we're staring down the barrel of some of the highest costs for heating oil that we have ever seen. That's it in a nutshell.

This bill extracts another \$14 million out of the pockets of Mainers to redistribute and at this time it wasn't felt that that was justified. There are other sources of funding. We have RGGI, but we have to prioritize those dollars. Those dollars are available to be used for this, but some would rather put it in to other issues. That's our prioritization and that's where it sits today. But as far as adding a tax on heating oil, propane and kerosene, I'm not willing to support it and neither was the majority of the committee. Thank you, Mr. Speaker.

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

Representative **TURNER**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I'd like to answer the good Representative from Newport's question. There is a fiscal note and it is \$14.3 million each year coming from special revenues. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Alna, Representative Fossel.

Representative **FOSSEL**: Thank you very much, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I was approached to sponsor this bill and I looked at it. I've been in the business of fixing up old houses for 36 years now. I think I know more about it than anybody else in this chamber. I employ both certified energy technicians and the people who do the house inspections. I looked at this and I said this is a bad deal for the State of Maine given the resources we have, so I urge you to follow my light and accept the Ought Not to Pass Report. Thank you very much, Mr. Speaker.

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. A question was posed through the Chair about revenue. I'm not sure if the member who posed it knew the answer before asking it, but the Representative from Burlington did respond.

It is important to note that the \$14 million, it is not coming from special revenue funds. It is a revenue generator. Maybe that's semantics. This body voted in the majority to support a bill that took, I think if you do the math, about \$28 million from the private sector or rather from the pockets of Maine people to redistribute it for other purposes, so I find the questions and comments ironic.

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. This is a tough choice in front of us. It might be helpful to look a little bit more at the context. Most recent history probably includes the year 2007 when the price of oil went up to \$4.50 a gallon. It particularly hit the State of Maine. As has been mentioned, 75 percent of Maine households rely on home heating oil. Now it used to be when the price of home heating oil went up, the price of just about everything to heat your home went up in tandem. That isn't true as much today. At this point natural gas is significantly cheaper than home heating oil, so when the price of home heating oil goes up in the State of Maine, the State of Maine is seriously hurting. We are many times higher than the national average in reliance on heating oil.

When the price went up in 2007, there were immediate calls for the Legislature to do something. An emergency task force was struck. I don't know if we have some participants still here who were in that task force. It drew leaders from both major parties. It was the focus of a lot of attention. What was government going to do when the price of heating oil is that high in the State of Maine? Well I give a lot of credit to everyone who participated, but unfortunately long-term answers were certainly few and the emergency response was minimal. The task force did realize that we were going to have to do something about dependence on foreign oil and unanimously called for implementation of statewide energy efficiency programs for the residential sector with a priority on reducing home heating oil use that would ensure that energy efficiency and weatherization are available to all Maine consumers.

Following that, we implemented An Act Regarding Maine's Energy Future and set ambitious goals for weatherization. This bill is the only effort to try and achieve those goals. The act sought a 20 percent heating fuel savings by 2020 and 30 percent by 2030, weatherizing substantially all homes and half of all businesses by 2030 in the State of Maine. Were it not for some federal funds, we would have barely started on that effort and without something like this, RGGI money and every other concept that people had, we're not heading toward achieving that goal.

On the positive side, if we go there, we're going to save Maine people a lot of money. Every time we save a dollar on home heating oil that's money that stays in Maine. Four-fifths of the money that we pay for home heating oil leaves the state. This is an energy issue, it is an economic issue, it is fundamental to the future of Maine. I, too, recognize it is a difficult vote for people and I respect people for whatever vote they make. But I think it is one of those votes that make you look at what you accomplish when you spend time here in the State Legislature.

We have learned that the Efficiency Maine program can achieve substantial savings in every house they go into weatherize. The average has been more than a 30 percent savings per household. The Efficiency Maine Trust has completed 1,977 jobs. The average cost was \$8,810. The average energy savings was 36 percent. The average annual energy savings was \$1,329. The cost per gallon of oil saved was \$1.35. The average lifetime gross savings was \$26,589. Bear in mind when they spend the money for this savings, it is also money spent in Maine. I think my colleague, the Representative from Portland, alluded to the fact that it also contributes to jobs and employment. This is Maine's energy and economic future and I respectfully disagree with anybody who has got some faith-based programs. We do not have other resources to put to weatherization. Failure to pass this or failure to propose something else means that the weatherization efforts in Maine grind to a halt. People will continue to be cold in their houses in winter. We will continue to be pouring our money into oil tanks and watch that money leave through holes and cracks and gaps and spaces in people's old homes. It really can't go on like that.

I give a lot of credit to one freshman legislator for standing up and looking at what was generated by earlier legislators who didn't have the follow-through to complete the job. One freshman took a look at the reports, took a look at the statistics, and said we've got to try to do this. It was a freshman not on our committee who teed up this issue. When we looked at the facts, a good number of the members of the committee said it's true, this is what we have to do for Maine's energy future. That's how we got the Divided Report we have today. I hope that enough legislators vote no on the pending motion. I thank you very much.

Representative **BOLDUC** of Auburn **REQUESTED** that the Clerk **READ** the Committee Report.

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

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. 114

YEA - Ayotte, Beaulieu, Beck, Bennett, Bickford, Black, Blodgett, Briggs, Burns DC, Burns DR, Cain, Casavant, Cebra, Chase, Clark H, Clark T, Clarke, Cornell du Houx, Cotta, Crafts, Cray, Crockett, Curtis, Cushing, Damon, Davis, Dill J, Dow, Driscoll, Duchesne, Dunphy, Eberle, Edgecomb, Espling, Eves, Fitts, Fitzpatrick, Flood, Fossel, Foster, Fredette, Gifford, Gilbert, Gillway, Graham, Guerin, Hamper, Harmon, Harvell, Haskell, Herbig, Hunt, Innes Walsh, Johnson D, Johnson P, Kaenrath, Keschl, Knapp, Knight, Kruger, Lajoie, Libby, Long, Longstaff, Luchini, Maker, Malaby, Maloney, Martin, Mazurek, McClellan, McKane, Morissette, Morrison, Moulton, Nass, Nelson, O'Brien, O'Connor, Olsen, Parker, Parry, Peoples, Peterson, Picchiotti, Pilon, Plummer, Prescott, Rankin, Richardson D, Richardson W, Rioux, Rosen, Rotundo, Sanderson, Sarty, Shaw, Sirocki, Stevens, Strang Burgess, Tilton, Timberlake, Turner, Tuttle, Valentino, Volk, Waterhouse, Weaver, Willette A, Willette M, Winsor, Wood, Mr. Speaker.

NAY - Beaudoin, Beavers, Beliveau, Berry, Boland, Bolduc, Bryant, Carey, Chipman, Flemings, Harlow, Hayes, Hinck, Lovejoy, MacDonald, Rochelo, Russell, Sanborn, Stuckey, Treat, Webster, Welsh.

ABSENT - Celli, Chapman, Dion, Goode, Hanley, Hogan, Kent, Kumiega, McCabe, McFadden, Newendyke, Priest, Theriault, Wagner R, Wintle.

Yes, 113; No, 22; Absent, 15; Vacant, 1; Excused, 0.

113 having voted in the affirmative and 22 voted in the negative, 1 vacancy with 15 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

HOUSE DIVIDED REPORT - Majority (8) **Ought to Pass as Amended by Committee Amendment "A" (H-434)** - Minority (3) **Ought to Pass as Amended by Committee Amendment "B" (H-435)** - Committee on **TAXATION** 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)

TABLED - June 2, 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.

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

The Bill was **READ ONCE**. Committee Amendment "A" (H-434) was **READ** by the Clerk.

Representative CHASE of Wells **PRESENTED** House Amendment "A" (H-496) to Committee Amendment "A" (H-434), which was **READ** by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative from Wells, Representative Chase.

Representative **CHASE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This amendment makes the bill stronger and more practical. It is actually a merging of both the Minority and the Majority Report and I want to thank all of the members on Taxation for working on this bill and making it as good as it is. Thank you.

Subsequently, House Amendment "A" (H-496) to Committee Amendment "A" (H-434) was **ADOPTED**.

Committee Amendment "A" (H-434) as Amended by House Amendment "A" (H-496) thereto was **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-434) as Amended by House Amendment "A" (H-496) thereto and sent for concurrence.

HOUSE DIVIDED REPORT - Majority (7) **Ought to Pass as Amended by Committee Amendment "A" (H-384)** - Minority (6) **Ought Not to Pass** - Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act Regarding Corporate and Other Entity Campaign Advertising Disclosure and Accountability"

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

TABLED - June 2, 2011 (Till Later Today) by Representative CURTIS of Madison.

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

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. You can imagine what I was looking forward to doing right now was addressing another bill and hoping to pull the inside straight on another occasion. This bill, "An Act Regarding Corporate and Other Entity Campaign Advertising Disclosure and Accountability," addresses Maine's elections. Compared with some states Maine clearly has

a tradition of cleaner elections. Big money, money from special interests, is always one of the challenges to keeping elections clean. The problem of the influence of money in-state, out-of-state, maybe even foreign money is growing rapidly even here.

Passage of this bill will help Maine to respond to the toxic problem of secret spending in our elections by improving disclosure requirements. The bill would amend Maine law regarding political communications. It concerns expenditures by corporations and unions for political ads and other political communications in Maine, expenditures not authorized by the candidate and aggregating in excess of \$2,000 in a year. Under this measure a report of such advertising expenditures must include a certification by an officer of the entity stating that the expenditure was authorized by an officer, the board of directors, the executive council, shareholders, or some other organizational leadership body or entity. In other words, special interests taking out expensive ads to influence Maine voters would have to disclose who made the decision to use corporate or union treasury funds for political purposes.

Historically the idea that sunlight is the best disinfectant in a democracy has been accepted as a nonpartisan truth. Now unprecedented levels of money are expected to be spent to influence the 2012 elections and the principle is being put to the test. As the United States Supreme Court decision in *Citizens United vs. Federal Election Commission* has made clear, corporations and unions can spend their capital on political advertising. Only those with something to hide, however, would stand in opposition to transparency.

In *Citizens United* the court ruled that corporations and unions enjoy the same First Amendment rights as individuals giving a green light to ramp up independent political spending. That part of the decision was divided, but in a near unanimous portion of the decision the court held that voters have an interest in receiving information about the sources of election-related spending and the process for approval of those expenditures. As the *Citizens United* court put it, "transparency enables the electorate to make informed decisions and give proper weight to different speakers and messages."

The court also observed that "A campaign finance system that pairs corporate independent expenditures with effective disclosure has not existed before today." In other words, in signaling that spending cannot be limited, the court said disclosure was essential. The court left to legislators the job of making sure that there would be an effective disclosure. That is us and we can meet expectations and meet our responsibility here. It goes without saying that corporations and unions acting through their boards and executives and offices have a fiduciary duty to conduct business in the best interests of the shareholders and members. Corporate shareholders and union members have a stake in political spending undertaken in their names. Maine should adopt law that has already been adopted in other states. The provision here proposed has already been adopted in states like Iowa, Louisiana and Missouri – and interesting in each of those states the law is more prescriptive – honoring the rights of shareholders and union members to know how expenditures for political advertising were approved. There is every reason to believe that shareholders and union members care about political spending made in their names. In fact, in recent years disclosure of political expenditures has become the second most popular shareholder resolution.

But even more important, the bill concerns the interests of Maine voters. Voters are the central actors in our democracy and they have the right to know the real sources of the money spent in elections and the decision makers behind that spending. The public in Maine currently lacks such critical information. Elections

like markets require transparency to work effectively. Voters with information about who is making expenditures for big media buys can more properly weigh and evaluate the message. Secret spending has no place in our electoral campaigns. Passage of this bill as amended will only help the electorate to do their essential job in this democracy. Therefore, I ask you to vote against the pending motion and we can then look at the bill as amended. Thank you.

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

Representative CAREY: Thank you, Mr. Speaker. Mr. Speaker, very briefly this bill just stands for the proposition that the public should know who has authorized particular campaign communications. It is very broad in terms of not being clear. It is broad in terms of who can authorize that as long as it's a body before that has the authority to do that. They just need to say under what authorization the communication is done and further it can be done at the beginning of a year so that it is clear that authorization covers the whole year. It's not at all an administrative burden and it does meet the disclosure requirements the Supreme Court anticipated, states and the Federal Government would do after *Citizens United*. Thank you, Mr. Speaker.

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. This is a great opportunity for us to really start increasing our disclosure laws. Many folks came to our committee are talked about their frustration having mailers sent to their opponents that were disingenuous or created a problem for the person who it was supposedly mailed on behalf of, so we had a conversation about increasing disclosure in that regard as well. I think it's probably important that if we're going to do it for independent expenditures, that we're doing it for all folks who are actually mailing out or doing advertisements of some kind.

The great thing about this, in my opinion, is that it increases awareness of who is behind the ad or who is behind the mail piece. It is not that hard to be able to make sure that folks have some sense of not only who is behind it, but that that expenditure has actually been authorized by the folks behind the organization or the company. I think this is a great opportunity by the folks behind the organization or the company. I think this is a great opportunity for us to be voting in support of disclosure, in support of transparency and making sure that the money that is spent is spent in a way that allows our people here in this state to know where it is coming from and who is really behind it and whether or not it is actually authorized. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Bethel, Representative Crockett.

Representative CROCKETT: Thank you, Mr. Speaker. Mr. Speaker, Members of the House. I just offer a couple of clarifying points, the first being there was First Amendment issues raised by this. I think the Attorney General came back with some concerns, despite the distinctions that are being drawn and a very fine legal argument made by the good Representative from Portland. The Attorney General did have some First Amendment concerns, so we weren't really willing to go that far.

The second is in practical application. What you're looking to do is find out whether shareholders of a particular corporation authorize an expenditure on behalf of a candidate. Well, there is ways around that. Shell corporations can be created where you create different layers and entities underneath it, so you could still work around it. Even if you could overcome the First Amendment issues, the practical application is still questionable. I respect the

effort. Anytime we can look at transparency in government is always preferable, but I think some members of the committee, including myself, and I don't intend to speak for others, felt that the First Amendment issues were too much to overcome and we weren't willing to go in that direction. That is why I will be supporting the pending motion.

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

ROLL CALL NO. 115

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

ABSENT - Bryant, Celli, Chapman, Dion, Goode, Hanley, Hayes, Hogan, Kent, Kumiega, Malaby, McCabe, McFadden, Newendyke, Priest, Theriault, Wagner R, Wintle.

Yes, 73; No, 59; Absent, 18; Vacant, 1; Excused, 0.

73 having voted in the affirmative and 59 voted in the negative, 1 vacancy with 18 being absent, and accordingly the Minority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

ENACTORS

Emergency Measure

An Act To Establish a Special Food and Beverage Industry Taste-testing Event License

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

(C. "A" H-393)

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. 120 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.

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

On motion of Representative FITTS of Pittsfield, the House adjourned at 5:43 p.m., until 9:00 a.m., Monday, June 6, 2011.