

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
56th Legislative Day
Monday, June 6, 2011

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

Prayer by Pastor Greg Sidders, White Pine Community Church, Cumberland.

Pledge of Allegiance.

Doctor of the day, David Jones, M.D., Presque Isle.

The Journal of Friday, June 3, 2011 was read and approved.

SENATE PAPERS

Non-Concurrent Matter

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

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

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-136) AS AMENDED BY HOUSE AMENDMENT "A" (H-457) AND SENATE AMENDMENT "B" (S-147) thereto in the House on June 2, 2011.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-136) AS AMENDED BY SENATE AMENDMENT "B" (S-147)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Establish a Unicameral Legislature

(H.P. 599) (L.D. 804)

Majority (8) **OUGHT TO PASS AS AMENDED** Report of the Committee on **STATE AND LOCAL GOVERNMENT READ** and **ACCEPTED** and the RESOLUTION **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-347)** in the House on June 1, 2011.

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

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

Non-Concurrent Matter

Bill "An Act To Increase Potential Criminal Penalties for the Possession of Cocaine and Cocaine Base"

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

Majority (10) **OUGHT TO PASS AS AMENDED** Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-418)** in the House on June 2, 2011.

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

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

Representative **PLUMMER**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I hope you will indulge me for one minute while I mourn a bill that I became very close

to. I realize the fate of this bill. I sponsored this bill for a local police department. The more I learned, the more supportive I became of LD 44.

This bill would have put cocaine possession on the same level as oxy drugs and meth drugs. Cocaine is no longer a drug of the rich and famous, although Charlie Sheen showed that the rich and famous still do cocaine. The average cocaine addict requires \$400 a day to support their habit, seven days a week. Very few people have a job where they can afford to spend \$2,800 every week.

So how do they get their money? Home break-ins, convenience store robberies, other store robberies. One night in Portland it took a gentleman three robberies where he stuck a gun in the face of the night clerk at convenience stores to get the \$400 he needed to make his buy.

This bill has a \$3 million fiscal note. That's why I say I didn't expect that it's going to go anywhere. I knew it was going to die, but I guess I was hoping for a more respectful death than Indefinite Postponement in the other body. Frankly, if the \$3 million fiscal note is anywhere near accurate, wouldn't it be nice to have people not have to come home and find that their valuables have been removed from their home when they were away, or for the convenience store clerk to not have to worry every night that somebody's going to come in and stick a gun in his face.

If you haven't heard anything else I've said on the floor of the House, I hope you will hear this. I predict that within three or four years that if the effects of cocaine have not reached you yet, they will be coming to a neighborhood near you. Thank you, Mr. Speaker.

The House voted to **INSIST**.

Non-Concurrent Matter

An Act To Amend the Laws Governing the Sex Offender Registry

(S.P. 313) (L.D. 1025)

(C. "A" S-180)

PASSED TO BE ENACTED in the House on June 3, 2011.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-180) AS AMENDED BY SENATE AMENDMENT "A" (S-242)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Resolve, To Study Allocations of the Fund for a Healthy Maine

(H.P. 1144) (L.D. 1558)

Majority (12) **OUGHT TO PASS AS AMENDED** Report of the Committee on **HEALTH AND HUMAN SERVICES READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-417)** in the House on June 1, 2011.

Came from the Senate with the Minority (1) **OUGHT TO PASS** Report of the Committee on **HEALTH AND HUMAN SERVICES READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

COMMUNICATIONS

The Following Communication: (S.C. 427)

MAINE SENATE

125TH LEGISLATURE
OFFICE OF THE SECRETARY

June 3, 2011

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

Dear Speaker Nutting:

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

Upon the recommendation of the Committee on Agriculture, Conservation and Forestry, the nomination of Norman A. Gosline of Gardiner for appointment to the Land For Maine's Future Board.

Upon the recommendation of the Committee on Agriculture, Conservation and Forestry, the nomination of Toby B. Hammond of Naples for appointment to the Land Use Regulation Commission.

Upon the recommendation of the Committee on Agriculture, Conservation and Forestry, the nomination of Richard A. Cook of Hermon for appointment to the Maine Milk Commission.

Upon the recommendation of the Committee on Criminal Justice and Public Safety, the nomination of Stuart M. Smith of Edgecomb for appointment to the State Board of Corrections.

Upon the recommendation of the Committee on Education and Cultural Affairs, the nomination of Chelsey Whynot of Cape Elizabeth for appointment to the State Board of Education.

Upon the recommendation of the Committee on Education and Cultural Affairs, the nomination of Honorable Karl W. Turner of Cumberland for appointment to the University of Maine System, Board of Trustees.

Upon the recommendation of the Committee on Education and Cultural Affairs, the nomination of Bonnie D. Newsom of Eddington for appointment to the University of Maine System, Board of Trustees.

Upon the recommendation of the Committee on Judiciary, the nomination of Gregory A. Campbell of Hampden for appointment as a District Court Judge.

Upon the recommendation of the Committee on Education and Cultural Affairs, the nomination of Honorable W. Tom Sawyer, Jr. of Dedham for appointment to the Maine Maritime Academy, Board of Trustees.

Sincerely,

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

READ and ORDERED PLACED ON FILE.

**PETITIONS, BILLS AND RESOLVES REQUIRING
REFERENCE**

Pursuant to Statute

Department of Health and Human Services

Representative STRANG BURGESS for the **Department of Health and Human Services** pursuant to the Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 101, MaineCare Benefits Manual, Chapter III, Section 50: Principles of Reimbursement for Intermediate Care Facilities for the Mentally Retarded, a Major Substantive Rule of the DHHS (EMERGENCY)

(H.P. 1164) (L.D. 1581)

Be **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Resolve was **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218.
Sent for concurrence.

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

UNFINISHED BUSINESS

The following matter, in the consideration of which the House was engaged at the time of adjournment Friday, June 3, 2011, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

Expression of Legislative Sentiment Recognizing Sheila M. Bearor, of Augusta, on the occasion of her retirement after 34 years of dedicated service to the State of Maine.

(HLS 471)

TABLED - June 3, 2011 (Till Later Today) by Representative BLODGETT of Augusta.

PENDING - **PASSAGE.**

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

Representative **BLODGETT**: Thank you, Mr. Speaker. Mr. Speaker, Members of the House. Today we honor Sheila M. Bearor, who is also a constituent of mine, from Augusta, as Principal Law Librarian at the Law and Legislative Reference Library, for 34 years of service to the people of the State of Maine.

Sheila began her years of state service at Mantor Library at the University of Maine at Farmington, where she worked from 1977 to 1990. While there, Sheila played an important role in the development of the technical standards that underlie URSUS, the University of Maine's online catalog system that ties together the collections of the University's campus libraries, as well as the Maine Reference Library.

Sheila has been a leading force behind the Law Library's transition into the age of electronic information. As Principal Law Librarian for Technical Services, she has also participated in the Law Library's administrative and reference teams, earning her the respect of her colleagues and the gratitude of those of us who have benefited from her labors. We thank her for her dedication, we congratulate her on her retirement, and we wish her the very best for her future. Thank you.

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

REPORTS OF COMMITTEE

Divided Reports

Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-230)** on **RESOLUTION**, Proposing an Amendment to the Constitution of Maine To Require Approval by a 2/3 Vote of Each Branch of the Legislature in Order To Raise a Tax
(S.P. 183) (L.D. 603)

Signed:

Senators:

TRAHAN of Lincoln
HASTINGS of Oxford

Representatives:

KNIGHT of Livermore Falls
BENNETT of Kennebunk
BICKFORD of Auburn
BURNS of Alfred

HARMON of Palermo
WATERHOUSE of Bridgton

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

Signed:

Senator:

WOODBURY of Cumberland

Representatives:

BERRY of Bowdoinham

BRYANT of Windham

FLEMINGS of Bar Harbor

PILON of Saco

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-230)**.

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-230)** was **READ** by the Clerk and **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-230)** in concurrence.

Majority Report of the Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-226)** on Bill "An Act To Create a New Liquor License, Provide Funding for Prevention of Underage Drinking and Provide Municipal Control over the Agency Liquor Store Application Process"

(S.P. 403) (L.D. 1300)

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 "B" (S-227)** 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 "B" (S-227)** 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-226)**.

READ.

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

Six Members of the Committee on **INSURANCE AND FINANCIAL SERVICES** report in Report "A" **Ought Not to Pass** on Bill "An Act To Establish an Insurance Fraud Division within the Department of Professional and Financial Regulation, Bureau of Insurance"

(S.P. 280) (L.D. 892)

Signed:

Senator:

BRANNIGAN of Cumberland

Representatives:

RICHARDSON of Warren

FITZPATRICK of Houlton

GOODE of Bangor

MORRISON of South Portland

TREAT of Hallowell

Six Members of the same Committee report in Report "B" **Ought to Pass as Amended by Committee Amendment "A" (S-211)** on same Bill.

Signed:

Senators:

WHITTEMORE of Somerset

SNOWE-MELLO of Androscoggin

Representatives:

BECK of Waterville

McKANE of Newcastle

MORISSETTE of Winslow

PICCHIOTTI of Fairfield

Came from the Senate with Report "B" **OUGHT TO PASS AS AMENDED READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-211)**.

READ.

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

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

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

The **SPEAKER**: The Chair recognizes the Representative from Warren, Representative Richardson.

Representative **RICHARDSON**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. This is a bill that has come before the Legislature in my tenure here and it is basically one of these bills that it doesn't have, how would I say,

oomph to it. There is always a reason that we should continue this, but it is really never there. Let me just give you an example.

In December 2009, the Department of Insurance asked for a study on this issue and it came back and there is nothing really positive that we should do that. I will just give you one of the points in the executive summary. Penalties for insurance fraud in Maine are adequate and do not need to be addressed at this time. This is how this report goes and it would be, I think, something that needs to be a little bit more defined and an example of that may be do we worry about arson, do we worry about automobile theft, and all of these types of issues really have yet to be done. So again, I would ask you to support the Ought Not to Pass motion that I had made. Thank you.

On motion of Representative BECK of Waterville, **TABLED** pending the motion of Representative RICHARDSON of Warren to **ACCEPT** Report "A" **Ought Not to Pass** and later today assigned. (Roll Call Ordered)

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought Not to Pass** on Bill "An Act To Enhance Reciprocity Agreements Regarding Permits To Carry Concealed Firearms"

(H.P. 874) (L.D. 1176)

Signed:

Senator:

GERZOFISKY of Cumberland

Representatives:

PLUMMER of Windham

BLODGETT of Augusta

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-487)** on same Bill.

Signed:

Senators:

MASON of Androscoggin

WHITTEMORE of Somerset

READ.

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

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Provide Full Funding for Advanced Placement Courses"

(H.P. 144) (L.D. 167)

Signed:

Senators:

LANGLEY of Hancock

MASON of Androscoggin

Representatives:

EDGEComb of Caribou

JOHNSON of Greenville

MAKER of Calais

McCLELLAN of Raymond

McFADDEN of Dennysville

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-491)** on same Bill.

Signed:

Senator:

ALFOND of Cumberland

Representatives:

RICHARDSON of Carmel

LOVEJOY of Portland

NELSON of Falmouth

RANKIN of Hiram

WAGNER of Lewiston

Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports the Majority **Ought Not to Pass** Report.

READ.

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

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Clarify Special Education Reporting Requirements"

(H.P. 582) (L.D. 775)

Signed:

Senators:

LANGLEY of Hancock

MASON of Androscoggin

Representatives:

RICHARDSON of Carmel

EDGEComb of Caribou

JOHNSON of Greenville

MAKER of Calais

McCLELLAN of Raymond

McFADDEN of Dennysville

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-492)** on same Bill.

Signed:

Senator:

ALFOND of Cumberland

Representatives:

LOVEJOY of Portland

NELSON of Falmouth

RANKIN of Hiram

WAGNER of Lewiston

Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports the Minority **Ought to Pass as Amended by Committee Amendment "A" (H-492)** Report.

READ.

Representative RICHARDSON of Carmel 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: The Chair recognizes the Representative from Portland, Representative Lovejoy.

Representative LOVEJOY: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This is a bill that I put in due to an experience that I had last year. I attended an IEP meeting for a special ed student. I came away somewhat appalled at the process. I asked the state Department of Education, if in fact they could tell me how many negotiated agreements or settlements had occurred in the State of Maine, and they couldn't. They don't keep track of it. Ladies and gentlemen, I would suggest that I never would have guessed that in fact the state did not keep track of what went on in special education in these cases. It involves public funds. It involves local education decisions. Many times there is nothing wrong at all and everything goes well, everyone works truly to help those students get all of the services they need. However, in some cases, that isn't the case and you see districts hiring attorneys and consultants to try and influence the process. The one that I went to, they kept pushing for the parents to take and go to due process, knowing that the parents didn't have the money for an attorney. Basically what I found is that in that case, if there is a settlement, that the attorneys get parents to accept. In fact, the state doesn't know about it. The fees are hidden in terms of local people being aware of what's being spent in this area. Now the state says there is no problem, but they admit that they don't keep track. How do you say there is no problem if you don't know how much of this goes on? All this bill is asking for is for communities/school districts to report to the state and keep track of these disputes so that we know. I'm sure that 95, 98, 99 percent of the time there isn't a problem, but all it takes is two or three school districts in this state to create bigger problems for students, for parents, and for taxpayers. I'd ask for your support. Let's go red on this and then we can move on to support so that we can find out what really is happening, especially in an area like special education where it's such a critical factor. We've changed some of these Majority Reports in special education because this is a nonpartisan issue. This is an issue about children and some of those most vulnerable people we have in this state. So I would ask you to vote red on this motion so that we move on and find out what really is going on in our state as far as special education. 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. 116

YEA - Ayotte, Beaulieu, Bennett, Bickford, Black, Burns DR, Cebra, Celli, Chase, Clark H, Clark T, Cotta, Crafts, Crockett, Curtis, Cushing, Damon, Davis, Dion, Dow, Dunphy, Edgcomb, Espling, Fitts, Fitzpatrick, Flood, Fossel, Foster, Fredette, Gifford, Gillway, Guerin, Hamper, Harmon, Harvell, Johnson D, Johnson P, Keschl, Knapp, Knight, Libby, Long, Maker, Malaby, McClellan, McFadden, McKane, Morissette, Moulton, Nass, Newendyke, O'Connor, Olsen, Parker, Parry, Picchiotti, Plummer, Prescott, Richardson D, Richardson W, Rioux, Rosen, Sanderson, Sarty, Sirocki, 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, Burns DC, Cain, Carey, Casavant, Chapman, Chipman, Clarke, Dill J, Driscoll, Duchesne,

Eberle, Flemings, Gilbert, Goode, Graham, Hanley, Harlow, Haskell, Hayes, Hinck, Hogan, Hunt, Innes Walsh, Kaenrath, Kent, Kruger, Kumiega, Lajoie, Longstaff, Lovejoy, Luchini, MacDonald, Maloney, Martin, Mazurek, McCabe, Morrison, Nelson, O'Brien, Peoples, Peterson, Pilon, Priest, Rankin, Rochelo, Rotundo, Russell, Sanborn, Shaw, Stevens, Strang Burgess, Stuckey, Theriault, Treat, Valentino, Wagner R, Webster, Welsh.

ABSENT - Cornell du Houx, Cray, Eves, Herbig, Tuttle, 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** and sent for concurrence.

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-490)** on Bill "An Act To Allow a Student Attending Private School Access to Public School Cocurricular, Interscholastic and Extracurricular Activities"

(H.P. 662) (L.D. 903)

Signed:

Senators:

LANGLEY of Hancock

MASON of Androscoggin

Representatives:

EDGEComb of Caribou

JOHNSON of Greenville

MAKER of Calais

McCLELLAN of Raymond

McFADDEN of Dennysville

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

Signed:

Senator:

ALFOND of Cumberland

Representatives:

RICHARDSON of Carmel

LOVEJOY of Portland

NELSON of Falmouth

RANKIN of Hiram

WAGNER of Lewiston

Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports the Minority **Ought Not to Pass** Report.

READ.

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

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

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

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

Representative WAGNER: Thank you, Mr. Speaker. This bill may look like an innocuous bill, but it isn't. This is a bill that would allow students in private school, albeit a small one, a

private school to engage in and attend co-curricular, extracurricular, interscholastic activities in their local public school. I have two particular concerns about this. One is just the principle of we have private schools and we have public schools and the citizens support the public schools. More than that, however, consider this situation. You have a private school with 28 students in it. They may come from three, four, five different school administrative units. What an administrative nightmare that would be to try to keep track of who is going to engage in what activities, where, at whatever distance from their particular private school. In addition, those who live nearby could engage, if they were given permission, they would engage in those extracurricular activities, interscholastic activities, but those who live further away can't. That seems to me to be inconsistent and unfair, frankly. So I urge you to vote against the pending motion. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Caribou, Representative Edgecomb.

Representative **EDGEComb**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Approximately two months ago when this bill was to be reconsidered in the Education Committee, it was my intent to vote, which would make it the Majority Report, or vote Ought Not to Pass. I think Representative Richardson has it correct that this bill should not pass. Therefore, I want you to know I will be voting red on this motion. Thank you very much.

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

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

The SPEAKER: The Representative may pose her question.

Representative **GRAHAM**: Could anyone please answer the question of who pays for the individual student to participate in the activities within the public school?

The SPEAKER: The Representative from North Yarmouth, Representative Graham, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Dennysville, Representative McFadden.

Representative **McFADDEN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I'm going to support this Ought Not to Pass motion and I will tell you why. The extracurricular activity thing is what bothers me and I probably signed on this bill on the wrong way from the beginning. But it is detrimental to the state Principals' Association. What can happen in this bill is if a student from a private school goes in and participates in the public school athletic event, like say golf, for example, the big problem is that their score will not count in the total team score. So this is the reason that I've changed to the other side of the bill. So I am going to support the Ought Not to Pass. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Fairfield, Representative Picchiotti.

Representative **PICCHIOTTI**: Thank you, Mr. Speaker. I rise in support of the Ought to Pass. The bill does several different things, but the biggest thing is that it gives a student from a small private school exactly the same privileges that a home schooled student has. Plus the parents of those children that are in those private schools are also paying, full taxpayers, in this district which they are at. There is pretty much no cost to the districts and it simply allows a child in those districts to have the same privileges that their home schooled student people have. Thank you.

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

Representative **BURNS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I continually hear over and over again two separate groups of students pitted one against the other. All of these students, whether they are in small private schools, they are in public schools, or they are home schooled have parents who are paying the bill. These kids should have access to these facilities, certainly considering the fact that they lessen the burden on the public education. For that major reason right there, you should consider supporting this bill. These kids should have equal opportunity, equal access. They are not freeloading. They are paying the bills. Recognize that please. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Calais, Representative Maker.

Representative **MAKER**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of this bill. We're talking about children here. We're not talking about private/public schools. We're talking about children. The example that was given to us this day was a young lady who wanted to sing in the chorus and so she went to the public school, she was participating in the chorus which is a group of people, and when she started to leave they were told she couldn't come back because it was a public school and children in private school can't go. We need to be concerned about our kids and to turn our backs on these kids, not allowing them to participate is morally wrong. We have kids that get along well with each other. Sometimes it is the adults that are not showing their concern. I personally am very much in support of this. We need to allow our kids to participate. In fact, what may happen is they very well may become so involved in the school they may want to go to the public school. But by us saying no, it is morally wrong. Thank you, Mr. Speaker.

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

Representative **McCLELLAN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I also rise to support the Ought to Pass motion. I am on the Education Committee and heard all the testimony and will agree with others who support this. Again, as I've said often this year, I'm very concerned we often do pit institutions against each other. This to me is not about institutions. It is about students, it is about our children. I hope you will join me and support the Ought to Pass.

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

Representative **CRAFTS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise, actually I don't really rise, but I support the Ought to Pass motion. I personally have six children that went to private school and in their high school years have been home schooled because my boys wanted to play Lisbon High School football. I paid \$32,000 a year in property tax for my businesses and properties that I own and I'm tired of paying that kind of money year after year and not getting anything out of what I pay for. I think this is more than reasonable, I think it's time it needs to happen, and I ask that you please support this very reasonable and right bill today. Thank you.

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

Representative **PRESCOTT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I, too, rise in support of the Ought to Pass motion. This bill is about choice. These families pay their taxes like everyone else and are entitled to the services available to them. Home schoolers make a choice to study at home and they are allowed to participate on our track teams, our baseball teams and all the other sports that

are available out there, and private schoolers make a choice to have their education at a private school. But the sports and extracurricular activities that are available in our public schools are available to all, they are paid for by all, and that is my reason for voting for the Ought to Pass. Thank you.

The SPEAKER: The Chair recognizes the Representative from Turner, Representative Timberlake.

Representative **TIMBERLAKE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise before you today that you ought to support the Ought to Pass as Amended. I came from a public school. I don't even think they would allow me in a private school. But that being said, this is for schools of 30 students or less that probably don't have any extracurricular activities to amount to anything and it lets the children go to our public schools and participate in the sports and get to know the children within their community. I can't understand why this is not a good idea. This is the right thing to do. Please support it and follow my light.

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

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

The SPEAKER: The Representative may pose his question.

Representative **GILBERT**: Are these young students living in the school district that they want to go to a public school to or is it that are young students going to private school and they want to go to a public school in another district other than where they live?

The SPEAKER: The Representative from Jay, Representative Gilbert, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Lewiston, Representative Wagner.

Representative **WAGNER**: Thank you, Mr. Speaker. This refers to students going to their own residential district to engage in these activities. They would not go to the one where they are in school unless that happens to be where they also live.

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

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

The SPEAKER: The Representative may pose his question.

Representative **BELIVEAU**: Thank you, Mr. Speaker. I'm just wondering if there is some sort of small stipend that might be following these students to their local public school. Thank you.

The SPEAKER: The Representative from Kittery, Representative Beliveau, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Sanford, Representative Boland.

Representative **BOLAND**: I would like to pose a question through the Chair also please.

The SPEAKER: The Representative may pose her question.

Representative **BOLAND**: When my children were in a private Catholic school, a small school, it was understood that they were free to participate in public school activities and I understood that that was the law at the time. I may be wrong, but I would be curious to know if the law has changed or if my understanding of it blurred. Thank you.

The SPEAKER: The Representative from Sanford, Representative Boland, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Scarborough, Representative Volk.

Representative **VOLK**: Thank you, Mr. Speaker. I just wanted to reply to the Representative from Kittery's, I believe, question. Their parents are taxpayers. That would be the fee

that they are sending along is the parents' taxpayer dollars. Thank you.

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

Representative **LOVEJOY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to this motion. I also sent my kids to private school. I knew that was the deal. Quite honestly, it's a personal decision and I think that this bill is seeking to have the best of both worlds, if you will. I don't think that works. I think what we need to do is look at this as we have communities involved and we really have a situation where when parents make that decision on private schools, they are making that decision based on what they believe is the best interest for them and for their children. That's the decision I made and I was happy with the decision I made most of the time, but I didn't expect to have even though I was paying my tax dollars as well as tuitions, I didn't expect to have my choice in à la carte menu. I do urge you to defeat the motion. Thank you.

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

ROLL CALL NO. 117

YEA - Ayotte, Beaulieu, Beliveau, Bickford, Black, Boland, Burns DC, Burns DR, Casavant, Cebra, Celli, Chase, Clark T, Crafts, Crockett, Curtis, Cushing, Damon, Davis, Dow, Dunphy, Espling, Fitts, Fitzpatrick, Flood, Fossil, Foster, Fredette, Gifford, Gilbert, Gillway, Guerin, Hamper, Harlow, Harmon, Harvell, Hogan, Johnson D, Johnson P, Keschl, Knapp, Knight, Libby, Long, MacDonald, Maker, Malaby, Maloney, McCabe, McClellan, McKane, Morissette, Moulton, Nass, Newendyke, O'Connor, Olsen, Parker, Parry, Picchiotti, Pilon, Prescott, Richardson W, Rioux, Rosen, Sanderson, Sarty, Sirocki, Strang Burgess, Theriault, Tilton, Timberlake, Turner, Valentino, Volk, Waterhouse, Weaver, Willette A, Willette M, Winsor, Wood, Mr. Speaker.

NAY - Beaudoin, Beavers, Beck, Bennett, Berry, Blodgett, Bolduc, Briggs, Bryant, Cain, Carey, Chapman, Chipman, Clark H, Clarke, Dill J, Dion, Driscoll, Duchesne, Eberle, Edgecomb, Flemings, Goode, Graham, Hanley, Haskell, Hayes, Hinck, Hunt, Innes Walsh, Kaenrath, Kent, Kruger, Kumiega, Lajoie, Longstaff, Lovejoy, Luchini, Martin, Mazurek, McFadden, Morrison, Nelson, O'Brien, Peoples, Peterson, Plummer, Priest, Rankin, Richardson D, Rochelo, Rotundo, Russell, Sanborn, Shaw, Stevens, Stuckey, Treat, Wagner R, Webster, Welsh.

ABSENT - Cornell du Houx, Cotta, Cray, Eves, Herbig, Tuttle, Wintle.

Yes, 82; No, 61; Absent, 7; Vacant, 1; Excused, 0.

82 having voted in the affirmative and 61 voted in the negative, 1 vacancy with 7 being absent, and accordingly the Majority Ought to Pass as Amended Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-490)** 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-490)** and sent for concurrence.

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought Not to Pass** on Resolve, Directing the Maine Community College System To Establish the Great Works School Campus

(H.P. 670) (L.D. 911)

Signed:

Senators:

LANGLEY of Hancock
MASON of Androscoggin

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-489)** on same Resolve.

Signed:

Senator:

ALFOND of Cumberland

Representatives:

LOVEJOY of Portland
RANKIN of Hiram

Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports the Minority **Ought to Pass as Amended by Committee Amendment "A" (H-489)** Report.

READ.

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

Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought Not to Pass** on Bill "An Act To Waive Snowmobile Registration Requirements for Canadians Riding on Maine Trails"

(H.P. 237) (L.D. 293)

Signed:

Senators:

MARTIN of Kennebec
PATRICK of Oxford
TRAHAN of Lincoln

Representatives:

DAVIS of Sangerville
BRIGGS of Mexico
CLARK of Millinocket
CRAFTS of Lisbon
EBERLE of South Portland
SARTY of Denmark
SHAW of Standish
WOOD of Sabattus

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-486)** on same Bill.

Signed:

Representatives:

ESPLING of New Gloucester
GUERIN of Glenburn

READ.

Representative DAVIS of Sangerville moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on Bill "An Act To Protect the Safety of Maine Children by Requiring the Express Consent of a Legal Guardian To Dispense Prescription Medication to a Minor"

(H.P. 24) (L.D. 31)

Signed:

Senators:

HASTINGS of Oxford
BARTLETT of Cumberland
WOODBURY of Cumberland

Representatives:

NASS of Acton
BEAULIEU of Auburn
FOSTER of Augusta
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** on same Bill.

Signed:

Representatives:

SARTY of Denmark
WATERHOUSE of Bridgton

READ.

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

Majority Report of the Committee on **TAXATION** reporting **Ought Not to Pass** on Bill "An Act To Employ the Unemployed" (EMERGENCY)

(H.P. 404) (L.D. 521)

Signed:

Senators:

TRAHAN of Lincoln
HASTINGS of Oxford
WOODBURY of Cumberland

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-478)** on same Bill.

Signed:

Representatives:

BERRY of Bowdoinham

BRYANT of Windham

BURNS of Alfred

FLEMINGS of Bar Harbor

PILON of Saco

READ.

Representative KNIGHT of Livermore Falls moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

Representative **BLODGETT**: Thank you, Mr. Speaker. Mr. Speaker, Members of the House. This is my bill and I rise today to please ask you to vote no on the pending motion and to vote for the amended Ought to Pass and will explain to you why I think that's a good idea.

This is a jobs bill. This is what we were all sent here to try to prioritize this year and it is good for businesses and it is good for unemployed people. What this bill does, as amended, when a business finds that they are going to add a new position to their company or that a present position that has been vacant for at least three months will be filled, an applicant who applies and is qualified for this position and has been unemployed on Maine unemployment for six months or more, the company will get a six-month state income tax break for hiring this person, if in fact the applicant has been on unemployment. This is similar to the ETIF, the Employee Tax Increment Financing, the Federal Government had provided for the unemployed, but that program ended last year and one difference is that the person must have been unemployed for at least six months, because it has been proven and reported that the longer that you are unemployed, you are considered, in many cases, unemployable, and I am sure many of us know those people, either friends or family members, as I certainly do.

There have been some companies who have actually advertised unemployed persons need not apply. There was actually an article in the paper and on the news on this very – article this weekend I thought was interesting, since unemployment is up again. I have worked very hard with both sides of the aisle to compromise on these amendments to the bill. I have taken the emergency off. That was very naive of me. I thought everybody would love this bill so I put an emergency on it. Well, it didn't work out that way. There were critics of certain things with the bill and some of it was justified. There were great ideas that came from both sides of the aisle. I even had a meeting with our Chief Executive and he thinks this is a great bill and actually helped me make a few changes to this. One reason said that it was discrimination against people who worked. That was found, I found, with the Attorney General's office. I went and spoke with them and it definitely is not any more than you can discriminate against anybody for hiring.

The amendments to this bill are quite a few. No emergency on this bill. The qualified applicant must have been on Maine unemployment. The employer must keep the employee for at least one year, so it isn't as if a company would want to do that.

It is a small amount of money overall that they would want to hire somebody that wasn't qualified and they would keep them. But just so that in case, that was actually one of the Chief Executive's suggestions to me. The program will sunset after two years and then be evaluated if it was in fact working. To have new positions means that a company is growing and a person certainly isn't going to say they want to add an employee just to get a small tax break. But this is a great incentive for both the employer and the unemployed in the state.

The fiscal note is not huge, \$57,000 a year, which I understand can be worked out hopefully. I have been very excited about this bill. The Maine Restaurant Association came and testified in favor of it. Some small businesses came and testified in favor of it. I tried to address everything that would have been a problem, suggestions from the other side, and I hope that you will see this as a win-win for all of us in this House to be able to create jobs and to hire the longtime unemployed people. There is nothing, absolutely nothing bad about wanting to have this passed. I think that this is a jobs bill. It will help everybody. I please hope that you will vote for this and I thank you for your consideration and I guess it has already had a roll call asked for it. Thank you, Mr. Speaker.

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

Representative **BERRY**: Thank you, Mr. Speaker. I, too, rise in support of opposition to the pending motion and I do so for three reasons, one of which is that the bill that we hope to pass if we can vote down the pending motion is affordable. The other is that it creates jobs. And the third is that it puts people back to work.

LD 521, as amended, would provide just a modest incentive to businesses that do hire folks who have been unemployed for some time. It is very affordable. There is a plan for funding it. It creates jobs. They must be new jobs. And an employer, in order to qualify, would need to show that they are hiring at least five additional qualified employees over the base level of employment and provide those employees with a certain level of wages and benefits.

Folks who have been out of work for more than a certain length of time are having a hard time these days answering the question about the hole in their resume, through no fault of their own, because of the tough economy that we've been through. In order to help them to land a job and to help employers to grow the economy, we do need to provide this incentive.

We had very powerful testimony from Maine Restaurant Association who felt very strongly that it would help them to expand in looking forward to this tourism season. I hope we can vote against the pending motion so we can create jobs affordably and put people back to work. Thank you, Mr. Speaker.

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. I would ask that you vote against the pending motion and support the amended version because I am one of those small businesses that this bill would help. Many of you know that I run a small business in downtown Portland, a 39-room inn, and I want to put a face to this bill. I am one of those businesses that this bill would help and I believe wholeheartedly that this is a nonpartisan bill. We all ran on creating jobs in Maine and this is a perfect opportunity for us to do the right thing today.

So a., I am a small business manager, I run a very successful business in downtown Portland that this bill would help, and b., this is a nonpartisan issue. We should all be supportive and embrace this wonderful piece of legislation. So I would ask again

that folks vote against the pending motion and vote for the amended version. Thank you, Mr. Speaker.

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

Representative **BICKFORD**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This bill on its idea is probably a good bill. I think it could be crafted better. I question the fiscal note on it. If you take an average of six percent income tax on 300 employees that are paid \$12 an hour, you are looking at \$1,800 per person per year. If we hire 300 people with this bill, that turns into a fiscal note of \$480,000.

The better bill would have been to have given the business the seven percent payroll tax break, give the employee the six percent income tax break, have it for a shorter period of time, and take away the six month requirement of being on unemployment. Had those been in place on this bill, I would have supported this bill. The way it is written right now, I can't. I will be voting green, Ought Not to Pass. Thank you.

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

Representative **GILBERT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This bill is similar to the federal program Targeted Jobs Tax Credit, or TJTC, that was established decades ago to help people with disabilities or those receiving assistance to find work. There is an incentive for employers to hire them. This bill is to help.

This particular bill that Representative Blodgett sponsored is to help those who have been long-term unemployed. Just as TJTC, Targeted Jobs Tax Credit, this bill also helps to provide financial incentives to employers to help these people land a job. I fully support Representative Blodgett and I will vote no on the pending motion. 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 just want to observe that if we can move forward and vote down the pending motion so we can pass this bill, it could be fixed if there are some fixes that some find it would earn their support for the bill downstairs. I think that may be something worth considering and I would be happy to work with anyone who is inclined to help us pass this bill on the floor today to make that happen.

I also want to note that there is a sunset. The bill as amended would have a sunset of January 1, 2015, so that if there are any unanticipated consequences, it doesn't work as intended, we can go back and make changes or do away with the program at that time. Thank you, Mr. Speaker.

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

Representative **FLEMINGS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Many folks have spoken already on the benefits of this bill. I want to add my opposition to the pending motion and support for the bill and just specifically to say that as a member of the committee, I really can strongly add my words to the fact that the sponsor of this bill, the Representative from Augusta, Representative Blodgett, really did work tirelessly with the committee.

It was an excellent process. She heard the concerns. She worked in a very thoughtful manner with folks on the committee and others, as she mentioned, to try to come up with a solution that really would target what we were looking to do to support employers, to support employees, to promote job creation and economic development, and I really think she came up with an excellent tool that we can use to help in our many efforts to promote economic development. So I would echo what others

have said and encourage you to vote down the pending motion and support the bill. Thank you, Mr. Speaker.

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

Representative **PILON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The Representative from Lewiston indicated that, he pulled a number out of the air of 300 jobs. Well that's 300 people that aren't working today perhaps and that would put 300 people back to work, instill self respect, self esteem to 300 people who perhaps have lost their self esteem and self respect. What's wrong with that today? I think that is a very important attribute that we could give our people in the State of Maine.

I applaud Representative Blodgett for working on this bill. She has gone above and beyond, finding compromise, working on compromise, and drafting a very good piece of legislation. It is our responsibility as legislators to step up and support her on this legislation and support the people of the State of Maine that are unemployed. So I will be voting red and I would encourage everyone here to step up and help the unemployed in the State of Maine. Thank you.

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

Representative **BURNS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to this motion and would support the Minority Report. It is our job. We came here to create jobs. The bottom line of this bill is it creates jobs. You must create a new position within your firm and employ an unemployed person in that job. Basically it is two negatives, we make a great positive. So I hope you do support the Minority Report and follow my light. Thank you.

The SPEAKER: The Chair recognizes the Representative from Deer Isle, Representative Kumiega.

Representative **KUMIEGA**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I would just like to point out that if the business is hiring people, say 300 people, who are on unemployment now, they are not paying any income taxes now. So there is no cost to the state to give a credit. It is income that is not coming to the state now. 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. 118

YEA - Ayotte, Beaulieu, Bennett, Bickford, Black, Cebra, Celli, Chase, Cotta, Crafts, Crockett, Curtis, Damon, Davis, Dunphy, Edgcomb, Espling, Fitts, Fitzpatrick, Flood, Fossil, Foster, Gillway, Hamper, Harmon, Johnson D, Johnson P, Knapp, Knight, Long, Maker, Malaby, McClellan, McFadden, Morissette, Moulton, Nass, Newendyke, O'Connor, Olsen, Parker, Picchiotti, Plummer, Prescott, Richardson D, Richardson W, Rioux, Rosen, Sarty, Sirocki, Strang Burgess, Tilton, Timberlake, Waterhouse, Weaver, Winsor, Mr. Speaker.

NAY - Beaudoin, Beavers, Beck, Beliveau, Berry, Blodgett, Boland, Bolduc, Briggs, Bryant, Burns DC, Burns DR, Cain, Carey, Casavant, Chapman, Chipman, Clark H, Clark T, Clarke, Cornell du Houx, Dill J, Dion, Dow, Driscoll, Duchesne, Eberle, Flemings, Fredette, Gifford, Gilbert, Goode, Graham, Guerin, Hanley, Harlow, Harvell, Hayes, Herbig, Hinck, Hogan, Hunt, Innes Walsh, Kaenrath, Kent, Keschl, Kruger, Kumiega, Lajoie, Libby, Longstaff, Lovejoy, Luchini, MacDonald, Maloney, Martin, Mazurek, McCabe, McKane, Morrison, Nelson, O'Brien, Parry, Peoples, Peterson, Pilon, Priest, Rankin, Rochelo, Rotundo, Russell, Sanborn, Sanderson, Shaw, Stevens, Stuckey,

Therault, Treat, Turner, Valentino, Volk, Wagner R, Webster, Welsh, Willette A, Willette M, Wood.

ABSENT - Cray, Cushing, Eves, Haskell, Tuttle, Wintle.
Yes, 57; No, 87; Absent, 6; Vacant, 1; Excused, 0.

57 having voted in the affirmative and 87 voted in the negative, 1 vacancy with 6 being absent, and accordingly the Majority **Ought Not to Pass** Report was **NOT ACCEPTED**.

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

The Bill was **READ ONCE**. Committee Amendment "A" (H-478) 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-478)** and sent for concurrence.

Majority Report of the Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought Not to Pass** on Resolve, Directing the Secretary of State To Examine the Issue of a Run-off Election for Governor

(H.P. 396) (L.D. 503)

Signed:

Senators:

FARNHAM of Penobscot
PATRICK of Oxford
PLOWMAN of Penobscot

Representatives:

BEAULIEU of Auburn
CROCKETT of Bethel
DAMON of Bangor
JOHNSON of Eddington
LONGSTAFF of Waterville
RUSSELL of Portland
VALENTINO of Saco
WILLETTE of Presque Isle

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-504)** on same Resolve.

Signed:

Representatives:

CAREY of Lewiston
CHIPMAN of Portland

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

READ.

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

Majority Report of the Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act Relating to Political Action Committees in Maine"

(H.P. 610) (L.D. 814)

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** 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** Report.

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

Representative **CAREY**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. This is a very straightforward bill. It deals with contributions to PACs and whether there are going to be any limits on those. Maine is one of the few states that still operate by what could probably be best called Wild West rules of campaign finance with respect to contributions to PACs.

Most states in this country have some limits to PACs. The Federal Government, its campaign finance laws have been used as a comparison on other bills recently, and it is instructive here. So let's look at federal law. Federal law says an individual can contribute up to \$5,000 to a PAC in an election cycle, that is every two years - an individual, not a corporation - and if it is going to be a partnership or some other form of corporate identification, it goes to the individuals.

So what would this law do? This law would have a limit in Maine of \$25,000 compared to the federal \$5,000 limits, and in Maine that contribution can be from a corporation or from any other form of corporate entity, again dissimilar to the federal law. So what would \$25,000 buy in a Maine election? Well, expenses for five House races that use the Clean Elections distribution as an indicative for what a House race costs in Maine, five House races with enough money left over to get well on the way to the sixth. A Senate race, again with enough money left over to get well on the way to the sixth House race or to start another Senate race. It would buy a week of TV in a gubernatorial race or any other race in Bangor, in Presque Isle. Now the average person would see an ad in Bangor or Presque Isle for this \$25,000 10 times. This is just really basic, basic stuff and I ask you to follow my light.

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

Representative **CROCKETT**: Thank you, Mr. Speaker. Mr. Speaker, Distinguished Members of the House. If that were all the bill did, I would probably be voting in favor of it or I would have voted in favor of it in committee. However, if you look at the language of the bill, it limits a person that is not a political action committee, may not contribute more than \$1,000 to any one candidate political action committee per biennial election cycle.

It is questionable whether this meets constitutional muster. As much as I love the idea of restricting some of this outside money that has come into Maine in the past, I love the First Amendment more. As an attorney we have to uphold the Constitution as it's written and as it's interpreted. Sometimes we don't always like it, but we have to do it nonetheless. There are a couple of other provisions in the bill that make it questionable, so I will be supporting the Ought Not to Pass motion and I would ask you to follow my light. Thank you.

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

Representative **VALENTINO**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just want to let everybody know that Maine is currently the only New England state and one of only 12 states in the country that does not have any contribution limit to the political action committees, which are PACs. This is particularly troublesome given our otherwise excellent campaign finance laws. I think it is time to take action to fix this problem.

One of the things is that, in this bill specifically in case people do have questions, that this bill does not change anything in the status of giving money to PACs on issues. So it does not regulate any money that is coming on any of the issues that we're talking about on referendums or anything else. This only has to do with candidate PACs, that's all.

I feel that we keep coming back to PAC reform year after year. I have been on the Veterans and Legal Affairs Committee for a number of years now. We always have a multitude of bills on this. I feel that Maine must continue not only to lead the way in campaign finance reform which we have done with our Clean Elections, but we also need to join the other New England states to put some type of limits on the individual capping of the contributions to individual candidates. I feel that PAC reform is long overdue and is essential to Maine's mission to keep big money influence out of the election and the governing process. So please follow our lights on this. Thank you.

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

Representative **CAREY**: Thank you, Mr. Speaker. Mr. Speaker, in reference to the comments from the good Representative from Bethel, Representative Crockett, this bill did not have much policy discussion in committee. I will accept the offer as the sponsor of the bill and would be ready to draft or support an amendment that would focus this bill simply on contributions to PACs, in hopes of getting a unanimous report out of this body.

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

Representative **BEAULIEU**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I fully respect the integrity and the good will of my fellow House members. However, in the recent gubernatorial election in Nevada, columnist Jon Ralston wrote that candidate Rory Reid's campaign formed 91 shell political action committees that were used to funnel \$750,000 in his campaign, circumventing contribution limits and violating at least the spirit and maybe the

letter of the laws governing elections. Now that in itself is not very important, but my intention here is to point out that no matter what type of law is in place, someone can and probably will find a loophole and do just as Mr. Reid did.

We spend more in this country on elections than ever before in the history of elections and do so despite the fact that PACs have been around for a long period of time. So my understanding of the law is that we probably need to look at election law on a much more comprehensive basis. I think we have done that there in this Legislature in the past and we looked at environmental law. We did it before that. We looked at energy law. We created a special commission for that.

I don't think this is a job that can be done in a step-by-step process. I think you have to look at everything, how it relates, and I believe honestly that the good Representative Valentino had that in mind when she first submitted her legislation with regard to that. Unfortunately, time was of the essence and it probably should have been done and wasn't. So I would encourage you to vote in favor of the Ought Not to Pass measure. I respect fully Representative Carey's intentions and I hope that in this particular case, however, you will look forward to broadening the study, make a more in-depth evaluation and support the Ought Not to Pass recommendation. 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. 119

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

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

ABSENT - Cray, Eves, Flemings, Harvell, Tuttle, 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** and sent for concurrence.

CONSENT CALENDAR

First Day

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

(S.P. 338) (L.D. 1105) Resolve, To Study Oral Health Care in Maine and Make Recommendations Regarding How To Address Maine's Oral Health Care Needs Committee on **HEALTH AND**

HUMAN SERVICES reporting Ought to Pass as Amended by Committee Amendment "A" (S-238)

(H.P. 84) (L.D. 98) Resolve, Directing the Commissioner of Education To Adopt a Policy Regarding Management of Head Injuries in Youth Sports (EMERGENCY) Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-519)**

(H.P. 638) (L.D. 841) Resolve, To Establish the Blue Ribbon Commission on Affordable Housing (EMERGENCY) Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-511)**

(H.P. 804) (L.D. 1069) Bill "An Act To Provide Maine Tourism and Industry Collaborative Film Grants" Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-517)**

(H.P. 827) (L.D. 1115) Bill "An Act To Clarify the Responsibilities of the Maine Developmental Services Oversight and Advisory Board" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-520)**

(H.P. 1018) (L.D. 1385) Bill "An Act To Provide Tax Relief to Residents Deployed for Military Duty or Stationed outside of Maine" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-510)**

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

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

(H.P. 736) (L.D. 1000) Bill "An Act To Require the Secretary of State To Verify Voter Signatures" Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-507)**

On motion of Representative CAREY of Lewiston, was **REMOVED** from the First Day Consent Calendar.

The Unanimous Committee Report was **READ**.

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

Representative CAREY: Mr. Speaker, I wish to just speak briefly on 7-4, LD 1000, for the good Representative from Acton, Representative Nass, to talk about the work of our committee that so often the good work of committee goes unnoticed when there is a unanimous report. Briefly, this bill solves two problems having to do with the signing of oaths to stand for candidates for office. As many of you know when we circulate petitions to get on a primary ballot, you have to sign an oath to get on that ballot.

This bill does two things. Currently when a member gets on the general election ballot through a caucus, I myself did the first time, we don't sign that same candidate oath. This would correct that loophole. Second, there is a number of requirements as you all know to run for office and they stand at different parts of the law. Some are in the Constitution, some are in statute. Currently the oath that we sign on the petitions simply says "I certify that I am able to run for office." The problem that Representative Nass brought us is that sometimes it is unclear exactly what those are and when this bill passes the Secretary of State will create a form to make clear what the requirements are, that we all certify an oath to. Thanks to Representative Nass for raising these issues and to the members of my committee for working in a bipartisan fashion to resolve them. Thank you.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-507)** 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-507)** and sent for concurrence.

(H.P. 1087) (L.D. 1478) Bill "An Act To Fully Enfranchise Voters" Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-508)**

On motion of Representative MARTIN of Eagle Lake, was **REMOVED** from the First Day Consent Calendar.

The Unanimous Committee Report was **READ**.

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

Representative MARTIN: Thank you, Mr. Speaker. Mr. Speaker, Members of the House. This bill, LD 1478, was put in by the Representative from Burlington, Representative Turner, and I think the purpose of it is actually correct. However, the Committee Amendment creates in effect two different systems, depending if you have more than 10 towns in your district or less than 10 towns. So I would think we ought to re-look at the structure of the proposal of that amendment because you are going to have different structures throughout the state as we proceed to do caucuses when there should be a vacancy in the House or Senate. So I would suggest that someone Table the bill until we can have a look at the amendment and perhaps a redrafting of that amendment.

On motion of Representative CURTIS of Madison, **TABLED** pending **ACCEPTANCE** of the Committee Report and later today assigned.

ENACTORS

Acts

An Act Concerning Sex Offender Registry Information

(H.P. 963) (L.D. 1317)
(C. "A" H-466)

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

On motion of Representative PLUMMER of Windham, was **SET ASIDE**.

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

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

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

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-466)** was **ADOPTED**.

The same Representative **PRESENTED House Amendment "A" (H-497)** to **Committee Amendment "A" (H-466)**, which was **READ** by the Clerk and **ADOPTED**.

Committee Amendment "A" (H-466) as Amended by **House Amendment "A" (H-497)** thereto was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED** as Amended by Committee Amendment "A" (H-466) as Amended by House Amendment "A" (H-497) thereto in **NON-CONCURRENCE** and sent for concurrence.

(S.P. 499) (L.D. 1561)
(C. "A" S-199)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 129 voted in favor of the same and 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**.

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

SENATE PAPERS

Bill "An Act To Further Improve Maine's Health Insurance Law"

(S.P. 515) (L.D. 1580)

Came from the Senate, **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES** and ordered printed.

REFERRED to the Committee on **INSURANCE AND FINANCIAL SERVICES** in concurrence.

Emergency Measure

Resolve, Reauthorizing the Balance of the 2005 Maine Biomedical Research Fund and Marine Infrastructure and Technology Fund Bond Issues

(S.P. 86) (L.D. 280)
(C. "A" S-185)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 113 voted in favor of the same and 10 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

ENACTORS

Emergency Measure

An Act To Amend the Laws Governing the Tax Assessment for Correctional Services in Lincoln County and Sagadahoc County

(S.P. 126) (L.D. 422)
(C. "A" S-209)

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. 132 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 Governing Competitive Bidding for School Construction and Repair

(S.P. 110) (L.D. 397)
(C. "A" S-187)

An Act To Amend the Laws Governing Bear Hunting

(H.P. 361) (L.D. 468)
(C. "A" H-443)

An Act Regarding the Disposition of Mercury-added Lamps

(S.P. 145) (L.D. 512)
(C. "A" S-203)

An Act Regarding Conveyance of Easements across Railroad Rights-of-way

(S.P. 147) (L.D. 514)
(C. "A" S-183)

An Act To Provide Funding for the World Acadian Congress

(S.P. 157) (L.D. 565)
(C. "A" S-184)

An Act To Support and Encourage the Use of Online Textbooks

(S.P. 161) (L.D. 569)
(C. "A" S-186)

An Act To Ensure Ratepayer Benefits from Long-term Contracts for Renewable Energy Credits

(S.P. 218) (L.D. 729)
(C. "A" S-193)

An Act To Protect Ratepayers While Enhancing Energy Independence and Security

(S.P. 231) (L.D. 793)
(C. "A" S-194)

An Act To Amend the Requirements for Electric Transmission Lines

(S.P. 246) (L.D. 802)
(C. "B" S-197)

An Act To Amend the Law Governing Tax Increment Financing Districts

(H.P. 619) (L.D. 823)
(C. "A" H-460)

An Act To Reduce Student Hunger

(S.P. 264) (L.D. 860)
(S. "A" S-206 to C. "A" S-170)

Emergency Measure

An Act To Create the Nickerson Lake Sewer District

An Act To Regulate Boxing and Prizefighting in Maine
(H.P. 656) (L.D. 889)
(C. "A" H-451)

An Act To Strengthen Computer Privacy
(S.P. 405) (L.D. 1308)
(C. "A" S-208)

An Act To Amend the Tax Laws
(H.P. 971) (L.D. 1325)
(C. "A" H-461)

An Act To Amend the Department of Marine Resources' Administrative Suspension Process
(S.P. 453) (L.D. 1462)
(C. "A" S-190)

An Act To Establish Standards for Portable Electronic Device Insurance
(S.P. 455) (L.D. 1464)
(C. "A" S-212)

An Act Regarding Regulation of Emergency Medical Services
(S.P. 467) (L.D. 1489)
(C. "A" S-223)

An Act To Amend the InforME Public Information Access Act
(S.P. 482) (L.D. 1521)
(C. "A" S-195)

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, Regarding Prequalification Standards for Contractors
(S.P. 318) (L.D. 1085)
(C. "A" S-188)

Resolve, To Develop a Plan To Improve Public Guardianship Services to Adults with Cognitive Disabilities
(S.P. 373) (L.D. 1252)
(C. "A" S-222)

Resolve, To Promote Greater Transparency and Accountability through Regional Transmission Organization Reform
(S.P. 396) (L.D. 1275)
(C. "A" S-225)

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 Amend the Laws Governing Significant Wildlife Habitat
(H.P. 765) (L.D. 1031)
(C. "A" H-281)

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. 120
YEA - Ayotte, Beaudoin, Beaulieu, Beavers, Beck, Beliveau, Bennett, Berry, Bickford, Black, Blodgett, Boland, Bolduc, Briggs,

Bryant, Burns DC, Burns DR, Cain, Carey, Cebra, Chapman, Chase, Chipman, Clark H, Clark T, Clarke, Cornell du Houx, Cotta, Crafts, Curtis, Cushing, Damon, Davis, Dill J, Dow, Driscoll, Duchesne, Dunphy, Eberle, Edgecomb, Espling, Fitts, Fitzpatrick, Flemings, Flood, Fossel, Foster, Fredette, Gifford, Gilbert, Gillway, Goode, 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, Martin, Mazurek, McCabe, McClellan, McFadden, McKane, Morissette, Morrison, Moulton, Nass, Nelson, Newendyke, O'Brien, O'Connor, Olsen, Parker, Parry, Peoples, Peterson, Picchiotti, Pilon, Plummer, Prescott, Priest, Rankin, Richardson D, Richardson W, Rioux, Rochelo, Rosen, Rotundo, Russell, Sanborn, Sanderson, Sarty, Shaw, Sirocki, Stevens, Strang Burgess, Stuckey, Theriault, Tilton, Timberlake, Treat, Valentino, Volk, Wagner R, Waterhouse, Weaver, Webster, Welsh, Willette A, Willette M, Winsor, Wood, Mr. Speaker.
NAY - NONE.
ABSENT - Casavant, Celli, Cray, Crockett, Dion, Eves, Hogan, Turner, Tuttle, Wintle.
Yes, 140; No, 0; Absent, 10; Vacant, 1; Excused, 0.
140 having voted in the affirmative and 0 voted in the negative, 1 vacancy with 10 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

REPORTS OF COMMITTEE

Divided Reports

Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought Not to Pass** on Bill "An Act To Allow Early Deer Hunting for Senior Hunters"
(H.P. 899) (L.D. 1208)

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

Representatives:
DAVIS of Sangerville
BRIGGS of Mexico
CLARK of Millinocket
EBERLE of South Portland
ESPLING of New Gloucester
GUERIN of Glenburn
SARTY of Denmark
SHAW of Standish
WOOD of Sabattus

Minority Report of the same Committee reporting **Ought to Pass** on same Bill.
Signed:
Representative:
CRAFTS of Lisbon

READ.

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

Majority Report of the Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-509)** on Bill "An Act To Amend the Beano Laws" (H.P. 1083) (L.D. 1474)

Signed:
Senators:
FARNHAM of Penobscot
PLOWMAN of Penobscot

Representatives:
BEAULIEU of Auburn
CAREY of Lewiston
CHIPMAN of Portland
CROCKETT of Bethel
DAMON of Bangor
JOHNSON of Eddington
LONGSTAFF of Waterville
RUSSELL of Portland
VALENTINO of Saco
WILLETTE of Presque Isle

Minority Report of the same Committee reporting **Ought Not to Pass** on same Bill.
Signed:
Senator:
PATRICK of Oxford

Representative MITCHELL of the Penobscot Nation - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (H-509)** Report.

READ.

On motion of Representative BEAULIEU of Auburn, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.
The Bill was **READ ONCE**. **Committee Amendment "A" (H-509)** 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-509)** and sent for concurrence.

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:

**REPORTS OF COMMITTEE
Divided Report**

Majority Report of the Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-522)** on Bill "An Act To Allow

Table Games at a Facility Licensed To Operate Slot Machines on January 1, 2011"

(H.P. 1044) (L.D. 1418)

Signed:
Senators:
FARNHAM of Penobscot
PATRICK of Oxford
PLOWMAN of Penobscot

Representatives:
CHIPMAN of Portland
CROCKETT of Bethel
DAMON of Bangor
JOHNSON of Eddington
LONGSTAFF of Waterville
RUSSELL of Portland
VALENTINO of Saco
WILLETTE of Presque Isle

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

Signed:
Representatives:
BEAULIEU of Auburn
CAREY of Lewiston

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

READ.

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

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

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

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

Representative **CAREY**: Thank you, Mr. Speaker. Just a few quick words for the record. The bill that is before us right now is before us on an argument that there is an inequity in current law, that there was a bill, the racino that was passed in 2003 and casino that was passed in 2010, essentially reflect the will of the voters to expand gambling in both times and that the voters didn't make a distinction between a racino and a casino, and this bill would equalize those two in terms of what they can do.

I commend the sponsor of the bill, Representative Damon from Bangor, and the other Representatives who have worked so hard on this bill, and I have told them that I support the intent of this and I will work next year to make sure that that happens and don't believe that at that point it should go out to the voters if that's the will of the Legislature I am supporting. I am against this today, and I just want to explain briefly why that is.

The argument before us is that this is righting an inequity, that because the two different times they were passed, it is inequitable that one company has something that the other doesn't and this would make that equal. There are a bunch of problems with that argument of equity that cannot be fixed in this legislative session. Let me explain. Because of two bills that we will consider at a later time to citizen's initiatives, there are many things that we can't do, otherwise it would trigger a competing measure to those bills. One of the items was brought forward initially in this bill before it was amended out. There are certain tax provisions having to do with the Bangor casino that can't be

equalized with Oxford. Oxford doesn't have those tax provisions. There is an equity issue there that can't be dealt with until next year when there is no citizen's initiative before us. That is the first equity issue that we can't solve this year.

The second equity issue is this is only inequitable once Oxford opens. Oxford, with their most optimistic pronouncements, is that they will open sometime in April of next year. There is plenty of time for this Legislature in the next session to solve the equity issue before Oxford opens and creates inequity.

Finally, the argument is that there is inequity between two different potential casinos. Later this afternoon and potentially later this week, we will consider propositions from the voters to have three additional casinos. Each of those three are different than the existing two in law and from themselves. There will be inequities that are created if one or three of those casinos or racinos are passed. So again, we'll be here next year fixing an inequity. I think we do need to standardize, once we come into session next year, we need to look at any casino/racino that exists and make them standard across the board, that it's clear that one business could do the same thing that another business could do under the same tax structures and so forth. We can't do that this year and I ask you vote red on this motion. Thank you, Mr. Speaker.

On motion of Representative MITCHELL of the Penobscot Nation, **TABLED** pending the motion of Representative BEAULIEU of Auburn to **ACCEPT** the Majority **Ought to Pass as Amended** Report and later today assigned. (Roll Call Ordered)

CONSENT CALENDAR

First Day

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

(S.P. 253) (L.D. 850) Bill "An Act To Improve the Enforcement of Laws Protecting Dogs" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-243)**

(S.P. 385) (L.D. 1264) Bill "An Act To Improve the Energy Efficiency of Public Buildings and Create Jobs" Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-244)**

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.

REPORTS OF COMMITTEE

Divided Reports

Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-245)** on Bill "An Act To Amend Certain Provisions of Maine Fish and Wildlife Laws"

(S.P. 317) (L.D. 1084)

Signed:

Senators:

MARTIN of Kennebec

PATRICK of Oxford

TRAHAN of Lincoln

Representatives:

DAVIS of Sangerville

BRIGGS of Mexico

CLARK of Millinocket
CRAFTS of Lisbon
EBERLE of South Portland
ESPLING of New Gloucester
GUERIN of Glenburn
SARTY of Denmark
WOOD of Sabattus

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-246)** on same Bill.

Signed:

Representative:

SHAW of Standish

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-245)**.

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-245)** 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-245)** in concurrence.

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought Not to Pass** on Bill "An Act To Establish Positive Reentry Parole"

(H.P. 1101) (L.D. 1500)

Signed:

Senators:

MASON of Androscoggin

GERZOFISKY of Cumberland

Representatives:

PLUMMER of Windham

BLODGETT of Augusta

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-512)** on same Bill.

Signed:

Senator:

WHITTEMORE of Somerset

READ.

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

Representative TUTTLE of Sanford **REQUESTED** a division on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

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

Representative TUTTLE: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. This is my bill as many of you know. I know that we had over 50 cosponsors on this bill. Essentially the bill incorporates the concepts of positive entry parole and it's modeled in part on recent law enacted by Colorado and uses some of the technical aspects of Maine existing parole law.

I'd like to begin by clarifying that parole is a process in which a person in prison who has shown rehabilitation while incarcerated is released from prison under mandatory supervision of a parole board and already existing probation parole officers. Parole is a conditional release strategy that combines public safety with bringing down the cost of incarceration by allowing a person who is in prison to apply for parole and having them finish the remainder of their sentence at home or in a halfway house. Not only will people on parole finish this sentence in a more productive way, but the State of Maine will also realize considerable savings. Parole will not put the public at risk since public safety is the greatest concern when considering parole. It is safer to have someone released from prison with supervised reentry into society than released without any supervision.

I know I had talked to a number of you that I think the state is lagging behind in this positive reentry parole. Many of us know people who we grew up with in our neighborhoods that I feel that we're not giving them the right tools to reenter. We give them \$50 and say there you go. I mean, what's the person going to do? I mean this is an issue that really does affect this state and I think there can be a lot of ways that we can do it to make it better. People who are paroled return at a lower rate than those who are simply released. The possibility of arrest is lowered when you take into account mandatory supervision.

Parole also includes a time to go to work, time to spend with family, and time to go to church. Parole will help to address the problem of reentry into life outside prison by allowing for that transitional time. It will also help address overcrowding in prisons and the problem of older people in prisons who have serious health issues. Older people could live in a community where their needs will be better met by services already in place outside prisons which are paid for by federal money or privately funded.

I have a constituent that has been in prison over 40 years, life without parole. You know this isn't something – it's amazing how in your legislative service things can occur that can sort of change your life. In this way it has mine. I've gone to prison. I've gone to Kyros meetings, religious meetings, and I really think that Maine's system has not changed since 1976. I think it's time for us to be more proactive, do the right thing. Every other state in New England has parole except Maine, so I think it's high time that we do it for the State of Maine. As I mentioned, in 1976 parole was eliminated in Maine. Currently all other states have a parole and Maine is one of only seven states in the nation that do not have parole. I believe it is time to reconsider parole and that's why I am voting against the pending motion. I hope you will join me.

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 I tried to negotiate with the good Representative from Sanford, Representative Tuttle, that I wouldn't speak if he didn't. I feel compelled to give the other side. I would also remind members that my seat is in a position where I can see everyone in this

House and anyone who leaves during my speech, I will be taking names.

As Representative Tuttle mentioned, we did have parole prior to 1976. At that time the average lifetime sentence meant 11.8 years. That was it. People were out on parole. The families of the victims were saying, hey wait a minute, he was sentenced to life in prison and less than a dozen years later he is out walking the streets again?

The impetus, I'm told, for Maine changing from parole or abandoning parole actually happened in a neighboring state where Willie Horton was paroled when Governor Dukakis was in charge and Willie Horton chose to practice his craft again and murdered someone else. I think if you look into it you'll find that just recently the entire Massachusetts Parole Board resigned for a very similar situation. After parole was abolished in Maine, Maine adopted a system called determinate sentencing. That means when you go in you know when you'll get out, less good time, and of course the Chief Executive can always commute a sentence.

I met with several of the supporters prior to the hearing. They had compelling stories. During the hearing it was very emotional. I think we went through an entire box of tissues during this hearing. It was very difficult for people. We heard from women who had communicated with prisoners serving long-term sentences and they decided to marry them while they were in prison. Now since they have never been able to spend a day with their husbands, they would like to have them out so they could spend time with them.

On a certain plane I can associate with this. Some of you who know me know that nine years ago the Lord decided he needed my wife more than I did. I'd love to have time to hold her hand and walk on the beach. We heard during the hearing from those women, we heard from parents who freely admitted that their son or daughter, mostly sons, had made a tragic mistake and murdered someone, but now they were ready to rejoin society. We heard about the prisoners who had found Jesus and now they were ready to rejoin society. We spent a few hours listening to these compelling stories.

Then like moving from day to night, we heard from the other side, hence the second half of the box of tissues. We heard from the family and friends of those who were murdered. We heard from the mothers and brothers and sisters, how the lives of their loved ones were cut short by the very people who are now saying that I need to be released from prison, I'm okay now.

In a letter we heard from the librarian at the state prison who told how she was dealing with one of these prisoners who was a great person until he got upset and he took her hostage. Some of our committee got to meet with her a couple of years ago, a very compelling story, and in her letter she said this is the kind of man who believes he is ready to be on the street. Perhaps the most compelling for me personally was the woman who talked about the fact that she will never hold her grandchild again because her grandchild was murdered by one of our clients.

At the end of the public hearing, I believe that some committee members were ready to vote but we resisted the temptation and did not vote that day. When the work session was held every member of this House of Representatives who sat through the public hearing and sat through the work session voted Ought Not to Pass, as we should in this chamber too. Thank you, Mr. Speaker.

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

Representative HASKELL: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I wouldn't pretend to

follow the very thoughtful presentation just made by my colleague on the committee, but I would just like to, from this side where he can see me from behind, talk a little bit about my reasons for not having supported this bill.

I think one of the first things that we need to understand about parole is that parole would become a part of a person's sentence. Since you cannot re-sentence someone, parole would not apply to those people who are currently serving. I think that's important to understand. I think there was some misunderstanding among folks about whether or not parole could simply be applied to those folks who were currently incarcerated and it cannot, it is unconstitutional, it is a separation of powers issue. Only the Chief Executive can do that with his authority. We can and do within the correctional system have supervised community release that is an appropriate and an effective way in order to help some of those individuals move out into the community. It is not an easy thing to do to move from prison to community release because the resources are quite significant. So I think just understanding that parole is not going to be retroactive is one thing to understand.

The second is this difference between determinate and indeterminate sentencing is a very important thing and it was the foundation in 1976 and in 1993 when then Attorney General Mills wrote a very excellent paper to here when parole was being considered then. It has been considered before and it has been rejected. It has been rejected because of the concept of the justice that comes with a sentence and that you should not be substituting a judicial decision made with all of the individuals, with all the facts in front of you for a decision which has political overtones, such as a parole board. It is an appointed board and it does have a very different set of implications for how people are determined to be ready to leave.

When parole was in place before, 96 percent of the first time offenders were released on parole and 60 percent of repeat offenders. Put yourself in the place of some of those victims who might be sitting there and every year getting a letter. Guess what? The fellow who murdered your son, the person who did that brutal act is now up for parole. Wouldn't you like to come down to the parole board and tell us one more time, again this year, why this person should not be released from the sentence that the judge found to be appropriate for that person? I think it's important when we make these decisions that you do put yourself in the place of those individuals who are thinking about that.

Parole also, for the State of Maine, I think the bill brought up for us some important issues. We certainly need to continue to have discussions as we have in our committee about the housing of our older and sicker inmates. I think we have not adequately provided for them and I think we need to think about where and how they are being housed. But releasing them into the population is not the answer because there is a balance here of justice for the victims, as well as rehabilitation for the individuals.

The State of Maine has the distinction of incarcerating the lowest number of people per population of any state in this country. That tells us a couple of things. One of the things it tells us is it takes quite a few bites of the apple before you find yourself in prison, that we do a lot of work to divert people from prison, and by the time you get there you are there for a real reason. We are not putting first time people who have possessed drugs for the first time into our prisons. That's not who is there. We have the lowest incarceration rate per population in the country. So I would like you to really think about these issues as we go forward with this vote and I thank you for your consideration today.

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**: 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. 121

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

NAY - Beaudoin, Beliveau, Boland, Bryant, Chapman, Clark H, Dill J, Driscoll, Duchesne, Flemings, Graham, Harlow, Hogan, Innes Walsh, Kumiega, Lajoie, Lovejoy, MacDonald, Mazurek, Peoples, Rotundo, Theriault, Tuttle, Wagner R.

ABSENT - Cray, Eves, Wintle.

Yes, 123; No, 24; Absent, 3; Vacant, 1; Excused, 0.

123 having voted in the affirmative and 24 voted in the negative, 1 vacancy with 3 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 to Pass as Amended by Committee Amendment "A" (H-521)** on Bill "An Act To Limit the Use of Smart Meters"

(H.P. 563) (L.D. 756)

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.

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

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

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

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

Representative **SIROCKI**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise today to urge you to vote with the Minority Report on this bill. The Majority Report is a good idea, but it is a very different bill.

Simply stated the original intent of my bill allows utility customers the ability to retain their existing meter or a non-wireless electric meter at no additional cost.

There are several types of electric meters. The traditional electromechanical analog meter must be manually read, smart meters may be either hardwired or wireless and all new smart meters transmit data back to a collection site.

Central Maine Power made the decision to replace all traditional analog electric meters with wireless advanced meter infrastructure, AMI smart meters. The installer just shows up, knocks on your door and in about 10 minutes the deed is done.

On May 17th, the PUC issued a ruling, which closed an unprecedented five dockets all pertaining to concerns surrounding smart meters. The PUC commissioners agreed to offer customers the ability to opt out with several options and various pricing structures.

But there was only one option that alleviated all fears and that was the ability to keep the existing functioning meter. I think we all understand and support CMP's right and need to run an efficient company and to update equipment with new technology. We understand profit margins and keeping up with the industry standards. The intent is not to interfere with CMP's goals to modernize and to maximize profits.

While the majority of people welcome the new technology, there are a limited number of people who are very concerned. LD 756 recognizes the concerns of those individuals and offers them an opt out and I am here to advocate on their behalf. Of the 640,000 customers, about 7,000 customers have asked for this option. So what's the problem with smart meters? People are afraid of them, but why? The new technology uses wireless radio frequency radiation to collect data every 15 to 60 minutes. This is not...

The **SPEAKER**: Will the Representative defer. The House is in order. I can't hear the Representative. The Representative may continue.

Representative **SIROCKI**: Thank you, Mr. Speaker. This is not a once a month meter reading. Many of these meters collect data up to 96 times a day. The meter wirelessly reaches into your home, collects data and sends it to CMP.

The concerns are many: including health, safety, cyber security, fire, electrical, privacy, and private property rights. The bottom line is that people are fearful – in their own homes. So fearful in fact that Sanford, Scarborough, and Cape Elizabeth passed resolutions for smart meter installation moratoriums. The City of Bath recently passed a 180-day ordinance for moratorium whereby people opt-in and need to ask CMP for a smart meter – and those asking, keeping their existing meters, do so at no extra expense to the customer.

What is happening in other states? Thirty-four communities in California have halted installation and one even filed an injunction against Pacific Gas and Electric making it illegal to install smart meters. New Mexico mandated that a local water utility use hardwired cable instead of wireless meters. Connecticut's attorney general has urged the state to hold off on smart meters because the smart meter program will cost more than it will save. Ohio, Hawaii, Maryland, Texas and Wisconsin all have citizens concerned about these meters. Several European countries use hardwired smart meters, including fiber optics, which carry none of the health, safety, privacy, fire or cyber security risks. Bangor Hydro uses PLC or power line carrier smart meters, which is a version of hardwired meters. No federal agency has mandated that smart meters be wireless. The wired versions are not controversial and carry none of the risks.

CMP's \$200 million project is already subsidized by ratepayers and taxpayers and it seems unreasonable to ask individuals who simply wish to keep their existing meters to not only pay to subsidize this new program, but to hit them up again simply to keep their current meter.

This is new technology. Concerns will not be alleviated by forcing customers to accept new equipment that generates fear.

One of my constituents is a clear example of the need for a customer to be able to keep their existing meter. She is elderly and has an experimental surgical implant to treat Parkinson's disease which is sensitive to electromagnetic fields. Her physician has instructed her to completely avoid wireless technology. Others have found problems with their pacemakers. Additionally, there have been several fires and electrical issues after smart meters have been installed.

Cyber security issues are of enough concern that the Energy, Utilities and Technology Committee members voted to amend this bill to a resolve and ask the PUC to examine the cyber security concerns. CMP assures us that the system is secure with many security measures. But my oldest son, who is working on his Master's Degree in Electrical and Computer Engineering, knows what all techies know – "Everything is hackable."

How is the smart meter program being paid for? Of the \$200 million price tag, CMP is using \$96 million of American Recovery money, the stimulus money designed to save and create jobs, and the other \$104 million, according to CMP's John Carroll, is already factored into CMP customers' utility bills. So we are all subsidizing this system upgrade and it will result in a loss of almost 140 meter reader jobs.

I want to stress that I support any businesses plans to upgrade equipment. The PUC's ruling has come up with a solution of a \$40 up front fee to keep an existing meter that you already own and an additional \$12 a month fee.

You may personally feel that one concern or another is not particularly valid. We are not here today to determine if each and every concern is sound or not. This is a simple matter of recognizing that people are truly afraid of this technology for a host of reasons. In the big picture, the specific reasons do not matter. The bottom line is that people should not feel afraid to be in their own homes. If you think about it, it is obvious that forcing the installation of this product will not alleviate the fear. But affording individuals their right to choose another option that feels safe to them and still allow CMP the ability to provide electricity to the ratepayers is an effective and reasonable way to proceed and this should occur at no additional cost.

As Americans we value the freedom to be able to choose which products are used in our homes, especially if there are safety, privacy, and/or health concerns. These decisions should not be forced upon individuals by the long arm of any single

industry, regulatory agency or branch of government, and I commend the PUC for recognizing that.

I want to make it clear that even though my bill seeks to consider an opt out at no expense to the homeowners – depending on how you look at it, the meters as explained are being paid for by everyone. As has been stated there are many reasons that residents are fearful of advanced meter infrastructure. We do not need to make – excuse me, I've got this repeated. I'm sorry. I urge you to follow my light and support this commonsense solution. 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 rise in support of what we have just heard as far as not abandoning this legislation. All that really is left of it is the fact that people are charged for not joining the smart meter revolution or whatever, the wireless smart meter revolution. I just wanted to for those of you who may not be aware because you're not sort of seeing it's connected with this issue, an awful lot of people are very angry at being expected to pay to keep what they already have and what works.

I know what the arguments are, that the wireless companies and CMP say that it won't work as well if someone opts out and so they should pay the price for that. But I would like you to recall that the World Health Organization just came out last week with a finding that radio frequency radiation is a possible carcinogen and advised that we reduce our exposure to radio frequency radiation as much as possible. So it doesn't seem reasonable when people try to do that to penalize them for it. For the most part, the 7,000 or so that have already opted out had already done their research and felt that there was a problem and they just didn't want any part of it. Some people get sick from it and in order to protect their health they don't want to have wireless.

Now smart meters don't have to be wireless as has been said. They can be hard wired and even if they are hard wired they can be connected say to a land phone line and report to the company daily or hourly, however you want. They don't even require someone to come to the house as has been said so frequently. But I'd also like to remind you of some of the points that came out in the user manuals when we were discussing cell phone bills and one of them, for instance, says RF signals may affect improperly installed or inadequately shielded electronic systems. This was dealing with vehicles and motor vehicles, such as electronic fuel injection systems, electronic antiskid braking systems, electronic speed control systems, think Toyota, airbag systems. So that indicates that people should have some concern about this radio frequency radiation, whether it is coming from a cell phone or coming from their electric meter.

One of the other advisories is that switch off your device when in any area with a potentially explosive atmosphere. Sparks in such areas could cause an explosion or fire resulting in bodily injury or even death. If people are concerned about that, there have been a lot of fires in areas with the smart meters. I'm not saying that that's the cause, but certainly you have to wonder when you see advisories that way and even in cell phone manuals. So I'd like to ask that you consider the fact that people really shouldn't be penalized for trying to take a responsible and preventative approach.

I'd also like to just share one other thing with you which I may have mentioned before. The Lakeside Motel, where a lot of legislators stay, has had quite an issue with smart meters. They were put on initially without any advice but just that they were going to put them on. They developed problems with the internet

systems and the phone systems there, people couldn't get online, and CMP was asked to come out. They said, oh, there couldn't be a problem. First, they didn't want to come out. The owners there called the internet provider. The internet provider asked right off do you have smart meters. They said yes. They said that's what the problem is. They came out. They made a couple of rounds trying to fix the problem, replace the meters, and nothing worked. So ultimately, CMP's people recommended to them that they not have smart meters at the Lakeside Motel and that they have them removed. However, they will be charged for not having them and that's the kind of thing people are feeling and it doesn't seem really fair. So I would ask you to vote against the pending motion.

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

Representative **BEAVERS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to the current motion. I am on the Energy Committee and was totally impressed with the good Representative from Scarborough's work on this bill, both then and since then. There are two points I'd like to make that most impressed me. Among all of them was the fact that we have already paid for this through our taxes and so if you opt out, to me, you should not have to pay again and again and again. Also, I think there are enough questions about the true savings that this bill should be opposed. That's all I wanted to say. Thank you.

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. I certainly appreciate the good Representative from Scarborough, Representative Sirocki, bringing this bill forward to the Energy, Utilities and Technology Committee. It enlightened us and it also encouraged the PUC to take action, which it did.

The PUC had five dockets, 10 person complaints in each one, so that's 50 people that had filed complaints concerning issues with smart meters and they resolved those issues in an order which the committee waited for so that we didn't take action and trump what was an ongoing adjudicatory process that was completed, and resulted in what I think is a fair and equitable solution. It does allow for opt outs for those people who have concerns and the reality, when we start talking fairness, is the bulk of the rest of the customers, if there weren't charges, would have to be stuck holding what would be costs for other people. So this was the equitable solution. We rely on the PUC to be the financial regulator on issues like this and I think they did their job.

The Majority Report does deal with cyber security and the issues around what data can be collected, how it is collected and who has rights to it, and I think all of those issues will be resolved at the PUC as we move forward and the committee will have an opportunity to revisit that in January. So I appreciate it, Mr. Speaker, but I would ask that you support the Majority Report.

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

Representative **CHIPMAN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. It seems as though the Public Utilities Commission is already taking care of some of the things that were in the original bill establishing an opt out, however there is a charge for this, and I've had several calls from, let's say, about a dozen constituents that are concerned about smart meters and the rest probably don't have a problem with them. But everybody has an opinion about smart meters.

This is not a vote for or against smart meters. This is a vote to allow consumers the right to choose whether or not to have a smart meter or not and whether they should have to pay to not

have one. We've already paid for smart meters through stimulus that has funded the program to install smart meters on everyone's homes. Consumers should not have to pay to keep an existing non-wireless meter or to opt out. So I urge you to join me in voting no on the Majority Report so we can move on to the Minority Report and vote yes and allow for consumers not to be charged to opt out. Thank you.

The SPEAKER: The Chair recognizes the Representative from Turner, Representative Timberlake.

Representative **TIMBERLAKE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I stand before you not because I'm concerned about the radio waves or anything else, but because I don't like big brother in my pocket and I think smart meters lets him in the house, lets him look around. I think he is already in my house enough and I'm going to vote against this and I hope you join me because I don't want him there.

The SPEAKER: The Chair recognizes the Representative from Freeport, Representative Webster.

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

The SPEAKER: The Representative may pose his question.

Representative **WEBSTER**: Thank you, Mr. Speaker. Mr. Speaker, is it true that Bangor Hydro has smart meters which are wired and that that was an option that Central Maine Power could have chosen, and if in fact that is true, what is the greater good of having wireless smart meters over wired smart meters for the consumer? Thank you, Mr. Speaker.

The SPEAKER: The Representative from Freeport, Representative Webster, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Scarborough, Representative Sirocki.

Representative **SIROCKI**: Thank you, Mr. Speaker. It is my understanding that Bangor Hydro does have hard wired smart meters. Central Maine Power could have chosen to use that technology but instead chose to use the wireless version. I do not know their exact reason for that. Thank you.

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

Representative **BEAUDOIN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I went home a few weeks ago and found that I had smart meter on my home. I called Central Maine and told them that I had never asked them to put it on and that I didn't want it on. They said we'll take it off, no problem, but we require over \$200 to do so. I said they could stick it and I would not give them that kind of money, and they still said they would leave it there then and they wouldn't take it off unless I paid up. It's still there and I haven't paid and I don't intend to.

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 rise to answer the question from the Representative from Freeport. I had a lengthy conversation with David Allen who represents CMP on this early on and I asked that question, why couldn't it just as easily have been hardwired rather than wireless, and he basically just said well that just was the grant we applied for and that's why they went wireless. It was just the choice that they made. I asked if there was anything in particular that the wireless could do that the wired could not and his answer was, well, you can know what's going on in your house remotely if you want to or your office. That turned out to be the major thing. But it is my understanding that you can also arrange to have a wired system work within your home, that you can work through your own

computers to know what's going on if that's important to you. But that's also where the issue comes for some people, that the utility can reach into your house also and know what's going on. Thank you.

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

Representative **BEAVERS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. It is my recollection and I'd like Representative Sirocki to confirm this, that the choice that CMP made ended up costing twice what they originally thought and I think it cost a whole lot more than what the hydro company went with. Thank you.

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

Representative **SIROCKI**: Thank you. Just in response to the good Representative from South Berwick, I do recall that the wireless version was more expensive than the hardwired. I do not recall the exact figures. Thank you.

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

ROLL CALL NO. 122

YEA - Beaulieu, Beck, Beliveau, Berry, Bickford, Blodgett, Burns DC, Burns DR, Cain, Carey, Casavant, Cebra, Celli, Chapman, Chase, Cornell du Houx, Cotta, Curtis, Cushing, Dill J, Dion, Dow, Driscoll, Duchesne, Dunphy, Eberle, Edgecomb, Fitts, Fitzpatrick, Flemings, Flood, Fossel, Gilbert, Gillway, Graham, Hamper, Hanley, Haskell, Hayes, Hinck, Hogan, Hunt, Keschl, Knapp, Kruger, Lajoie, Libby, Longstaff, Luchini, MacDonald, Mazurek, McFadden, McKane, Morissette, Morrison, Nass, Nelson, Parry, Peoples, Peterson, Picchiotti, Plummer, Priest, Rankin, Richardson D, Rochelo, Rosen, Russell, Sanborn, Sarty, Shaw, Strang Burgess, Stuckey, Tilton, Valentino, Wagner R, Welsh, Winsor, Mr. Speaker.

NAY - Ayotte, Beaudoin, Beavers, Bennett, Black, Boland, Bolduc, Briggs, Bryant, Chipman, Clark H, Clark T, Clarke, Crafts, Crockett, Damon, Davis, Espling, Foster, Fredette, Gifford, Goode, Guerin, Harlow, Harmon, Harvell, Herbig, Innes Walsh, Johnson D, Johnson P, Kaenrath, Kent, Knight, Kumiega, Long, Lovejoy, Maker, Malaby, Maloney, Martin, McCabe, McClellan, Newendyke, O'Brien, O'Connor, Olsen, Parker, Pilon, Prescott, Richardson W, Rioux, Rotundo, Sanderson, Sirocki, Stevens, Theriault, Timberlake, Treat, Turner, Tuttle, Volk, Waterhouse, Weaver, Webster, Willette A, Willette M, Wood.

ABSENT - Cray, Eves, Moulton, Wintle.

Yes, 79; No, 67; Absent, 4; Vacant, 1; Excused, 0.

79 having voted in the affirmative and 67 voted in the negative, 1 vacancy with 4 being absent, and accordingly the Majority Ought to Pass as Amended Report was ACCEPTED.

The Bill was READ ONCE. Committee Amendment "A" (H-521) 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-521) and sent for concurrence.

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment Friday, June 3, 2011, 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 to Pass** - Minority (6) **Ought to Pass as Amended by Committee Amendment "A" (H-352)** - Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Preserve the Integrity of the Voter Registration and Election Process"

(H.P. 1015) (L.D. 1376)

TABLED - May 26, 2011 (Till Later Today) by Representative BEAULIEU of Auburn.

PENDING - Motion of same Representative to **ACCEPT** the Majority **UGHT TO PASS** Report.

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

On motion of Representative CAREY of Lewiston, the House **RECONSIDERED** its action whereby the Majority **Ought to Pass** Report was **ACCEPTED**.

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

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

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Carey, and inquires why the Representative rises.

Representative CAREY: Mr. Speaker, I wish to speak to the motion.

The SPEAKER: Although the Chair had requested the roll call and had asked to open the vote, the Clerk had not yet opened the vote. So I will allow the Representative from Lewiston, Representative Carey, to proceed.

Representative CAREY: Thank you, Mr. Speaker. I apologize for doing that twice, on the record. Mr. Speaker, if this bill passes, too many people in Maine won't get a chance to vote and may not get a chance to vote. How many might that be? In 2010, over 20,000 people registered to vote on Election Day. Two years before it was over 50,000 people. It is a significant number of people. Why should we consider that? Does Maine have a problem with systemic fraud? And we don't. In the last 30 years, Maine has prosecuted just two issues of voter fraud in 30 years. So we don't have a problem of systemic fraud to justify this bill. Why else might we do it? Is it because it is an administrative burden? It is not. It is unequivocally not.

Maine Municipal Association is against this and I quote from their testimony in committee. "The cumulative effects of this legislation and other election reform initiatives such as voter identification could significantly diminish voter access to the polls." Some clerks did testify in favor of this bill. They testified how taxing it can be to process absentee ballots. Now I want to highlight that that problem that the clerks brought to us, this committee was unanimous behind solving and was a Minority Report to this bill. That solves that problem. There is no question between the 13 members of the committee on solving the problem the clerks brought before us.

The Clerks Association and many individual clerks testified that they were against repealing Election Day registration. That is, some testified please fix the absentee ballot problem, but please don't change Election Day registration. Other clerks spent all of their testimony focusing on Election Day registration and said this is so important, if you have to fix absentee balloting by taking Election Day registration, that's fine. No clerk, not one clerk testified or submitted testimony that there was an administrative burden by Election Day registration. So I mentioned that there would have been 20,000 people disenfranchised by this bill last year. That burden falls

disproportionately on the disabled, the youth, seniors and veterans.

Mr. Speaker, a problem was brought to our committee. We were unanimous in fixing that problem. Both reports agreed in the fix to that problem. This bill does not fix that problem. The solution posed by this bill creates a problem and as a side effect could disenfranchise voters. Thank you, Mr. Speaker.

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

Representative BOLDUC: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. Election Day voter registration permits eligible citizens to register and vote on Election Day. Most U.S. states require voters to register before an election with various deadlines. Election Day voter registration allows eligible voters to register on Election Day, usually by showing valid identification to a poll worker who checks the identification, consults the registration list, and if they are not registered, registers them on the spot.

Ten states have some form of Election Day voter registration. Voter turnout is much higher in states using Election Day registration than in states that do not. In the 2004 Presidential Election, voter turnout in same day voter registration states was 12 percent higher than states that did not. In 2006, the midterm elections, states with same day voter registration had turnout rates 10 to 12 percent higher than in other states.

In 1972, prior to adoption of the same day voter registration, passed by a Republican majority in this chamber I might add, Maine ranked 21st in the country in voter turnout. In 2008, Maine had the third highest voter turnout in the country. The only states to surpass Maine in voter turnout in 2008, Minnesota and Wisconsin, also have Election Day voter registration.

In 2010, in the last election, 18,364 Maine voters registered to vote on Election Day. In 2008, 49,669 Maine voters registered to vote on Election Day.

In this year's legislative session, the Secretary of State and the Republican leaders are supporting a bill that would eliminate Maine's 38-year-old same day voting registration and ban absentee voting two business days before Election Day.

Election Day registration is part of Maine's vibrant democratic tradition. Efforts to set back the clock means more barriers to Maine voters, especially for those in our communities who move frequently including busy single parents, the young, seniors in subsidized housing, and anyone who lives on economic margins. Same day registration places less of a premium on permanent residents. Many poor Mainers who have no stable residence, along with those people who just move a lot, would find same day registration very convenient and it might be the difference as to whether they vote or not.

As a social studies teacher I see firsthand the importance of establishing the habit of voter participation with high school students. Thousands of young Maine voters utilize same day voter registration. Why are we putting roadblocks up for them? This legislative session I went so far as to propose legislation to make it a high school graduation requirement to register to vote. These are the kinds of initiatives a secretary of state should be supporting, not initiatives that discourage voter participation.

Proponents of LD 1376 have suggested that the measures would eliminate voter fraud, but only two known cases of an individual voting twice have been identified in the past 30 years in Maine. Maine has accurate, secure and accessible elections. There is no need to change a system that is not broken.

LD 1376, along with other bills requiring voters to present photo identification at the polls, resembles legislation currently before or recently passed by other Republican legislatures this year. A waive of voter suppression legislation is emerging from

newly elected GOP governors and legislators nationally and it would make it more difficult for traditional Democratic constituencies to vote.

An editorial in the *New York Times* linked this wave of voter suppression to the American Legislative Exchange Council, a national coalition set on pushing a national agenda. But this national agenda is not the Maine way. To reiterate, in 2008, nearly 50,000 Mainers registered to vote on Election Day. Mr. Speaker, please don't roll back the reform of the Republican-controlled 1972 Legislature. They had such a brief legacy. Please follow my light. Thank you very much.

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

Representative **MARTIN**: Thank you, Mr. Speaker. Mr. Speaker, Members of the House. It is quite accurate that I was here when we enacted single day Election Day registration and voting capacity. The assumption at that time, interestingly enough, that that was going to help Democrats more than Republicans, even though it was the Democrats who were pushing it to great degree.

It was interesting when I look back at the last election. As you may know about 18,000 people registered and voted on Election Day – 4,468 registered as Democrats, 4,405 registered as Republicans. A pretty even split. And then most of the others went to Unenrolled. So I don't think in the final sense that is what is going to make a difference, but I will tell you what concerns me. We have an inability in this state to let our voters and our citizens know what laws we pass here, and that's my fear, that a lot of Maine people are going to show up on Election Day if we were to pass this who haven't read a paper, may not have a computer, and they at that point will be unable to vote. They are the ones that are going to concern me, that these people all of the sudden will say we did it in the past, how come not today?

So as you think about this issue, I really think you ought to think about what the potential in your area as to what impact that might have, and as I go through the list it is always interesting to look at some of the towns, even my own, for example, to see what happened on Election Day. But you have places like Bangor, 419 people. You've got Biddeford, 299. Brewer, 167. When you get through that list of these people who have registered and then, interestingly enough, as you go through the list essentially to see your home town and it corresponds pretty well to the political makeup of the town so that it really doesn't have the impact that people would like you to believe. But as I said, the greatest fear is to our Maine citizens who, thinking that the vote ability is there, that they walk into the polls and they are turned away on Election Day. That's my fear and I hope that you would keep that in mind when you cast your vote.

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

Representative **LONGSTAFF**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Since I am in my first term as a legislator I have spent most of my time listening, trying to learn, and have seldom spoken in favor of or in opposition to a matter before us. On this issue, although Representative Carey has said many of the things that I have been planning to say, I would like my voice to be heard because same day voter registration seems to me to be one of the most important issues to come before us.

As a member of the Joint Committee on Veterans and Legal Affairs, I have listened to and participated in the discussion of this issue from the very beginning. From the beginning I was disappointed to see that absentee voting and same day voter registration were combined in a single bill. These seem to me rather distinct and separate issues. I know that there has been

an upsurge in absentee voting, which includes early voting, and that municipal clerks throughout the state are finding this difficult to manage. I understand this and I am confident that we can find solutions that will allow absentee voting and make this system work for municipal clerks.

The municipal clerks who testified before our committee were supporting this bill because of their concerns about absentee voting. Nearly all of them reported that they experience very few problems with same day voter registration and they felt that the value of same day voter registration outweighed the rather smaller problems that they encountered with that process. Most of them felt that making it easier than more difficult for people to exercise their right to vote was a primary concern. This was clearly the view expressed by the City Clerk from Bangor, who also spoke for the municipal clerks' association. I have had a number of conversations with the City Clerk in Waterville, where I served on the City Council for five years. She also said that addressing the problems with absentee voting – and early voting – were her primary concerns and that she would definitely like to see same day voter registration remain as it is.

The testimony before our committee with respect to same day voter registration was overwhelmingly opposed to eliminating this practice. Most people argued that eliminating same day voter registration would discourage a significant number of people who might otherwise vote on Election Day. The Maine Municipal Association was strongly opposed to eliminating same day registration as were groups representing the elderly, the infirm, students, the homeless, and many others. The strongest support for eliminating same day registration came from the Office of the Secretary of State and the Maine Taxpayers Union.

I really do hope that we can avoid partisan division and do what is best for the citizens of our state. For me that would mean solving the problems that municipal clerks have identified with respect to absentee voting and continuing to allow same day voter registration, a process which has served Maine voters very well since it was first introduced and still does. Thank you, Mr. Speaker. Thank you for indulging me with your patience and listening to me this afternoon.

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

Representative **McCABE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise today in opposition to the pending motion and for the last 10 years I've spent most Election Days at the polls volunteering or in some capacity monitoring the polls, and I'm very familiar with who comes and registers the day of the polls or the day of the vote I should say. It's very interesting that we're having this argument today.

The folks in Skowhegan, usually how they vote is based on either when they are getting out of work or when they are going to work, so usually there is a rush first thing in the morning. Then when the mills get out in the afternoon there is a rush and then in the evening when folks get off before the polls close. Of those folks, often people think that they are registered but for some reason they are not. I often think of the aging population of Skowhegan who they might not vote every election. They may skip four years. They may skip, come eight years later, and they are surprised when they find themselves not on the list. So I was interested to read some of the numbers of the people that registered this last election and in standing there, I applaud my opponent that day because he did an amazing job at getting people to come and register that day, and he probably thought they were supporting him and they probably did support him. But to me it is about the process and getting as many people to vote as possible.

Skowhegan being a rural district, I think of many of these other rural districts, we don't have a huge influx of people. You know those are folks that have typically lived there for multiple years but probably choose not to vote every year and they might get purged from the voter rolls. But this year alone there was 23 Democrats that registered. That's kind of cool. But there was also 24 Republicans that registered, so kudos there, and 36 Unenrolled. So I encourage folks to really think about our communities and how this will affect our communities and the rural district I represent. It's a big deal. When people show up to vote, if they're not registered, they expect to be able to register and vote and I think that is the same in many of our communities. So please oppose the pending motion.

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 have a large number of elderly assisted living communities in my district and the people who live in these communities, there is new people moving in every year. Most people do vote absentee, but every year people get rides to the polls and they register to vote and vote on the same day. It will really hurt the elderly population of my community to not be able to register on the same day because these are people in assisted living facilities. You have people moving in all the time. I just can't imagine voting to say that they can't vote. Why would you ever take away their right to vote? This is the most basic right that we have as citizens of the United States and to say that people can't register and vote on the same day, denying them that right to vote is denying them the most basic right that we have. So I ask that you vote red on this pending motion.

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 this motion as well and I am buoyed in that feeling by the testimony of the voter registrars and the clerks in my towns who have told me that same day registration does not pose a problem for them. I thought there might be a logistical problem of some sort, but they said no, and furthermore they said we think that this helps more people get out and vote. I'm talking about small towns on the coast of Maine, not big cities. I just was really impressed with their feedback to me when I called them to ask about their feelings on this bill.

As a matter of fact the data on Boothbay and Boothbay Harbor, in particular, in Boothbay in the last Presidential Election 100 people registered for same day and in Boothbay Harbor 80 people out of a total of about 4,400 voters overall, so it is three percent of the total voting public was coming out on the same day to register. I think it would be significantly bad if we were to, in essence by changing our rules here, would be disenfranchising at least for a time until people caught up with this, we would be disenfranchising them.

But I'm not so sure that we should in fact have people have to get used to a new set of rules like this. I've got fishermen in my community, waitresses, small business owners. These sorts of people are busy, busy, busy all the waking hours of their day and it comes as a last minute thing that they may have to get up and register to vote. We have a very high voter turnout. I want to keep that and I think this is part of that. So I think it is part of good democracy to keep same day registration and that's why I rise in opposition to the current motion, Mr. Speaker, and thank you, Men and Women of the House.

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 know I work in the Mexico Town Office and another one of my hats is assistant town clerk. As I worked last Friday at the town office I asked our town clerk what she thought of this bill. She mulled it over for most of the day. In the end, she said to me to just leave it alone. To change this process would be much more complicated than it is right now. She also said in a perfect world it would be a good thing, but it is not a perfect world and it never will be. To have to deal with the citizens being so upset not being able to register and vote would be much worse to deal with in the long run, and I couldn't agree with her more. When people come here from another state or move from town to town, they never think or take time to come in to register to vote before the day of elections. They just come in to register to vote on Election Day. That is common practice throughout the state and has been for 38 years.

I live in Mexico, yet most of you driving through Rumford wouldn't know you passed into Mexico. In many respects, with school, mill, church, we are one community. Yet someone moving across town within Mexico on November 1st could still vote on Election Day. But someone moving across the line to Rumford would be disenfranchised. This is indefensible.

Another challenge is some municipalities are open on various days and hours, such as the town of Mexico, where we are closed on Mondays. So if they don't think or can register the Friday before elections, which is four days out, not even thinking about elections four days out, then they cannot vote. Citizens trust in their right to be able to register and vote on Election Day. Citizens and city and town clerks are willing to do whatever is required of us to ensure citizens are able to vote on Election Day. To take this away from citizens would be an unjust to the citizens of the State of Maine.

I would also like to read you an excerpt from an article in the *New York Times* dated back May 11, 2007. It is an op-ed by a Republican Secretary of State and our prior Secretary of State Matthew Dunlap. It is entitled "Never Too Late to Vote."

"While opponents are concerned that this option might encourage voter fraud, such crime is exceedingly rare or nonexistent in states that offer Election Day registration. Citizens of Maine, for instance, have benefited from same-day registration since the early 1970s.... With simple, fair and safe methods to verify voters, and by relying on effective poll-worker training and sophisticated election administration, our states have ensured the integrity of the process while allowing every eligible citizen to cast a ballot."

"We also reject the oft-used argument that voters not registered in advance should be effectively barred from voting as punishment for not heeding existing deadlines. While it's true even E.D.R. states have deadlines in place for registration by mail, we firmly believe that missing a deadline should not prevent interested and engaged parties from being able to register *in person* on Election Day. We are committed to leaving no voter behind, including first-time voters, newly naturalized citizens and those who may have recently changed addresses."

"Though one of us is a Republican and one is a Democrat, we can attest that political affiliation isn't relevant here: this is a policy that is good for voters, regardless of party, and good for our democracy. When it comes to elections, America is best served when all eligible voters cast their ballots — even those who missed the registration deadline."

And it is signed by Ben Yursa and Matthew Dunlap and they are the secretaries of state, back in '07 of course, for Idaho and Maine, respectively. Thank you, Mr. Speaker.

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

Representative **DION**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. When this issue first came to my attention many months ago at the beginning of the session, I was curious as a policeman that we shouldn't let a criminal go uncaught and just how many times have we confronted this. Someone not using their correct name or fraudulent address happened twice in 16 years, so it does occur but I don't think it is a crime wave. But I was concerned that we're changing the process for this.

For me this idea of same day registration is really about trust and it is not about us here in this chamber. It is about the folks we know back home and the individual polling sites that do that work. I vote in the city, but it can't be a whole lot different than back home in your own counties or towns. The folks that run the polls know us. When I walk in they report out whether or not my wife has arrived or my children have voted and why am I so late in the day, what's happened, and they know that for all of the neighbors. They know the people there.

When I worked the lines in this election with my Republican opponent, there were some kids we knew from high school that came up and they actually wanted to register that day. It was a bit confusing for them because they knew me as Mr. Dion and they loved his wife, my opponent, who was their favorite teacher. So we flipped a quarter to decide how the vote might go. But we were proud as adults that these young men had decided that. You know today is important. I think this is what I am supposed to do is show up to the polls and register to vote. Isn't that what it's really all about? I don't care which party they line up with. Most young people can't figure out what we are anyways, but the fact that they saw that there was a responsibility to go and vote is something that I wouldn't deter.

Really there are three things we know for sure. When we do go out to vote that date, one, as a candidate we're going to shake hands. That's an experience. Two, people will rush up to us as candidates and ask us questions about how they can vote and are they in the right place, as if we knew. But at least we could direct them to where they can get support and I wouldn't want to shut them out, and I can't say that they're the elderly or they're veterans or they're this or they're that because usually what I see is someone very frantic and for whatever reason hasn't gotten it all together in the months before. I'm a procrastinator so I understand that. But on that moment at that day they want to vote and why should we stand in their way? Third, somebody is going to win and did we really?

So that's what I want to do today, is to make sure we don't stand in the way of the process. You know your own senior leader once told me one day that it's not about personalities, it's not about philosophy, it's about process and we need to model that back home. Otherwise in that we're telling them, those elderly folks that we've known all these years, hey, we don't trust you, we don't trust the process. Thank you.

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

Representative **HARVELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I'm not going to talk a lot about this. I will just make a comment about what I consider a doctor who has seen a problem but made an incorrect diagnosis. I agree with the Representative from Eagle Lake that we don't get this message out very well and the reality is that percentages of those voting from the '60s until the early '70s was dropping. In fact, the day we passed same day registration they were plummeting because these statistics have nothing to do with same day registration and everything to do with the

demographics of the nation. The oldest states in the country have the highest voting rate. Why, because in election result after election result the one thing we need not worry about is if the elderly are going to vote.

In 1972 what they needed to worry about is that they allowed 18-year-olds to vote and none of them showed up. So they had that go into the pool, the percentage drops. These follow demographics rates. The reality is you have 247 days to register in this state. To ask for three days to give clerks the ability to not be overwhelmed is not going to change anything and that percentage of voters as this state ages is just going to get higher.

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

Representative **BEAVERS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise to oppose the current motion also. When these bills on voting came out early in the session, I reached out to the clerks in my towns. They were shocked. They were shocked, first of all, that I contacted them and wanted their opinion on it. But I knew they are the ones who experience what's going on on Election Day and neither of them cared to see us lose this.

The one thing they were interested is some work done on absentee ballots. They found that much more of a burden than same day registration. They are just on a roll, they know it, they have probably 90 percent of the poll workers are the same every year. They know the people that are new. They know the people who have lived there forever and they very much would like to see this stay. I think that we should listen to our clerks. Thank you.

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

Representative **CHIPMAN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This is an issue that I am very passionate about. For the last 40 years here in the State of Maine, we've allowed people to register to vote on Election Day. This bill seeks to take away these voting rights we've had since 1972. It is hard enough to get people to vote in elections these days and I've worked on several campaigns and I know that firsthand.

Why would we want to make voting more difficult? In the Veterans and Legal Affairs Committee during the public hearing on this bill we heard two reasons why. One, we were told it is a burden for the clerks, but we didn't have one clerk tell us it was a problem for them to process these new registrations. In fact, with the surge in absentee voting in recent years it is actually easier for the clerks to be able to process new registrations at the polling place because there are less people coming through the polling place. The second reason we heard was fraud, that it makes it easier for fraud to occur and people to vote in multiple addresses and so on. Yet when asked about fraud, there were only four cases the Secretary of State could cite for us that had been reported since 1972 and only two were prosecuted and those two would not have been prevented by this bill.

Maine currently has the third highest voter turnout in the country. Before 1972, when this bill was passed, we were number 21. Why would we want to turn back the clock and go back to being 21st in the country in terms of voter turnout? This bill has helped a lot in terms of increasing voter turnout since it has been enacted and the law has worked very well for 40 years, so I don't know why we'd want to change it now. The clerks have been very clear that being able to register to vote is part of the Maine tradition. This has been the law for 40 years, first initiated by a Republican Legislature and the bill was sponsored by a Republican. It boggles my mind that this Legislature is considering destroying that multi-partisan consensus. Maine is

better when more people vote. Restricting the right to vote without a cause is indefensible and it is not something I would want on my resume running for reelection next year.

According to the Secretary of State when I asked in 2008 how many people would have not been able to vote if this law had been in effect, the answer was 56,000 people. That is eight percent of the total turnout in that election. Heading into another Presidential Election next year, why would we want to disenfranchise another potentially 56,000 people from voting on that day? Whether you are Democrat, Republican, Green or Independent, everyone has a right to vote. Please join me in defeating this bill so that we can protect this basic right for all Maine residents, regardless of when they register. Thank you.

The SPEAKER: The Chair recognizes the Representative from Thomaston, Representative Kruger.

Representative KRUGER: Thank you, Speaker. I don't rise often, try not to say too much, but once again I rise and just observe that there is only one side of the hall that is speaking. If I may, sir, ask a question of the Chair?

The SPEAKER: The Representative may pose his question.

Representative KRUGER: To the sponsor of the bill, I am wondering if this provisional ballot program that is included with national elections, if that will have, in your opinion, a cost to the towns or a burden on the towns, and if so, who will bear that burden. Would it be the state, the Secretary of State, or the towns themselves? Thank you, Mr. Speaker.

The SPEAKER: The Chair would reply that if you have a procedural question the Chair is happy to answer it. From the rostrum, I don't intend to answer questions or make speeches. The Chair recognizes the Representative from Bangor, Representative Goode.

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

The SPEAKER: The Representative may pose his question.

Representative GOODE: Thank you, Mr. Speaker. I feel as though my district has a lot of people who move around a lot. I think a lot of people move to Bangor from more rural areas when they are down and out or when they need to be closer to services and I think there is a lot of people who move to Bangor once they've graduated college and are new registered voters. It is my understanding that a person who has moved who has not yet registered to vote could still go vote in their prior municipality where they were registered to vote previously.

I am just wondering is somebody could explain if there might be an issue with challenged ballots or confusion around people, say a person who has recently moved to Bangor from a place like Levant or Eddington to be closer to services, then realizing they can't vote and then going back to their municipality to vote on Election Day, and whether that might be a challenge in terms of work for municipal officials overseeing elections. Thank you.

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

Representative HINCK: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I am wearing a pin today that has a Latin word on it, *peragimus*. It means "We Accomplish." It is the motto of the 358th Infantry Division. My father was in the 358th Infantry Division and this is the anniversary of D-Day. He was there. He landed on Utah Beach. I am going to connect it. When he came back after walking all the way across France and being part of the liberation of France and turning back tyranny, he became a participant in the American democracy. He voted every time the polls were open and, perhaps in honor of him or my own obsession, I vote every

time the polls open. It's probably true of most everyone here in this body. It may not be true of everyone who might be listening, in which case I take this opportunity, Mr. Speaker, that anyone who might be listening, I hope that they are receiving the signal on a mobile device and they are outside. If not, as soon as I'm finished speaking, you should go outside. But my advice would be to register to vote. We want the highest voter registration possible. We want the highest participation possible.

Democracy is not a spectator sport, it is a participatory sport. It has been said before already here today that there is pride in the fact that we have a high voter turnout. But up until now, Maine has made every effort to make voting as accessible as possible. I suggest people go to register. You could do it any day in the City of Portland. In many small towns obviously it depends upon the schedule of the town office. It's not always easy to make voter registration simple. People don't always know when the town office is open. It has been very helpful for some people to be able to register on the day of the election. I don't see why we'd want to take that away from people.

The very first time I was running for office, not too long ago, I was going door to door and on this occasion several blocks from Maine Med I got into an apartment building. I didn't see any signs that say I couldn't be there. I later found out the door that I walked through was always locked, but on that day there was a power cord that had the door open, and I started knocking on doors inside the apartment building and I actually spoke to someone, a 63 or a 64-year-old woman, and we had a conversation that came up that her husband was recently deceased. She told me she only had a high school education, but I have to say she seemed like it was a very good high school education. She was quite educated. She seemed to follow current events, current issues, but when I discussed the upcoming election, she said, "I have never voted." She was 63 or 64 years old, she had never voted, and she must have seen the surprise on my face. What she told me was that her husband always took care of that. We had a bit more of a conversation about it and I convinced this woman to vote. It was Friday before the election, the day that she got to register was Election Day, and I haven't seen much of her since.

But I know one thing, that being a voter is habit forming. You get in the first time and you are likely to be a voter from then on. We want to make elections as accessible as possible. We want to make them open. We want to have same day voter registration and anything else that makes it easier for people. For that reason we really ought to vote no on the pending motion. Thank you, Mr. Speaker.

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

Representative HASKELL: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I have just a slightly different perspective on this because the off years when I am not running I serve as a deputy registrar at the polls in the city. I did it in my former community and I have done it in Portland for a while now. I enjoy it. It is a pleasure to sit there and talk to the people who come in. But there are a couple of things I would like you to know about.

First of all, as a deputy registrar I get trained in how to take a look at somebody's identification and their proof of residency, and it is not a very complicated process but there is training and I am required to take it every single time that I serve. You go in at night the week before or a couple of weeks before and take some training to make sure. So I feel like I am pretty well qualified to determine just exactly what a clerk would determine when they come in and folks come in and determine that they wish to sign up to vote. So I am not as concerned about the fraud, perhaps,

as some other people are because I have done this and I have done this for quite a number of years.

The reasons that people come in are quite varied. I will tell you one story that always impressed me a lot and this was a young woman, obviously pregnant, and she had her either boyfriend or husband, that I didn't know, and his dad. That I knew because the two of them looked exactly like each other, a few years apart. She plopped down in the chair in front of me. It was a fairly small voting area so she didn't realize she was sitting at my table. That was just the most available chair for her in her condition. She sat down there so we struck up a little conversation and she says "Oh yeah, Frank and John have gone over there to vote." She says "I wanted to go downtown and register, but I haven't been feeling very good and I don't have a car. I have to wait for them to come and haul me," was the term that she used, "to come and haul me around." I thought it was interesting that she had come with them, so I said, "Are you going to vote today too?" She said, "Well, I didn't get registered." I said, "If you have some ID with you, you can register today." You'd be amazed at the change in her face. She looked at me and said "I can?" I said, "Absolutely. You live here in this district obviously, the rest of your family is right here." She produced for me her ID which was a picture ID and her address which was on her driver's license. It wasn't on her driver's license. She had a driver's license but she also had another piece of paper which showed me what her address was and I sat down and went through the registration process with her. Just as her husband or father-in-law or boyfriend and father-in-law came out of the polls, she walked by them, stood up, put her shoulders back a little bit, she looked at them and she said, "I'm going to go vote." I will tell you that was a great feeling to think that here is somebody who had been empowered to be able to do what you and I might take for granted. That would not have happened without same day registration.

The other thing that I'd share with you is what happens in most places is if you don't vote every single time the polls are open, the potential is that you could have your name purged from the list. When they purge your name, they send a letter out. I can remember more than one person who came in fully expecting their names. "I have always voted here. Of course, I've lived here since 1947. Naturally I'm on the polls. How could my name not be on there? I was sick last time we had a presidential election, but I want to vote this time and they told me that my name wasn't on the list." There is a person coming into the polls who would have been disenfranchised that day and would not have been able to vote. That happens, I wouldn't say a huge number of times, but enough times so that if it was my mother or my aunt or my uncle or my brother that I'd want to be sure that after they had done their responsibility, that is they had registered to vote, not understanding that at some point in time somebody could simply erase their name from that list because the list gets too big and too unwieldy. So there is a classic example of people who are disenfranchised when they come to the polls. So I really would encourage you to vote Ought Not to Pass and reject the current motion. Thank you.

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

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

The SPEAKER: The Representative may pose her question.

Representative TREAT: Thank you, Mr. Speaker. So far in this debate we've heard from one person who actually supports the pending motion and I'm actually unclear what the rationale is for potentially disenfranchising as many as 50,000 people. The only thing I heard was a burden on the clerks, but it is my

understanding that the burden issue is addressed exactly the same in both the Majority and Minority Reports dealing with absentee ballots. So my question is what is the reason that we need to eliminate same day registration?

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

Representative VALENTINO: Thank you very much, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise today to support – that's right – to support the passage of LD 1376. Actually every member of our committee voted to support the passage of LD 1376. We just have two different versions of how it should be passed. I oppose the motion on the floor, but I do not oppose the passage of LD 1376. There was a problem that was created. I just want to address the problem that was created and not go looking for another problem that may not have to be addressed today.

As stated in the testimony from the Secretary of State that we've gone from a system where 10 percent of the voters used absentee ballots in 2000 to a situation where in the City of Bangor last year, over 60 percent voted absentee. In 2008, approximately 15 percent of all absentee ballots were cast in the last two business days before the election. We have spoken with municipal clerks and they have identified this trend as one of their biggest concerns. I agree. There is a problem and that is why I am supporting to pass this bill to address that problem on having the absentee ballots coming in for no reason the two days before.

What we did several years back is allowed citizens to vote absentee for no reason. Before you had to have a reason to vote absentee, now you don't have to have a reason. We did create a problem that we need to take a step back for and take a look at it and see what we can't do to help the clerks on those days. That's the problem that's been created recently. The second part though is the same day registration which we have not been hearing as the major problem. The problem has been in the absentees. On same day registration, as you've heard many times today, that was passed in 1973. For my entire adult life I've had the opportunity to move and go into any town and vote on the same day as election. That opportunity has always been there. That was put in by Senator Elden Shute who was a Republican from Farmington at the time and it was unanimously passed. This has been going very, very effectively for 38 years.

What happened is when we added the absentee ballots, the glut of absentee ballots, that's when the clerks started to push back and said, wait a minute, this is a little bit too much. And that's why I think our committee says, yes, let's address that situation on the absentee ballot. If that doesn't unburden the clerks, then we can always go back in two years and we can address the same day registration. But not to do both of them at the same time, not to run the risk of disenfranchising those 50,000 people that are voting same day registration and have for the last 38 years.

So I called my city clerk and maybe you all can shut your eyes and envision your city clerk. I can. My city clerk is like Patton on Election Day I will tell you. She is unbelievably organized and I called her and I asked her about this and we asked her about the bill because the city clerks were polled only on the entire bill, not on each part of the bill mind you. So of course she said get rid of those absentee ballots the two days ahead of time. I said, "What about same day registration?" She said, "Well, that would help but I'm not quite sure we don't really have any problems with it." So then I said, "Lucette, well if we do that, if we eliminate same day registration we're going to go to provisional ballot." Well didn't she jump through the phone at me.

"Provisional ballots? Linda, they are going to take 10 times as more time than if I just filled out a registration. Why are you going to go to provisional ballots?" Once I calmed her down and said, well, that's just a suggestion, we're not sure on that, she said "With the new CVR right now, I can register people very quickly." We have not had the CVR for many years now, but with the new CVR it is very, very quick. So when we went through provisional ballots she said, "Is it going to be the way you've always done it?" I said, "Yes." I'm sure a lot of you don't know how to cast a provisional ballot, so I will just inform you a little bit how a provisional ballot is cast.

In order to cast a provisional ballot a person must complete and sign a provisional ballot affidavit swearing to it. It must include a minimum name, address, party affiliation, and if for any reason not known by the person, they need to have photographic proof. Then the provisional ballot has to be completed. The election clerk in charge of the ballots shall give the provisional ballot and a provisional ballot envelope to the warden. The warden writes the ballot number on the affidavit form, the ballot envelope in the envelope then go to the voter. Then the warden gives that voter a notice about the provisional voting and then they include the provisional number on the voter's ballot. Then the form must clearly state to the person that that person has three days to come into the warden to provide proof that they are there. Then after that we have to separate out the provisional ballots and we have to put them in a tamper proof container and it has to be verified. Then we have to have a provisional ballot log and if the person comes in that same day, then they can come through and open up the tamper proof ballot log and then they can take out their provisional ballot, show that it was resolved and recast, and then the tamper proof containers go back in and are returned to the municipal clerks. Then all of this has to be done and verified and then they have to keep a log of all of that, and then they have to wait the three days after to see if anybody has come in and do all of that. So she said, "My goodness Linda, just let me register the person and let them vote because people can challenge the ballot afterward." So we do have a provision already in there.

And I guess coming down to that, when we talk a lot about registering voters, I've heard a lot about the Democrats being registered, the Republicans being registered. But I will tell you we are outnumbered 2:1, both of us, our sides. The absolute largest amount is people who enroll on Election Day are Unenrolled voters. Twice as many of them come at the last minute and decide I'm going to vote. So we're really not even disenfranchising either side of the aisle. It's the Unenrolled. Those are the ones that decide at the last minute, let's come down. Actually, out of the State of Maine, 251 towns signed up more Republicans than Democrats, 110 towns had equal amounts, and 164 towns had more Rs than Ds, which shows why I am sitting on this side of the aisle, because you guys really did a great job, 251 towns. You got the people out there. So same day registration, I think, is crucial to all of the people in the State of Maine. The problem is the absentee ballots that we're trying to address on that.

I just want to close by saying that I think that I want to pass the bill, I just don't like the form that it's in now. If we have a problem with clerks being overburdened, let's address the absentee ballot issue this time. Let's see how that goes about. That's something new. People aren't even used to it yet, but don't go in and fiddle with something that's been here for 38 years and people expect they can come into do.

I guess I want to close with one thing. We all know our driver's license expires on our birthday and we all know when our birthday is, but have any of you waited until your birthday to go

down and renew your driver's license? Thank you.

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

Representative **McKANE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just want you to know my button was pushed a long time ago. It's just there were a lot of people lined up over on the other side. But I have enjoyed listening to the debate. A couple of things I don't really agree with, that it's going to discourage and disenfranchise voters. We've still got all year long to register to vote and you can register at the town office when you are in there registering your car or when you are registering for the infamous saltwater fishing registry. Or you can register by mail to vote all year long. You can register at any motor vehicle office or any social service agency. So I don't think that is really a valid argument, that it's going to disenfranchise voters.

I also heard that voter participation will drop. Well voter participation has stayed pretty much exactly the same since 1960. I don't have the statistics from before 1960, but it was around 72 percent in 1960 and in 2008 it was around 72 percent. And the same day registration was somewhere in the middle. It hasn't changed. I don't necessarily agree with the statement that we shouldn't be concerned with voter fraud. Just because you know we haven't prosecuted that many voter fraud issues, we all know that around the country there is a lot of voter fraud. Over the last election we saw it. It's happening around the country. There is no reason to think that it might not happen here or that it in fact may be happening. We have a lot of races that were determined with just a handful of votes, that just a little bit of fraud could turn elections around. Voter patterns have changed and the options have changed. There are many options for voters now that there weren't before.

The title of this bill is "To Preserve the Integrity of the Voter Registration and Election Process." That's what this is all about. The right to vote is too precious to not want to protect it as dearly as we can. Thank you, Mr. Speaker.

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

Representative **HUNT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. When I think of new registrants, I immediately think of my students. Now my students are hardworking, they do a good job. But as most parents and maybe some teachers can relate, when they have an assignment due two weeks out, a large percentage of them wait until the last minute to do it. So I'm afraid that is quite a real possibility for these students, that they will indeed wait until the last moment to register. It's true. You register the rest of the year. But still in the last election 50,000 people decided to wait until the last minute. That's a pretty big number.

You know I also think about the economic downturn. The reality is that people are on the move. People are moving for jobs. People have been evicted from their housing. People have been evicted from their apartments and they are going where they need to go to do the best for their family. A lot has been taken away from these people. Let's not take away the right to vote. A lot of people wait until the last minute. Many times people lead busier lives. I know all of us do. But that doesn't mean just because they wait until the last moment they don't have the right to vote.

I don't think we're in the business of legislating when people should register and saying, oh, you who waited too long, you're unacceptable. The right to vote is precious. It is extremely precious. That's why everybody has that right. It is a right that belongs to everyone, whether you register on January 1st, well your town hall is probably closed, January 2nd, or if you wait until

the last second. That is your right if you are age eligible and you live in that district. You have the right to vote and I strongly, strongly oppose anything that discourages our citizens from voting. Thank you.

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

Representative **DRISCOLL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. As has been verbalized by many of my colleagues previously, this seems to be an unneeded solution looking for a nonexistent problem. It's all about disenfranchisement of voters, discouragement of voting of Maine citizens.

We've all stood at the polls. We've all stood there for hours on end, election after election, whether it be municipal or county or state, and we all see the people coming and going. Mothers with kids tagging along, maybe teaching them the process that all Mainers value and cherish, the right and the ability to vote on Election Day. We see the process. We visualize the registrar, the assistant registrar, the clerks, the poll watchers. They've got a pretty smooth system in place and it seems to work quite well, in my community anyway, and the last thing we want to do is prevent somebody who may be a first time voter from being able to vote on Election Day, which they are able to do now. I would just encourage that you not support this piece of legislation because I think it does disenfranchise voters. Thank you very much.

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

Representative **PRESCOTT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This is about making this system efficient. I agree with the Representative from Newcastle, the title says it all, "An Act To Preserve the Integrity of the Voter Registration and Election Process." I stand in overwhelming support for our Secretary of State and this bill and say that before this system falls apart, we have a chance to fix it now before we have major problems.

Early voting combined with a dramatic increase in last minute absentee voting in recent years makes this bill a responsible thing to do. There currently exists a tremendous burden on municipal clerks who don't have the resources to bring in extra staff to handle the sudden influx of absentee ballots and execute their own other municipal duties. I find it hard to believe that the clerk in Topsham is that different from all the other clerks that I've heard about today because I've been lobbied pretty hard on this bill, passionately lobbied, called, visited and emailed, and she's not just speaking for herself but for all the surrounding clerks in my area. So I find that very difficult to believe that maybe we have a bigger problem in Topsham that I'm not aware of. I admire her opinion on this because she's a perfectionist like Representative Valentino's clerk. She runs a tight ship. She wants to do the job right and she wants to protect the integrity of the process. We need to keep the system accessible but at the same time it needs to be efficient, as efficient as possible.

LD 1376 would move the deadline for absentee ballots to just two business days prior to Election Day, which would give these clerks the breathing room to handle the growing number of absentee ballots. And don't forget early voting. It's not taking anyone's right away, it's just a small adjustment for this precious right to vote. LD 1376 contains language that allows those who truly need to vote at the last minute to do so. Those that have hardship cases, that maybe are homebound. I know that those exceptions are in this bill. Maine voters will still have 247 days a year to vote. Where is the denial of the voter rights here? Do we want to wait, have something go wrong and then fix it, or be responsible and cast our vote for the best and most efficient and

stable process possible? I know we all in this chamber strongly, strongly value the right to vote. We need to protect the integrity of this process. Please support me in voting green in support of LD 1376. Thank you.

The SPEAKER: The Chair recognizes the Representative from Brunswick, Representative Cornell du Houx.

Representative **CORNELL du HOUX**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I deployed with the Marine Corps for a year in and around Iraq and then came back shortly before Election Day, and like many, because I came back to a different district, I had to register there. As we demobilize one of the last things we're thinking of doing is registering to vote when you are trying to build your life after a year overseas deployed. So the basic point I wanted to make is this bill solves no problem. There is no good reason to put limitations on our ability to vote, especially for those who serve to ensure that we have the freedom to vote. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Phippsburg, Representative Olsen.

Representative **OLSEN**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. For what it's worth, I spoke to clerks and staff in my district and they support the effort of this bill to reduce stress on the system. Thank you.

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

Representative **SHAW**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I would like to thank the good Representative from Topsham and from Saco for talking about the problems that we might have with absentee balloting. I know a thing or two about that.

When I ran for the 123rd Legislature I originally won by 13 votes. At a recount it was determined that I had lost by six and I ended up losing the election. One of the reasons because of that was because of the absentee ballots. When people come in at the last minute, they have their ballot, they have their envelope. Instead of handing them the ballot they make them fold it all up, put it in the envelope, and the ballots didn't go through the machine properly.

Both reports on this bill solved the problems that they have with absentee balloting. The only difference is the same day registration. If people are concerned about having more work for their clerks to do, then you pass the Majority Report because of the problems that they are going to have with the provisional ballots.

I'm from District 102. Most of you guys know that I'm sure. District 102 is just about all of Standish. I do share a very small portion of it with the good Representative from Raymond, Representative McClellan. He represents a small portion of Standish. In Standish we have one voting place so everybody goes to the same place, which now is the town hall. One of the problems that they have there is we have to have separate lines for each House district.

I talked to my town clerk. My town clerk and I see eye to eye on just about every single issue out there that I've ever talked to her about. We happen to be from different parties, but we still agree on just about everything. She does not want to get rid of same day registration, which is what this report does. The report on the floor right now gets rid of the same day. I think everybody is in agreement that there have been problems with absentee balloting. I don't think there has been much fraudulent activity in that regard. More problems with ballots getting stuck in machines and things like that. People showing up with the absentee ballot in the envelope on the night of election, they probably should have voted that night instead of requesting the

absentee ballot, and both reports fix that problem. The only difference is the same day voter registration.

I hope that folks reject the current motion so that we can move on to the Minority Report, fix the problem that's out there. Folks, when we talk about fraud, I'm sure everybody knows this but I will just reiterate it real quick. After the election the town clerks enter the data into a computer system. If you have voted twice, if you have voted in one district and then went to another town and voted in another district, a couple days later the Secretary of State is going to know that. This wasn't the case just a few years ago. This is a new system that was developed to stamp out voter fraud, which was pretty much nonexistent previous to that anyways. So I would ask that the body reject the current motion, move on the Minority Report, and then we can move on to further debate on some other good contentious bills. 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 offer only a couple of simple thoughts because that's all I'm capable of and I know nobody's mind is going to be changed during the course of this debate or it is highly unlikely.

First of all, we need to mention the rankings. We are number three in the nation and it is a proud position. We were once number 21 when the same day registration was enacted. Our voting percentage is the same now as it was then. Other states have fallen off so our ranking has gone up. We are victors by default I guess.

The second point is one of the reasons we're at that level is because of our absentee voting. We have one of the most open policies in the country. By mail, you can come in, you can do it in the clerk's office, you can register by mail. We have a great process and nobody really wants to change the core of that, which brings me to my next point.

The bill says same day registration. You can still get a group of people from an elderly housing, bring them to the town office prior to an election as long as it is more than two days, register them and vote them in the same day so nobody is disenfranchised. That was never the intent of this bill, which brings me back to the last point.

We are one of 10 states that currently operate as we do. The other 40 do not. This bill brings us back more into the mainstream. This is not an extremist bill by any means.

And the last point, it was mentioned earlier about being deployed and voting. I was the company commander in 2006 during the election, the primary and the general election, and my soldiers voted. I made sure they voted and I made sure they had the opportunity because voting is not just a right in a republic. It is a responsibility. As the good Representative from Portland said, it is not a spectator sport. Democracy is not a spectator sport. If someone is not interested enough to vote and they have the chance to do it by mail for the homebound, they have a chance to go to the town office for weeks ahead of the election and register and vote in the same day and they choose not to, is our problem in this society same day registration and voter Election Day registration or is it a much larger issue of participation and getting off the bench and getting in the game? I just offer that thought and I know I probably didn't sway anybody's mind, but I will be supporting the pending motion.

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

Representative **MacDONALD**: Thank you, Mr. Speaker. There are some of us, Men and Women of the House, I just want to say I know that we're likely to not think it's more of an issue. If

it's not here, it's not here. But I do rise in response to a statement by the good Representative from Farmington, Representative Harvell. He suggested that elderly status as a state was responsible for high voter turnout. If you take a look at the numbers, that can't be true.

Maine is tied with Minnesota for the highest voter turnout in the 2010 general election at 55.5 percent. Both of us had the same turnout. Maine is the oldest averaged state in the nation, Minnesota is 29th. It isn't age that is causing us to get out and vote. It is something else. Alaska, which is 49th, almost the youngest state in the nation, had a voting rate of 52.5 percent, almost as high as ours. So it is not age that is getting us out to vote. It is a robust political culture and I think we should value that and I think we are tinkering with an important part of that. When you see 50,000 people coming out on the same day to vote that's an important part of our electoral culture. I think it is so too bad that we are thinking of diminishing our political culture by taking this aspect of our political life away. Thank you, Mr. Speaker.

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

Representative **CAREY**: Thank you, Mr. Speaker. I wanted to rise again and as I've been reading through this provisional balloting piece here, I guess there is a question that I've had and I will start at that question. Why is there not a municipal mandate on this bill? As I read the provisional voting requirements, they seem to be pretty steep. Before, Representative Valentino has gone through them. I won't read them again. I count 23 steps in the process. As I read this and I've read it over and over again and I think I finally understood the answer. The provisional ballot – and I am in section 21 of the bill for anyone who would like to follow – only applies to federal elections and I'm going to read 673-A. "Provisional Voting. If a person declares that the person is a registered voter in the jurisdiction in which the person desires to vote and that the person is eligible to vote in an election for federal office...."

Now it appears upon some research that this comes from the Help America Vote Act. The Help America Vote Act language excludes from a mandate any state that follows that law. So that can't be a mandate if we are doing provisional balloting in line with that law. That also means as I read this that state elections, county elections, local elections will not have a provisional ballot opportunity for a voter who feels disenfranchised, though they will not be able to register to vote in those elections in the three days before.

So I guess I conclude with a question to my colleagues on the committee who were present who present this report to the body, and I guess I will state this as a rebuttal presumption in the event. There was no discussion in the committee that this provisional ballot requirement would apply only to federal elections and I just want to make sure that that's clear because it seems there might be a difference between the fiscal note and what's in the bill, unless any of my colleagues can tell me that I am mistaken. Thank you, Mr. Speaker.

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

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

The SPEAKER: The Representative may pose her question.

Representative **GRAHAM**: Thank you, Mr. Speaker. Are there legal consequences to voter fraud and, if so, what are they? Is this proposed law in conflict with federal voter law?

The SPEAKER: The Representative from North Yarmouth, Representative Graham, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the

Representative from Lewiston, Representative Carey.

Representative **CAREY**: Thank you, Mr. Speaker. To answer the question, voter fraud in the State of Maine is up to a Class C felony. That carries up to a \$5,000 fine and if, as those of you may remember when you last registered to vote on an address or so forth, we have to sign an oath that we are legal to vote in the State of Maine and one of the things that is explicit on that green card is that we are a citizen of the United States. If aliens falsely swear, they can never get their citizenship. Those are the penalties for voter fraud. Mr. Speaker, I am just wondering if anybody has answered my previous question. Thank you, Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Auburn, Representative Beaulieu.

Representative **BEAULIEU**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I appreciate the opportunity to speak. I can't answer Representative Carey's question, I apologize for that. I will look up the answer and I will get it back to you, Representative Carey, if you just wait for me.

I did want to though point out a couple of things which I thought were important relative to some of the remarks that have been made. Number one, the provisional balloting system is not, at least according to what I've read, going to be an expensive proposition because it will only apply to a small number of individuals across the state. One of the reasons for that is that in order to get a provisional ballot someone will have to have made a mistake on your registration and as a result you will not be on the list even though you may have very well registered. At that point in time if they cannot resolve the issue, then you ask for a provisional ballot. Certainly the local municipality should have the responsibility and assume the responsibility of doing that, solving a problem which in fact they were responsible for causing. I did want, however, not to concentrate on that.

I wanted to just read from a piece of testimony that came that day of the meetings from an individual who, according to this letterhead, represents over 400 municipalities, and she writes cities and town clerks across the State of Maine are in support of this LD. This change will significantly alleviate the crunch most clerks encounter the day before election, the processing of absentee ballots. Currently most clerks are at their breaking point when it comes to absentee ballot voter turnout. A large portion of our time is spent on tracking and processing absentee ballots and is an almost impossible task for a clerk's office which is only staffed with one person, especially when we are working with a deadline.

To move on, she also says, we are also in support of a three day cutoff for voter registration as well. Voter registration is open to residents all year long and is very easy to do. Unlike absentee voting, there is no starting date for voting registration. Residents are able to register at the town office via mail during a voter registration drive while obtaining their licenses at the Bureau of Motor Vehicles any time of the year, Social Security Office, other social service agencies, nursing homes, schools.

I, myself, having taught for many years, registered on an annual basis probably 250 to 350 students, many of them 17 years of age because you could register at 17 years of age. As a matter of fact you can actually vote at 17 in a primary election. That was never a problem. They were very willing to get that done and I was very willing to help them out, and I certainly don't want to walk away from this meeting this afternoon with the inference that somehow I'm not in favor of or I am in favor of disenfranchising people no matter what age, because I'm not. I spent a lot of time in the classroom. I taught a lot of students. I loved every one of them. I would go back in a minute given the

opportunity and probably continue to do what I did when I was there for 40 years.

I also, however, had a couple of other things I wanted to mention from testimony that appeared on a bill that was not relevant to this one here but did deal with an election issue. It is written by the Cape Elizabeth Town Clerk, I believe, Assistant Town Manager and Town Clerk. She says I am concerned about our election staff holding up to the demands and pressures of elections. Most of our staff has assisted 30 days prior to the election with absentee voting. We can assure their efficient use of time by accounting for declared candidates rather than miscellaneous write-ins that never intended to be a candidate. It had nothing to do with the voting process, the registration process, but another issue that involved elections. Clearly, they point out that stress, overburdened with the activities of a registrar and a clerk, was certainly something that they had to face.

So in closing I think I understand the issue as to why this was put forth. I support the reason why it was put forth and I want to make certain that everyone here understands that I am in favor of democracy, love it, lived here all of my life, voted in as many elections as I could. I actually registered on my own. My dad taught me that was a major thing I should be doing. I didn't have anybody help me and I'm proud of that. I adhere to deadlines. Deadlines are important. I wouldn't go the day after the election and ask them for a ballot because I know certainly they would not give me one. I fully accept that as being a mistake of mine, indeed, if I miss that deadline. I hope that you all understand, and I'm sure you do, that deadlines are significant, even when it comes to registration and absentee balloting. So I would urge you to support the green light on this motion and I thank you for the opportunity of speaking to you and hope to do it again. Thank you.

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

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

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

Representative **TREAT**: Thank you, Mr. Speaker. I want to emphasize this is a question; this is not a rhetorical question. I represent among other communities the City of Hallowell, which despite being the smallest city in the State of Maine has five wards. They are all voted in the same place, the elementary school. My question is if someone in Hallowell moves from Ward 1 to Ward 5 without reregistering and they go to vote on Election Day, what happens?

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

Representative **CAREY**: Thank you, Mr. Speaker. I am not certain for this because we didn't talk about this in the committee, but I am going to take a guess from my reading of the statute. Again, this is section 21, 673-A, "If a person declares that the person is a registered voter in the jurisdiction in which the person desires to vote and that the person is eligible to vote in an election for federal office...." So as I read this provisional voting is only applicable to federal offices and the jurisdiction, I would have to believe, is the election for the office. So essentially if the person is registered CD-2 and both places in Gardiner I would presume, or in CD-1, I think, and that Gardiner would be in CD-1. That would be sufficient, but it's not clear to me and either way it appears that we will now have to go and have separate ballots for federal offices than for state offices, as I read this, and a

provisional ballot wouldn't be able there. Thank you, Mr. Speaker.

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

Representative VALENTINO: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise at a Paul Harvey moment for those of you who know what a Paul Harvey moment is, and I would like to read the rest of the story as my wonderful chair from Auburn, who I greatly admire on the committee, he forgot to read to you the last paragraph in the letter. So I would read that to you, from the cities and clerks. With that being said, the clerks would still be very comfortable supporting this bill if an amendment was made to still provide same day voter registration, but provide a three-day business cutoff for absentee voting unless that voter signs an application stating one of the three accepted reasons. The absentee voting portion of the election process is what takes the most time to process and that is the main source of our concern. She also spoke at the mic and she was asked specifically on that. She said that they would still support the bill with taking out the restrictions on the same day registration. So that's the last paragraph of her bill, saying that the important thing to them was us addressing the absentee vote, which is exactly what is done in the Minority Report.

The other question I wanted to answer because it was posed from my good friend from Newcastle was in regard to the title of the bill. The title of the bill was "An Act To Preserve the Integrity of the Voter Registration and Election Process" and he mentioned about voter fraud. I just wanted to let you know and I can make copies available for you on that, we do have a report from the Secretary of State dated March 2011. This is an investigation of suspected voter fraud done by the Secretary of State's office. They go through the three different crimes on voter fraud is voting or attempting to vote knowing that you are not eligible to do so, voting or attempting to vote by using the name of an other, and on those first two counts, it says our office has not received a complaint alleging one of the first two types of voter fraud in the past 16 years. The last one, voting or attempting to vote more than once at the same election, that they usually call that dual voting, and that was the purpose of the report. They went through, they looked at what's happened since the CVR and basically since the CVR has gone in, there have only been two pending cases that they are looking at right now. All of the others that they looked at, that they thought there might have been an instance, actually came right back to the clerks who were checking them off. Sometimes checking off they check two names in a row, when spouses came in together they checked off the son's name instead of the father's name. They checked off from the top versus the bottom. So those were errors that they just found which were clerical errors on that. So, in essence, in the last 16 years, I think we thought, run a very tight ship.

The secretaries of state and our clerks, I applaud all of them for this incredibly low instance of voter fraud and we only have two pending cases. What they felt is even on both of those that there was nothing that could have been done to have stopped that. So again, I wanted to address those two points that were made and urge everybody to take a look at just addressing the absentee voting this year and if there is still a problem, then we can always come back and take a look at same day registrations, but that has been in place 38 years. Please, let's not do that now. Let's address it one step at a time. Let's do the absentees. Let's vote Ought to Pass on 1376, but let's vote for the Minority Report and not the Majority. Thank you.

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

Representative MCKANE: Thank you, Mr. Speaker, and just a response to a couple of questions and a couple of statements. In response to the Representative from Lewiston, Representative Carey, according to the Secretary of State's office and the Attorney General, provisional ballots will apply in any election under Title 21-A.

In response to the Representative from Saco, Representative Valentino, nationally fraud is a huge issue. Voter fraud is a huge issue. There is no reason to believe that if we are immune to it at this moment in time, there is no reason to believe that we will continue to be immune from it. We need to make sure that we protect our system from voter fraud. 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. I can imagine there are others who have some heartburn over voting to repeal Election Day registration whether or not they have stood up to speak. I recognize this is the Speaker's bill as well as the Secretary of State's and there has been significant lobbying on its behalf. Before I have to say what I have to say, I just wanted to respond to a couple of things.

One, regarding fraud, the Secretary of State himself in an op-ed said "I have never argued that this is a measure necessary to prevent fraud.... In fact, I have stressed repeatedly that this bill has been designed to relieve some of the stress on the system." I would point out that in June 1977 in the other body when they were discussing this, they were discussing fraud as well and there was going to be a huge amount of fraud that has happened, that has not transpired to my knowledge and, according to the Secretary of State, still has not transpired.

You know it's interesting because in this op-ed by the Secretary of State, it says ending same day registration protects the "integrity of Maine's elections." In that op-ed it says "It is a proactive step aimed at securing the integrity of Maine's elections." Further down it says "As secretary of state, I have been charged with preserving the integrity of the voting process." which is why I am really confused by a report that was given to our committee. We have a centralized voter system now, the CVR, the Centralized Voter Registration, and that is designed to be a technological improvement, a major technological improvement over the existing system.

Let me read you a couple of pieces to this and for those of you who have a little heartburn and have been lobbied a lot on this, you may want to listen up. The 2010 election cycle generated significant interest in activity with a large number of candidates for Governor, in both the primary and general elections, and the number of contested legislative races. The gubernatorial election cycle is the second primary and general election cycle in which the Maine CVR system was used by all municipal election officials to conduct their voter registration and absentee vote activities. As in the 2008 election cycle, the CVR was again put to the test and succeeded. The debate that I have heard to data centers around the integrity of the voting process and relieving stress on our members of the municipalities.

It goes on to say the system maintained by the Department of the Secretary of State and containing over 1 million voter records was regularly accessed and updated over the internet in real time by municipal clerks and registrars from over 500 municipal jurisdictions. Not only did the CVR help election officials smoothly administer a very busy and closely watched election, it also facilitated the use of innovative online services accessed through Maine's e-democracy site.

Later on it says, in 2010, the CVR was put to the test. Clerks and registrars across the state were able to efficiently process 50,761 new voter registrations. Then at the very end, throughout the department's effort to deploy the CVR and through its first uses, our primary objective has been to seamlessly implement a reliable system that facilitates the voter registration process and assures the accuracy and integrity of Maine's elections. I am confident that we have met and exceeded that goal and we have begun to enjoy many additional benefits of the CVR. Sincerely, Charles E. Summers, Jr., Secretary of State.

This is the same Secretary of State who publicly said that ending same day registration protects the integrity of Maine's elections. Now I have two documents here that both say integrity of Maine's elections and one is in direct conflict with the other.

In terms of as far as the town clerks go, let me read you a piece from the *Bangor Daily News* which was an article. "The absentee issue prompted the Maine Town and City Clerks Association to endorse LD 1376. However, during the bill's public hearing the organization said it was concerned that eliminating same day registration would disenfranchise voters." "During the hearing, Bangor City Clerk Patti Dubois said that she'd rather keep the same day registration while imposing the two business-day ban on absentee voting."

If the entire arguments in support of this bill center around fraud or center around protecting the integrity of Maine's elections, the Secretary of State himself has said that our elections work great and that there is no instances of fraud that we need to worry about. And by the way, he has never stated that this measure is necessary to prevent voter fraud. Ladies and gentlemen, I do not put words in people's mouths. This is in writing. Thank you, Mr. Speaker.

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

Representative **CEBRA**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise today in support of the Majority Ought to Pass Report. In order to reduce stress on municipalities on Election Day, this bill eliminates registration of new voters on Election Day and during the two business days prior. The bill also changes the deadline for issuance of absentee ballots to the third business day before the election day, but makes exceptions for people with allowable reasons for voting after that deadline.

In addition, it sets up a provisional voting procedure to ensure compliance with federal election law. Someone just a few moments ago had asked about federal election law and under Title 21-A in Maine, federal election means all elections. Someone also asked about if a person were to move within a town or a city, would that person still be able to vote on Election Day. Yes, as long as it is in law that it would be possible for them to vote within that same town or city.

Over the last few weeks the fear mongering and information out there in opposition has been quite a thing to behold, and I'd like to address some of that now. This bill will not disenfranchise a single person, not one. Every single voter will still be able to vote on Election Day. Just to give you a little background information, someone also mentioned that this bill will disenfranchise the elderly. Well let's put it into perspective. In 2008, nearly 50,000 people registered to vote on Election Day. Of those, nearly 30,000 were first time voters. Of those, 593 were over the age of 65. So no, I would say, it will not disproportionately affect the elderly. The sky is not falling. Citizens will still have 247 days a year to register to vote.

Now someone had mentioned that most of the people register to vote on those last few days. Well, let me tell you something. I just want you to think about our tax system. You know nearly half

of the people in this country send their taxes in, send their 1040s in on April 15th. So we could say that we have to keep April 15th as tax day. But I'll tell you what. I guarantee you if you made April 10th tax day, 50 percent of the people would send in their tax paperwork on April 10th. A deadline is a deadline. People follow the law because it is the law.

We're talking about a bill that would put into place a reasonable cutoff time so as absentee voting increases in the future, the clerks will be able to handle that increase. Again, every person who wants to vote will still be able to vote. This is 2011. It's not the 1970s. It's time to bring the election system which has been increasingly based on that absentee balloting, something that they never envisioned in the '70s or '80s or '90s or even 10 years ago, up to date with current voting trends. The municipal clerks have been placed under a tremendous burden considering that in 2008 15 percent of the voting populous voted absentee in the last two business days before the election. Don't base your vote today on some sky is falling agitprop designed to leave you quaking in your boots that our republic will come to a crumbling end because of this bill. It won't because if people want to be engaged in the process, if people want to be engaged in the election process they will.

The bill contains language that allows those who really need to vote at the last minute to do just that, and by being able to do just that we preserve the franchise. So I again ask you to put aside partisanship and support the pending motion. Mr. Speaker, it's been so long, if a roll call hasn't been requested I request a roll call.

The SPEAKER: A roll call is already in order. The Chair recognizes the Representative from Rockland, Representative Mazurek.

Representative **MAZUREK**: Thank you, Mr. Speaker. I really didn't plan to speak on this. I know there has been a lot of debate, but in listening to it, it would be interesting if somebody from another planet heard us. I don't think they'd know what the heck is going on. Here we are putting stumbling blocks in front of one of our basic rights and privileges, the right to vote.

The United States has gone to war many times. We've become a beacon of freedom. We preach to the world and we do the right thing, that our people have the right to participate in our government. I've heard we have 247 days to vote. What's the difference between 247 and 250? I don't see a big deal. We got rid of the literacy tests. We got rid of the poll tax. We encouraged the young 18-year-olds to vote. I taught school for many years and I taught social studies and I urged, one of my goals really was to get the kids out to vote. I will always remember when they came back after Election Day and "Coach, we went out and voted yesterday" and how proud they were. It sounds like we have something good here.

Well, we have a problem with absentee ballots, let's fix it. But you know that's like me as a coach. I have a play that really works. I run it and I pick up 10 yards every time. I don't sit down and say well I better change that because we're too successful. Let's put in a play that doesn't work. I wouldn't be a coach very long and I think that people who are advocating these types of things might not be around here either much longer. Thank you.

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

ROLL CALL NO. 123

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, Fredette, Gifford,

Gillway, Guerin, Hamper, Harmon, Harvell, Johnson D, Johnson P, Keschl, Knapp, Knight, Libby, Long, Maker, Malaby, McClellan, McFadden, McKane, Morissette, Nass, Newendyke, O'Connor, Olsen, Parker, Parry, Picchiotti, Plummer, Prescott, Richardson D, Richardson W, Rioux, Rosen, Sanderson, Sarty, Sirocki, 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, Chapman, Chipman, Clark H, Clarke, Cornell du Houx, Dill J, Dion, 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, Martin, Mazurek, McCabe, Morrison, Nelson, O'Brien, Peoples, Peterson, Pilon, Rankin, Rochelo, Rotundo, Russell, Sanborn, Shaw, Stevens, Stuckey, Theriault, Treat, Tuttle, Valentino, Wagner R, Webster, Welsh.

ABSENT - Celli, Driscoll, Moulton, Priest, Strang Burgess, Wintle.

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

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

HOUSE DIVIDED REPORT - Majority (7) Ought to Pass as Amended by Committee Amendment "A" (H-385) - Minority (6) Ought Not to Pass - Committee on VETERANS AND LEGAL AFFAIRS on Bill "An Act To Strengthen Maine's Election Laws by Requiring Photograph Identification for the Purpose of Voting"

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

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.

Subsequently, Representative BEAULIEU of Auburn **WITHDREW** his motion to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report.

Subsequently, the same Representative moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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

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

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

Representative **CAREY**: Thank you, Mr. Speaker. This bill is the mother of all fraud prevention bills. The sponsor of this bill has said in a previous debate that we need not think that the sky is falling and I agree completely. When the Secretary of State came before us, he shared that, in the public hearing, he said that there was 300 cases of fraud. When we came to the work session and had an opportunity to go down through those, it turns out that what those were – and first of all the starting number was 240, not 300 – that well most of them were instances and we had one example in our chamber here where we have two

Representatives named David Burns. Well it turns out that almost all of the 240 instances of potential fraud were instances like that, people with the same names in different towns. So after doing a match of all of those, they got down to a small number. It ended up being, it was mentioned before in the previous debate, it was four, and I won't belabor the point to get down there and it ended up being two.

My favorite story of the two, and I'll just share this one, was a gentleman who lived, his house was on a town line. His bedroom was in one town and much of his house and his business was in the other town. He voted in both towns. He was known to the clerk in both towns. This is not a problem, that of fraud, that this bill would have solved, and yet this is one of the 1.3 million instances of voting that we looked at to generate these two.

This is a perennial bill. A similar bill was instituted in the last session. My punch line here is there was a different Secretary of State, but let me read to you what the Deputy Secretary of State's testimony was. In current institutional memory our office has not proven any cases of people voting using the name of another registered voter. Absent some indication that such voter fraud is occurring, it seems overly burdensome to the voters and to election officials to ask voters to show proof of identity before voting.

Another concern, that this bill would lead to the discretion of individual election officials whether to ask a voter for proof of identity. We have a similar problem here. We do have a burden, a burden that this would foist upon municipal clerks, wardens and registrars on Election Day, and that burden is represented in the fiscal note to this bill. As all are probably clear, our constitution, the Constitution of Maine, requires that any mandate of the state on the municipalities be paid for or that this body exempt ourselves from that mandate requirement, and the other body as well, by a vote of two-thirds. So this mandate, the cost in the mandate is a moderate cost to municipalities as opposed to sometimes we see and significant cost to municipalities. Mr. Speaker, there is no evidence of fraud. I won't use the "d" word to describe what might happen to voters. This is again a solution in search of a problem. It's a problem that Maine doesn't have and absent that, I ask why it is that this body is considering this bill at this time. Thank you, Mr. Speaker.

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

Representative **DUCHESNE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise as little as possible. Two alleged cases of voter fraud is what I'm hearing. I've been here four terms now. I'm used to bills that propose to solve a problem we don't have. I don't usually rise to complain about those. I only rise to complain about bills that solve a problem we don't have when it costs my constituents money. This one not only whacks you all out of the state level because there is a fiscal note, it whacks your municipalities too because there is a mandate preamble on this for a problem that apparently we don't have.

Now I've heard that other states do have a problem. There is voter fraud in other states. I don't see where passing a Maine law fixes those states' problems. I honestly don't want to spend my own constituents' money fixing a problem we don't have. So 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. In the prior bill we talked about disenfranchising elderly people. I have a neighbor. She is in her 80s, she has never driven. She doesn't have a picture ID. I ask you to think about the people in your district,

perhaps a relative, an aunt, an uncle, a mother or a father who doesn't drive anymore. What have they got for a picture ID? If they've never driven, they've probably never had a picture ID. So I would suggest to you that this would be very onerous on the elderly and I don't think that's where we want to go. I would ask you to vote red.

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

Representative **VALENTINO**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. We just went through a very, very lengthy debate trying to help our city clerks, trying to ease their burden on Election Day, trying to repeal a law that we've had in place for 38 years so it would make it easier for them, and now our next bill is to make it more difficult for the city clerks on Election Day? I laugh because I find it ironic at this late time. I really do.

Even on the Bureau of Corporations that we have, on the last paragraph it says our office anticipates that voters will be asked to show ID at the time they are asked to state their name and this will add some time to the check-in process. However, we're going to give you an instructional poster to put up outside the voting booth so that people will know all about it. I mean we're trying to ease their burden but yet in the very next bill we're creating a burden for them on it. I don't understand. We talked about that there is going to be no fraud, that this bill has the exact same provisional ballot that the city clerks do not like, that takes a lot of extra time.

It has been talked about that we're looking for a problem that does not exist and the only way that I can really express what I'm feeling is to read a letter from the Town Clerk of Friendship, Maine, who to me, in his testimony, put it exactly how I feel. It says: To the Representatives of the Committee, I am taking this opportunity to voice my opinion that I am against LD 199. We need to at some point use a little common sense. First, this law, even to be considered, assumes there are persons driving around the state impersonating other people to cast one vote in an election. This is not only unlikely, but it would be highly irrational to break a law for something that would probably not change the outcome of an election. In Friendship, we know every person who votes. We do not need to ask for a picture ID to identify voters. I am concerned that this may continue to change the number of voters who come to the polls. The increased popularity of absentee voting has already put a huge strain on the small staffs that run our town offices. Will we soon need to check IDs to issue an absentee ballot? Will absentee requests for an immediate family member need a marriage license or a birth record to prove they are related? Has anyone considered how voters will be at the polls when they are turned away by their election clerk? When you turn away family and neighbors who have voted for 50 years because they do not have appropriate identification, it will not be a pretty sight. For Friendship, Maine, LD 199 is not needed to protect the public. Thank you.

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

Representative **LONGSTAFF**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I will be very brief in my comments, but I want to say that it seems to me that the fiscal note associated with this bill greatly – and I mean greatly – underestimates the cost of providing a photo ID for voting. Not only will we be required to have a program to inform the public about this change, but it will be a program much more extensive than the one now envisioned by the Secretary of State. Even more important, the cost of providing opportunities for people to

obtain the required ID, which cannot be passed on to them, will be very high.

According to the analysis in a report from the Brennan Law Center, we will need to provide more places for voter registration and those places will need the capacity to issue appropriate photo identification documents. People will need to be trained in the operation of this equipment. The offices will need to be opened for longer hours and more mobile units may well be required for rural areas.

Using the information from the Brennan report, it would be possible for us to see costs approaching \$1 million in the first year. In Wisconsin, the costs were \$10 million in the first year. That figure may not be precisely accurate, but it seems to me that we are looking at a very large cost associated with providing or requiring photo IDs for the registration and voting process.

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

Representative **FLEMINGS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to the pending motion and in opposition to the bill, LD 199. It should be enough to note that this bill will make it harder for many of our fellow Mainers to vote, harder for seniors, harder for young people, harder for people living in poverty, harder for people with disabilities. That should be enough of a reason to oppose the pending Ought to Pass as Amended motion. But if that is not enough of a reason, I would like to echo my colleague and ask folks to consider the burdens and expenses that this proposal would create for all Mainers. This has been touched on before. I would like to raise a few more points.

For those eligible voters who do not have an acceptable form of identification, they would have to take time out from their jobs and taking care of their families to get an ID and that costs money. If those voters don't know where their birth certificates are they would have to track down a copy of their birth certificates, and that costs money. As has been mentioned, we do not want our fellow citizens waiting in unreasonably long lines. So, for example, at the Bureau of Motor Vehicles, we may need to hire more clerks to handle the ID applications. If we want to make sure that town clerks and wardens know what this law requires and what an acceptable form of ID is under the law, we will need to have additional training for the election officials.

So I move to ask along with others, what does Maine get in return for all of this money? In 30 years, there have been only two cases of people committing voter fraud in Maine and both of these people committed voter fraud by voting twice. A voter ID requirement would have done nothing to prevent those two cases. Maine does not have real money to spend on hypothetical problems. I hope you will join me in opposing the pending motion so that we can move on to support the Ought Not to Pass on LD 199. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Rockland, Representative Mazurek.

Representative **MAZUREK**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just want to mention the fact that this bill here, this LD, it puts on the elderly a lot of problems. I passed out on your desks, you got something from AARP, and if you take a look at it, it gives a pretty good concise summary of some of the things that elderly people face. You look around and we're all going to get old. I hear people say, well you need a birth certificate for a photo ID. Well that's no problem, everybody has a birth certificate. But you know people who live a long life, many times their documents become misplaced or they forget where they're at. They may become tucked away some where and you just can't find them. It is costly

to get a duplicate. It is a long process. I remember a couple of years ago in Transportation we had a guy who needed a birth certificate because he was out of state and it was a tremendous problem and a great deal of cost for him to get a birth certificate so he could get a license.

It also goes on and points out that Maine provides a free state issued photo ID. But again, there is other costs involved in that free photo ID, such as obtaining a birth certificate or some other document that proves who you are. I know, in Rockland for example, people have voted for many, many years and it almost would be comical for some poor person who has voted for the last 50 years to go in and be told "Well I'm sorry, you can't vote because you don't have a photo ID of yourself." This law, this bill right here, is almost as bad as the one we just voted on. We worry about potential fraud so we are going to have a law that's going to do away with it, but we all better wear our overcoats because there might be a potential snowstorm next December. I don't see anybody having their snowshoes on. I don't understand why we're rushing and putting in laws that are not needed.

So if you want to make things tougher on the elderly, the people who have built this country, the people who have worked in Maine for all their lives, who have made this state what it is and now you want to turn them out and say you can't vote because you don't have a photo ID, when this person, he or she can't get down to the photo shop to get her photo taken because it is a cost they can't afford? A lot of these elderly people are living on fixed incomes. They are living on Social Security or on Maine retirement. I'll tell you one thing. It's not a great deal. It's not what it's cracked up to be. So I think we're doing a disservice to the people of Maine by saying you can't vote unless you have a photo ID. I think it's terrible the way we're going about treating these people. 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. I, too, am reluctant to stand and join in this debate, but there are just a couple of things that I keep hearing over and over and over again that concern me. One is about the only two cases of fraud. That's what we know of. Those are the cases that have been pursued. That doesn't mean that there haven't been many instances of fraud. Just like in any other criminal realm, you have to have somebody that complains and for somebody to complain they have to have assurance that the complaint is going to be followed up on. If you don't have those in place, then you're not going to know if there is any fraud.

I can't imagine in this day and age trying to identify somebody driving an automobile and presenting a driver's license that didn't have a photograph on it in this day and age. It just would be an impossibility. It's something that we all come to expect. It's something that we live with every day. We don't know the people in the small towns that have moved in, so we certainly don't know the people in the large communities. To me, a license ID is a way of life for almost all of us of age. I can't imagine why there is so much concern about this. It's not a great imposition on anybody because we all have them now. If we don't, they are very easily accessible. To me, this is a lot of discussion about something that really doesn't pertain here. It really doesn't make a big difference. Thank you, Mr. Speaker.

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. Listening to this bill I am really feeling appalled at the moment. As a spin-off from what the good Representative from Rockland was saying,

Representative Mazurek, about the elderly people and not being able to support them, protect them, protect their rights to vote as they get older, as they continue to age. We know eventually they lose their driver's license so that ID is no longer good. They continue to get sicker. They continue to age. They get more crippled, more debilitated. They cannot get out.

You are going to have to go to your mother or your father or grandmother and your grandfather and you're going to say, I'm sorry Nanna, you can't vote anymore because you're too old, because you no longer have an ID, because you can't get down there to get an ID. This is the way it's going to be. We owe it to our elders to take care of them and support them and to be there for them, to tell them that they can't do this, to take their driver's license away from them because they can't drive anymore. Do you know how debilitating that is for them, how shameful that they feel because they can't drive anymore? I think we really seriously need to take a long hard look at what we are doing to our elders. Thank you, Mr. Speaker.

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

Representative **MALONEY**: Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Mr. Speaker, may I pose a question through the Chair?

The SPEAKER: The Representative may pose her question.

Representative **MALONEY**: Thank you. I'm wondering if this bill requires the Secretary of State to process a request for an ID within a certain period of time and what happens to someone who has requested an ID and has not been issued that ID by the time of the election?

The SPEAKER: The Representative from Augusta, Representative Maloney, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Jay, Representative Gilbert.

Representative **GILBERT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. When I first noticed this bill early on in the session I thought it was pretty foolish, but I contacted my town managers. I represent five different towns, five rural towns. Not the town managers, excuse me, I contacted the town clerks to see what they felt about this bill. Now keep in mind that I'm a Democrat and none of these five town clerks are Democrats. Two are Unenrolled and three are Republicans, and their response to me was what are you people thinking of in Augusta now, another mandate? We are so busy on Election Day. Each was adamantly opposed to this bill and that's why I am voting against it. I think that before anybody votes for this bill, you better check with your town offices and see just what they think about this. But it's too late, they'll probably close down. Okay, thank you, Mr. Speaker.

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

Representative **GRAHAM**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I think I was elected to the Maine House of Representatives. I wasn't elected to the Arizona House of Representatives or the Texas House of Representatives or the Massachusetts House of Representatives. I often say that Maine is not a small state, Maine is a small town, and the more you talk with people you know that you're connected with them in some way. That it's not six degrees of separation, it's three degrees or less.

There have been very, very, very few cases of fraud and I will tell you, quite honestly, that if this bill doesn't pass there will continue to be very, very few cases of fraud because we're Mainers. I don't see an influx of hoodlums and criminals coming into Maine. I believe in the integrity of the process. I believe in the work that our town clerks do and that they believe in their

work and work extremely hard. I just don't believe that by passing this bill and imposing a voter ID on people it would create havoc, quite honestly. This law is burdensome, unnecessary and I urge you to not pass this. Thank you, Mr. Speaker.

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

Representative CAREY: Thank you, Mr. Speaker. The good Representative from Whiting raised a question that there must have been more instances of fraud and I wanted to elaborate on the Secretary of State's data that he shared with us.

The Secretary of State brought before us originally there were 300 instances of fraud. When we asked that to be kind of broken out a little bit more to have a sense of what it represented, we were told there were actually 240 groups of voters, pairs or triples represented about 500 voters. Of the 240, 229 were determined to be human error and not instances of dual voting. For example, an election clerk checked the wrong name off the incoming voter list or the voters involved were actually different people. So of the 11 cases that we've heard, those were referred to the Attorney General's office because they could not be resolved administratively.

There were three instances of a single voter who voted only once and I will read you just one of the examples so you can have a flavor for how in-depth our agencies go. The second instance involved a voter who filled out a voter registration application while obtaining a driver's license but never voted in that municipality. The voter later moved to a new municipality and registered to vote and voted there for the first time. So that was the three.

Then there were two separate voters, each one voted once. This happened three times. So these two separate – this is similar to the one that I raised before – one of them, the investigation revealed that they were actually distinct individuals with the same name, one senior and one junior. Another one had two distinct individuals with different dates of birth.

Finally, we had one instance of a voter who did vote twice. Let me read to you what the Attorney General found in this case. An elderly voter had lived in one municipality for many years but had moved to a nursing home in a nearby municipality. A family member requested an absentee ballot for the voter from the clerk in the first municipality and delivered it to the voter. The voter did not remember having already cast a ballot and registered to vote, and filled out another absentee ballot two weeks later in the presence of the clerk in the second municipality who had come to the assisted living facility to conduct absentee voting in accordance with 21-A, MRSA, 753-B. Thankfully this case was not referred for prosecution given the advanced age.

Finally, the single voter who voted twice, these were the two cases that were prosecuted. One was a Derek Abbott who owns property that is partly located in Boothbay and partly in Boothbay Harbor and I won't share anymore, this is a story I shared before, other than to say he was sentenced to 120 hours of community service. Finally, Delmer Terrill, based on CVR data – CVR is the Central Voter Registration which has been mentioned a couple of times – it appears that this individual had voted at the polls in two different towns, Dixmont and Newburgh, at the statewide referendum election on November 3, 2009. Upon investigation the individual admitted this and spent 12 days in jail. This is the fraud that exists in Maine. This is the fraud that was found using existing methods. This is the fraud that we would be able to continue to find and it is minuscule, two in 1.3 million, and the system works. We don't need to create a solution, we don't have a problem. Thank you, Mr. Speaker.

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 did take the advice that the good Representative Gilbert offered and I have talked with both the town clerks and registrars of voters in the two largest towns I represent and they both said to my pleasant surprise we don't need this. We don't need this. That's the clerks and registrars of voters in both those towns.

Mr. Speaker, I suggest through you to the body that if we go down this road we will be participating in the creation of what might be called a new novel, *2084*. You may remember *1984* which imagined a totalitarian state in which people were overregulated and their lives were guided by big brother. I suggest to you that this is a kind of new regulation that's not going to hit just somebody who wants to register a boat or start a business. It's going to hit every voter in the state with new and unnecessary regulation. We are on the way to creating the reality of *2084* if we vote this in. Thank you, Mr. Speaker.

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

Representative PRESCOTT: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I took a very similar bill to this one five years ago and I am glad that it's back today and I will be voting for the Ought to Pass and here are the reasons why.

I spoke about integrity of the process and protecting the precious right to vote earlier. Here is a short list of things that you need an ID for today in the State of Maine: To buy cigarettes, to buy beer or alcohol, to start work at some jobs, to open a bank account, to book a hotel room, to get a mortgage, to fly on an airplane, to go to Canada or Mexico or anywhere else in the world outside of the U.S., to drive your car every day, to rent a movie or a DVD, for federal student aid, to buy Sudafed, to become a hearing aid dealer.

I ask you, Ladies and Gentlemen of the House, compare the importance of these things that I just read off on this list to the right to vote and then decide if it's something that's important and has the value, then why would you be concerned about proving who you are? Why is voting any different than anything else that requires an ID? Is it less important? I think not.

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

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

The SPEAKER: The Representative may pose her question.

Representative BLODGETT: How will absentee ballots be handled and how do you get a photo ID from these people?

The SPEAKER: The Representative from Augusta, Representative Blodgett, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Lewiston, Representative Carey.

Representative CAREY: Thank you, Mr. Speaker. The absentee ballots are explicitly exempt and there appears there is no problem with fraud on absentee ballots.

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. I did wish to respond to someone who I respect and like very much, the Representative from Topsham, Representative Prescott, who read a list of items in which it is required to have a photo ID, and I would respond in two ways.

Number one, voting is a more fundamental right than being a hearing aid dealer and therefore the burden should be less on the right to vote. We've often heard this mantra that while you need a photo ID to fly on airplanes, why should you not have a photo

ID to vote? Well according to the Transportation Security Administration, this is available on their website, they state, "We understand passengers occasionally arrive at the airport without an ID, due to lost items or inadvertently leaving them at home." I suppose that could happen on Election Day going to the polls. They continue: "Not having an ID, does not necessarily mean a passenger won't be allowed to fly. If passengers are willing to provide additional information, we have other means of substantiating someone's identity, like using publicly available databases." 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. We are part of the lower body or the body closest to the people, so when these two bills and the one right before us now pass we're probably going to be the ones to hear about it the most come Election Day next year. Taken independently, one seeks to "reduce the burden" on our municipalities and the other, as the good Representative from Saco pointed out, actually increases the burden. But both are apparently supposed to deal with fraud which is something as I referenced earlier has been discussed as coming down the pike in 1977. That would be the year after I was born. It seems to have worked my entire life without necessarily having to go after this nonexistent fraud.

But you know what bothers me more is – I don't know which one. This is a fundamental right that we have to vote in Maine and we're adding burdens to it. But the attitude that we would compare criminal activity and the potential for that that regularly occurs with that of voting fraud that just doesn't regularly occur, are we telling the people of Maine that we think they're criminals? Are we telling the people of Maine that we do not value their right? Are we telling the people of Maine that we don't trust them? We have some fundamental tenets on our criminal justice side of things and that is that we are innocent until proven guilty and now we are trying to prove guilt before we know whether or not there was even a crime to be committed. This bill does not address voter fraud. This bill will probably not change whether or not voter fraud exists in Maine because the people in Maine are good people. They value their right to vote. That's why we have some of the best turnout in the country and have for years. If we don't trust the people of Maine, how are they going to trust us? We are turning around and telling the very people that we went out and knocked on doors last year and said please vote for us, that now that their right to vote they shouldn't necessarily have unless they meet certain standards.

Well you know standards were developed in other parts of the country too, particularly in the south. Oh, just need a literacy test. Well, you know, just pay a poll tax. These are minor inconveniences. People should be able to do that, it's their responsibility to be able to manage that. Well they were also known as Jim Crow Laws. They were actively meant to suppress the vote. Now had these two bills not come together back to back, one could possibly look at both under the explicit lens that these were framed by. But when you put the two of them together back to back, there is absolutely no logic behind the first bill, there is no logic behind this bill. We are not solving a problem; in fact we are creating one for municipal clerks, enough so that it is in the bill that this is a municipal mandate which, as the good Representative from Saco pointed out, is in direct conflict with the previous debate.

So again, we are in the lowest body, we are the ones closest to the people, and we are going to be the ones standing at the polls next year telling people oh sorry you can't vote. Gosh, golly, gee, sorry. Can you vote for me anyway? I am stunned

that logic has no place. This is about ideology and it is about voter suppression. If folks want to vote in support of that, that's their prerogative. But I will be knocking on doors, not just in my district but in other districts, letting people know exactly how their Representatives voted and making sure that folks know exactly what their Representatives think of them and that is that they are not trustworthy people, that they are not innocent until proven guilty, and that two cases of voter fraud in the last three to four decades means that their rights that are explicit in our Constitution should be mitigated. Being in the lower body, the House, I'll be curious how you answer that when those voters come up to you and say "Why can't I vote?" because that's the question that we are going to get asked. "Why can't I vote?" Thank you, Mr. Speaker.

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

Representative CEBRA: Thank you, Mr. Speaker. I rise in support of the Majority Ought to Pass as Amended Report. Before I get into my prepared remarks, I've been listening. I've been listening for about a month now. I often have to pause to think about the level of the mockery, the level of the sarcasms that are thrown when the facts simply don't support a claim. The email from people who are either employed by or have an affiliation with organizations that are political in nature is probably the lowest base vulgar common denominator that could exist in the political spectrum. Paid lobbyists who spew misinformation. I suppose it's all part of the game, you know? I've been here for seven years. I should be used to it by now. But when you see this level coming from outside of this body, it does make you wonder about the quality of the debate that we have politically in this nation and in this state. So I just would like to say that to the lobby members who may be listening. I don't certainly appreciate the base tone of their debate and as far as I'm concerned, by that nature they have eliminated themselves from the civil discourse that we're supposed to have politically as a republic.

You know carrying a photo ID has become a part of American life. You can't cash a check, board a plane, do a million other things without a photo ID. That's why it's not unreasonable to request one in order to protect our most important privilege of citizenship. While some people would say, oh, you just want to call the people of Maine dishonest. No, the people of Maine are honest. The people who are dishonest are the political manipulators who would, not unlike a farmer who leaves his barn door open and the horse escapes, who would take advantage of a loose system.

Now while we have heard not 40 or 50 times and probably 100 times in the last month that, oh, there are only two cases of voter fraud in the State of Maine, there is a vast difference between cases of voter fraud that have been tried and what somebody with a little common sense would call cheating. I submit to you, Mr. Speaker, that anyone who sent out a political letter, that is a first-class letter that has a return address on it, would get back – I've sent out 2,000 in my district at a time and I'd get back 250. I'd go through the voting list and I'd see no such address, no such person, does not live here, no such address as in the address doesn't exist. Now I don't know if that's a coincidence, but it seems to happen and I've spoken to several other members of this body who send out first-class mail and it comes back the same way. A good percentage comes back where the mail, there is no such address. But that's not what this bill specifically covers. It speaks to a voter list that any person could walk up to their voting clerk, say a name and receive a ballot. Any name. I think that is in itself an open policy that is too open.

Some opponents of election security laws declare that this is some part of a sinister plot to depress voter registration and turnout, but actually the facts don't support that. A good example is the State of Georgia. In 2007, they passed a bill very similar to this into law, and in 2008 and 2010, they had record turnouts. You know no candidate, no matter the party, wants to emerge from an election with voters suspecting that he didn't really win. Election security measures like the one that we are debating today give confidence to the voters, the legitimate voters, and the candidates that run for office that the system truly is fair.

One of the neat aspects of this bill is the fact that if you don't have a state or an ID with a photo that has been given to you from a federal or a state agency, like a driver's license, like a passport or a student ID or a non-driver's state ID card, this bill would provide any person who doesn't have a photo ID a free voter ID. Now the opponents of this bill would say there is 100,000 people in the State of Maine that don't have a photo ID. Well if you think that there are 960 some odd thousand potential voters in the State of Maine and there are 1 million 60 something thousand driver's licenses in the State of Maine, not to mention the non-driver's state IDs, all of the college IDs, any federal ID, any federal employee ID, any state employee ID, then you have to come to terms with whether or not the claims that 100,000 people in this state don't have ID and I think it's absurd.

So Mr. Speaker, like I said, I don't think there is a candidate for office who wants to face the possibility of thinking that an election may not be a secure election. I think it's incumbent on us. National polls as well as local polls that have been done here all show this to be an issue that the American people and the people of Maine want, even locally. When I sent out my district wide surveys I'd get back in the high 80 percents every time, should a person be required to show a photo ID at the polling place. I know the Rasmussen poll, there was a CNN/Time poll, there was a USA Today poll. All of them show that the people in this country and the people in the State of Maine support securing this most important duty of our citizenship. So I ask that you support the Majority Ought to Pass as Amended. Thank you, Mr. Speaker.

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

ROLL CALL NO. 124

YEA - Ayotte, Beaulieu, Bennett, Bickford, 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, Hanley, Harmon, Harvell, Johnson D, Johnson P, Keschl, Knapp, Knight, Libby, Long, Maker, Malaby, McClellan, McFadden, McKane, Morissette, Nass, Newendycke, 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, Chapman, Chipman, Clark H, Clarke, Cornell du Houx, Dill J, Dion, Duchesne, Eberle, Eves, Flemings, Gilbert, Goode, Graham, Harlow, Haskell, Hayes, Herbig, Hinck, Hogan, Hunt, Innes Walsh, Kaenrath, Kent, Kruger, Kumiega, Lajoie, Longstaff, Lovejoy, Luchini, MacDonald, Maloney, Martin, Mazurek, McCabe, Morrison, Nelson, O'Brien, Peoples, Peterson, Pilon, Rankin, Rochelo, Rotundo, Russell, Sanborn, Shaw, Stevens,

Stuckey, Theriault, Treat, Tuttle, Valentino, Wagner R, Webster, Welsh.

ABSENT - Black, Celli, Driscoll, Moulton, Priest, Wintle.

Yes, 75; No, 69; Absent, 6; Vacant, 1; Excused, 0.

75 having voted in the affirmative and 69 voted in the negative, 1 vacancy with 6 being absent, and accordingly the Majority Ought to Pass as Amended Report was **ACCEPTED**.

The Bill was **READ ONCE**. Committee Amendment "A" (H-385) 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-385)** and sent for concurrence.

HOUSE DIVIDED REPORT - Majority (11) **Ought Not to Pass** - Minority (2) **Ought to Pass as Amended by Committee Amendment "A" (H-400)** - Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Amend the Laws Governing the Deadline and Conditions for Municipal Approval of a Second Racino and To Allow a Tribal Racino in Washington County"

(I.B. 2) (L.D. 1203)

TABLED - June 1, 2011 (Till Later Today) by Representative BEAULIEU of Auburn.

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

The SPEAKER: The Chair recognizes the Representative from Caribou, Representative Edgcomb.

Representative **EDGEComb**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I will be voting in opposition to the motion that is on the floor. I stand before you today in support of LD 1203 for one very good reason, agriculture. Agriculture is part of Maine's great heritage and also a significant economic driver. LD 1203 will not only create jobs but support part of our agricultural economy that will be lost without it, and I have quick facts that I want to give to you.

Number one, the horse industry maintains open space for everyone's benefit across the State of Maine. Horses in Maine have a \$364 million impact on the state and employs more than 5,700 people. Horses require 57,000 acres of hay production and 256,000 acres of pasture for grazing and training. There are several thousand jobs directly related to LD 1203 that pertain to agriculture such as hay and green production, vets and farriers, equipment dealers and many more.

Number two, the direct in-Maine spending associated with expenditures by racing horse owners in 2006 amounted to approximately \$25 million. Based on the average Maine employment and income levels for the sectors receiving these funds, these expenditures are estimated to support 600 jobs earning an aggregate income of approximately \$9 million.

Number three, the direct business sales in 2006 at live racing and off-track betting facilities amounted to approximately \$20 million. These sales created 500 jobs and \$7 million in income.

Number four, commercial agriculture racing tracks support Maine's 25 agricultural fairs. The agricultural fairs demonstrate to the younger generation's understanding about an agricultural based economy.

The final fact, in his opening remarks at the 2007 Agricultural Fair and Trade Show in Portland, Frederick B. Lunt, Agricultural Fair Coordinator for the Maine Department of Agriculture, Food and Rural Resources, called the revenues generated by Hollywood Slots for the agricultural fairs "a godsend." As he

presented his report on the distribution of these funds, all 25 fairs received a share of the \$549,072 in the first distribution of the Slots' dedicated revenues. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Presque Isle, Representative Willette.

Representative **WILLETTE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This bill, LD 1203, brought to the Maine Legislature by the power granted to Maine citizens under our constitution, deals with a potential for job creation – and has the potential for job loss if the Committee Report is allowed to stand.

What is LD 1203 about? The bill is about harness racing; it's about gaming in Maine; it's about our State's relationship with a proud nation called the Passamaquoddy; and it's about jobs. All of these are critical and all of these are issues the Maine Legislature can and should tackle ourselves.

As legislators, we talk a lot about creating jobs. I would guess many of you, like myself, passed out information during your election campaign that had something on it about creating jobs. That's what this is about; it is a promise about jobs that we must keep.

Most of the time, we're fighting to help create the right conditions for entrepreneurs, and for businesspeople to employ more people, and lower taxes, and set the right kind of regulation to create a business-friendly environment. In other words, we're usually working on things that make a difference over the long haul.

But every now and then, we get to vote on a bill that can make an immediate difference in creating new jobs, saving current jobs and generating substantial revenues for the State without increasing taxes, the most important part. LD 1203 is one of those bills, and this is one of those times.

If we vote yes on this bill, the developers of the racino in Southern Maine have pledged that as quickly as they can secure their licenses and permits, they will start construction on their facility. That construction project will put 800 skilled workers on the job. Eight hundred people at a time when people across our State are desperately looking for work.

And when that facility is completed, it will employ another 500 people who will be working for a top flight company, Ocean Properties, a company with 1,000 people already working in Maine.

In Washington County, the county with Maine's highest unemployment rate, we do not have a firm number of jobs to be created but we know the Passamaquoddy's are well positioned to fast track their proposed project as well in the host city of Calais. This will put people to work in a part of Maine that for too long has suffered as one of the poorest counties in the country.

Now I said earlier, this bill is also about our relationship with the Passamaquoddy's. And this is a critical piece of information. Because unlike the Southern Maine racino that has already been approved by the voters in 2003, a majority of Mainers has never endorsed a Washington County racino. However, the Maine Legislature did back in 2007, only to have that measure vetoed. But it is vital for us to keep in mind that allowing the Passamaquoddy Tribe to own a racino is simply fair. Because of an unusual legal history, the Passamaquoddy Nation is one of the few federally-recognized tribes with no gaming rights. That's why in 2007 the Maine Legislature passed the citizen-initiated bill to allow the tribal racino in Calais and that's why Washington County residents voted for that measure by a 70-30 percent margin.

The jobs we need to save are those of Maine harness racing, an important part of Maine agriculture for over a century and a great preserver of productive open land – land that stays on local

property tax rolls. The industry includes approximately 1,700 licensees, race meets at two commercial tracks and nine of our wonderful agricultural fairs and, perhaps most importantly, features family-owned horse farms across the entire state. Maine cannot afford to lose those existing jobs to states like Delaware, New York, and Pennsylvania, where fully-integrated racinos are expanding employment in harness racing.

Given the clear merits of the bill, rejecting it and forcing the measure to referendum would be an unfortunate mistake inviting squabbles between licensees in which 30-second sound bites, disinformation and regional differences might well control. Frankly, that's what happened in 2007, when residents of Northern and Eastern Maine voted overwhelming for a Washington County racino and felt their votes and their interests were overridden by residents living hours away.

Maine's struggling economy, the need for jobs, our budget difficulties and fundamental fairness are statewide issues; unlike voters responding to ballot questions, we have the ability to consider such matters carefully, to review the details of the bill, to hear the testimony of interested parties, to evaluate whether a particular bill will truly serve the statewide public interest.

Because LD 1203 is plainly in the best interest of the entire State and because the projects also have overwhelming local support, I urge you to vote no on the pending motion before us. Thank you.

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

Representative **CAREY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I will try to be brief and you can test me. There are two initiated bills before us and the conventional wisdom coming into this year, particularly with the geographic makeup of our committee, is that these bills would be split on geography. The Committee Reports on both bills, both this bill and the one for my community that follows, are the same. The Majority Report, I believe it was 11 voted to send it out to the people and Representative Willette, who just spoke eloquently from Presque Isle, and Representative Damon, who does speak eloquently from Bangor, and Representative Mitchell from the Penobscot Nation voted to pass it outright. I voted to send this bill out to the people and that of Lewiston as well on the simple logic that Maine voters have always voted on expansions of gambling. I'm not comfortable changing those rules and I ask you to follow my light. Thank you, Mr. Speaker.

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

Representative **PRESCOTT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I, too, rise against the pending motion in strong support of LD 1203. I'm here to talk about jobs, job creation and the economy as it relates to LD 1203 which would allow two racinos to be built, one in Southern Maine and the other in the economically depressed area of Washington County and operated by the Passamaquoddy Nation.

LD 1203 is about jobs, 800 jobs to be built on the project of Biddeford alone. Five hundred more jobs full-time once the harness racing track, resort hotel, entertainment complex and slots are open. These jobs will have an average salary of \$35,000 a year with benefits. These are good paying jobs. I've heard some people turn up their noses at \$35,000 a year with benefits and I have to ask myself, why? Thirty-five thousands dollars a year is a good salary. How can we in this economy afford to pass on these jobs? The 800 construction jobs to build the facility would be a boom to the construction industry. Over the last two years we've watched that this industry be among the hardest hit sectors in this down economy and while there are no hard numbers yet, for the Calais site there would be both

construction and long-term jobs in that area as well.

A little word about Ocean Properties. They have an extensive history of successful development and have the capital to move the Biddeford project forward. Ocean Properties is currently investing in a \$2 million renovation at the Samoset Resort and was prepared to put \$100 million in escrow to fund a pier development in Portland. Biddeford Downs is a project that will be funded in its entirety, not piecemeal, not scaled back.

There is a piece of common sense that has not been discussed during this process and that is if you bring more people into an area, you will see the benefits beyond Biddeford Downs. Ocean Properties has already talked about combining two or three nights in Biddeford with their resort hotel at the Samoset in Rockport and their properties in Bar Harbor. More tourists equal more money, not just for Southern Maine but for all of Maine. It will give us the opportunity to share our state with people who might not have visited before and grow tourism. The City of Biddeford will be seeing \$5 million directly into the city coffers. That money can be used for a host of projects, from downtown development to lowering taxes. The point is it gives people options because they will have the money to work with.

The same can be said of the revenue which will be regenerated back into the General Fund. When you look at the fiscal note attached to LD 1203, you will see that we are expecting General Fund revenue to top \$32 million a year from projections. This fiscal note was prepared by the nonpartisan office of Fiscal and Program Review. Jobs equal revenue. We must lead on this issue because of this opportunity around jobs and revenue. It's good for Maine, it's good for Maine's economy, and it's about making an intelligent common sense choice for jobs for our constituents, the good people of Maine. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Dennysville, Representative McFadden.

Representative **McFADDEN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise against the pending motion and will support the approval of the proposed changes to the Maine Racino law which would make it possible to move forward with a Biddeford racino and a tribal racino to be located in Washington County.

I don't know a lot about the Biddeford area, but I am sure that any new construction will create much needed jobs and will boost the economy in Biddeford as well as in the surrounding highly populated area. I do know that a super team is in place in Biddeford, Scarborough Downs and Ocean Properties, to help this proposal move forward. I keep hearing that there is not room for more casinos in Maine, but the thing is these companies would not be willing to put their money up for these endeavors if they thought they weren't going to make a profit.

I know much more about both the Tribe and the Calais area. The Tribe is one of the major employers in Washington County, and they continue to work on new economic development and to boost employment in the area. The Legislature hasn't always been friendly to the proposals and when the Legislature has, our former Chief Executive used his veto power to veto LD 1856 which was passed by both the House and the other body in 2007.

Of course, Calais is the gateway to the Maritime Provinces and one of the busiest border crossings in the U.S. It's so busy that a third bridge was recently completed to handle the traffic. Thousands of tourist buses come in from and travel to Canada yearly. Lots of these buses stop over in Calais as it is located at the middle point between Prince Edward Island and Nova Scotia, the Province of New Brunswick, and southern New England and the New York area.

A tribal racino located in Calais would certainly be a major

shot in the arm to the economy of the area which has an unemployment rate of over 12 percent. The entire racino complex would surely drop that rate considerably. A harness horseracing track would certainly draw fans from all over and be a tremendous boost to the horsemen and their associations. I recall back when I was younger, that was many, many, many years ago, there was a racetrack in both Machias and Pembroke and it seems like there was always crowds and always more support. As a matter of fact, the racetrack in Pembroke is open today, not for racing but they use it for exercising and taking care of horses and they have a stable there. I would much rather – I really enjoy the horse races. To me, there is nothing much better than the racetrack. I would much rather drive from Dennysville to Calais, which is a very short distance, than I would drive all the way to Bangor which is like 120 miles or to Saint John, New Brunswick, where they have a track which is also 120 miles. So it would be much closer and more convenient for me.

This bill would be a much needed shot in the arm to the harness racing industry. You know if you have a vehicle, the vehicle sits for a week, you don't use it, it doesn't burn gasoline, it might depreciate a little bit. But if you have a racehorse, you've got to feed it every day, it's got to be groomed, it needs to be exercised and also you need farrier services and also vet services. So it costs you money regardless. Most of these people who have racehorses, they do that year round, so therefore, they aren't people that are drawing unemployment in the wintertime when the season's down. These are all jobs that bring in tax money to the General Fund also. We need to change the present law to allow not more than 45 miles from a reservation and not less than 90 road miles from an existing casino and make it available for 1,500 slot machines per facility as of December 2013. This also will correct the racing monopoly that's happening right today in the State of Maine.

Think about the boost to the economy of the Biddeford area, Calais, poverty stricken Washington County and the State of Maine. Now this year we all received tickets for agricultural fairs. Everyone in the chamber received a ticket and I think people on the Ag Committee received two. So I don't think you took those tickets and you threw them out. I didn't throw mine out anyway. I'm sure that most of you people are going to be using your tickets. So it is to draw you to the fair, to bring more money into the fair. So we need to vote this motion down because it will help the fairs and it will also help the Harnessmen Association. So I urge you to vote no on the pending motion. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Penobscot Nation, Representative Mitchell.

Representative **MITCHELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise enthusiastically against the Ought Not to Pass amendment by my committee, Veterans and Legal Affairs, and I encourage you to go with the Ought to Pass Minority Report for several reasons. I don't know much about Biddeford, but I know Biddeford is probably no better off than any other economic region of the state right now and their unemployment rate is probably just as high there as it is in northern Maine, regardless of their proximity to Boston.

Also, something very near and dear to me is in this and that is a bill from my fellow tribe's people, the Passamaquoddy, of which my mother, my grandmother, my great-grandmothers on both sides of my family were from the Pleasant Point Passamaquoddy Tribe, so I have very, very deep roots there. The good Representative to my right, Representative Soctomah, is my second cousin and we share – and that's something she probably wouldn't admit in public but nevertheless – we share those deep

family roots. We also share a deep pride in our people. We've watched our people struggle. We've watched them go from having absolutely nothing but hovels to live in or hobbles as they were called, and through federal programs and federal recognition we've been able to elevate ourselves, but we continuously have problems with our employment rates in our community, all of our communities. In my community, for example, it hovers between 40 and 60 percent and I'm sure that the Passamaquoddy have a similar problem, especially at the Pleasant Point Perry reservation.

I strongly urge you to vote for the Minority Ought to Pass Report by this committee. The state's in very austere times. If this bill went out to a citizen's initiative, we're talking about \$5 to \$8 million maybe more to run this referendum. If we've got that kind of money to run a referendum when this body and the body down the hall could pass this without having to spend taxpayer money and put that \$5 to \$8 million towards programs that have had to be cut because of our austere budgetary concerns, then I think that's money better spent. I encourage you all to support me and follow my light and vote the Minority Report. Thank you, Mr. Speaker.

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. I just want to spend a few minutes talking about the issue of a citizen's initiated bill. It's no different than a bill that any of us as members of the Legislature would submit. The fact of the matter is it's another process that's allowed within the Constitution, actually Article IV, Part 4, Section 18 of the Constitution, which I quote that the citizens can propose to the Legislature for its consideration any bill, resolve or resolution, and that's the process that we have in front of us now.

Now seven times in the past the Legislature has voted favorably on citizen initiated bills and a recent example is the Opportunity Maine program. When I think about why have the so-called gambling expansion bills regularly been sent out to the voters and I kind of have to stand back and think about that issue of sending them out to the voters because what that is, is that's the fallback position for the Legislature and when I think about the posture that our former Chief Executive had towards gambling and bills that would have been gambling expansion, they were automatic vetoes. So as a Legislature, even though we're not supposed to consider what the action of the Executive might be, we sometimes can take that into consideration on our votes, and I think in those cases when we start considering the history of gambling in Maine, it was an automatic to send it to the people and sending it to the people was rejecting the bill. So in this case, this present motion of Ought Not to Pass is not to send it to the people, it is to reject the bill. That's what Ought Not to Pass means. I would suggest that this proposal has merit, that we don't second guess what the Executive's decision might be on how to handle it, but we let that be the Executive's choice. We don't act in fear of what might happen.

Now the Biddeford Downs/Calais racino citizen's initiative was submitted under Section 18 and it asks the Legislature only to correct existing law in a manner needed to allow the Biddeford Downs project to go forward and allow a tribal casino in Washington County. It is probably the simplest gambling bill that this Legislature has seen in quite some time because it basically corrects what was the 2003 initiative that set up the Hollywood Slots facility. It changes the time and distance issue and it adds the Washington County provision because, in actuality Ladies and Gentlemen of the House, this body passed this idea 84-59 in 2003 in LD 1856, and then the other body passed it 22-12. Now

that bill was rejected by the Chief Executive and it therefore was sent to the people. It wasn't sent to the people for fear of being rejected however.

Now we've heard the Washington County residents have voted in favor of the Washington County racino 70-30 percent and that in itself is evidence that when we look at the previous efforts on various citizen's initiatives related to gambling, they've been divided on geographic terms. We pit one section of the state against another. Within this proposal we allow people to consider that both ends of the state at least will be treated equally, but it's the right and duty of this Legislature to pass things that are good proposals, and that's what this is. This bill wouldn't create any tax breaks, any monopoly provisions or protections or special rights, but it would subject racinos to all of the existing rules, the regulations and taxes that exist in Maine law already. It doesn't add any new cascades. It doesn't try to pick apart one winner over another to try to gather support. It basically mirrors our existing laws. Fifty-seven percent of Maine citizens in a recent Pan Atlantic poll support the Legislature taking action on this bill without sending it out to referendum and legislators are being asked to lead by the people of Maine who put them in office. Thank you, Mr. Speaker.

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

Representative **O'CONNOR**: Thank you, Mr. Speaker. Mr. Speaker, my Esteemed Colleagues of the House. I can't say much about what hasn't already been said, but I do rise in opposition to the present motion. I know that I have friends who work for Ocean Properties. It is a wonderful company to work for and this company will employ, besides the 800 new construction jobs that will come immediately because they do have the financial capital to start construction as soon as possible, it will also bring another 500 jobs at \$35,000 a year plus health benefits. That's something that at this time I personally don't think that we can afford to give up. Thank you.

The SPEAKER: The Chair recognizes the Representative from Calais, Representative Maker.

Representative **MAKER**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise today in opposition of this motion and in support of LD 1203, the Native American Tribes and Washington County. The Native Americans were the first that attempted to pursue this kind of activity in Maine and still have not achieved their goal. The market will drive this attempt and should not be held up by this body. There was a flyer that went by. I need to clarify that Calais has voted on this motion in 1992, 2003 and again in 2007.

I also stand for the City of Calais in their support of LD 1203. In the testimony of our City Manager during the hearing process she touched on three key points that specifically addressed the portion of the bill, that it would allow a tribal racino in Washington County.

The first was need. With an unemployment rate of 12.9 percent in Calais, there is no question that there is a need for economic development that will create jobs and provide a revenue base for Calais and Washington County. The State of Maine is also in need of additional revenues as we slowly try to recover from the recession. The 2010 Census gave the median age of 51.5, an increase of 20 percent since 2000, a 9.4 percent decline in our population, the median household income at \$29,227 and in Washington County of \$29,000. The unemployment rate, again, is 12.9 percent.

Second, want. Calais has supported the Tribe's effort to establish gaming in Washington County for nearly 20 years. Calais residents voted in favor of a harness racing track with slot machines and high-stakes bingo to be located in Calais by a vote

of 843 to 212 and Washington County supported the measure by a vote of 6,636 to 2,862. In the most recent election, the voters in the State approved the Oxford County Casino referendum and they did so during an election with heavy voter turnout. You no longer have to wonder if the people want legalized gambling; that has already been answered. Now the question is where? Which brings her third point.

Location. Calais' unique geographic location as a border community and key shopping center for parts of Charlotte County, New Brunswick, would suggest that a proposed racino would attract those same patrons from Canada in addition to tourists traveling through Calais to vacation in New Brunswick.

As previously stated, the market will dictate the best place for a gambling facility. In Washington County, the issue is fairness and equity for the tribes. While the Legislature passed a bill to allow a tribal racino in 2007, the governor vetoed it and it went to referendum. We received a 70/30 vote in Washington County but failed narrowly state wide.

There is no such thing as a vote to send it out to the people. It already has been voted on in Washington County. A vote Ought Not to Pass is a vote against this project. It's a vote against Washington County, agriculture, the tribes, and the horsemen. Thank you. Please follow my light.

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

Representative **GRAHAM**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise in support of LD 1203 today for three reasons. Let me say before I tell you those I wasn't lobbied. This is from my personal experience.

The first reason is my almost life long experience with Ocean Properties family. You could say I grew up with this company. My older brothers played football, basketball and everything else kids did in the '60s and '70s with the Walsh family, the people who own Ocean Properties, and their cousins. I know from my family members who have worked for the company for years how well run it is and how dedicated Ocean Properties is to the people of the State of Maine. The company's roots are in the Bangor area and it has grown from a small business to one with an outstanding reputation in Maine, multiple states around the country, Canada, the Caribbean and Europe. It has been hugely successful in the hospitality industry while holding to the Maine values we hold dear. In fact, Ocean Properties consistently hires Mainers and sends them far and wide to places such as Arizona and Florida because they know that Mainers work hard and can be depended on. The Walsh family operates a first class company and I have no doubt that what they are offering to bring to Biddeford will be first rate as well. It is an opportunity in Maine we don't get very often and we would be foolhardy to turn our backs on such a solid, well respected developer with a track record of great success.

My second reason is my belief that the Passamaquoddy people have been overlooked time and time again. LD 1203 calls for a racino in Biddeford and a tribal racino in Washington County. I, along with my Leadership Maine class, had the honor of getting to know the Passamaquoddy people during the last debate around casino development. It was painful to see this nation lose the opportunity to raise revenue because the rest of the State voted against them. Unemployment rates on the tribal reservation surpassed the rest of the State significantly. The tribes in Washington County deserve a chance to create jobs and have economic development.

Lastly, job number one is job creation for the people of Maine. This is my third and most important reason to support LD 1203. In Biddeford alone LD 1203 is anticipated to create 800 construction jobs and 500 permanent jobs for the management of

the facilities. Similar job creation is projected to occur in Calais where the unemployment rate is 12.9 percent, as my good friend from Calais mentioned. LD 1203 will put Mainers to work now and into the future. I ask you to not support this current motion and support LD 1203. Thank you, Mr. Speaker.

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

Representative **CASAVANT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I was born in Biddeford, I grew up in Biddeford. I remember thinking in high school that I was not going to go back to Biddeford, but I did, and I've stayed there ever since and am very proud to live there because I really, really love the people and I love where it is. This puts me in a very difficult situation because I'm standing here in support of the Ought Not to Pass bill. I say that because in the hallways, for example, I'd be talking to someone against the bill whereas my city manger is talking for the bill. I found that to be very upsetting.

I should also let you all know that all three members in this body from Biddeford are against 1203. None of us support it for various reasons. Why is that? First off is the magnitude of change. Many people have alluded to Biddeford in saying what Biddeford needs and so forth. Well, I live there. I think I know pretty well what we need. The magnitude of that facility is going to have consequences to my town. I think we should be able to vet that more properly. Now granted some of the literature that has appeared on my desk talks about a referendum; it doesn't say the developers spent \$171,000 pushing that particular referendum. Now I don't know about you, but I know full well that ads do influence people so the true representation, just give or take, is probably 50/50. The people in my area – I represent also Kennebunkport and the coastal section of Biddeford – have told me over and over again we want more of a chance to talk about this, why the rush. My mother used to tell me haste makes waste and through my foolish youth I never believed her and every time I did something hastily I ended up getting in trouble. This is one of those circumstances again where we're being told that we have to do it now.

Well, there are things that I need answers to that I haven't been able to get, the negatives, starting with the basic environmental. That area of land, there is 86 or some odd acres that are going to be developed, that area of land contains the largest wildlife area in York County. Nobody is talking about that. A Baylor economics professor named Earl Grinols has said that for every \$1,000 of revenue that a casino or racino gets, businesses lose \$243 in a 30-mile radius. Now I'm not saying whether that's right or wrong, he's respected and so on, but I'm willing to quibble with that. But I'd like to know if it's right because Biddeford, and Calais too, they have to know the social and economic consequences. This is not Santa Claus, but that's the way everybody talks about it. It's going to come here and generate all of this revenue and, bingo, we're all going to live happily ever after. No, there are going to be consequences.

I was talking to a welfare director just the other day and she was saying, hey, there is going to be transients, we're going to have to deal with that. In Atlantic City, 40 percent of all restaurants closed within a certain radius. Well in Route 111 in Biddeford there are all of these new restaurants that opened up. What's the impact on those? Nobody knows. How about jobs? Everybody is throwing out jobs, jobs, jobs, \$35,000 with benefits average. Well when you get average you average in the high and the low and you come with the middle. What's the low going to be? I don't know. And how many of those are going to be a wash? In other words, if the restaurants close across the street we lose there but we gain with the racino. This isn't black and

white and my issue is I need to know those types of things. I want the answers. I want to take it slow.

Bottom line, in the world of gambling the house always wins. The house always wins. Well, from my perspective, if we're going to be talking about the racino in Biddeford, the racino in Calais, the Lewiston casino, Oxford, Hollywood Slots and so forth, that look in big picture, you've got to have a plan and that means this House always wins. That's what the bottom line is. This House, not the house. Thank you, Mr. Speaker.

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

Representative CROCKETT: Thank you, Mr. Speaker. Mr. Speaker, Distinguished Members of the House, my seatmates. Obviously I rise today in support of the pending motion as I was on the committee. But before I talk about any sort of the aspects of the bill, I would actually like to applaud the good Representative from Lewiston as well as the good Representative from Auburn who also sit on the committee, Representative Carey and Representative Beaulieu. Both this bill and the Lewiston Casino bills were tough bills and to vote in favor of process over the merits of the bills that would help their communities takes a great deal of courage. Kind of like that John F. Kennedy book *Profiles in Courage*, it naturally came to mind when I thought of their actions. It came under a lot of heat on both of these, so I have to applaud them for that.

But as far as their outcome, I actually voted with them for one simple reason. It's not so much the merit of these proposals. Obviously the agricultural community will benefit and there is economic benefit to the respective areas as well, but the process is more important. There is an expectation when we, over the last several years, that when citizens' initiatives come to this body, we send them to the people for them to be heard. That is fair and that is equitable. We have made others do the same. How can we sit here and enact one and then if you do enact this one and there is another proposal for, let's say, a casino in Lewiston coming up shortly hereafter, you're almost obligated to vote for both.

Now I know I can't speak on any future bills, Mr. Speaker, so I will restrain it to 1203, but you have to take them collectively as the committee did because you either treat them all the same or you're going to discriminate against them. So in order to avoid any hypocrisy and some sort of fairness in the process, we voted to send it out to the people. Don't be mistaken. An Ought Not to Pass does go out to the people, even on and you've seen some of the handouts that have come before you on the petition process, on some of the bills, it mentions when it will go out to referendum. So I'm not under the impression, I'm not so arrogant as to think I'm going to change anybody's position, but it was the process that drove the committee. The Committee Report is overwhelming and I would like to ask the Clerk to read the Committee Report. I'd also like to request a roll call if one hasn't been ordered yet, Mr. Speaker. Thank you.

Representative CROCKETT of Bethel **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.

Representative CROCKETT of Bethel **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 Saco, Representative Valentino.

Representative VALENTINO: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise today to support the motion that's on the floor from our committee. Every

expansion of gambling in Maine has been sent to the voters, every one of them including, in 1973, an act providing for a state lottery. That went out to the voters of the State of Maine to see whether or not they wanted to allow gambling in the form of a lottery here in the State of Maine. In 2000, an act to allow video lottery terminals at Scarborough Downs was rejected by the voters. In 2003, an act to enact a Maine tribal gaming act was rejected by the voters in Sanford. Statewide, in 2003, the one that we're talking about now, the act to allow slot machines at commercial horseracing tracks was approved. Then again in 2007, an act for a tribal commercial track and slot machines in Washington County was rejected by the voters. In 2008, an act to allow a casino in Oxford County was rejected by the voters. And in 2010, an act to allow a casino in Oxford County was approved by the voters. All of these people went through the same process, especially the people in Oxford County who went repeatedly to the people to try and win their support, which they did. They won their support in a statewide election. This casino is not even up and running. There is nothing that's been done and already we're trying to ask the people not to add maybe one or two or three. So going from one where we have now in Bangor, Hollywood Slots, up to five, I do think it's a very large expansion of gambling.

The other thing on the citizens' initiatives that was mentioned earlier, of the 63 total citizen initiatives Maine has had only seven have been passed by the Legislature. Out of 63 only seven that the Legislature acted on without putting them out to the voters. Many people who signed petitions are told this just gives an opportunity for you to vote on it in a statewide election and I've stood beside many people at many polling places, outside of post offices, and people say this just gives us an opportunity to vote on it. It does not mean that the Legislature is going to pass it.

One of the things I really want to clarify is that it was mentioned that this bill was to correct an existing law. This is not to correct an existing law. Just to give you a little bit of background. The bill's name is to amend a deadline and to allow a tribal racino. This is not to correct existing law. This is really to change it. This is not the same bill that the voters voted on in 2003, okay? It's not. In 2003, it said nothing about another casino being in Washington County. Actually that ballot was a separate issue on the ballot. In 2003, the voters voted, one, on the commercial tracks racino, they voted yes, and then on the other one they voted for a casino for the Passamaquoddy and Penobscot Nation in Sanford and they voted no. So it's not the same issue. This has been tagged from one to two.

The other thing is that we're saying that we're correcting something. What was passed by not even the voters, really what the voters passed, it went to the Legal and Veterans Affairs Committee. They passed another bill and in LD 1820 they gave the two commercial tracks until December 31, 2003, almost eight years ago, to get the approval in local referendums to allow slot machines at the existing track. But the legislation also added a provision that the track could be within five miles of the existing track. So when Scarborough voted it down, they came to Saco. Saco didn't want it. I represent Saco. They went to Westbrook. Westbrook didn't want it. So they have not built because they missed the deadline in 2003. To me, this is not an extension of six months or a year or a two-year. We are totally looking back at something. We didn't even have Hollywood Slots up and running as of yet. So this is not the same bill that we voted, that the citizens voted on in 2003.

So it's now eight years later. They've added another track and they've added a 25 mile limit to go into Biddeford, which is fine if that's what the people of Maine want to do. But don't use the argument that you voted on it in 2003. Times have changed.

This is a new bill, this is a new time, and the citizens of Maine have a right to vote on it. Do they want to expand the gambling in the State of Maine? Even the Oxford casino only went by by a very narrow thread on that. So I think we need to have an opportunity to let the voters weigh in on this. There is only so many gambling dollars in Maine. If all of these gambling bills go through, it will be almost 7,500 slot machines in the State of Maine. Is that what the voters want? Is that the intent? We don't know because we need to send it out to the voters and need to ask them.

I know I was in Vancouver, British Columbia recently, and every day the headlines in the paper, I thought I was getting away for my daughter's graduation and every day I'd pick up the paper and they were fighting over a casino slot expansion. That was to go from 500 slots to 1,500 slots. Well there are more people in Vancouver, British Columbia, the greater area, than there is in the entire State of Maine, and they voted it down. They didn't want 1,500 slots and here we're going 7,500 slots. So I'm just saying it gives the people an opportunity to do that. If this bill, even if it passed today, if it went into effect it wouldn't be until late September, and then there would always be the question do the voters want it or do the voters not want it. Let's just wait until November, put it on the ballot. That's why they got the petition and let's see what happens to it.

I mean I'm hearing people voting because they're saying Ocean Properties is a good company. That's great. I'm glad you're voting for your friends and your family who work there, but that's not the reason that we should be voting. We're talking about a gambling bill here. I have a letter from the Mayor of Saco who is urging me to send this out to the voters. Saco turned it down. We want a thorough discussion in Saco. We live right next door to it. I have a letter here from three city councilors from Biddeford that do not support the action. They want it sent to the voters. They're talking about putting for something in our area. All we're asking, whether it's the Biddeford delegation or the Saco delegation, is let us vote on it. That's it. Just let us vote on it. I'm not against the premise. As long as the people vote on it, so be it, put it up and wonderful, but send it out to referendum. Thank you.

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

Representative TUTTLE: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I know I rise from time to time and I say that if anybody has not made up their mind by now, I don't think we're ever going to make it. Mr. Speaker, I will try to be brief. Just as a footnote, it's my understanding that the residents of Biddeford voted overwhelmingly 59-41 in favor of Biddeford Downs in November. In my opinion, there is no such thing as a vote to send it out to the people. A vote of Ought Not to Pass is a vote against the project. It is a vote against Biddeford, Washington County, agriculture, the Tribes, horsemen, farmers. You will vote against all of those if you vote Ought Not to Pass.

LD 1203 contains amendments to the racino law and will allow two fully integrated racinos and two commercial harness racetracks. I think it's a straightforward amendment that allows Scarborough Downs to relocate and introduce slot machines. It will simply correct for a present with the unfair provisions in Maine's racino law. As the introduction of slot machines at the Downs has already been approved by a statewide referendum, I know there is some dispute about that. But it is my opinion that these amendments are a matter of common sense and I think fundamental fairness. I know with respect to the need for the fairness that the amendment we made to the 100 mile statute in LD 667 earlier this session was expressly intended to

accommodate the Oxford County casino, allowing the project to move forward. The proponents of the Oxford County facility are now the leading opponents to LD 1203. Put another way, once Black Bear believed the help is needed or received this help again from the 125th Legislature, its team of lobbyists have campaigned to force harness racing and the Downs to get another statewide referendum. I'll be voting in favor of 1203 and will ask you to vote this motion down.

As a side note, my grandfather was a horseman as was his father before him. In the '90s, I was chair of, now it's Veterans and Legal, but back then it was Legal and Veterans Affairs and I always listen to my grandfather. He always said that he raised horses more for their disposition than he did for their speed. I remember as a young man going around. It was a very special time for me. I think it's an industry, a Maine industry, that needs to be preserved. When I was chair the harness racing industry was in really bad shape. We didn't know if we were going to make it through year to year and we did pass things in the '90s and the industry did survive. I think with this, by voting against this pending motion and voting for the Minority Report, it will help the industry to survive for decades to come. Thank you, Mr. Speaker.

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. I rise before you this evening in strong support of the Majority Ought Not to Pass on LD 1203 which received a strong committee vote of 11-2. Support of the Majority Report will send LD 1203 back to our citizens in a referendum vote this fall where all casino expansion referenda have gone before. Administrations and Legislatures for decades have insisted that the citizens of Maine should be the final arbiters of gaming expansion in all six of the previous gaming referenda. Decisions of statewide significance have been left up to our citizens to decide.

The Oxford initiative failed in its first attempt in 2008, so the investors regrouped, came back with another referendum, and were sent out to the voters again and they narrowly won one of the closest referendum votes in our state's history by just 4,500. Then they survived a recount and just six months later we are now debating on whether or not we should give a free pass to two casinos in LD 1203 and a third casino in LD 985.

Based upon the results of last year's casino vote, we should not be entertaining the idea of passing LD 1203 which includes two gambling facilities, let alone a third in Lewiston. We have no mandate from our citizens to make such a decision. Forty-nine point six percent of our citizens, based upon last November's vote, are still opposed to gambling expansion. What we are being asked to do is to support the largest gambling expansion in Maine's history with at least 50 percent of our citizens against gambling expansion.

If LD 1203 is passed Maine will have as many gambling facilities as all five of the other New England states combined, and if LD 985 is also endorsed, we will have more gambling than all five of the other New England states combined. Are we prepared with our vote to take ownership in making Maine the casino capital of New England? I believe the voters statewide should weigh in on the largest gaming proposal in our state's history where lesser gaming proposals have been decided by the people of our state. Again, if these casino proposals are passed, there will be 7,500 slot machines authorized in Maine. This is one slot machine for every 100 adult Maine citizens. The voters of Maine should have the ability to weigh in on whether they want Maine to have one of the highest per capita slot machine authorization laws with one of the lowest per capita incomes east

of the Mississippi.

I continue to hear that if we send LD 1203 out to referendum, we are shirking our responsibility as legislators. I believe to the contrary; to pass these initiatives without our statewide voters weighing in would be the height of irresponsibility, given at least half of our citizens opposes gambling expansion. The referendum process is not to be taken lightly. It should not be used as a backup plan in case the Legislature says no, as it is being done with LD 1203. If you want to pass the bill, then submit a bill and take your chances. Why go through the trouble and expense to collect thousands of signatures if your plan was not to bring your proposal to our citizens of Maine. Many folks that signed these petitions are sold on the fact that the issue will be debated in front of our citizens during a campaign and not to be used as a tool if everything else fails.

I have heard the arguments by the Biddeford Downs proponents, that they should be given retroactive rights going back to the 2003 referendum. Now that they have found Biddeford, that this is just a simple little tweak in the 2003 law, but is it? The 2003 referendum authorized two racinos, one in Bangor Raceway and one at Scarborough Downs as that is where the commercial tracks were located. That also required municipal approval which Bangor received but Scarborough was denied. Scarborough was then denied in Saco and Westbrook and then back in Scarborough again. Now that they have found Biddeford seven years later, they believe they should be given a free pass. Are we to believe that if Biddeford was the location in 2003 the votes would have been the same? Can we make that assumption? Are we to believe the bordering communities of Biddeford would have voted the same?

However, the most compelling reason to send LD 1203 back to our voters, I believe, is this: The 2003 racino referendum did not call for a third location in Calais, which LD 1203 would authorize. Are we to believe that if three gambling facilities were being promoted in 2003, that all would have passed? Based upon that reason alone, LD 1203 should be sent back to our voters for their approval. We are being lobbied and being made to believe that if we send these casino referenda back to our voters, we are contributing to the demise of harness racing. Sending LD 1203 back to our voters will not hasten the demise of harness racing. The harness racing industry continues to receive tens of millions of dollars from Hollywood Slots. Specifically, Scarborough Downs continues to receive millions from Hollywood Slots. By sending LD 1203 back to our voters, we are not denying an opportunity to Biddeford or the harness racing industry. We are only asking them to make their case in front of the Maine people as everyone else seeking gaming expansion has done, keeping the standards fair and universal. With all due respect to my great colleagues from the Indian nations, we do need to do something for the Native Americans and am extremely cognizant of the economic issues of the tribal nations. I am pleased, however, that the Oxford casino's tax structure allocates 2 percent of the revenues to both the Passamaquoddy and Penobscot Nation, estimated to be about \$4 million per year.

I leave you with this: Are we prepared as legislators to endorse the largest expansion of gambling in Maine's history? Are we as legislators prepared to authorize 7,500 slot machines in Maine and are we prepared to do this without a clear mandate from our voters? Are we to deny our citizens from weighing in on such a gambling expansion? If the projects are sound they will pass, and, if not, they will fail. I ask you to follow my light and support the Majority Ought Not to Pass Report for LD 1203. Please do not shortcut the will of the Maine voters. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Harrington, Representative Tilton.

Representative **TILTON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to the current motion. I know you've heard many reasons already to support LD 1203 and I'm not going to repeat those. I actually worked on the passage of the original proposal almost 20 years ago now for a tribal racino in Washington County and for 13 years I worked closely with members of the Passamaquoddy Tribe in Washington County on other regional economic development issues.

One thing I want to be sure that you all understand before we take this vote is that economic development and job creation is a much different proposition for a Native American community than for a typical Maine community. Maine municipalities raise money through property taxes. They use these taxes to pay for local services. Native American communities do not raise money for their community through property taxes. A lot of people don't realize that. Native Americans do not believe that people can own land, period. Land, all the earth, is part of a sacred cycle of life that is highly spiritual.

This fundamental aspect of Native American culture is at the root of their struggle to provide for the needs of their people. This is the reason tribal business initiatives have figured so prominently over the years. As federal dollars are reduced, the need for local funds to replace them increases and earning money from tribal ventures is really the only alternative available to them.

So the racino vote is about jobs and it is about fairness and it is about facing our responsibilities as legislators rather than relying on the voters to do what we don't have the will to do here. But it is also about honoring and respecting the beliefs of the Native American culture enough to simply enable them to make an important investment in their own future. Thank you, Mr. Speaker.

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

Representative **McCABE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise in opposition to the pending motion and also to be on the record so that the people in Skowhegan know why I am missing the town meeting. I rise today just to talk a little bit about the economic driver locally in Skowhegan known as the Skowhegan Fair, and I was just looking at some information and the fair grounds is actually operated pretty much from May until October. We've experimented to try to do some snowmobile racing in the winter, but it was pretty cold and we didn't always have the snow we needed. But you know if you try to get a hotel room/motel room in the Skowhegan area during a horse show or fair week, it's very impossible. I actually had to plan my wedding so that it wasn't during a time when there was a horse show, so I'd actually have a place for people to stay.

But I rise just to echo some of the things that were raised by other good Representatives today in regards to this and to talk a little bit about what I view as the ripple effect. When I talk about the ripple effect, I'm talking about not only for harness racing but for agriculture in the State of Maine in general. I think that we all realize that when money is spent locally in a community, there is a multiplying factor, and I think that can be seen when you look at states like New York or Delaware or Pennsylvania where racinos have really helped the industry in growing agriculture. So I view this as not only growing the harness racing industry, but also the fairs and other agriculture that piggybacks on those things.

I'm sort of very excited to see the opportunity that this brings

throughout the state. It's very interesting. You know we're talking about two ends of the spectrum here as far as the state goes. We're talking about two different locations, but I think the ripple effect is pretty clear. It's going to be felt throughout the State of Maine, so I rise today against the pending motion and look forward to being able to vote on the Minority Report. Thank you very much.

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

Representative **DOW**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I can't see you very good because the sun is right in my eyes, but you might not be able to see me very well either with the sun glowing off the top of my head. So maybe that makes us even?

I rise today in opposition to the Majority Ought Not to Pass and support the Minority Ought to Pass. I'm not much of a gambler, that I'll admit. But I do appreciate the agricultural fairs and my father wasn't much of a gambler either, but he loved to go to the tracks and watch the horses, and he'd bet on a few. I think it's time we had a couple of new modern up-to-date tracks in this state. I'd kind of like to bet on a sure thing. My father taught me how to bet on a sure thing because when I was about 10 or 12 years old, we went to the racetrack and he knew one of the owners and one of the owners said that we've been holding this horse back for a few races and we were going to let him go today and he was going to win, so you better put some money on him. So my father did, got his new son-in-law to put some money on the horse also and some of his son-in-law's friends, they all put money on the horse and the horse fell down in the first turn and finished dead last. So much for a sure thing.

But to be truthful I kind of like the odds on this bet. I kind of like the odds on two shovel-ready projects. I just wish one other thing. I wish this particular bill had an amendment for a four-lane road from Bangor right straight through to Calais. Then we'd really have economic development. But I intend to support the Minority Ought to Pass. Thank you.

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

Representative **BEAUDOIN**: Thank you, Mr. Speaker. Mr. Speaker, Members of the House. I'm in opposition of this bill, LD 1203. I wasn't going to speak, but I have the same questions as Representative Casavant has. I am very upset that they've been pushing so quickly. That's all I've heard is jobs, jobs, jobs, and \$35,000 per job and benefits, and 500 of those jobs, how wonderful. How can anyone promise so many jobs with this economy? You asked and all I received was jobs, jobs, jobs. Can't you understand? And money, \$35,000 per job. I understand I said. I almost felt like they were saying, stupid, but I need to know more about this. I've been told that Ocean Properties has lots of money and they are giving it to Biddeford and they will honor everything they've promised as they don't lie. A lots corporation, they don't lie? Yeah, right.

I want the people to vote on this to let me know how they feel. Right now when I go home weekends, I ask people. Almost all I've heard is "I don't care" or "I don't want it." Few have said they wanted it to me. I don't understand anymore. They keep saying, oh yeah, they want it. Well, I don't know. But like I said, I want to know more and I'm not getting answers and that's not good. Please follow my light. Thank you, Mr. Speaker.

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

Representative **PARKER**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. You might wonder why someone from Bangor is standing up in support of this expansion which is ready to go to Washington County. If you

listen to my accent you might possibly have a clue where I grew up. Also, during the last several years I've had the opportunity to chair the Sunrise County Economic Council which is an economic development council for the county. I've been chairman of Washington County Development Authority. I've seen a lot of attempts to try to economically improve the area and most of them are being turned away from us.

Three points have been made during the discussion today that I really want to pick up on. One is process, one is discrimination and one is fairness. I think there has been some real serious discrimination in this state because this entire idea was started by the Passamaquoddy Tribe. The Passamaquoddy Tribe, in my opinion, was discriminated against because they were not allowed to succeed at a venue that they could actually prosper from. We talk about fairness. We now are taking pieces of this state and breaking it up into little pieces. My home area – Bangor, Veazie and Orono – now has a facility and it was signed by the Chief Executive who came from the community. Probably no impact on why he chose to let that one go through and not let the others go through and veto some others. But I think there is a fairness issue. I spent a lot of time on the Regulatory Fairness Committee and I learned there is a lot of things out there that really aren't fair, but this is one that we don't have to put up with.

Then I hear about process and process really sort of aggravates me because process says if we can get it out to the general populace of this state, we certainly can keep it away from the small rural areas and put it in the larger urban areas and that's just exactly what we're doing with these facilities. Washington County should have had a facility back in 2003, 2004, or 2005. They are still out there. Well now we have one large one in Bangor. And don't get me wrong, I appreciate it in Bangor and it is good for the economy of the area and I am strongly in support of it. Now we have a major investment in western Maine, still nothing for the County area. So I think it's about time we looked at the process and let that process involve the way the voters of Washington County have voted, 70 plus percent in favor, not the way other areas in the state want to vote so that they can keep it in their areas and move it away from the County. So I seriously urge you to vote in opposition to the motion on the floor. Thank you, Mr. Speaker.

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

Representative **BICKFORD**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. As legislators we were elected to make decisions on the behalf of our constituents. By sending these measures to the voters, we're ultimately avoiding our duties as Representatives of them. In past administrations, as you heard earlier from the good Representative Valentino, there were several proposals regarding gaming. Every one went to a statewide vote. That wasn't by chance of the supporters. That was by this legislative body. The supporters of those proposals at the time wanted the Legislature, every time, wanted the Legislature to vote on behalf of their constituents. They failed to do it.

I want to address a couple of comments that were made earlier. My good friend Representative Casavant talked about all the restaurants in Atlantic City that have closed since they've had gaming. Well I'm going to tell you to go to Bangor, go to Bangor on a Friday night or a Saturday night and see how many restaurants are not only open for business but have lines out the door with an hour and a half waiting time. When I take my wife and children to Bangor and it's on a Saturday night to spend the night, ask the Fireside Inn, ask the Ramada Inn if they welcome our business because Hollywood Slots happens to be in Bangor. Ask the Texas Roadhouse, when I take my wife and kids over

there and wait an hour or an hour and a half for a table, if they appreciate our business because of Hollywood Slots being there. Ask the Bangor Mall if they are excited that Hollywood Slots is there because of all the money people spend at the mall while someone else in the family might happen to be over at Hollywood Slots. This is economic development. Business attracts business. It always has, it always will.

We heard from Representative Valentino again, if people want this, they should vote on it. Well if people want a cigarette tax, should we send that to the voters? If people want there to be an adult bookstore on Congress Street in Portland, should they all vote for that also? We are the legislators. We vote for our constituents. If we don't vote on their behalf they're going to replace us. Everyone in this body that is going to be impacted by these proposals that are in front of us, LD 1203 and 985, are going to be voting on behalf of their constituents and when you go back you need to be proud of the way you voted. I'm going to be proud of the way I vote and I'm going to vote against the pending motion and I'm going to vote in favor of both proposals. Thank you.

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

Representative **DION**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I've sat here and smiled when my colleague from Auburn spoke because I think he's on point one. The gaming question has been asked and answered. It's over, alright? We shouldn't suffer under the illusion that somehow our goal now is to manage it. It's here in the state and the question is can we shape that policy and the answer is that we should shape it. I was a command officer committed to making sure that people followed the rules. I followed that rule. But leadership requires knowing when to break the rule and if the rule was to send it out to the people, then I vote tonight to break that rule and exercise the leadership that they've trusted us with. That's why we're here and if they're upset, we don't get to come back and that's the way that game is played.

Now I'm not a gambler. My wife is. She married me. See, only the wives in the chamber would understand that. So I'm not here as a gambling aficionado. I'm just here that we should exercise leadership and pass this bill and do right by Washington County and the Native people because no statewide vote would ever see that those interests are met. Thank you.

The SPEAKER: The Chair recognizes the Representative from Passamaquoddy Tribe, Representative Soctomah.

Representative **SOCTOMAH**: Thank you, Mr. Speaker. Mr. Speaker, and Honorable Men and Women of the 125th Legislature. I rise today to ask for your support of LD 1203. It is with mixed emotion that I speak to all of you today. My name is Madonna Soctomah and I come on behalf of the Passamaquoddy Tribal People in Washington County, which was once the seat of the great Abenaki Nation. Today we are the largest federally recognized Tribe in the State of Maine. The indigenous Passamaquoddy people existed before the struggle between Great Britain and America in 1776 and survived to the present day. Our culture and native language remain in tact. If you do not believe that we are still here, ask us and ask us how we survived to present day on to your social structures and your laws, speaking my native tongue, believing in my culture, believing that we are all connected, believing that we come from the same mother earth that never shuts off.

In 1820, Maine became a state. Welfare and Indians were synonymously equated throughout history. No one spoke of treaty rights. Little did anyone know at this time there was no valid treaty among the governments regarding land. In the 1920s

to 1940s times were economically very hard for Indian people, in particular. During World War II there was work in the shipyards in Portland and two fish factories on the coast. The isolated Indian Township people were taken by bus 50 miles away to work in the factories in Eastport. My grandmother, when you talk about the work ethic, my grandmother Nancy worked packing sardines for the Riviera Packing Company as did many others from Sipayik, known as Pleasant Point, and she would get home on a bus being bused in and it was dark when I was ready for bed.

After World War II the economy in general picked up. All things being relative, however, it still only meant things were better, not good, since Washington County had been an economically depressed area for many decades. As I entered Shead High School in Eastport, the period from 1955 to present day, there has been profound change for the Passamaquoddy in our most every sphere, from education and religion to economic and political. Changes in national policy regarding poor people and the realization of both state and national levels that the American Indians have been treated unjustly has influenced these changes. The Federal Government took an active role in addressing Indian issues throughout the United States while Maine Tribes continued to live in poverty and subjugation.

In 1980, the Maine Indian Land Claims Settlement Act was signed. Along came federal recognition for the Maine Tribes who now had a land base, primarily living on reservations for the Passamaquoddy and the Penobscot, land held in trust by the Federal Government – in trust by the Federal Government. No, we don't own property. I don't own property. I come from the reservation. I was raised and brought up on a reservation. No, I don't pay taxes because I don't own any land, per se, in my name because we hold it in common, the grave misunderstanding with the residents in the State of Maine in regard to Native people. I'm just going to stick to my script.

In 1994, when it was my first term in the Legislature, the Passamaquoddy Tribe submitted legislation for casino gaming for the first time – 1994. LD 1998, An Act Authorizing a Tribally Owned Casino, caused quite a stir in this state. There was a task force to study the impact of a Maine based casino on the economy, transportation, infrastructure, state revenue and job market 2002, via information of the good Representative Mr. Casavant. There were reports from the state of Connecticut that we had to show on social impact, jobs, study after study after study. Construction impact, hospitality impact, you name it, social impact. We had to answer for everything. Spirituality, drunkenness, you name it. All the Indian casino was going to bring in was the hoochee coochees and you name it, they were going to bring them in. Well, I wonder. The Indians don't have a tribally operated casino but you have one in Bangor and I ask you, do you have all those things? In spite of all the fear of an Indian operated casino, there is a racino presently operating in Bangor. LD 1998 was vetoed not to pass in the House and other body.

At that time I came to the Legislature, a greenhorn with this speech. Full of confidence, oh they are going to help Indian people, and I said, thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. The Passamaquoddy People live in two communities in Washington County on our ancestral lands. We have lived there since time immemorial. Our land base has been reduced and reservations have been created. We need to sustain those communities. The people of the Passamaquoddy Tribe elected me to present their views to the Maine Legislature. My Tribe, like any community, does not always speak with one voice. You may have seen and heard opposition to this bill from individual members. I speak today, however, to assure you that

this bill is strongly supported by the elected leaders of the Tribe, many of who have been here in the past few weeks.

In addition, the bill is supported by the great majority of Tribal members who lived on the Indian Township and Pleasant Point Reservations – reservations. How many of you know what it's like to be raised and brought up on a reservation? Think about it. To this majority, this project is opportunity. It is not a goal in itself but a means of achieving our own tribal objectives, of doing things we want to do and we must do if we are to develop as a Tribe. We have enough experience with government subsidies and government programs and handouts and 10 percent from projected racino games. We had enough. We have enough experience with government subsidies and programs to know that we must lift each other as Tribal members and lift ourselves as a Tribe if we are going to succeed. To me and the majority of my Tribe, this bill is not about gambling. It is about jobs in our local area. It is about investment in Calais and the surrounding region where we live and it is about establishing a commercial attraction that will stimulate long-term economic growth in the area.

In the end this bill is about our Tribal communities and our culture, our language, religion, traditions and history that have been passed on to us early. Our cultures live through our community. It is how they practiced and passed on to new generations only in the setting of Tribal community to keep our communities, to keep our language, the traditions and ceremonies that bind us together and make us Passamaquoddy. We need strong Tribal communities. We need communities that are vibrant and well where people look to the future, knowing that we control our own destiny. When that spirit is present and I know that we hold our people in our culture, it is for this that we need a local economy that is big enough to include us so that we can sustain our people in the traditions and ways that have come down to us which, today in 2011, I would have thought that we would have been more understood than we were back then in 1993. Just as we have cooperated with the City of Calais in developing their proposal for the benefit of the whole area, Indian and non-Indian alike, we extended our hand to the Chief Executive and the Attorney General of this state and to this Legislature with this bill. We have taken this course because we want good relations with the people of Calais, of the state, and we want to contribute to the growth of Washington County. The majority of the people in Washington County believe this bill will succeed in doing that and that was back in 1994 when I first spoke in the House asking the body to pass an Indian casino. What a ruckus.

In 2007, LD 805, An Act to Authorize Tribal Commercial Track and Slot Machines in Washington County, passed the House and other body, only to be vetoed by Governor Baldacci, a native of Bangor. In 2010, LD 1808, An Act to Allow a Casino in Oxford County, was the Tribe's third attempt for gaming legislation. My brother Donald Soctomah was the Tribal Representative and spoke eloquently for passage of LD 1808 to the Joint Standing Committee of Legal Affairs. In his statement at that time he said, Good afternoon Senator Sullivan and Representative Trinward and Members of the Joint Standing Committee of Legal Affairs. I am Donald Soctomah and I represent the Passamaquoddy in Maine. Today I am here to speak on LD 1808, An Act to Allow a Casino in Oxford County. As you know the Tribes have been working for the last 18 years towards building a business in the gaming industry. In 1992, it was the Tribe's first proposal. We were told gaming would not work in Maine and crime would increase. In early 2000, we proposed a gaming operation in southern Maine. We were told we should not have it in our area. So in 2007 we proposed a gaming operation in our own area but

people said they only wanted one, so we waited. Meanwhile stores closed in our area, the unemployment rates went up and young people moved away. We cannot sit idly by and let Washington County and the Tribe continue to have a depressed economy. People there are hard workers and want to stay in Maine and not leave their families behind. We have seen gaming industry across the nation provide an economic boost to local communities and the state general funds. The gaming operation in Bangor has proven to be a decent run business with no increase in crime and millions of dollars in the area, so Representative Soctomah stated at the time. It is time for the Tribe in Washington County to be treated fairly on this issue of economic development, fairly he says. What he is asking for from this body is equity for Native American people in the State of Maine. It is not fair for the rest of the state to move ahead and leave Washington County behind. The economic condition of the Passamaquoddy Tribe is not good. The per capita income already is only one half of the state average; unemployment is four to five times higher than the state average. With all that news Washington County still has the highest poverty rate in this state and it has not stabilized. There is great development potential, both in generating new revenue to the Passamaquoddy Tribe in the State of Maine as well creating jobs inside a depressed region. A Washington County gaming facility will create jobs in federal areas including gaming, security, hospitality, construction, law enforcement, and tourism. Gaming fosters economic development.

So LD 1808 was Indefinitely Postponed by the House and other body. After 17 years we are still here asking for equity – equity – in our continued effort to survive in today's struggling economy. I am asking for your support in helping the Passamaquoddy Tribe to bring about economic development through LD 1203. That would make a difference in creating jobs and creating substantial revenue for this state without increasing taxes, and yet to conclude I am going to speak of the time when business as usual in Maine came to a halt, when ownership of two-thirds of the land in Maine was questionable. There was no banking, no bonding, no sale or buying of homes or property and people were frightened. I ask you, did the Tribal Government debate the issue for a decade? Did my Tribal Government debate the issue of your dilemma for 17 years? No. My Tribal people did not. They did the right thing and signed off because we did not want to cause any hardship for Maine families because all know too well as Tribal people what hardship means. I thank you for your indulgence in this matter and I ask that you support LD 1203. 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. 125

YEA - Beaudoin, Beaulieu, Beck, Beliveau, Bennett, Berry, Boland, Briggs, Burns DC, Carey, Casavant, Chase, Chipman, Clark T, Cornell du Houx, Crafts, Crockett, Cushing, Davis, Eberle, Espling, Eves, Guerin, Hamper, Hayes, Hinck, Johnson D, Kaenrath, Knapp, Lajoie, Longstaff, McKane, Morissette, Morrison, Moulton, Richardson W, Rochelo, Rotundo, Russell, Sirocki, Strang Burgess, Stuckey, Timberlake, Treat, Valentino, Wagner R, Weaver, Webster, Winsor.

NAY - Ayotte, Beavers, Bickford, Blodgett, Bolduc, Bryant, Burns DR, Cain, Cebra, Chapman, Clark H, Clarke, Cotta, Cray, Curtis, Damon, Dill J, Dion, Dow, Duchesne, Dunphy, Edgecomb, Fitts, Fitzpatrick, Flemings, Flood, Fossel, Foster, Fredette, Gifford, Gilbert, Gillway, Goode, Graham, Hanley, Harlow, Harmon, Harvell, Haskell, Herbig, Hogan, Hunt, Johnson P, Kent,

Keschl, Knight, Kruger, Libby, Long, Lovejoy, Luchini, MacDonald, Maker, Malaby, Maloney, Martin, Mazurek, McCabe, McClellan, McFadden, Nass, Nelson, Newendyke, O'Brien, O'Connor, Olsen, Parker, Parry, Peoples, Peterson, Picchiotti, Pilon, Plummer, Prescott, Rankin, Richardson D, Rioux, Rosen, Sanborn, Sanderson, Sarty, Shaw, Stevens, Theriault, Tilton, Turner, Tuttle, Volk, Waterhouse, Welsh, Willette A, Willette M, Wood, Mr. Speaker.

ABSENT - Black, Celli, Driscoll, Innes Walsh, Kumiega, Priest, Wintle.

Yes, 49; No, 94; Absent, 7; Vacant, 1; Excused, 0.

49 having voted in the affirmative and 94 voted in the negative, 1 vacancy with 7 being absent, and accordingly the Majority **Ought Not to Pass** Report was **NOT ACCEPTED**.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-400)** 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-400)** and sent for concurrence.

HOUSE DIVIDED REPORT - Majority (11) **Ought Not to Pass** - Minority (2) **Ought to Pass as Amended by Committee Amendment "A" (H-436)** - Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act Regarding Establishing a Slot Machine Facility"

(I.B. 1) (L.D. 985)

TABLED - June 1, 2011 (Till Later Today) by Representative BEAULIEU of Auburn.

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

Subsequently, Representative BEAULIEU of Auburn **WITHDREW** his motion to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

Subsequently, the same Representative moved that the House **ACCEPT** the Minority **Ought to Pass as Amended** Report.

Representative CROCKETT of Bethel **REQUESTED** a roll call on the motion to **ACCEPT** the Minority **Ought to Pass as Amended** Report.

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

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

ROLL CALL NO. 126

YEA - Ayotte, Beaulieu, Beavers, Bickford, Blodgett, Bolduc, Bryant, Cain, Carey, Clark H, Clarke, Cotta, Cray, Cushing, Dill J, Dion, Duchesne, Edgecomb, Fitts, Fitzpatrick, Flemings, Fossil, Foster, Gifford, Gilbert, Gillway, Goode, Harlow, Harmon, Harvell, Haskell, Herbig, Hunt, Johnson P, Keschl, Knight, Lajoie, Libby, Long, Longstaff, Lovejoy, Luchini, MacDonald, Maker, Malaby, Maloney, Martin, Mazurek, McCabe, McClellan, McFadden, Nelson, O'Connor, Olsen, Parker, Parry, Peoples, Peterson, Plummer, Prescott, Rankin, Rioux, Rosen, Rotundo, Sanderson, Shaw, Stevens, Theriault, Tilton, Timberlake, Turner, Tuttle, Waterhouse, Welsh, Willette M, Winsor, Wood, Mr. Speaker.

NAY - Beaudoin, Beck, Beliveau, Bennett, Berry, Boland, Briggs, Burns DC, Burns DR, Casavant, Chapman, Chase,

Chipman, Clark T, Cornell du Houx, Crafts, Crockett, Curtis, Damon, Davis, Dow, Dunphy, Eberle, Espling, Eves, Flood, Fredette, Graham, Guerin, Hamper, Hayes, Hinck, Hogan, Johnson D, Kaenrath, Kent, Knapp, Kruger, McKane, Morissette, Morrison, Moulton, Nass, Newendyke, O'Brien, Picchiotti, Pilon, Rochelo, Russell, Sanborn, Sarty, Sirocki, Strang Burgess, Stuckey, Treat, Valentino, Volk, Wagner R, Weaver, Webster, Willette A.

ABSENT - Black, Cebra, Celli, Driscoll, Hanley, Innes Walsh, Kumiega, Priest, Richardson D, Richardson W, Wintle.

Yes, 78; No, 61; Absent, 11; Vacant, 1; Excused, 0.

78 having voted in the affirmative and 61 voted in the negative, 1 vacancy with 11 being absent, and accordingly the Minority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-436)** 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-436)** and sent for concurrence.

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

Representative TUTTLE: Thank you, Mr. Speaker. Mr. Speaker, in reference to Roll Call No. 116, LD 775, if I would have been here I would have voted no. In reference to Roll Call No. 117, LD 903, if I were here I would be voting no. On Roll Call No. 118, LD 521, if I was here I would be voting no. On Roll Call No. 119, LD 814, if I was here and voting I'd be voting no. Finally, Mr. Speaker, on Roll Call No. 120, LD 1031, if I were here I'd be voting yes. Thank you, Mr. Speaker.

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

On motion of Representative BEAULIEU of Auburn, the House adjourned at 8:09 p.m., until 9:00 a.m., Tuesday, June 7, 2011.