

MAINE STATE LEGISLATURE

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

Daily Edition

First Regular Session

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ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE
FIRST REGULAR SESSION
61st Legislative Day
Tuesday, June 14, 2011

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

Prayer by the Honorable Helen Rankin, Hiram.

National Anthem by the Honorable Emily Ann Cain, Orono.

Pledge of Allegiance.

The Journal of Friday, June 10, 2011 was read and approved.

SENATE PAPERS

The following Joint Order: (S.P. 518)

ORDERED, the House concurring, that Bill, "An Act To Reduce Energy Prices for Maine Consumers," S.P. 501, L.D. 1570, and all its accompanying papers, be recalled from the Governor's desk to the Senate.

Came from the Senate, **READ** and **PASSED**.

READ and **PASSED** in concurrence.

Non-Concurrent Matter

Bill "An Act To Amend the Labor Laws Relating to Certain Agricultural Employees"

(H.P. 898) (L.D. 1207)

Majority (7) **OUGHT TO PASS AS AMENDED** Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-268) in the House on June 9, 2011.

Came from the Senate with the Reports **READ** and the Bill and accompanying papers **COMMITTED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Bill "An Act Regarding Write-in Candidates in Municipal and City Elections"

(H.P. 629) (L.D. 832)

Majority (12) **OUGHT TO PASS AS AMENDED** Report of the Committee on **VETERANS AND LEGAL AFFAIRS** **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-403) in the House on June 9, 2011.

Came from the Senate with the Minority (1) **OUGHT NOT TO PASS** Report of the Committee on **VETERANS AND LEGAL AFFAIRS** **READ** and **ACCEPTED** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Bill "An Act To Allow Municipalities To Restrict the Possession of Firearms in Certain Circumstances"

(S.P. 170) (L.D. 578)

Reports **READ** and the Bill and accompanying papers **INDEFINITELY POSTPONED** in the House on June 10, 2011.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Minority (4) **OUGHT TO PASS** Report

of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A"** (S-143) in **NON-CONCURRENCE**.

The House voted to **INSIST**.

COMMUNICATIONS

The Following Communication: (H.C. 198)

STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0001

June 10, 2011

The 125th Legislature of the State of Maine
State House

Augusta, Maine

Dear Honorable Members of the 125th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 821, "Resolve, To Study the Feasibility of Transferring Administration of the Liquor Laws to the Bureau of Alcoholic Beverages and Lottery Operations."

As the Chief Executive of the State of Maine, I need to have the broadest possible discretion to manage Government. Resolves, such as this one, force us to expend limited resources exploring conceptual policy positions that may or may not be acted upon by the Legislature in the future. I appreciate the attempt by the Legislature to find more efficient ways to run our State. On the liquor laws in particular, Commissioner Morris is beginning an effort to completely review them and ensure they are appropriate to Maine's needs.

My experience in the private sector turning around failing companies has prepared me well for the mission before all of us — fixing State Government to work better and more efficiently for all Maine people. While this Resolve is returned unsigned, please know that the Commissioners, my staff, and I will be working hard over the summer to evaluate all of the State's operations. When the Legislature returns, we will have a plan ready.

For these reasons, I return LD 821 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage

Governor

READ and **ORDERED PLACED ON FILE**.

The accompanying Resolve, To Study the Feasibility of Transferring Administration of the Liquor Laws to the Bureau of Alcoholic Beverages and Lottery Operations

(H.P. 617) (L.D. 821)

(C. "A" H-483)

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

ROLL CALL NO. 170V

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

Tuttle, Valentino, Wagner R, Webster, Welsh.

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

ABSENT - Bolduc, Flemings, Kaenrath, Kent, Libby, McKane, Nass, Wintle.

Yes, 67; No, 75; Absent, 8; Vacant, 1; Excused, 0.

67 having voted in the affirmative and 75 voted in the negative, 1 vacancy with 8 being absent, and accordingly the Veto was sustained.

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

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

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

REPORTS OF COMMITTEE

Divided Reports

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought Not to Pass** on Bill "An Act Regarding Municipal Authority To Review Construction Permits for Public Buildings"

(S.P. 154) (L.D. 562)

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" (S-291)** on same Bill.

Signed:

Senator:

WHITTEMORE of Somerset

Came from the Senate with the Reports **READ** and the Bill and accompanying papers **INDEFINITELY POSTPONED**.
READ.

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

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought Not to Pass** on Bill "An Act To Increase the Penalty for Sexual Abuse by Certain Offenders"

(S.P. 432) (L.D. 1392)

Signed:

Senator:

GERZOFISKY of Cumberland

Representatives:

PLUMMER of Windham
BLODGETT of Augusta
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" (S-283)** on same Bill.

Signed:

Senators:

MASON of Androscoggin
WHITTEMORE of Somerset

Representative:

BURNS of Whiting

Came from the Senate with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-283)**.

READ.

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

Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on Bill "An Act To Allow Counties To Opt Out of Maine Judicial Marshal Service"

(H.P. 1132) (L.D. 1543)

Signed:

Senators:

HASTINGS of Oxford
BARTLETT of Cumberland
WOODBURY of Cumberland

Representatives:

BEAULIEU of Auburn
FOSTER of Augusta
KRUGER of Thomaston
MALONEY of Augusta
MOULTON of York

PRIEST of Brunswick
ROCHELO of Biddeford
SARTY of Denmark
WATERHOUSE of Bridgton

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-605)** on same Bill.

Signed:
Representative:
NASS of Acton

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

Committee of Conference

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act To Protect the Privacy of Persons Involved in Reportable Motor Vehicle Accidents"

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

has had the same under consideration, and asks leave to report:

That the House **RECEDE** from **ACCEPTANCE** of the Majority (8) **OUGHT TO PASS AS AMENDED** Report of the Committee on **TRANSPORTATION**; **RECEDE** from **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-405)** and **RECEDE** from **ADOPTION** of **COMMITTEE AMENDMENT "A" (H-405)**.

That the House **CONCUR** with **ACCEPTANCE** of the Minority (5) **OUGHT TO PASS AS AMENDED** Report of the Committee on **TRANSPORTATION**; **CONCUR** with **ADOPTION** of **COMMITTEE AMENDMENT "B" (H-406)**, and **CONCUR** with **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-406)**.

That the Senate **READ** and **ACCEPT** the Report.

Signed:
Representatives:
CEBRA of Naples
GILLWAY of Searsport
MAZUREK of Rockland

Senators:
COLLINS of York
HASTINGS of Oxford
DIAMOND of Cumberland

The Committee of Conference Report was **READ** and **ACCEPTED**.

Subsequently, the House voted to **RECEDE AND CONCUR**.

CONSENT CALENDAR

First Day

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

(S.P. 311) (L.D. 991) Bill "An Act To Establish the Maine New Markets Capital Investment Program" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-299)**

(S.P. 352) (L.D. 1152) Bill "An Act To Amend the Child and Family Services and Child Protection Act" Committee on

JUDICIARY reporting **Ought to Pass as Amended by Committee Amendment "A" (S-294)**

(H.P. 265) (L.D. 332) Resolve, Regarding Legislative Review of Portions of Chapter 11: Rules Governing the Controlled Substances Prescription Monitoring Program, a Major Substantive Rule of the Department of Health and Human Services (EMERGENCY) Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass**

(H.P. 688) (L.D. 928) Bill "An Act To Repeal the Requirement That Electrical Companies Be Licensed" Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass**

(H.P. 1164) (L.D. 1581) 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) Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass**

(H.P. 413) (L.D. 530) Bill "An Act To Allow Alternative Delivery Methods for Locally Funded School Construction Projects" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-613)**

(H.P. 951) (L.D. 1296) Bill "An Act To Amend the Maine Medical Use of Marijuana Act To Protect Patient Privacy" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-615)**

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

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

(S.P. 477) (L.D. 1515) Bill "An Act To Clarify the Workers' Compensation Insurance Notification Process for Public Construction Projects" Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass**

On motion of Representative FLOOD of Winthrop, was **REMOVED** from the First Day Consent Calendar.

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

The Bill was **READ ONCE**.

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED** in concurrence.

ENACTORS

Emergency Measure

An Act To Conform the Authority of the Department of Environmental Protection to Federal Law

(S.P. 507) (L.D. 1575)
(C. "A" S-201)

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. 111 voted in favor of the same and 21 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem and sent to the Senate.

Emergency Measure

Resolve, To Review Issues Dealing with Regulatory Takings
(H.P. 1086) (L.D. 1477)
(C. "A" H-600)

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

Acts

An Act Regarding the Moose Lottery and Moose Management
(H.P. 235) (L.D. 291)
(C. "A" H-598)

An Act Regarding Pharmacy Reimbursement in MaineCare
(H.P. 272) (L.D. 346)
(C. "A" H-563)

An Act To Require a Person Who Commits a Sex Offense against a Dependent or Incapacitated Adult To Register under the Sex Offender Registration and Notification Act of 1999
(S.P. 205) (L.D. 624)
(C. "A" S-286)

An Act To Reduce Regulations for Residential Rental Property Owners
(H.P. 889) (L.D. 1198)
(H. "A" H-595 to C. "A" H-575)

An Act To Allow Deferred Disposition in Juvenile Cases
(S.P. 402) (L.D. 1299)
(C. "A" S-289)

An Act To Create a Consolidated Liquor License and Amend the Laws Governing Agency Liquor Stores
(S.P. 403) (L.D. 1300)
(C. "A" S-226)

An Act To Extend Fire Code Rules to Single-family Dwellings Used as Nursing Homes for 3 or Fewer Patients
(H.P. 954) (L.D. 1302)

An Act To Amend the Laws Regarding Custody of the Remains of Deceased Persons
(H.P. 1095) (L.D. 1490)
(C. "A" H-596)

An Act To Promote School Attendance and Increase School Achievement
(S.P. 473) (L.D. 1503)
(C. "A" S-287)

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

Resolves

Resolve, To Protect the State from Accumulating Future Hospital Debt
(H.P. 628) (L.D. 831)
(C. "A" H-581)

Resolve, To Direct the Department of Education To Contract for an Independent Review of the Essential Programs and Services Model
(H.P. 702) (L.D. 958)
(C. "A" H-604)

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

Resolve, To Reform the Land Use and Planning Authority in the Unorganized Territory
(H.P. 1126) (L.D. 1534)
(C. "A" H-561)

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

On motion of Representative CAIN of Orono, was **SET ASIDE**.

The same Representative **REQUESTED** a roll call on **FINAL PASSAGE**.

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

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

Representative **McCABE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, Friends and Colleagues. I rise today in opposition of LD 1534 and I believe that folks who were here the other night for the debate, it was pretty clear that supporting this bill is really nothing more than supporting a step that moves us closer towards the abolishment of LURC. For that reason, I continue to oppose this motion. Thank you very much.

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

ROLL CALL NO. 171

YEA - Ayotte, Beaulieu, Bennett, Bickford, Black, Burns DC, Burns DR, Cebra, Celli, Chase, Clark H, Clark T, Cotta, Crafts, Cray, Crockett, Curtis, Cushing, Damon, Davis, Dow, Dunphy, Edgcomb, Espling, Fitts, Fitzpatrick, Flood, Fossel, Foster, Fredette, Gifford, Gillway, Guerin, Hamper, Hanley, Harmon, Harvell, Johnson D, Johnson P, Keschl, Knapp, Knight, Lajoie, 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, Strang Burgess, Tilton, Timberlake, Turner, Volk, Waterhouse, Weaver, Willette A, Willette M, Wood.

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

ABSENT - Bolduc, Kaenrath, Wintle, Mr. Speaker.

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

77 having voted in the affirmative and 69 voted in the negative, 1 vacancy with 4 being absent, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker Pro Tem and sent to the Senate.

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

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

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment Friday, June 10, 2011, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

SENATE DIVIDED REPORT - Report "A" (6) **Ought Not to Pass** - Report "B" (6) **Ought to Pass as Amended by Committee Amendment "A" (S-211)** - Committee on **INSURANCE AND FINANCIAL SERVICES** 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)

- In Senate, 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)**.

TABLED - June 6, 2011 (Till Later Today) by Representative BECK of Waterville.

PENDING - Motion of Representative RICHARDSON of Warren to **ACCEPT** Report "A" **OUGHT NOT TO PASS**. (Roll Call Ordered)

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

Representative **BECK**: Thank you, Mr. Speaker Pro Tem. Mr. Speaker Pro Tem, Ladies and Gentlemen of the House. Please oppose the pending motion. An insurance fraud division will address real problems. Forty-two other states have some form of insurance fraud division and fraud is a real problem there and here in Maine. According to a 2009 report from the Bureau of Insurance, there are over 2,000 cases of insurance fraud reported to the bureau, including 35 cases of arson. The same report noted that there are no criminal prosecutors in Maine who focus specifically on fraud and it is unclear if the Attorney General's office has sufficient resources to combat the serious issue of insurance fraud. An insurance fraud division is supported by the insurance community, by insurance companies, but it is also good for consumers because the division will not just combat external fraud, but also fraud perpetrated by insurance companies, insider trading, and scam entities that target seniors and other customers. It's important to note that every dollar saved by fighting any type of fraud helps honest policyholders who pay premiums and make legitimate claims. This bill, this idea is a bipartisan idea. It's important to note that a new insurance fraud division will not be paid for by the General Fund, but by assessments on regulated entities like insurance companies. Please stand up against insurance fraud and against those Mainers that pay premiums and make honest claims and oppose the pending motion. Thank you.

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

Representative **RICHARDSON**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. Again, this is one of these bills that we've had in each of the sessions that I have been here. It's to add on, I'm going to call it, to government. I do not think it is necessary and I would hope that you would vote; follow my light as we vote on this bill. Thank you.

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

Representative **TREAT**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I would like to add my voice and a vote of many of the members of this committee with my good chair, Representative Richardson, of Warren, and ask that you vote for the Ought Not to Pass Report, which is the

pending motion. This bill is unnecessary. It creates a new bureaucracy, adding seven new positions in the Bureau of Insurance and one new position in the Attorney General's office. It will cost \$647,443 in 2011-2012 and \$860,337 in 2012-2013. While these dollars certainly will come from the industry, I have no doubt that they will be paid by policyholders. Maine's level of fraud can be handled with the staff that we had. There was no crying need that was really demonstrated to the committee. I urge your support of the pending motion.

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

Representative **FOSSEL**: Thank you very much, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Two years ago, this was my bill and I sponsored it. There is a reason for fraud investigation in the State of Maine, but this bill goes way too far, spends too much money. If you wanted to do a very limited test bill and sunset it, I think that would be appropriate to consider, but not this bill. Please vote against it. Thank you.

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

ROLL CALL NO. 172

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

NAY - Beavers, Beck, Beliveau, Blodgett, Clark H, Clarke, Dill J, Eberle, Graham, Longstaff, MacDonald, Maloney, Martin, Pilon, Stuckey, Theriault, Tuttle, Valentino.

ABSENT - Bolduc, Carey, Kaenrath, Sanderson, Wintle, Mr. Speaker.

Yes, 126; No, 18; Absent, 6; Vacant, 1; Excused, 0.

126 having voted in the affirmative and 18 voted in the negative, 1 vacancy with 6 being absent, and accordingly Report "A" **Ought Not to Pass** was **ACCEPTED** in **NON-CONCURRENCE** and sent for concurrence.

An Act To Provide Options to Municipalities Concerning the Maine Uniform Building and Energy Code

(H.P. 1042) (L.D. 1416)
(C. "A" H-553)

TABLED - June 10, 2011 (Till Later Today) by Representative CURTIS of Madison.

PENDING - **PASSAGE TO BE ENACTED**.

Representative HUNT of Buxton **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

More than one-fifth of the members present expressed a

desire for a roll call which was ordered.

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

Representative **BOLAND**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just wanted to remind the House that although the original report showed a 10-3 vote on this, it's actually 8-5 due to a couple of us having changed our votes when we discovered how improperly it really was before our committee.

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

Representative **HUNT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. LD 1416 signifies a major rollback in the direction that codes were going. It makes it so 40 percent of the state is no longer covered, which creates a patchwork system, which we were trying to avoid in the first place. Multiple contractors, bankers, insurance, environmental groups have all come out in opposition to 1416. I don't know how many more people need to come out before we say, wait a second, maybe this isn't the right direction.

In the most recent Maine Municipal Association flyer, they were talking about LD 1416 and LD 1253 and they go on to say presumably further steps will be taken to reconcile the adoption of LD 1253 and LD 1416 whose terms are fundamentally incompatible. Fundamentally incompatible? I go back to LD 1253 where the committee unanimously came together and listened to hours of testimony coming up with the fixes that people wanted. We solicited items that people wanted to fix and we fixed them. I can't stress enough the departure from policy this has been to go back, bipartisan policy, to enact 1416. I think this is a wrong direction for our state, creates a patchwork system. It makes it even more difficult for our contractors who were clamoring for consistency and predictability. Thank you, Mr. Speaker.

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

Representative **TREAT**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I just rise to point out that as a member of the Regulatory Fairness and Reform Committee I sat through, along with my colleagues, I believe, seven public hearings. In those public hearings there was a great deal of testimony that did not support this type of rollback of our building codes. In fact, there was much more support for keeping those codes strong and uniform and since we have just signed and seen the Chief Executive sign LD 1 yesterday, I think that it's appropriate that we don't pick and choose other things that that committee decided not to do and start enacting them, when in fact the vast majority of the opinion that we heard in our committee was not in favor.

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

Representative **DRISCOLL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This bill, to me, I mean it prevents kind of an underhanded backdoor approach that undermines the collaborative process that we went through in the Labor, Commerce, Research and Economic Development Committee, over a number of meetings, which involved stakeholders within the process that reached a unanimous decision out of committee. I've talked about the process down here previously on other bills and I think this was an underhanded process. This issue should have come back to our committee. We were the committee of reference for a lot of major work on this bill. Why it didn't come to our committee and the stakeholders that have worked hard to come out with the unanimous process, I'm not sure why that happened. Whether

the members were not trustful of the previous report that we generated in a unanimous manner or they felt that this needed to be rushed through before the end of the session, which obviously our committee didn't do with the previous bill which deals with a similar issue. I just am kind of taken aback by the way the process is taking place here and I think it undermines the work of the members of the committee that I serve on and the people that took the time to respond to the process that we had on our committee, which took place over quite a period of time. Thank you very much, Mr. Speaker.

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

Representative **HINCK**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. Maine should be getting more energy efficient, not less energy efficient. Energy efficiency doesn't just happen. We will be more energy efficient if we take the right steps, if we enact the right policies, if we move in the right direction. This is one of those votes. If you think Maine should be more energy efficient, your vote has to be no.

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

Representative **McKANE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Just to respond to some of the things I've heard this morning and we have already debated this bill, but I guess we're going through it again. Maine is getting more energy efficient. Market forces are requiring that as are banks that are loaning the money. I've been in construction for 30 plus years and certainly over the past 25 I've never seen a building that wasn't built as a home that wasn't extremely energy efficient. Two by six studs, modern windows, modern doors, and frankly, they are over-insulated and too tight in some cases. As far as what I've heard about the unanimous decision of the committee, that committee voted on a code that did not exist yet. Now that we have the code we're finding out that it is much more extreme than anyone had imagined and it is expensive and it is onerous.

In response to the good Representative from Hallowell, I heard the opposite on the seven offsite hearings that I went to. I heard that people were very, very concerned with this code and that it was standing in the way of some small projects, and it was adding to the cost and the bureaucracy. This is not a rollback. The code has barely gone into effect yet. People don't know what's there, but it's going to stay in place. Maine is going to continue to have the Uniform Building and Energy Code. It simply brings up the population, the size of the municipality that's exempt from it. I hope you support this common sense bill. Thank you, Mr. Speaker.

The SPEAKER PRO TEM: 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 recognize we have debated this previously, but I think it's important to make sure that we all understand what happen with this bill. This bill allows municipalities to opt out of the Maine Uniform Building Code. The majority of the testimony that we heard before State and Local Government was from contractors, code enforcement officials, and people who support those who are of low income. They were against this bill. The majority of testimony, they were against this bill. They did not say that this was onerous. They said they recognize this is an important thing for the state to do. I have real problems with the fact that this is inconsistent with the work of the Labor, Commerce, Research and Economic Development Committee. I don't understand why this bill came to State and Local Government. I agree that this was a backdoor way of undoing MUBEC and that's difficult for me and I will not

support this bill. Again, it allows municipalities to opt out. That is not uniform and it will, in the long run, hurt Maine's economy, not help it. Thank you, Mr. Speaker.

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

Representative HUNT: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This makes it so that 40 percent of the state will no longer have to follow this code. That's what it does. You know, it makes a patchwork system. Think about your own towns. Think about your own districts. One of your towns might be in the Uniform Building Code, one might be able to opt out. What does that do for the contractors in your town? What does that do? Sometimes you've got to follow it, sometimes you don't. It's just confusing. Thanks a lot.

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

Representative BURNS: Thank you, Mr. Speaker. As we said before with the previous bills that try to put these strings on municipalities, this would be a high cost for municipalities, another unfunded mandate. I came up to this House to do the work of the people, to protect the people, to do what's right for the State of Maine. I find it kind of ironic that in the last six months that I spent my time protecting the people of Maine, but who am I protecting the people of Maine from? I'm protecting them from us with things like this. Let the people live. Let the municipalities govern themselves. They've been elected to do their jobs. They cannot afford these high priced inspectors. Some of these cities might, but these small rural local municipalities with 2,000 or 3,000 folks that get by day by day on the small amounts of money that they're able to raise through their taxations on properties, this is just a bad unfunded mandate. So please, support the motion, protect the people from us and overregulation. That's what this is. Thank you, Mr. Speaker.

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

The SPEAKER: The Chair recognizes the Representative from Searsport, Representative Gillway.

Representative GILLWAY: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just want to bring a little bit of perspective here. Maine Municipal reports that there are 490 municipalities in the State of Maine. State law already exempts 324 of those municipalities because of its size. We're talking about adding about 65 to 70 more municipalities to that list. So we're already out of whack when it comes to enforcement of this or the enforcement of MUBEC and all we're asking for is a little more time.

I had occasion yesterday to speak to my code enforcement officer back home and he agrees. He covers five different municipalities. Four of the five are not having to comply with MUBEC and ours is the only one that does. This will give him some time. It will give our municipalities some time to get on board and I'm quite sure in the next Legislature it will probably lower the numbers. We're already out of whack and this just gives us a little more time. Thank you.

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

Representative MacDONALD: Thank you, Mr. Speaker. I urge standing in opposition to the vote on Enactment to this bill. I would just remind the members that this is as much as the good Representative from Portland, Representative Hinck, said, this is as much an energy-related bill as it is a simple straightforward

construction-related bill. The residential sector of our energy use accounts for 21 percent of all energy use. It produces more CO2 emissions than cars. You wouldn't imagine that, but it's true. That's a national figure. Maine is probably higher because we're so much more dependent upon oil, most of which comes from foreign sources and represents an energy dollar flow out of the state that we simply can't afford. We had testimony in front of BRED that 85 percent of new construction was not energy efficient. Homes last for 50 to 100 years. What an investment that it would be to make sure that every one of these new homes was more energy efficient than they are currently under our current laws and practices. Even if banks are requiring this more and more, why can't the state move it as a policy to help those Mainers who are building new homes save more money on their energy costs over the lifetime of their home? This isn't about small communities necessarily; it's about Mainers as consumers, as homebuilders, as people who live in their homes. They can save money by us adopting a policy which promotes greater energy efficiency in home construction. I urge you to vote against this bill and keep MUBEC in place for a larger majority of Maine communities, so that we can save our taxpayers money on their energy expenditures as we move forward. Thank you, Mr. Speaker.

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. 173

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

ABSENT - Beck, Kaenrath, Wintle.

Yes, 76; No, 71; Absent, 3; Vacant, 1; Excused, 0.

76 having voted in the affirmative and 71 voted in the negative, 1 vacancy with 3 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

HOUSE DIVIDED REPORT - Majority (10) **Ought Not to Pass** - Minority (3) **Ought to Pass as Amended by Committee Amendment "A" (H-527)** - Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Legalize and Tax Marijuana"

(H.P. 1067) (L.D. 1453)

TABLED - June 7, 2011 (Till Later Today) by Representative PLUMMER of Windham.

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

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

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

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

Representative **PLUMMER**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. As chair of a committee I see it as part of my job to introduce bills. Who am I to introduce a bill on the subject of marijuana to this body, especially in light of the fact that during my younger days, and I hope Representative Timberlake won't be offended, but in my younger days the substance we chose to abuse was apple cider. The only other real connection I had growing up with marijuana is in first grade I did have a friend named Mary Jane. Now I will attempt to talk about LD 1453.

When the session began I looked over the list of bills that the Criminal Justice Committee was facing and I was not real high on the marijuana bills. As the session progressed and we did our public hearings on the earlier marijuana bills, there was the distinct odor in the room. The more I breathed or perhaps inhaled the air in the room, the higher marijuana became on my agenda.

Now I will say that LD 1453 had a much different flavor than the other marijuana bills. Representative Russell did an excellent job with her presentation of the bill. She provided us with a great deal of material, including a binder that was well organized. In fact, my pile of unread material during this debate grew like a weed. Okay, I'm done with my attempts at humor. If I'd had a chance to carpool with Representative Duchesne, I'm sure I could have come up with more. I do recognize that this bill, "An Act To Legalize and Tax Marijuana," could present a problem for some of my colleagues that took the no new tax pledge. Representative Russell did a wonderful job in her oral presentation. As I have witnessed on many occasions, my friend from Portland did her usual brief and succinct presentation. I'm sure that she stayed well within our three minute committee time limit. The public hearing on LD 1453 was distinctly lacking in the cockalorum of some of the other marijuana bills earlier in this session. It had a much pleasanter aroma shall we say.

In conclusion, I ask that you consider that this is a 10-3, Ought Not to Pass Report. I do believe that if I am granted the longevity of my mother who is 24 years to the day older than I am, I will see this drug legalized for recreational use. I do, however, believe that this bill proposes a situation whose time has not come. I've also noticed during this session there has been quite a bit of storytelling and, Mr. Speaker, I assure you that this story is germane to the topic. During an earlier work session, in fact we had three work sessions where all three bills on marijuana came out Ought Not to Pass, and in the back of the room a gentleman who had sat quietly through all three stood up, held up a baggie that looked to me like some kind of dried leaves, and he declared "I'm breaking the law and I demand to be arrested." I asked him if he would mind stepping out in the hall and we'd see what we could do to accommodate. The Capitol Police arrived shortly and made his day. At this point, Mr. Speaker, I will be happy to yield any remaining time that I have to anyone who has more experience with marijuana than I have. 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. How could I possibly follow that? I keep hearing over and over again with bills "this is a jobs bill." Well, the bill before you is a green jobs bill. This week marks the 40th year since President Nixon declared a war on drugs that was then largely fought against consumers of marijuana. On June 2nd, the Global Commission on Drug Policy held a press conference calling for governments to explore new options to replace criminal prohibition. Regulating cannabis was a priority, especially for the former presidents of Columbia and Brazil. In the wake of that, this is one of the few bills – this is actually the only bill in the country that has answered the call to debate and to have a serious debate about the war on drugs. If you agree that the war on drugs is working, I cannot change your mind. However, for those of you who question whether the war on drugs, Mr. Speaker, is working, I passed out a floor sheet last week that demonstrated very clearly that the United States of America is very high on the list of incarceration in comparison to the rest of the world. In fact it is so far off the charts that it literally goes off the charts. So if you have it in front of you, I advise you to take a look at that.

So this in mind, that today I stand in opposition to the pending motion so that we may support the Minority Ought to Pass as Amended Report. This bill does several things. First and foremost, LD 1453 changes the paradigm of how we look at drug policy. I believe it is time we see these policies through the lens of public health and not through the lens of the criminal justice system. The numbers I am about to give you are in a different floor sheet that I also circulated last week. In 2008, 2,942 Maine people were arrested for the possession of marijuana while only 508 were arrested for the sale and manufacturing of it. The total was 3,450 marijuana arrests out of the 5,769 drug arrests that year. Those are Maine numbers. Of those 3,450 marijuana arrests, the DEA only arrested 107 meaning local law enforcement picked up the tab for the rest of those arrests.

In 2009, again exactly 3,450 people were arrested for marijuana – 2,900 for just possession – out of the 5,879 total drug arrests. That year, the DEA made 157 of those arrests. So just under 3,000 of our 5,879 total drug arrests are for marijuana and the vast majority of those are just for possession. Ladies and Gentlemen of the House, Mr. Speaker, we spend about \$26 million per year to root out, prosecute and jail for the possession and sale of marijuana and, as we pointed out, a large majority of that money comes from local law enforcement. That is money we could put to better use than turning otherwise law-abiding citizens into criminals.

This bill was actually designed to protect children. Currently we have no control over the marijuana market. As a result, not only is marijuana readily accessible to young people ages 12 to 17, many are even selling it to their friends. This bill creates a regulatory structure to truly limit access to marijuana for people under the age of 21. There are safe havens around schools, consequences for selling to a minor, and prohibitions against marketing to youth.

Because we have not gotten out ahead of this issue, an entire black market has risen up to meet the demand of consumers. People talk about marijuana being a "gateway drug." Let me read to you a portion of an email I received from a social worker from Gray the other day: "I am 50 years old, and I am a licensed clinical social worker, a licensed alcohol and drug counselor, and a diplomate of the National Association of Social Workers. I have worked in many settings: inpatient detox and rehab; inpatient psychiatry; residential treatment for people who are homeless

and chemically dependent; educating men who batter; mobile crisis and intervention; health care, including renal failure and hemodialysis support; and private psychotherapy practice. I am writing to express my strong support for LD 1453 to legalize, regulate, and tax marijuana. In my professional experience, marijuana is not a 'gateway drug' to harder drugs." This is someone who has spent her life dealing with chemical dependence.

Let me speak to the drug trade, Mr. Speaker. Marijuana is a significant portion of the drug trade. By removing marijuana sale from the black market, we would be drying up much of the market. In doing so, we would be eliminating the territory wars associated with gangs and organized crime. Some would have you believe that when I speak to that, I am speaking to the drug cartels in Mexico that, as we all know, requires a federal change in our drug policy. I am speaking to the gangs and organized crime that are right here in Maine.

Further, if we made addiction treatment a policy priority, we would lower violent property crime and robbery, something on the rise across the state. Many of those robberies are people trying to get money for their next fix. Nix the fix and you fix the crime. By reducing our costs of enforcement, we can focus more attention on addiction treatment which can help do just that.

Mr. Speaker, this bill would bring in an estimated \$8.5 million in new sales tax revenue. This revenue does not account for the new income tax revenue that would be generated when black market operations come on to the books and "above the table."

Our economy is still reeling from the Great Recession. Why are we turning a blind eye, Mr. Speaker, to sales and income tax revenue that could be used to make the types of investments we need to build a strong, sustainable economy – such as farming investment, land preservation, weatherization and higher education?

Some members of the committee expressed concern about our existing marijuana laws and I want to thank the good Representative from Hampden, Representative Cushing, for circulating an orange sheet regarding a different bill. Let me explain, Mr. Speaker, the history and where we are today real quick. In October 2009, Deputy Attorney General Ogden wrote an advisory for the US Attorneys essentially saying their resources could be better used on major crimes than chasing down medical patients. Nationally, people understood that to mean they were kind of given an unofficial green light to set up medical dispensaries. Since that time, medical dispensaries have been unveiled across the country where medical marijuana laws permit, including right here in Maine.

Recently, however, Oakland, California, voted to allow three big box dispensaries – 20,000 square feet each – in their city. As a result, on February 1st of this year, the US Attorney for Southern California released an updated letter which sent questions through the medical marijuana community.

On May 16th, the HHS Committee right here in Maine received this letter that Representative Cushing circulated from our US Attorney stating: We can neither endorse nor comment on the specifics of the MMA or the proposed amendments other than to advise you those activities by users (patients), caregivers and dispensaries remain illegal under the federal Controlled Substances Act. There has been such confusion nationally that the ACLU recently requested more specific guidance regarding the official position of the Department of Justice.

What this says is that whether you do medical marijuana or you do full legalization, the fact remains they are all illegal under federal statute.

All while this has been happening, the Republican presidential debates have been breathing new life into the debate

around the effectiveness of our drug policies. On Tuesday of last week, the Connecticut House of Representatives passed SB 1014, a bill to make possession of less than 14 grams of marijuana a non-criminal violation for adults. There was a heavy debate about the concept, but the measure prevailed in a 90-57 vote.

Passing this legislation here in Maine will not have a negative impact on our medical laws. In fact, there are lots of things happening nationally that are transforming the direction of our country's drug policy. In a public forum held recently by the good Representative from Farmington, Representative Harvell, Attorney General Schneider was asked if the Federal Government looked at our current laws any different than they would look at fully legalizing marijuana. His answer was very simple and very clear: No.

The *Sun Journal* reported on that event and you have that in your floor sheets. Let me read what they wrote about the chief of police on the panel and just for some background, the good Representative had the chief of police on there as a former MDEA officer to hold down the side that said the war on drugs was working. "As a police officer who also worked with the Maine Drug Enforcement Agency, he said most marijuana users tend to be sleepy and nonviolent. 'I've never fought with anyone stoned. I've never been to a marijuana overdose,' he said. He agreed that 'we should look at decriminalizing it, regulate it and tax it.' " This is a chief of police who formerly was a MDEA officer, not to mention an undercover narcotics agent.

Mr. Speaker, we are reaching a tipping point. If we defeat this motion, Mr. Speaker, and allow the Minority Report to prevail, we would be putting in a framework in place for how we deal with the full legalization when it finally happens. Further, this measure would send the bill to the people for ratification by referendum.

Let me speak to the referendum issue briefly, Mr. Speaker. This issue is going to come to us one way or another. As many of you know, I serve on the Veterans and Legal Affairs Committee, a committee dealing with casinos. We had an opportunity to get out ahead of the casino issue years ago and set up a framework for how the state proceeds. We failed to act and now the issue comes before us through referendum repeatedly, usually through self-interested parties.

Today, we have an opportunity to fully vet this issue and set up a legal framework that protects the broadest interests of our people. That said, I do believe this needs to be ratified by the people so the committee has added an amendment to it which would send this to referendum. It would also not take effect until the Federal Government changes its policies, something I may not always agree with.

Mr. Speaker, Ladies and Gentlemen of the House, this is an issue whose time has come. For decades, this has been viewed by policymakers as a "fringe" issue, sort of the red-headed stepchild of the '60s. It is time, however, that we stop turning law-abiding people into criminals and begin taxing marijuana for commercial sale. We have an opportunity to refocus our scarce criminal justice resources toward issues that truly devastate communities while also investing in the core components of our economy with the revenue that will be generated by the sale of a drug that is already being sold.

I know this is a complicated policy so feel free to send me notes with questions. I will try to keep up with the questions posed through the Chair, if there are any, and I will try to answer them toward the end of the debate. This is very simple, ladies and gentlemen. A couple of years ago, 59 percent of Maine people voted to expand access to medical marijuana through the use of dispensaries, 59 percent in a year where same-sex marriage was on the ballot. It was a very conservative year as

many of you know and still 59 percent of Maine people voted to expand access to medical marijuana. I think that we have an opportunity to put the full legalization before the people with a framework that is in the best interest of the people. It does not come to us that way. It does not come to us from the people written, however, folks want it to be written. We would have an opportunity to partner with them and not have to deal with all the fixes that we have had to deal with this year. So folks, I urge you to defeat the current motion so that we can support the Minority Ought to Pass as Amended Report. Thank you for your time and I hope that we will have a serious debate about drug policy because the arrests are really high and the revenue could be. Thank you, ladies and gentlemen. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Waterboro, Representative Libby.

Representative LIBBY: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition of this motion and I do that not as a drug advocate for use or abuse, nor for tobacco use or alcohol abuse. I rise because when we look at alcohol prohibition, it didn't work and it caused undue consequences. When we look at the Eighteenth Amendment, we know the history of that and the history of the Twenty-First and what happened in between that. When we think about it, what amendment makes the possession and the sale and the use of marijuana illegal by the Federal Government? What amendment? It's not there.

In actuality, when we look at the history of it, the marijuana tax of 1937 didn't even make marijuana illegal. It added a tax and in that hearing the American Medical Association actually testified against the marijuana tax. They testified against because it was used for medical purposes and they said their position was to regulate it, not to tax it. In a recent *Wall Street Journal* article by Mary O'Grady, titled "The Economics of Drug Violence," "Mexican officials estimate that the marijuana business makes up more than half of the Mexican cartels' income." And a later *New York Post* journalist stated "Mary O'Grady explains why the current prohibition on marijuana in the United States strengthens the power of the Mexican drug cartels. Legalization in the US would mean greater competition within the marijuana market which would break the power of the cartels' current monopoly."

I was unfortunately a victim of a burglary last August and the reason why they went in my house, they stole thousands of dollars worth of electronics and other articles of my possessions. They didn't steal my beer. They didn't steal my liquor. They actually didn't even touch the cigars that may or may not have come from Cuba. They stole the things that they could sell and they sold it that next day or that day, the police officers are not sure, for drug money. This causes undue consequences and there is absolutely no authority by the Federal Government because the amendment is not there. We should follow the Constitution, stop trying to police moralities, let the law be the law. Thank you.

The SPEAKER: The Chair recognizes the Representative from Brewer, Representative Celli.

Representative CELLI: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I will be voting for the measure, but I wish that we could pass legalization of marijuana. But until the Federal Government does something, we would only be calling the wolves down on the State of Maine. We already have problems associated with the medical marijuana law and the Federal Government. I just don't believe the time has come yet for this. We have to have the Federal Government make the first move on this one. Thank you.

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. Many of you know I've been involved in the medical marijuana arena for quite some time now. It's been 20 years since my daughter's illness, 21 now, so I have come in contact with a lot of questions, issues, people, reports, information, contacts around marijuana and its use. While I am not prepared to put in place at this point in time, I think there are some very interesting questions which have been brought up by this debate and by the fact that we've had this bill seriously considered here in the House of Representatives. The good Representative who sits right behind me, Representative Celli, has brought up a very interesting point and I would hope that we would be able to get to the Minority Report of the committee, which truly does have a balance between finding out how people in Maine feel about the legalization and taxation of marijuana, absent the discussion, which is usually the first thing people say to me, isn't that illegal at the federal level? So while I won't speak about the amendment because I know that would be improper, Mr. Speaker, I would encourage people to think about how the discussion would change here in this state were that not so, and hopefully we'll be able to go on and have a discussion regarding the potential of sending this out to the voters. Thank you very much, Mr. Speaker.

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

Representative HINCK: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. The subject of this bill is not high on my legislative agenda, no pun intended. It is, however, no doubt popular in my district. I think if the polling was to be examined it may be popular in just about every district in the state. When the good Representative from Portland raised this issue, my reaction was to prefer that it not come to the Legislature. I do think that some of the residents of Maine who would support the bill would do so for very good policy reasons, many of which have already been touched upon. Some of those policy reasons have gotten support across the political spectrum and from some very unlikely sources. I had the very same concern that the good Representative from Brewer, Representative Celli, expressed. I think that that came up in committee because it was addressed in the Committee Amendment. Therefore, I can vote no. 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. 174

YEA - Ayotte, Beaudoin, Beaulieu, Bennett, Bickford, Black, Boland, Briggs, Bryant, Burns DC, Burns DR, Cain, Carey, Casavant, Celli, Chase, Clark H, Clark T, Clarke, Cornell du Houx, Cotta, Crafts, Cray, Crockett, Curtis, Cushing, Damon, Davis, Dion, Dow, Duchesne, Eberle, Edgecomb, Espling, Eves, Fitzpatrick, Flood, Fossel, Foster, Fredette, Gifford, Gillway, Goode, Graham, Guerin, Hamper, Hanley, Harmon, Herbig, Hogan, Hunt, Johnson D, Johnson P, Kent, Knapp, Knight, Kumiega, Long, Longstaff, Luchini, Maker, Malaby, Martin, Mazurek, McCabe, McClellan, McFadden, McKane, Morissette, Moulton, Nass, Nelson, Newendyke, O'Connor, Olsen, Parker, Parry, Peterson, Picchiotti, Pilon, Plummer, Prescott, Rankin, Richardson D, Richardson W, Rochelo, Rosen, Rotundo, Sanborn, Sanderson, Sarty, Shaw, Sirocki, Strang Burgess, Theriault, Tilton, Timberlake, Treat, Turner, Tuttle, Volk, Waterhouse, Weaver, Willette A, Willette M, Winsor, Mr. Speaker.

NAY - Beavers, Beliveau, Berry, Blodgett, Bolduc, Chapman, Chipman, Dill J, Driscoll, Dunphy, Fitts, Flemings, Gilbert, Harlow, Harvell, Haskell, Hayes, Hinck, Innes Walsh, Keschl, Kruger, Lajoie, Libby, Lovejoy, MacDonald, Maloney, Morrison, O'Brien, Peoples, Priest, Rioux, Russell, Stevens, Stuckey, Valentino, Wagner R, Webster, Welsh, Wood.

ABSENT - Beck, Cebra, Kaenrath, Wintle.

Yes, 107; No, 39; Absent, 4; Vacant, 1; Excused, 0.

107 having voted in the affirmative and 39 voted in the negative, 1 vacancy with 4 being absent, and accordingly the Majority Ought Not to Pass Report was ACCEPTED and sent for concurrence.

HOUSE DIVIDED REPORT - Majority (11) Ought Not to Pass - Minority (2) Ought to Pass as Amended by Committee Amendment "A" (H-174) - Committee on VETERANS AND LEGAL AFFAIRS on Bill "An Act To Repeal the Maine Clean Election Laws"

(H.P. 489) (L.D. 659)

TABLED - June 7, 2011 (Till Later Today) by Representative CUSHING of Hampden.

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

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

ROLL CALL NO. 175

YEA - Ayotte, Beaudoin, Beaulieu, Beavers, Beliveau, Berry, Bickford, Blodgett, Boland, Bolduc, Briggs, Bryant, Burns DC, Cain, Carey, Celli, Chapman, Chipman, Clark H, Clarke, Cornell du Houx, Cotta, Cray, Crockett, Curtis, Cushing, Dill J, Dow, Driscoll, Duchesne, Eberle, Eves, Fitzpatrick, Flemings, Flood, Fossel, Gifford, Gilbert, Goode, Graham, Guerin, Hamper, Hanley, Harlow, Harvell, Haskell, Hayes, Herbig, Hinck, Hogan, Hunt, Innes Walsh, Kent, Keschl, Knapp, Kruger, Kumiega, Lajoie, Long, Longstaff, Lovejoy, Luchini, MacDonald, Maker, Maloney, Martin, Mazurek, McCabe, McFadden, McKane, Morissette, Morrison, Moulton, Nass, Nelson, O'Brien, Olsen, Parker, Peoples, Peterson, Picchiotti, Pilon, Plummer, Prescott, Priest, Rankin, Richardson D, Richardson W, Rochelo, Rosen, Rotundo, Russell, Sanborn, Sanderson, Sarty, Shaw, Stevens, Stuckey, Theriault, Tilton, Treat, Tuttle, Volk, Wagner R, Weaver, Webster, Welsh, Willette A, Willette M, Winsor, Wood, Mr. Speaker.

NAY - Bennett, Black, Burns DR, Casavant, Chase, Clark T, Crafts, Damon, Davis, Dunphy, Edgecomb, Espling, Fitts, Foster, Fredette, Gillway, Harmon, Johnson D, Johnson P, Knight, Libby, Malaby, McClellan, Newendyke, O'Connor, Parry, Rioux, Sirocki, Strang Burgess, Timberlake, Turner, Valentino, Waterhouse.

ABSENT - Beck, Cebra, Dion, Kaenrath, Wintle.

Yes, 112; No, 33; Absent, 5; Vacant, 1; Excused, 0.

112 having voted in the affirmative and 33 voted in the negative, 1 vacancy with 5 being absent, and accordingly the Majority Ought Not to Pass Report was ACCEPTED and sent for concurrence.

SENATE DIVIDED REPORT - Majority (9) Ought to Pass as Amended by Committee Amendment "A" (S-258) - Minority (4) Ought Not to Pass - Committee on INSURANCE AND FINANCIAL SERVICES on Bill "An Act To Include Teachers in the State Employee Health Insurance Program"

(S.P. 261) (L.D. 857)

- In Senate, Majority OUGHT TO PASS AS AMENDED Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-258).

TABLED - June 8, 2011 (Till Later Today) by Representative RICHARDSON of Warren.

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

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

The Bill was READ ONCE. Committee Amendment "A" (S-258) 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-258) in concurrence.

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

BILLS RECALLED FROM GOVERNOR

(Pursuant to Joint Order - House Paper 1175)

An Act To Require Use of the Electronic Death Registration System

(S.P. 392) (L.D. 1271)

(C. "A" S-157)

- In House, PASSED TO BE ENACTED on May 31, 2011.

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

On motion of Representative STRANG BURGESS of Cumberland, 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 ENACTED.

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 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" (S-157) was ADOPTED.

The same Representative PRESENTED House Amendment "A" (H-621) to Committee Amendment "A" (S-157), which was READ by the Clerk.

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

Representative STRANG BURGESS: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This bill is about electronic filing of vital records. It's something we've been working hard on over the last couple of sessions here and this bill makes a minor grammatical correction to this bill. Thank you.

Subsequently, House Amendment "A" (H-621) to Committee Amendment "A" (S-157) was ADOPTED.

Committee Amendment "A" (S-157) as Amended by House Amendment "A" (H-621) thereto was ADOPTED.

The Bill was PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-157) as Amended by House Amendment "A" (H-621) thereto in NON-CONCURRENCE and 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 10, 2011, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

An Act To Change the Campaign Contribution Limits
(S.P. 260) (L.D. 856)
(S. "A" S-220)

TABLED - June 9, 2011 (Till Later Today) by Representative CUSHING of Hampden.

PENDING - **PASSAGE TO BE ENACTED.**

Representative CAIN of Orono REQUESTED a roll call on **PASSAGE TO BE ENACTED.**

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

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

Representative CAREY: Thank you, Mr. Speaker. Mr. Speaker, I'll be brief. This is a policy that I disagree with. The effect of this would be to increase the influence of special interests in Maine politics. Be that as it may there are many policy issues that this body considers that we may not agree with, but each of us makes our own decision and we go through the process, and I respect that. I guess that's my biggest concern with the bill as it is before us. This idea has had no public hearing. The public hearing that existed for this bill dealt with simply county and local candidates. There was an amendment added on once it reached the third floor of this building that would bring the gubernatorial campaigns into this as well. This same idea, the idea of raising gubernatorial privately financed limits, was suggested to be introduced as two other amendments to two other bills before the body this year. At both of those times, there was bipartisan uncomfot with that being introduced as an amendment at that time without it having had a public hearing. It is no different in this case and for that reason I would ask the entire body to vote against this. There is an opportunity to have this discussion next year. There still would be plenty of time if that needs to happen before the next gubernatorial election campaign. That would three years at that point. There is no rush on this and I ask you to follow my light and vote this down. 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. We just heard from my good friend of Lewiston, Representative Carey, speaking against this motion because of special interests. I want you to think about any of us that do Clean Elections, what special interests really does. Special interests in Clean Elections, for me, for example, doubled my Clean Election money last year because the person that ran against me had special interests do many mailings on his behalf. So to look at Clean Elections at being the reason that this is bad just doesn't pass the straight-faced test. I urge you to vote in favor of this. Thank you.

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. 176

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

ABSENT - Beck, Wintle.

Yes, 76; No, 72; Absent, 2; Vacant, 1; Excused, 0.

76 having voted in the affirmative and 72 voted in the negative, 1 vacancy with 2 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

The House recessed until 2:00 p.m.

(After Recess)

The House was called to order by the Speaker.

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

Bill "An Act To Amend the Labor Laws Relating to Certain Agricultural Employees"

(H.P. 898) (L.D. 1207)

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

Subsequently, the House voted to **RECEDE AND CONCUR.**

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

Bill "An Act Regarding Write-in Candidates in Municipal and City Elections"

(H.P. 629) (L.D. 832)

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

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

UNFINISHED BUSINESS

The following matter, in the consideration of which the House was engaged at the time of adjournment Friday, June 10, 2011, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

SENATE DIVIDED REPORT - Majority (7) Ought to Pass as Amended by Committee Amendment "A" (S-19) - Minority (5) Ought Not to Pass - Committee on LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT on Bill "An Act Regarding the Membership of the Midcoast Regional Redevelopment Authority Board of Trustees"

(S.P. 54) (L.D. 204)

- In Senate, Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-19)**.

TABLED - April 5, 2011 (Till Later Today) by Representative **PRESCOTT** of Topsham.

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

Subsequently, Representative **PRESCOTT** of Topsham moved that the Bill and all accompanying papers be **INDEFINITELY POSTPONED**.

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 bill has been a long time in coming and I feel that there are many different matters that we need to be taking up and not local issues. This issue is about who can and cannot serve on the Midcoast Regional Redevelopment Authority Board. MRRA is a public entity. The two host towns are Topsham, the district I represent, and Brunswick across the river. Its members are appointed by the executive director, confirmed by the other body, and after, the confirmation is done by the LCRED Committee. These are the filters that exist today before one is confirmed on to the MRRA Board. This bill was unanimously opposed by the Brunswick Town Council, every single member. Many traveled up here to testify against it. It is unanimously opposed by my Topsham Board of Selectmen who also showed up to testify against LD 204. Not one public member came to support LD 204 and I will also note that the Brunswick Downtown Association also testified opposing the bill.

Let me just tell you a little bit about MRRA. The law states clearly now that elected officials cannot serve on the MRRA Board. That's state, county and municipal elected officials cannot serve. It's crystal clear. It always has been from the time the MRRA Board came into existence. LD 204 takes this one step further and expands this restriction to include all municipal officials. Think about that in your own districts, Ladies and Gentlemen of the House, Mr. Speaker, all municipal officials. Your town managers, your assistant town managers, your economic development people, your planning people. They all fall in that category. To limit the pool of these qualified applicants, those who have important and needed input, continuity and expertise on this MRRA Board would be a shame.

MRRA is working. We, the delegation on my side of the river and on the other side of the river, stood together at a press conference not that long ago celebrating the new company that had just joined the Brunswick Naval Air Station, now called the Brunswick Landing, to celebrate new jobs, good jobs that have come to Brunswick Landing. Qualified people serving on the MRRA Board have brought it success. Topsham and Brunswick need to have a say. These two towns have added responsibilities of code enforcement, fire, police, planning,

zoning, public safety. One would say they have a vested interest. They know their towns, they serve their public. MRRA is a public entity, not a private corporation. Decisions have a permanent effect on these surrounding communities. This bill would put us on a different playing field than the successful redevelopment efforts of Pease and Loring, the same two redevelopment efforts that MRRA was mirrored after. We would now stand alone with LD 204 in the nation. MRRA is vibrant, it's working, we are proud of this in the Topsham/Brunswick Midcoast area and I hope that all involved, from those here in Augusta to those who represent the constituents in the Midcoast area and those who serve in the municipalities, can work together to best serve the good people of Maine. As the bill's sponsor himself said, and I quote, "Those elected officials and don't forget they are elected by their constituents, should be able to make those decisions. They know their municipalities far better than I. Allow our citizens to make the decisions through their elected officials that they elected them to do." Now that was a speech last week on guns, but the principle stays the same. Municipalities should make these decisions. Please join me in defeating this unnecessary and unwanted legislation and let's move on to ending the session productively. Thank you, Ladies and Gentlemen of the House.

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

Representative **PRIEST**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. Let me make a couple of corrections before I get into my full speech here. The Authority is governed by a Board of Trustees composed of 11 voting members, appointed by the Chief Executive and subject to review by the joint standing committee of the Legislature having jurisdiction over economic development matters in the confirmation of the other body. So essentially these folks are nominated by towns and counties in the Midcoast area, not just Brunswick, not just Topsham but the Midcoast area, and are appointed by the Chief Executive. The bill that is at stake here and that the good Representative wants to Indefinitely Postpone only prohibits people who serve at the pleasure of elected officials from serving on the board, not all town officials. So that's important that you understand that distinction. Let me ask you to vote against the Indefinite Postponement of this bill and therefore we can come to support the Majority Ought to Pass Report, the bipartisan Majority Ought to Pass Report.

Let me give you a little history here. When the Brunswick Naval Air Station was closed the Midcoast area lost \$140 million of annual payroll, \$10 million income and sales tax and 5,000 jobs. That was a major blow to the Midcoast economy and it was a major blow to the state as a whole. The Legislature and the Chief Executive responded in a bipartisan manner. They first set up the Regional Redevelopment Authority, which came up, which was supposed to come up with a master plan for the redevelopment of the Brunswick Naval Air Station and for its economic future. The Brunswick Town Council also rezoned the area at that time. Elected officials were on the Regional Redevelopment Board and that's as it should be. When the Regional Redevelopment Authority had done its work, the Legislature then put into effect the Midcoast Regional Redevelopment Authority. That was supposed to be composed, in our minds, of business people and developers nominated by the towns in the Midcoast region, not just from the Brunswick and Topsham area, and in fact that's what happened. Brunswick has four residents on the board. There are 11 members. Topsham has an area for a person on the board. That area has not yet been filled. MRRA's job was to attract business, attract good jobs, and in fact that's exactly what's happened. MRRA has attracted good jobs, over 600 jobs now. We have up to 1,000

that are going to be there within the next couple of months.

The problem arose, as the good Representative from Topsham mentioned, that the Brunswick Town Council decided that it did not have enough influence on the MRRRA Board and it wanted its town manager to be on the MRRRA Board. Well, the town manager sure is at the pleasure, serves at the pleasure of the Town Council. So the Brunswick delegation felt that was just a way of getting around the no elected officials prohibition. Why was the Town Council worried about this? The Town Council was worried about this because if Brunswick has its town manager on the MRRRA Board, Topsham is going to want to have its town manager on the MRRRA Board. If Topsham has its town manager on the MRRRA Board, Bath is going to want its town manager on the MRRRA Board, and pretty soon instead of having business being attracted by businesspeople and developers you're going to have town managers on there, each of whom is looking out for its own town and not for the Midcoast region as a whole. That, we felt, was a problem. The MRRRA is the one effective and successful business operation we have in this state and it has attracted good paying jobs to the Midcoast area, not just to Brunswick, not just to Topsham but to the entire Midcoast area. We think that having the town manager would be a mistake. It would inject town politics into the MRRRA Board. We think that is a huge mistake. So again, what we are asking again is for you to defeat the pending Indefinite Postponement motion and allow us to get on to the Majority bipartisan Ought to Pass Report. Thank you.

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

Representative CROCKETT: Thank you, Mr. Speaker. Mr. Speaker, Distinguished Members of the House. I have the despicable privilege of rising in opposition to the pending motion. Sometimes in this body we confuse personalities involved with policy at stake. This bill, if we look closely at the policy, actually is a Republican idea. It comes from my side of the aisle in previous Legislatures. In fact, that's what it amends. It amends a body of law that was initiated by a Republican. It's a Republican principle. Taking the greater good of the region over the interests of a single municipality is a pretty important notion, something we should embrace. That's probably why it comes from the other body in a unanimous posture. I just offer a couple of other thoughts and I promise not to drag on.

The most successful redevelopment, if you study BRAC, the most redevelopment in the Northeast was Fort Devens, which is now just Devens, and you'll note that Section 9, Chapter 498, the Commonwealth of Massachusetts actually has, previously did allow elected officials, and then the law goes on to say no elected official of the Federal Government, the Commonwealth or any political subdivision of the Commonwealth, i.e. towns, or employee or agent of or contractor for the bank or the commission may serve hereunder as the commissioner. Why would you do that? Because you can take the municipal interests, those small personal agendas, out of the mix and that's a good thing. That means a healthier development. You also have to give certain deference to what the good Representative from Brunswick is saying, that if you allow one town to be represented you need to allow all. It's something you really want to think about, and if a roll call has not been requested yet, Mr. Speaker, I would like to do so.

Representative CROCKETT of Bethel REQUESTED a roll call on the motion to INDEFINITELY POSTPONE the Bill and all accompanying papers.

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

Representative TUTTLE of Sanford 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 Sanford, Representative Tuttle.

Representative TUTTLE: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I realize today that emotions are running high, I know, from both sides of the testimony and I think in situations like this it's very difficult to weigh out the way we should go. But I think it is in the best interest of the citizens of the state to do this because of the MRRRA Board's implication to economic development statewide. I hope that we would defeat the pending motion of Indefinite Postponement so we can go on to support the Majority Report.

As you've heard the bill provides that a member appointed to the Board of Trustees of the Midcoast Regional Redevelopment Authority may not be an employee who serves at the pleasure of a person who holds elected offices in municipal, county or state government. This bill, in my opinion, will clarify that the legislative intent of this law was to prevent members of the board from being controlled by elected officials. The MRRRA Board, as many of us know, is independent and a transparent board and this needs to continue in order to retain its integrity and the public support, which requires keeping politics out of the board. If this bill is not passed, the board could end up being filled with all town managers and people with vested interests who would lack transparency and, in my opinion, it would be the wrong way to go. The town manager or someone working for a town council is hired as appointed, not elected. They sit at the pleasure of the elected official and they could act at the direction of that elected official. This board represents a result of a federal/state partnership to develop an area in Maine that is of great importance to the entire state. The board should not include elected officials as this was one of the recommendations made by the base closure officials. This bill should be far away from political influence. It doesn't affect just one municipality, but it affects the entire state with investments from many communities in the area.

I know when talking to a former member, Senator Courtney, and Senator Rector, their concerns with the original makeup of the board, that this so-called neutrality be maintained. I received a letter from a former chair of the committee, Nancy Smith, and she said: Dear John, In response to our conversation earlier, let me tell you my perspective. When the BRED Committee dealt with the composition of the board to oversee MRRRA, we gave thought to whether it was appropriate to include all elected officials on the board. My sense of it was that the elected officials already have plenty of opportunities to weigh in on the issues, as well as town managers, related to economic development. It is for that reason that I am supporting this bill and respectfully request that you would relay that message to the Legislature. Sincerely, Nancy Smith. Thank you, Mr. Speaker.

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

Representative BERRY: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise to concur with the three previous speakers and to emphasize that the purpose of the MRRRA Board is job creation or more accurately job restoration and not local politics.

When the Brunswick Naval Air Station closed jobs were lost regionally to at least 15 communities, not just one or two. Four thousand nine hundred military personnel jobs were lost, 700 civilian personnel jobs were lost, 120 contractor positions were lost to those 15 communities. If we are now going to allow each town affected to have a representative on MRRRA's board, a

political representative, we would need to add 15 positions to that 11-member board.

The good Representative from Phippsburg, I would like her communities to be represented. The Representative from Woolwich, I would certainly want his Sagadahoc County communities to be represented. The Representative from New Gloucester would need Durham to be represented on the board. The Representative from Freeport would need his community represented. And I certainly would need my communities of Bowdoin, Bowdoinham and Richmond to be represented as well.

The purpose of MRRA's work is job creation. It is not politics, it is certainly not local politics, and so I do ask that we vote against the pending motion and in favor of focusing on jobs. Thank you, Mr. Speaker.

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 to support this motion. We talk about taking politics out of these decisions, but yet we're making a very big political move to resolve the issue between two folks, a disagreement of who shouldn't be on here. So the state has asked to step in, become political and make a decision.

The previous speakers speak like municipalities don't have a vested interest of what's going on in their communities and I would beg to argue that. They have a very vested interest. Of course the rules state that they may not participate as an elected official. We try to insert ourselves into many things as an elected official and this is one of the things that we're inserting ourselves into, this regional public dispute. There is a vetting process that if someone is nominated for this position, they are brought before the Chief Executive for the appointment. There is plenty of time to vet there. They are also brought in front of the LCRED Committee for vetting there. I think if you go through all the right steps and we follow the procedures, some of the worries and the concerns that folks may be expressing that oppose this motion would have those issues resolved.

Again, as I said earlier today, you know I find myself protecting the people more from us than anything else. This is another step in overregulation and inserting into a personal dispute. This is really what this is, folks. It's a personal issue and yet we're going to right and make a law based off of a disagreement amongst a couple folks. This isn't the right way to run government. Please support the pending motion and vote green. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Belgrade, Representative Keschl.

Representative **KESCHL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of this motion. Town managers are experienced professionals hired to provide advice and counsel to the boards, select persons on local municipal councils. To suggest that they merely serve to do the bidding of those that hire them is wrong. I can attest to this fact, as a former town manager and one that knows many town managers throughout the state, the average tenure of a town manager ranges between five to seven years. This provides further evidence to the fact that they merely do the bidding of their appointing authorities. I urge you to follow my light and vote not to deny the support of an experienced town manager to the MRRA. Thank you.

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. I rise in support of the current motion. I'd like to address my friend, the

Representative from Bowdoinham's comments, Representative Berry, where he spoke of elected officials and the idea that politics gets involved in this. This bill that we're trying to indefinitely postpone has nothing to do with elected officials. It has to do with hired officials, people that have gone through the hiring process; they've sent in their resumes, they've been elected by their local towns. This is folks like the good Representative Keschl said, town managers, possibly economic development directors, maybe a public works director, people that have a vested interest in the community, but not only that, they're people that can bring a lot of information to the table and they can also report back to their town things that are happening in that committee or commission.

Just in my towns of Auburn and Lewiston, I'm going to give you some examples of committees and commissions that we have that we can allow municipal officials to serve. That would be the Auburn-Lewiston airport board, that would be our budget committee, that would be our charter commission, and it would be our comprehensive plan committee. It's very important that you have a good mix of people. That could be the private citizen and it could be the municipal official. Thank you, Mr. Speaker.

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 just want to say that I looked at the Pease papers while I was looking at the Brunswick papers, and like our Brunswick papers, they also said that no elected officials can serve. But the Pease papers had one other thing written there in black and white. It said that these employees and hired officials may serve. It was written in black and white. These officials may serve if chosen. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Oxford, Representative Hamper.

Representative **HAMPER**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Representative Dow took a little bit of wind out of my sails. Very interesting, very interesting. I've been reading the statute concerning the Loring redevelopment and Maine statute is silent on this issue. As I went to Title 1 from the New Hampshire statutes, it says that directors shall be residents of the state. They're talking about the redevelopment authority. No director shall be an elected public official, which mirrors MRRA. The Federal Government or any political subdivision of the state or Federal Government, notwithstanding any other provision of the law, public employees and appointed officials of the state and any of its political subdivisions may serve. Let's not make MRRA stand out and be any different. Let's stay out of this local fight. Thank you, Mr. Speaker.

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

Representative **PRIEST**: Thank you, Mr. Speaker. Let's correct what seems to be a mistaken impression. The bill does not prohibit municipal officials from serving. It only prohibits those persons who serve at the pleasure of elected officials from serving. There are municipal officials serving on the board. They have their own contracts, they have job security. They are not going to be serving at the pleasure of elected officials. It's only those who serve at the pleasure of elected officials. That's the key here. It's a very small item, but it's important because it prevents an elected official from essentially controlling the person who serves on the board. If the municipal official has a contract and is insulated from that pressure, there is no problem with them serving on the board under this bill. 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 just wanted to make a few more comments and then hopefully we can move this question. There have been no conflicts, no issues, no problems. It's a solution looking for a problem. The Brunswick town manager already served on this board and did so with professionalism and dignity. This is a local issue that we are trying to have the Legislature solve and I repeat that we need to allow our local municipalities to do that, their job, which is what they were elected to do as we should be doing our job as we're elected to do up here in the state. I find the "being controlled by elected officials" very interesting because that insinuates to me that municipal officials can't think for themselves, that they don't have a backbone. In my experience that is not the case and if I were one of them I would be very insulted. I disagree and I hope that you will join me in an Indefinite Postponement. Thank you.

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

Representative **WEBSTER**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise in opposition to the passage of this Minority Report. I ask you to join me in defeating this motion in order to then move on the Majority Report. Our purpose is to sustain the idea of keeping local and regional politics in the proper relationship with the thus far successful Midcoast Regional Redevelopment Authority, commonly known as MRRA. Again, our purpose is to defeat the Minority Report in order to get to the Majority Report.

I'd like to read the summary of the bill to reclarify: "This bill provides that a member appointed to the board of trustees of the Midcoast Regional Redevelopment Authority may not be an employee who serves at the pleasure of a person who holds elected office in municipal, county or state government." Mr. Speaker, that does not mean an economic development officer cannot serve. It does mean that a town manager who may have pressure, spine or not, from elected officials who have to deal with short-term issues and short-term goals will be influenced unduly. I tend to like details. Maybe that's why I'm on the Appropriations Committee. Actually, it appears I dislike sleep. Maybe that's another reason I'm on the Appropriations Committee. However, on this question I asked for details. I asked the Law Library to collect and provide to me research from across the country on base redevelopment. It supports the conclusions of the previous BRED Committee, which enacted MRRA in 2005, and it supports the Majority Report of the LCRED Committee, which this year passed the legislation we now have in question. Local, regional and state politics has a supporting role to play, but keep politics off the board.

As I read LexisNexis stories over and over I could see that those that flounder often do so, those redevelopment authorities that flounder often do so due to the improper insertion of political interests. Successful base redevelopments have two phases and in each politics has a specific role. The first planning stage requires extensive constituent participation and an open political process. In this phase the original local redevelopment authority, MLRA, Maine Local Redevelopment Authority, which soon became MRRA, they did this right involving citizens, community organizations, town managers, selectmen, town councilors, the public business interests and many others. The purpose of this phase was to develop an overall model and a business plan that creates the appropriate structures for business and for the business, town and regional relationships, including zoning and taxes and other considerations.

The second phase, which is underway at MRRA, which has

been successful across the country when done this way, is the implementation of the plan by a business-oriented board. As you've heard, this nonpolitical second stage is going well at Brunswick Landing. The question you must ask yourself is do you wish to go against the data, the wisdom, and the recommendations to risk this success? MRRA has been and continues to be a great success because it is structured to be nonpolitical. MRRA's legislative design is to be regional in nature with impacted communities able to be represented by membership on the MRRA Board. Brunswick currently has four of 11 members representing the host community. Because this development authority is somewhat unique in state support and regional participation, it's important to maintain a structure that avoids undue local political influence, the squabbling. Nonetheless, as others have mentioned, it's important to have effective coordination and communication, and it's needed between the host community and the board. To effect this, a special nonvoting paid liaison represents the town's interests, that is Brunswick's interests. There was a reason for this. The MRRA Board must be like other business entities, a board clear and unfettered of fiduciary duty. Therefore, the original legislation prohibited elected officials from serving. The intent was to void those political interests from interfering with the business of MRRA. The current legislation attempts to close a loophole that is in question and maintain a proper balance.

You've heard from Representative Tuttle. He spoke with the past chair of the Business Committee, the Honorable Nancy Smith, and he has read a letter to you. The intent of the original legislation stated by she has helped to take a base closing disaster and turn it into a wellspring of economic development. Proven national best practice and expert recommendations tell us that it would be better for all parties to trust the model that's working. Senator Courtney, who was the Senate lead on the BRED Committee which enacted MRRA in 2005, said his intent in crafting and passing the original legislation was that since there is a statewide investment and support, he wanted to keep MRRA focused on business development and out of politics. This year he came and testified in support of LD 204, stating that he agrees with keeping those who are under the direct supervision of town councils from serving. He felt that there are adequate structures in place to assure cooperation between the political and development authorities.

I have a letter from Jeffrey Simon, who is no doubt one of the more experienced individuals in base redevelopment. He, by the way, is in a private entity. He has worked in developing a number of redevelopment bases. He headed the redevelopment at Fort Devens. He worked for the Federal Government as a private entity with Actus. He directed and has been instrumental in redevelopment of four bases in Bermuda, a research center and base in Annapolis, Fort McClellan in California, and assisted in redevelopment of bases even in the Ukraine. He said, "In my experience keeping a board like this nonpolitical is very important. You not only want to seal the long-term project from short-term considerations, but you want the experience, judgment and business acumen of private citizens working on Naval Air Station Brunswick. Particularly given the incredible strain that state and local budgets are under today for which I have great sympathy, it is hard to see how this kind of long-term thinking can be brought to bear on a project with individuals who have short-term public interests at heart."

Mr. Speaker, I was very concerned by a letter I saw that stated that the MRRA Board has specifically asked for the appointment of Mr. Brown. "That MRRA has asked for this appointment." We submitted to your desks, it's a yellow sheet from the MRRA Board chair and the executive director refuting

this. It's unfortunate MRRA is caught in the middle. What's most important to us is for us to consider the consequences of dragging MRRA into this disagreement. This is exactly what we should be avoiding doing. Although I assume MRRA would never want to do anything to damage their close working relationship with the town of Brunswick and assume they might express willingness of certain appointments of past, as the MRRA Board stated in their letter, it would be out of character for the MRRA Board to make a request and they stated so in their letter.

Now back to the data. Ingleside, Texas mired in politics. South Weymouth, Mass not redeveloped for 16 years, politicians mired in politics. Fort Monmouth, New Jersey delayed. This is from LexisNexis. Willow Grove, Pennsylvania, delayed and mired, four years behind us. Said State Representative Ronald Mariano regarding South Weymouth's base in Massachusetts, it's hard to reconcile the two things of pulling off a project when there is provincialism and politics involved. "Step back and operate it like a business (because) the marketplace is who you really have to satisfy," said Bruce Steadman, CEO of the Plattsburgh Airbase Redevelopment. His agency turned a closed base into a success after politics was removed from the board and he was put in place to put together a business board. The results looked much healthier at the former Fort Devens which was redeveloped in the quasi-public agency. Devens went from primarily a military base to a thriving base that in 10 years is 85 percent completed. Steadman of the Plattsburgh Airbase said the real change at this base came when the political officials used their influence to get a turnaround specialist in and get politics out of the board. It just had to be somebody who wasn't a political animal. It was someone who came in and looked at it and said, here's our product, here are our customers, here's how we're going to go to market

Mr. Speaker, I have here in front of me an MIT study done by the Massachusetts Institute of Technology in support with the Economic Development Administration of the U.S. Department of Commerce. What they said, successful LRAs have strategies in common. I described them earlier. Two phases, the political part where you get everybody together, and then the business part where you turn them loose and let them do their job. The Village of Greenview, northwest of Chicago, relied on the use of corporate culture to provide business orientation to the redevelopment efforts of that base to keep out constituent politics. According to Pease Development Authority chairman Bill Bartlett, "When we put the authority together I insisted there be no elected officials. I wanted to focus on private sector development and hardnosed decision-making."

I think the data is pretty plain to see. The idea is that my town of Freeport, the town of Durham, the town of Bowdoinham, the town of Bath, the town of Pownal, towns all around the impacted area, those of us that have lost hundreds and hundreds of jobs and are counting on Brunswick Landing being successful in order to recreate the jobs in our communities, we made a clear statement. We do not want politics on the board. I spoke with a person who was from the Freeport Economic Development Council and I heard that she was nominated, I went to the town council, I went to her and I went to her board, and I said, "Does Sandie Updegraph work for the town, because if she does, in spite of the fact that she is excellent, I will oppose her nomination because I want no one who is under the control of an elected official." I turned to the two people from Freeport who did get nominated and I promised them "Once you're on the board I may ask you for information, but I never will try to influence your vote because that's not my job. I have access." So that, Mr. Speaker, is the way I think that we should be conducting ourselves, and

once again remember that economic development officers and planning officers and anyone else from the town can be on the board. This has to do with a small fix of what Senator Courtney wanted to do, what the Honorable Nancy Smith wanted to do and the others on the committee last time. Make sure that politics stays off of this board. Thank you very much.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of the Bill and all accompanying papers. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 177

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

NAY - Beaudoin, Beavers, Beliveau, Berry, Blodgett, Boland, Bolduc, Briggs, Bryant, Burns DC, Cain, Carey, Casavant, Celli, Chapman, Chipman, Clarke, Cornell du Houx, Crockett, Dill J, Dion, Driscoll, Duchesne, Eberle, Eves, Flemings, Gilbert, Goode, Graham, Hanley, Harlow, Haskell, Hayes, Herbig, Hinck, Hunt, Innes Walsh, Kaenrath, Kent, Kruger, Kumiega, Lajoie, Long, Longstaff, Lovejoy, Luchini, MacDonald, Maloney, Martin, Mazurek, McCabe, McFadden, Morrison, Nelson, O'Brien, Peoples, Plummer, Priest, Rankin, Rochelo, Rotundo, Russell, Sanborn, Theriault, Treat, Tuttle, Wagner R, Webster, Welsh.

ABSENT - Hogan, Pilon, Shaw, Stuckey, Wintle.
Yes, 76; No, 69; Absent, 5; Vacant, 1; Excused, 0.

76 having voted in the affirmative and 69 voted in the negative, 1 vacancy with 5 being absent, and accordingly the Bill and all accompanying papers were **INDEFINITELY POSTPONED** in **NON-CONCURRENCE** and sent for concurrence.

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

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

**CONSENT CALENDAR
First Day**

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

(H.P. 1028) (L.D. 1399) Bill "An Act To Implement the Recommendations of the Criminal Law Advisory Commission Relative to the Maine Criminal Code and Related Statutes" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A"** (H-618)

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

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

(H.P. 778) (L.D. 1043) Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2012 and June 30, 2013" (EMERGENCY) Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-620)**

On motion of Representative FLOOD of Winthrop, was **REMOVED** from the First Day Consent Calendar.

The Unanimous Committee Report was **READ**.

The **SPEAKER**: The Chair recognizes the Representative from Winthrop, Representative Flood.

Representative FLOOD: Thank you very much, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I thought I would take a few moments today to talk about the bill before you, LD 1043, to maybe save some time for tomorrow. It is the proposed biennial budget for years 2012 and 2013. Before discussing some of the major initiatives in the document, I did want to thank Grant Pennoyer, Maureen Dawson and all the OFPR staff, all the Appropriations committee members, all the members of this House and the other body, and the many Commissioners and staff, Controller Brann and his staff, and the Director of the Maine Public Employees Retirement System Sandy Matheson - all who assisted us over the last three months to conduct our hearings, our work sessions, and our deliberations. I also want to thank the Executive, Governor LePage, for putting forth some necessary and bold proposals for our consideration and also to the House and Senate staffs for their hard work too.

The Appropriations Committee brings before you today our third budget document this year that has passed unanimously. This would not be possible were it not for the trusting working relationships that have evolved within our committee. Each committee member and staff member plays a role in maintaining and enhancing that strong working relationship. We function this way because frankly it's a lot easier to get your work done when you trust one another, and it's what Maine people expect of us. They want us to work together to solve problems. Hopefully we have accomplished that for you within this document.

This particular unanimous committee document required considerable consensus-building around many sensitive proposed policy actions; a few more, frankly, than we could realistically accomplish with our self-imposed May 31st completion date. We apologize for not getting this to you sooner.

I want to thank the Appropriations Team for their patience and their expertise during the many days of discussions about Pension Reform, Tax Reform, Social Services changes, and a long list of additional policy proposals. You made a difficult mission not only tolerable, but enjoyable, and most importantly – successful. Really it's the results that matter – and you delivered. Your weekends and evenings were taken from your families. I know however that they will appreciate the historic changes that you have helped to implement. Special thanks to the Representative from Lewiston, Representative Rotundo, for her expertise, her wisdom, her thoughtful leadership, and her strong character. It is an honor to work with you.

LD 1043 provided strong reforms in our pension system that will help drive down the Unfunded Actuarial Liability by \$1.7 billion and reduce biennial costs to the general fund by \$270 million, reducing biennial pension costs for all funds by \$338 million. And although these are important and absolutely essential outcomes, equally important is that the committee was able to do this without increasing the employees' or teachers'

share to their pension, nor did we have to reduce any retiree's actual monthly pension checks. Largely we accomplished this by significantly reducing or freezing the cost of living adjustments for several years while limiting those adjustments to the first \$20,000 of a retiree's benefit in future years. But none of this actually reduces benefits to any retiree...and we should be proud of that accomplishment. This is a change, no doubt, but an innovative and necessary change to allow affordability of this plan over the long run. I recognized and the committee recognizes that by limiting the upside potential for retirees, some are disappointed, but after three months of deliberations and counseling, and an additional six months of familiarizing ourselves with the system, and striving to be fair not only to the retirees but to the 1.2 million people in Maine who fund the largest share of this pension system, we believe we have structured a better, more solid plan, one that we can afford, and one that will continue to provide strong benefits to our retirees. I believe that other places in our country have had to take much more drastic measures. We made large steps forward and have been empathetic to our people and our retirees. That was our duty. As part of this budget, we are also proposing to initiate a process to improve or modify our pension in the long run. All retirement system changes were supported unanimously by the committee.

Our tax reform proposals will help initiate economic development by creating about \$50 million of incentives and credits for businesses willing to invest in Maine in the biennium. Our proposal also makes significant and understandable changes in our personal income tax brackets and conformance with federal tax rules that will lead to significant tax reductions for Maine people. With these changes, we hope to stimulate the economy and encourage our investors, and encourage people to stay in Maine and in fact to move to Maine. Again, all tax reforms were supported unanimously by the committee.

Social Service reforms will help clarify limitations on certain benefits and align our programs more-so with programs elsewhere in the nation. We have left key MaineCare safety net programs in place, our non-categorical program in particular will remain largely as it was. And we continue to favorably fund the Fund for Healthy Maine. The committee recognized the value of these programs and we appreciate our colleagues' strength in guiding our efforts here. All Social Services reforms were accepted unanimously by the committee with the exception of one that was a 12-1 vote regarding some parameters in the General Assistance program.

There are many other policy areas that we were asked to decide upon during our negotiations. Without going into great detail, here's what we did on several of them – in all cases - unanimously: We modified and approved a proposal to change the communications processes for state government. We modified and approved a proposal to conduct a \$25 million government streamlining initiative. We modified and approved Community College expansion in the Skowhegan/Fairfield area. We modified and approved a proposal to help innovations at Good Will-Hinckley School. We modified a proposal to significantly reduce funding to Maine Public Broadcasting Network – restoring all funding in year 12 and most of the proposed reduction in year 13. We reviewed and accepted suggestions to Revenue Sharing. We modified and approved changes to the State Planning Office. We modified and approved changes to public notice requirements. We modified and approved transfer of funds to the Highway Fund. We funded the ability of the Maine State Museum to be open on Sundays. We discussed and did not accept changes to critical language in Child Development Services. We reviewed and accepted the elimination of shut down days and accepted freezes on merit pay

for all government employees including the Judicial and Legislative branches, and the special and confidential employees. We reviewed and extended hospital ambulatory patient classifications through July 2012. We modified and accepted a study and cost reduction at Dorothea Dix Center. We received a significant reduction in costs from the Legislative Council for which we are very grateful. We established a funding mechanism beginning in 2014 for infrastructure improvements to our sewage treatment plants, drinking water facilities, and our highway paving programs. We developed a working group to study and make recommendations about our retirement system. All of the above were supported unanimously.

Significant changes were proposed in this budget by the Executive, and as you've now heard some were modified by the Appropriations Committee with the hope of receiving your approval and the approval also of the Executive. And that is a tight tightrope to walk. We hope we were successful. We respect and upheld the Executive's wishes to maintain support for education and programs for the developmentally disabled and those suffering from mental illnesses as priorities.

Some of the policy changes in this budget were long overdue – particularly as they related to our pension system – and are very, very important for our long term structural stability. There is always a certain degree of sadness mixed in with the accomplishments of a budget document. Not everything goes as planned, not everything gets accomplished, and I apologize for any oversights along the way, but we hope that you see the need for the policy changes that we have brought to you along with the associated funding changes. We hope that we have met your expectations and the expectations of the Executive Branch. Thank you for your leadership Mr. Speaker, and thank you to all our caucus leaders for their support as our work came to an end. Thank you Ladies and Gentlemen of the House. It is an honor to serve you.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-620)** was **READ** by the Clerk.

On motion of Representative CURTIS of Madison, **TABLED** pending **ADOPTION of Committee Amendment "A" (H-620)** and later today assigned.

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act To Strengthen Maine's Election Laws by Requiring Photograph Identification for the Purpose of Voting" (H.P. 176) (L.D. 199)

Majority (7) **OUGHT TO PASS AS AMENDED** Report of the Committee on **VETERANS AND LEGAL AFFAIRS READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-385)** in the House on June 6, 2011.

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

The House voted to **RECEDE**.

On motion of Representative BEAULIEU of Auburn, the Bill and all accompanying papers were **COMMITTED** to the Committee on **VETERANS AND LEGAL AFFAIRS** in **NON-CONCURRENCE** and sent for concurrence.

Non-Concurrent Matter

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

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

FAILED of **FINAL PASSAGE** in the House on June 9, 2011.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-407) AND SENATE AMENDMENT "A" (S-296)** in **NON-CONCURRENCE**.

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

REPORTS OF COMMITTEE

Divided Reports

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought Not to Pass** on Bill "An Act To Protect Young Children from Sex Offenses"

(S.P. 357) (L.D. 1182)

Signed:

Senator:

GERZOFISKY of Cumberland

Representatives:

PLUMMER of Windham

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" (S-295)** on same Bill.

Signed:

Senators:

MASON of Androscoggin

WHITTEMORE of Somerset

Representatives:

BLODGETT of Augusta

BURNS of Whiting

Came from the Senate with the Minority **OUGHT TO PASS AS AMENDED** Report **READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-295)**.

READ.

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

Majority Report of the Committee on **TAXATION** reporting **Ought Not to Pass** on Bill "An Act To Help Deter Youth Smoking and To Help Smokers Quit" (EMERGENCY)

(H.P. 419) (L.D. 536)

Signed:

Senators:

TRAHAN of Lincoln

HASTINGS of Oxford

Representatives:

KNIGHT of Livermore Falls

BENNETT of Kennebunk
BICKFORD of Auburn
BURNS of Alfred
WATERHOUSE of Bridgton

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-616)** on same Bill.

Signed:
Senator:
WOODBURY of Cumberland

Representatives:
BERRY of Bowdoinham
BRYANT of Windham
FLEMINGS of Bar Harbor
HARMON of Palermo
PILON of Saco

READ.

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

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

Representative **KNIGHT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This report and the title is an excellent one. It is "An Act To Help Deter Youth Smoking and To Help Smokers Quit" and I'm sure that would be a worthwhile goal for each and every one of us here in the House. Certainly I would support that goal. Unfortunately, what this bill does to accomplish that is to bring forth another tax. In this case, a \$1.50 tax per package of cigarettes, moving our cost from \$2 to \$3.50. It would make this indeed one of the highest in the nation. I think in light of the severe economic circumstances that this state is in and the fact that this is an extraordinarily regressive tax hurting those who could least afford it despite, as they say, the good title of the bill, this is not the time to be adding another tax burden to our citizens and I would ask you to follow my light and vote green. Thank you very much.

Subsequently, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought Not to Pass** on Bill "An Act To Bring the State's Laws into Compliance with the National Instant Criminal Background Check System"

(H.P. 623) (L.D. 827)

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

Representatives:
PLUMMER of Windham
BURNS of Whiting
CLARKE of Bath
HANLEY of Gardiner
HASKELL of Portland
LAJOIE of Lewiston
LONG of Sherman
MORISSETTE of Winslow
SANDERSON of Chelsea

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-612)** on same Bill.

Signed:
Representative:
BLODGETT of Augusta

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 **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-610)** on Bill "An Act To Update the Maine Wind Energy Act To Include Low-emission Energy" (EMERGENCY)

(H.P. 1005) (L.D. 1366)

Signed:
Senators:
THIBODEAU of Waldo
BARTLETT of Cumberland
RECTOR of Knox

Representatives:
FITTS of Pittsfield
BEAVERS of South Berwick
CORNELL du HOUX of Brunswick
CRAY of Palmyra
DION of Portland
HAMPER of Oxford
HINCK of Portland
LIBBY of Waterboro
LUCHINI of Ellsworth

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-611)** on same Bill.

Signed:
Representative:
DUNPHY of Embden

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-610)** was **READ** by the Clerk.

Representative DUNPHY of Embden **PRESENTED** House **Amendment "A" (H-630)** to **Committee Amendment "A" (H-610)**, which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Embden, Representative Dunphy.

Representative **DUNPHY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. For those you who may not have received an email over the past few weeks, please let me explain the need for the amendment to LD 1366.

The poor sighted regulations of wind development in Maine have caused many serious issues. This amendment is a very reasonable and workable answer to two of these problems. Each and every one of these wind developments which are constructed close to homes have caused and continue to cause issues associated with flicker and noise.

Ladies and gentlemen, this is not about the poor economics of wind or the inefficiencies and unreliability of wind, which should

be debated here on the House floor. This is about health and property values of those who have had these 400 foot plus wind turbine units placed within 1,200 feet of their homes and have suffered as a result of this imposition.

This amendment does not seek to prevent land-based wind development. It does not negate the study of the Governor's Office of Energy Independence and Security. In fact it encourages this detailed study. This amendment does, however, provide a reasonable solution to an ongoing problem, a problem that if unresolved will continue to grow as we move toward our statutory wind goal of 2,700 megawatts. That is potentially over 1,000 of these 400 foot turbines located throughout our state. Acoustical studies show that noise and flicker issues are minimized at approximately a 7,500 foot setback. This amendment is requiring that a 7,500 foot buffer, a 1.5 mile setback from any dwelling, with a provision for a variance at the dwelling owner's discretion. I indicated this amendment appears to me to be a win/win which will provide minimal property rights and health rights to the residents of rural Maine where these expedited projects are, yet will not prevent continued wind development.

Many of your communities have passed regulations and requirements which are designed to protect you and your families from these issues. Now let us protect the rest of the state, including those in the unorganized territories, from health risks that the lack of well developed plans have imposed upon them. Let us not exempt them from protection simply because they choose to live in the more remote areas of our great state.

I support wholeheartedly the study of the OEIS – this is imperative in answering the many questions which are brought forward by this emerging energy resource and should have been done much earlier on. I ask you to please follow my light on this critical issue for the rural citizens of Maine. Thank you, Mr. Speaker.

Representative FITTS of Pittsfield moved that **House Amendment "A" (H-630) to Committee Amendment "A" (H-610) be INDEFINITELY POSTPONED.**

Representative JOHNSON of Greenville **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "A" (H-630) to Committee Amendment "A" (H-610).**

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 Indefinite Postponement of House Amendment "A" (H-630) to Committee Amendment "A" (H-610). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 178

YEA - Ayotte, Beck, Beliveau, Berry, Blodgett, Bolduc, Bryant, Cain, Carey, Celli, Chapman, Chase, Clark H, Clark T, Clarke, Cornell du Houx, Cray, Curtis, Cushing, Dill J, Dion, Driscoll, Duchesne, Eberle, Edgecomb, Eves, Fitts, Flemings, Flood, Gifford, Gilbert, Goode, Graham, Guerin, Hamper, Hanley, Harlow, Haskell, Hayes, Herbig, Hinck, Hogan, Hunt, Innes Walsh, Johnson D, Kent, Kruger, Kumiega, Lajoie, Libby, Long, Longstaff, Lovejoy, Luchini, MacDonald, Maker, Maloney, Martin, Mazurek, McFadden, Morissette, Moulton, Nelson, O'Brien, Olsen, Peoples, Pilon, Plummer, Prescott, Priest, Rankin, Richardson D, Rochelo, Rotundo, Russell, Sanborn, Shaw, Stevens, Strang Burgess, Stuckey, Theriault, Tilton, Treat, Turner, Tuttle, Valentino, Wagner R, Waterhouse, Webster, Welsh, Willette M, Mr. Speaker.

NAY - Beaulieu, Beavers, Bennett, Bickford, Black, Boland, Burns DC, Casavant, Cebra, Chipman, Crafts, Crockett, Davis, Dow, Dunphy, Espling, Fitzpatrick, Fossel, Foster, Fredette,

Gillway, Harmon, Harvell, Johnson P, Kaenrath, Keschl, Knapp, Knight, Malaby, McCabe, McClellan, McKane, Morrison, Nass, Newendyke, O'Connor, Parker, Parry, Peterson, Picchiotti, Richardson W, Rioux, Rosen, Sanderson, Sarty, Sirocki, Timberlake, Volk, Weaver, Willette A, Winsor, Wood.

ABSENT - Beaudoin, Briggs, Burns DR, Cotta, Damon, Wintle.

Yes, 92; No, 52; Absent, 6; Vacant, 1; Excused, 0.

92 having voted in the affirmative and 52 voted in the negative, 1 vacancy with 6 being absent, **House Amendment "A" (H-630) to Committee Amendment "A" (H-610) was INDEFINITELY POSTPONED.**

Subsequently, **Committee Amendment "A" (H-610) was ADOPTED.**

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-610)** and sent for concurrence.

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

REPORTS OF COMMITTEE

Divided Reports

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought Not to Pass** on Bill "An Act To Increase the Legal Age To Purchase, Use or Sell Tobacco Products"

(H.P. 447) (L.D. 589)

Signed:

Senators:

McCORMICK of Kennebec
CRAVEN of Androscoggin
FARNHAM of Penobscot

Representatives:

STRANG BURGESS of Cumberland
EVES of North Berwick
MALABY of Hancock
O'CONNOR of Berwick
PETERSON of Rumford
SANBORN of Gorham
SANDERSON of Chelsea
SIROCKI of Scarborough
STUCKEY of Portland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-614)** on same Bill.

Signed:

Representative:

FOSSSEL of Alna

READ.

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

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought Not to Pass** on Bill "An Act To Prohibit Smoking in Private Clubs Except in Separate Enclosed Areas"

(H.P. 921) (L.D. 1230)

Signed:

Senators:

McCORMICK of Kennebec
FARNHAM of Penobscot

Representatives:

EVES of North Berwick
FOSSEL of Alna
MALABY of Hancock
O'CONNOR of Berwick
PETERSON of Rumford
SANDERSON of Chelsea
SIROCKI of Scarborough
STUCKEY of Portland

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

Signed:

Senator:

CRAVEN of Androscoggin

Representatives:

STRANG BURGESS of Cumberland
SANBORN of Gorham

READ.

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

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought Not to Pass** on Bill "An Act To Improve MaineCare and Promote Employment"

(S.P. 481) (L.D. 1520)

Signed:

Senators:

McCORMICK of Kennebec
FARNHAM of Penobscot

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-303)** on same Bill.

Signed:

Senator:

CRAVEN of Androscoggin

Representatives:

EVES of North Berwick
PETERSON of Rumford
SANBORN of Gorham

STUCKEY of Portland

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

READ.

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

CONSENT CALENDAR

First Day

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

(S.P. 206) (L.D. 675) Bill "An Act To Establish Multidistrict Online Classes in Maine" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-304)**

(H.P. 1173) (L.D. 1585) Resolve, Regarding Legislative Review of Portions of Chapter 101, MaineCare Benefits Manual, Chapter III, Section 97, Private Non-Medical Institution Services, Appendix D: Principles of Reimbursement for Child Care Facilities, a Major Substantive Rule of the Department of Health and Human Services (EMERGENCY) Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass**

(H.P. 940) (L.D. 1281) Resolve, To Ensure Cost-effective Services for Persons Needing Neuropsychological Testing Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-624)**

(H.P. 1172) (L.D. 1584) Resolve, To Allow the State To Continue Efforts To Sell or Lease Certain Real Property in the City of Hallowell (EMERGENCY) Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-627)**

(H.P. 1174) (L.D. 1586) Resolve, Regarding Legislative Review of Portions of Chapter 101, MaineCare Benefits Manual, Section 40, Chapters II and III: Home Health Services, a Major Substantive Rule of the Department of Health and Human Services (EMERGENCY) Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-628)**

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** or **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

(H.P. 989) (L.D. 1348) Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, Highway Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2012 and June 30, 2013" (EMERGENCY) Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-622)**

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

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-622)** 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-622)** and sent for concurrence.

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

On motion of Representative **PRESCOTT** of Topsham, the House adjourned at 4:24 p.m., until 9:00 a.m., Wednesday, June 15, 2011.