

# MAINE STATE LEGISLATURE

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

**Daily Edition**

**Second Regular Session**

January 4, 2012 – May 31, 2012

pages 1084 - 1604

ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE  
SECOND REGULAR SESSION  
26th Legislative Day  
Monday, March 12, 2012

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

Prayer by Reverend James King, Church of the Holy Spirit, Portland.

National Anthem by the Honorable Emily Ann Cain, Orono and the Honorable Mary Pennell Nelson, Falmouth.

Pledge of Allegiance.

The Journal of yesterday was read and approved.

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**COMMUNICATIONS**

The Following Communication: (H.P. 1380)  
and accompanying initiated bill, item

**STATE OF MAINE  
OFFICE OF THE SECRETARY OF STATE**

March 6, 2012

The Honorable Heather J.R. Priest

Clerk of the House

2 State House Station

Augusta, Maine 04333

Dear Clerk Priest:

Enclosed please find my official certification to the 125th Legislature of the citizen initiative petition entitled "An Act To Allow Marriage Licenses for Same-sex Couples and Protect Religious Freedom."

Sincerely,

S/Charles E. Summers, Jr.

Secretary of State

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**STATE OF MAINE  
SECRETARY OF STATE**

I, Charles E. Summers, Jr., Secretary of State, hereby certify that written petitions bearing signatures of 85,216 electors of this State were addressed to the Legislature of the State of Maine and were filed in the office of the Secretary of State on January 26, 2012, requesting that the Legislature consider an act entitled, "An Act To Allow Marriage Licenses for Same-sex Couples and Protect Religious Freedom."

I further certify that the number of signatures submitted is in excess of ten percent of the total votes cast in the last gubernatorial election preceding the filing of such petitions, as required by Article IV, Part Third, Section 18 of the Constitution of Maine, that number being 57,277.

I further certify this initiative petition to be valid and attach herewith the text of the legislation circulated on the petition's behalf.

In testimony whereof, I have caused the Great Seal of the State of Maine to be hereunto affixed. Given under my hand at Augusta on the sixth day of March in the year two thousand and twelve.

S/CHARLES E. SUMMERS, JR.

Secretary of State

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

Sent for concurrence.

On motion of Representative NASS of Acton, the accompanying Bill "An Act To Allow Marriage Licenses for Same-sex Couples and Protect Religious Freedom"

(I.B. 3) (L.D. 1860)

Was **TABLED** pending **REFERENCE** and later today assigned.

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The Following Communication: (H.C. 328)

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

March 12, 2012

The Honorable Robert W. Nutting

Speaker of the House

2 State House Station

Augusta, Maine 04333

Dear Speaker Nutting:

Pursuant to Joint Rule 310, the following Joint Standing Committee has voted unanimously to report the following bill out "Ought Not to Pass:"

Environment and Natural Resources

L.D. 1686 An Act To Amend the Process for Issuing State Water Quality Certificates to Hydropower Projects That Withdraw Water from Great Ponds

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

Sincerely,

S/Heather J.R. Priest

Clerk of House

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

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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 Thursday, March 8, 2012, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

**SENATE REPORT - Ought to Pass pursuant to Public Law 2011, chapter 186, Part B, section 3 - Committee on HEALTH AND HUMAN SERVICES** on Bill "An Act To Implement the Recommendations of the Department of Health and Human Services and the Maine Developmental Disabilities Council Regarding Respectful Language" (EMERGENCY)

(S.P. 640) (L.D. 1845)

- In Senate, Unanimous **OUGHT TO PASS PURSUANT TO PUBLIC LAW 2011, CHAPTER 186, PART B, SECTION 3** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED.**

**TABLED** - March 8, 2012 (Till Later Today) by Representative CURTIS of Madison.

**PENDING - ACCEPTANCE OF COMMITTEE REPORT.**

Subsequently, the **Ought to Pass pursuant to Public Law 2011, chapter 186, Part B, section 3** Report was **ACCEPTED.**

The Bill was **READ ONCE.**

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.

Today is a very exciting day and I'm very, very excited that I'm still here to be able to see this moment. I'd like to point out to you a few pieces of information about this bill, LD 1845, that's before you. This bill makes some changes to our wordings in our Maine State Statutes to what we call People First Language, which promotes understanding, respect, dignity and a positive view of people with disabilities.

There is about 49 million Americans – one out of every five individuals – have some type of disability. About 25,000 Mainers have developmental disabilities.

While the term "mental retardation" was at one time simply a medical diagnosis, the words "retard" and "retarded" are used increasingly in today's society in demeaning ways that perpetuate the stigma and negative stereotypes that face people with intellectual disabilities. Too many people do not recognize the hurtful and dehumanizing and discriminatory effects of the words "retard" or "retarded."

When any of us use the word "retard" or "retarded" in a casual way to refer to an action as less than ideal, we make anyone with an intellectual disability who hears us feel less than human – whether we mean it that way or not. Think about the last time you heard someone use that word referred to as "retarded." It has become common use to make fun of people and label behavior as clumsy, worthless, laughable and perhaps even hopeless.

Unfortunately, and whether intentional or not, the R word also conjures up a painful stereotype of people with intellectual and other developmental disabilities. That stereotype is not in keeping with what persons with intellectual disabilities and their families and advocates know to be true, and they are asking everyone to recognize – people with intellectual and other developmental disabilities have unique gifts and many talents and contribute to their communities, and deserve to be treated with dignity and respect.

LD 1845, which is before us today, is the culmination of five years of work, started first with the first group, in 2006, and worked by the Disability Leadership Institute, a program offered by the Maine Developmental Disabilities Council.

Our own Representative Webster introduced a bill in the next legislative session to begin the process of replacing out-dated and inappropriate language regarding persons with disabilities in Maine statutes and rules. The result was Resolve Chapter 62, which we all passed in 2007. This Resolve created a Respectful Language Work Group to make recommendations for changes in terminology for use in our public documents.

Subsequent legislation in 2008 and 2009 changed the name of the program providing services for persons with intellectual disabilities and autism to "Adult Developmental Services" and eliminated terms such as "common drunkard," "lunatic," "mentally deranged," and "afflicted" from Maine Statutes. The Revisor's Office also adopted the recommendations of the Respectful Language Work Group and incorporated them into the Maine Legislative Drafting Manual.

But, the most significant change of all requested by individuals with disabilities, self-advocates, and the Maine Developmental Disabilities Council, Speaking Up for Us, and other advocacy organizations remained untouched – until legislation sponsored by Senator Brannigan, and passed last session, which directed the Department of Health and Human Services to work with the Maine Developmental Disabilities Council and the Revisor's Office to draft legislation for this session. LD 1845 is that legislation. This makes necessary changes to finally eliminate the word "retarded" from the approximately 400 places that it currently appears in our statutes, even with all of these other corrections.

That legislation is what is before us today – and what self-advocates and families have been advocating for them for the last five years. By passing this bill, you will finally remove from statute the word "mental retardation" and "mentally retarded" from all the Maine statutes. In simple terms: "mental retardation" will now be known as "intellectual disability," "mentally retarded person" becomes "a person with an intellectual disability," and "The MR Waiver" will become known as "ID Waiver."

This bill does not change any eligibility requirements or any expansion of service. It is simply a change of language.

This is one bill that we're all proud to cast our vote for – I hope you will join me in voting and make this a unanimous vote from this House. It would be a great honor and a great respect. On your desks today you have a Respectful Language brochure, along with a token that you might consider wearing to support the effort nationally to "Ban the R Word." We are all doing the right thing with this legislation, and taking an important step toward assuring our State laws reflect the respect and dignity due to every Mainer regardless of status. And Mr. Speaker, I would request, there is a number of folks here today. We'd request that they are welcomed to our body today and appreciate the time and appreciate the support, and I'd like to ask for a roll call, please, on this. All right, okay. At this time, thank you very much.

The SPEAKER: The request for a roll call is out of order at this particular time. I'll tell you when. The Chair recognizes the Representative from Freeport, Representative Webster.

Representative WEBSTER: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. Consider the words of Rudyard Kipling, the author, and you understand the true power of words. Words are of course the most powerful drug used by mankind. Perhaps if he were writing that today, he would say humankind, because words are powerful. Words are powerful. They create a mental image that either empowers or detracts and, as our culture changes, the words we should use change, and it's a statement, a testament to this Legislature that you as the members of this Legislature have understood and support the wisdom of changing words in order to be more respectful, and I thank you.

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

Representative STRANG BURGESS of Cumberland REQUESTED a roll call on **PASSAGE TO BE ENGROSSED**.

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

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

#### ROLL CALL NO. 241

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

Prescott, Priest, Rankin, Richardson W, Rioux, Rochelo, Rosen, Rotundo, Russell, Sanborn, Sanderson, Sarty, Shaw, Sirocki, Stevens, Strang Burgess, Theriault, Tilton, Timberlake, Treat, Turner, Tuttle, Valentino, Volk, Wallace, Weaver, Webster, Willette A, Winsor, Wood, Mr. Speaker.

NAY - Waterhouse.

ABSENT - Celli, Driscoll, Eberle, Goode, Hinck, Hogan, Kent, Lovejoy, Peterson, Pilon, Richardson D, Stuckey, Wagner R, Welsh, Willette M.

Yes, 134; No, 1; Absent, 15; Vacant, 1; Excused, 0.

134 having voted in the affirmative and 1 voted in the negative, 1 vacancy with 15 being absent, and accordingly under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED** in concurrence.

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

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**PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE**

Bill "An Act To Enhance the Protection of Social Service Home Visitors"

(H.P. 1375) (L.D. 1857)

Sponsored by Representative EVES of North Berwick. Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Bill "An Act To Protect Firearm Ownership during Times of Emergency" (EMERGENCY)

(H.P. 1377) (L.D. 1859)

Sponsored by Representative SHAW of Standish. Cosponsored by Senator DIAMOND of Cumberland and Representatives: CEBRA of Naples, CLARK of Millinocket, GRAHAM of North Yarmouth, HANLEY of Gardiner, HARMON of Palermo, PLUMMER of Windham, SARTY of Denmark, Senator: LANGLEY of Hancock.

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

Bill "An Act To Protect Victims of Domestic Violence"

(H.P. 1381) (L.D. 1867)

Sponsored by Representative CAIN of Orono. (GOVERNOR'S BILL)

Cosponsored by Senator MASON of Androscoggin and Representatives: BLODGETT of Augusta, BURNS of Whiting, FREDETTE of Newport, HANLEY of Gardiner, HASKELL of Portland, MORISSETTE of Winslow, PLUMMER of Windham, Senator: GERZOFOSKY of Cumberland.

Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** suggested and ordered printed.

**REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed.

Sent for concurrence.

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Bill "An Act To Ensure Effective Teaching and School Leadership"

(H.P. 1376) (L.D. 1858)

Sponsored by Representative RICHARDSON of Carmel. (GOVERNOR'S BILL)

Bill "An Act To Remove Inequity in Student Access to Certain Schools"

(H.P. 1379) (L.D. 1866)

Sponsored by Representative McCLELLAN of Raymond. (GOVERNOR'S BILL)

Committee on **EDUCATION AND CULTURAL AFFAIRS** suggested and ordered printed.

**REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed.

Sent for concurrence.

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**Pursuant to Statute  
Criminal Law Advisory Commission**

Representative PLUMMER for the **Criminal Law Advisory Commission** pursuant to the Maine Revised Statutes, Title 17-A, section 1354, subsection 2 asks leave to report that the accompanying Bill "An Act To Amend Statutory Post-conviction Review"

(H.P. 1378) (L.D. 1861)

Be **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

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**Pursuant to Statute  
Revisor of Statutes**

Representative NASS for the **Revisor of Statutes** pursuant to the Maine Revised Statutes, Title 1, section 94 asks leave to report that the accompanying Bill "An Act To Correct Errors and Inconsistencies in the Laws of Maine" (EMERGENCY)

(H.P. 1383) (L.D. 1868)

Be **REFERRED** to the Committee on **JUDICIARY** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **JUDICIARY** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

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

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**ORDERS**

On motion of Speaker NUTTING of Oakland, the following Joint Resolution: (H.P. 1382) (Cosponsored by President RAYE of Washington and Representatives: CAIN of Orono, CURTIS of Madison, CUSHING of Hampden, HAYES of Buckfield, MITCHELL of the Penobscot Nation, Senators: ALFOND of Cumberland, COURTNEY of York, HOBBS of York, PLOWMAN of Penobscot)

**JOINT RESOLUTION RECOGNIZING SUNSHINE WEEK,  
MARCH 11-17, 2012**

WHEREAS, the basic principles of freedom of speech and freedom of the press guaranteed in the United States Constitution are fundamental to our national heritage; and

WHEREAS, the American Society of Newspaper Editors has initiated Sunshine Week: Your Right to Know as a way of illustrating the importance of open government; and

WHEREAS, Sunshine Week 2012 participation by nonjournalism groups is growing, with national and local forums already planned by civic groups, libraries and open government and freedom of information groups, as well as by student media; and

WHEREAS, Sunshine Week was established to spark a discussion about the importance of open government and public access to government documents and meetings; and

WHEREAS, these issues are important in the State of Maine, where public access issues emerge all the time; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-fifth Legislature now assembled in the Second Regular Session, on behalf of the people we represent, take this opportunity to recognize Sunshine Week: Your Right to Know during the week of March 11-17, 2012 and confirm the basic principles of an open and accessible government in a free society, and we urge all citizens to join in this observance.

**READ and ADOPTED.**

Sent for concurrence.

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### REPORTS OF COMMITTEE

#### Divided Report

Majority Report of the Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass pursuant to Resolve 2011, chapter 103, section 2** on Bill "An Act Regarding the Matching Funds Provisions of the Maine Clean Election Act" (EMERGENCY)

(S.P. 612) (L.D. 1774)

Signed:

Senators:

FARNHAM of Penobscot  
PLOWMAN of Penobscot

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-371) pursuant to Resolve 2011, chapter 103, section 2** on same Bill.

Signed:

Senator:

PATRICK of Oxford

Representatives:

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

Representative MITCHELL of the Penobscot Nation - of the House - supports the Minority **Ought to Pass as Amended by Committee Amendment "A" (S-371) pursuant to Resolve 2011, chapter 103, section 2** Report.

Came from the Senate with the Majority **OUGHT TO PASS PURSUANT TO RESOLVE 2011, CHAPTER 103, SECTION 2** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED.**

**READ.**

Representative BEAULIEU of Auburn moved that the House **ACCEPT** the Majority **Ought to Pass pursuant to Resolve 2011, chapter 103, section 2** Report.

On further motion of the same Representative, **TABLED** pending his motion to **ACCEPT** the Majority **Ought to Pass pursuant to Resolve 2011, chapter 103, section 2** Report and later today assigned.

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### CONSENT CALENDAR

#### First Day

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

(H.P. 1235) (L.D. 1683) Bill "An Act To Provide Funding To Operate the Dolby Landfill in the Town of East Millinocket" Committee on **ENVIRONMENT AND NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-750)**

(H.P. 1273) (L.D. 1724) Resolve, Regarding Legislative Review of Portions of Chapter 101: Maine Unified Special Education Regulation Birth to Age Twenty, a Major Substantive Rule of the Department of Education (EMERGENCY) Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-749)**

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

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

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### BILLS IN THE SECOND READING

#### House as Amended

Bill "An Act To Limit Health Care Mandates"

(H.P. 649) (L.D. 882)

(C. "A" H-723)

Was reported by the Committee on **Bills in the Second Reading** and **READ** the second time.

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

The same Representative **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED as Amended.**

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

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

Representative **TREAT:** Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I stand to encourage you to vote against Passage to be Engrossed on this legislation. I think in the previous debate that we had last week, there was a fair amount of confusion about what would or would not be repealed by this legislation, and I wanted to just very briefly walk through a couple of the provisions so that you understand it and you know for sure what you're voting on. This is the legislation that would repeal in advance any state mandate on an insurance plan that is not already specifically mandated by the essential benefits provision of the federal Affordable Care Act.

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

Representative **TREAT:** Thank you, Mr. Speaker. So just to clarify under the Affordable Care Act, it leaves up to the State of Maine to pick one out of several possible insurance plans as the model for what would be included in the essential benefits. One of those models, in fact several of those models, are actually federal insurance plans for the federal employees, for example, and the Bureau of Insurance to help our committee, the Insurance and Financial Services Committee, understand what this bill does and does not do created a multipage spreadsheet which you can also find on the Bureau of Insurance's webpage.

If you go through this spreadsheet, you will see little checks and little dashes which show which plans cover Maine state mandates and which plans do not. Any plan that has a little dash does not cover a currently mandated health benefit that people in Maine are currently getting as part of their health insurance, and I think the key point is we don't know yet what plan will be selected by whoever does the selection later on after we're out of session.

So on the list of things that are not covered by one or more of the possible plans is coverage for autism spectrum disorders up to age 5, off-label use for cancer and HIV/AIDS drugs, diabetes medically necessary equipment and supplies as well as education, metabolic formula and low protein food for inborn errors of metabolism – these are the little babies that are born without the ability to actually get nutrition out of either their mother's milk or infant formula – hearing aids to age 18, amino acid-based elemental infant formula up to age 2 – again, that's another digestive difficulty for little babies – and then finally, children's early intervention services up to age 36 months. It may well be that after looking at what is selected as a plan all of these mandates will be covered. It may also be the case that none of them or only some of them are covered. We should leave to the members of this body and those down the hall the opportunity to continue those mandates, if we decide that they still make sense to continue, and since there's no time pressure on us this year to make this decision in advance of knowing what we're doing, I suggest that you follow my lead and vote no on this measure so that we can take it up in a more appropriate time and really do what we know what we're doing. Thank you.

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

Representative **McKANE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The Affordable Care Act is a large subsidy plan, not that much unlike what Dirigo was. One of the problems that Maine will face is that if we have mandated benefits that are outside of the essential benefits package, Maine taxpayers are going to have to do the subsidizing of those benefits, as opposed to the Federal Government which will be the one subsidizing all of the benefits that are inside the essential benefits package. So this could be, if we don't pass this safeguard, this could be very, very expensive to Maine taxpayers. Thank you, Mr. Speaker.

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

**ROLL CALL NO. 242**

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

NAY - Beaudoin, Beavers, Beck, Beliveau, Berry, Blodgett, Boland, Bolduc, Briggs, Bryant, Cain, Carey, Casavant, Chapman, Chipman, Clark H, Clarke, Cornell du Houx, Dill J, Dion, Duchesne, Eves, Flemings, Gilbert, Graham, Hanley, Harlow, Haskell, Hayes, Herbig, Hogan, Hunt, Innes Walsh, Kaenrath, Kruger, Kumiega, Lajoie, Longstaff, Luchini, MacDonald, Maloney, Martin, Mazurek, McCabe, Monaghan-Derrig, Morrison, Nelson, O'Brien, Peoples, Priest, Rankin, Rochelo, Rotundo, Russell, Sanborn, Shaw, Stevens,

Strang Burgess, Theriault, Treat, Tuttle, Valentino, Wagner R, Webster.

ABSENT - Celli, Driscoll, Eberle, Goode, Hinck, Kent, Lovejoy, Peterson, Pilon, Richardson D, Stuckey, Welsh, Willette M.

Yes, 73; No, 64; Absent, 13; Vacant, 1; Excused, 0.

73 having voted in the affirmative and 64 voted in the negative, 1 vacancy with 13 being absent, and accordingly the Bill was **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

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**ENACTORS**

**Emergency Measure**

An Act Regarding Inmates on Public Works Projects

(H.P. 1225) (L.D. 1635)

(C. "A" H-731)

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

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**Emergency Measure**

An Act To Clarify Health Insurance Benefits for Disabled Participants in the Maine Public Employees Retirement System

(S.P. 550) (L.D. 1651)

(C. "A" S-411)

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

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**Emergency Measure**

An Act Relating to the Calculation of Population for Purposes of the Maine Uniform Building and Energy Code and Public Safety Answering Point Assessments

(H.P. 1249) (L.D. 1697)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 118 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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**Emergency Measure**

An Act To Improve the Method of Classifying Shellfish Harvesting Areas and Providing Notification of Changes

(S.P. 586) (L.D. 1721)

(C. "A" S-415)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 113 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

**Emergency Measure**

Resolve, To Establish a Response Team To Facilitate the Redevelopment of Unoccupied Mills and Other Unoccupied Buildings

(S.P. 574) (L.D. 1675)  
(C. "A" S-412)

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

Representative MARTIN of Eagle Lake **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

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

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

**ROLL CALL NO. 243**

YEA - Beaudoin, Beaulieu, Beavers, Beck, Beliveau, Bennett, Berry, Blodgett, Boland, Bolduc, Briggs, Bryant, Carey, Casavant, Chapman, Chipman, Clark H, Clark T, Clarke, Cornell du Houx, Curtis, Cushing, Davis, Dill J, Dion, Dow, Duchesne, Fitzpatrick, Flemings, Flood, Fossel, Fredette, Gilbert, Graham, Hanley, Harlow, Haskell, Hayes, Herbig, Hogan, Hunt, Innes Walsh, Kaenrath, Keschl, Kruger, Kumiega, Lajoie, Longstaff, Luchini, MacDonald, Maloney, Martin, Mazurek, McCabe, Monaghan-Derrig, Morrison, Moulton, Nelson, O'Brien, Peoples, Plummer, Priest, Rankin, Richardson D, Rochelo, Rosen, Rotundo, Russell, Sanborn, Stevens, Strang Burgess, Theriault, Tilton, Treat, Turner, Valentino, Volk, Wagner R, Webster, Willette A, Winsor.

NAY - Ayotte, Bickford, Black, Burns DC, Cain, Cebra, Chase, Cotta, Crafts, Cray, Crockett, Damon, Dunphy, Edgcomb, Espling, Foster, Gifford, Gillway, Guerin, Hamper, Harmon, Harvell, Johnson D, Johnson P, Knapp, Knight, Libby, Long, Maker, Malaby, McClellan, McFadden, McKane, Morissette, Nass, Newendyke, O'Connor, Olsen, Parker, Parry, Picchiotti, Prescott, Richardson W, Rioux, Sanderson, Sarty, Sirocki, Timberlake, Tuttle, Wallace, Waterhouse, Weaver, Wood.

ABSENT - Celli, Driscoll, Eberle, Eves, Fitts, Goode, Hinck, Kent, Lovejoy, Peterson, Pilon, Shaw, Stuckey, Welsh, Willette M, Mr. Speaker.

Yes, 81; No, 53; Absent, 16; Vacant, 1; Excused, 0.

81 having voted in the affirmative and 53 voted in the negative, 1 vacancy with 16 being absent, and accordingly the Resolve **FAILED FINAL PASSAGE**.

On motion of Representative CAIN of Orono, the House **RECONSIDERED** its action whereby the Resolve **FAILED FINAL PASSAGE**.

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

**Emergency Measure**

Resolve, Regarding Legislative Review of Portions of Chapter 375: No Adverse Environmental Effect Standard of the Site Location Law, a Major Substantive Rule of the Department of Environmental Protection

(H.P. 1318) (L.D. 1793)

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. 121 voted in favor of the same and

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

**Emergency Measure**

Resolve, To Promote the Expansion of the Maine Maple Sugar Industry

(H.P. 1338) (L.D. 1814)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 120 voted in favor of the same and 5 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

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

**Acts**

An Act Regarding the Writing of Bad Checks

(S.P. 321) (L.D. 1088)  
(C. "A" S-408)

An Act To Amend the Campaign Finance Laws Regarding Reporting Refunds of Campaign Expenditures

(S.P. 528) (L.D. 1618)  
(C. "A" S-405)

An Act To Amend the Charter of the Ogunquit Sewer District

(S.P. 530) (L.D. 1620)  
(C. "A" S-414)

An Act To Clarify the Authority of the Department of Health and Human Services To Impose Administrative Sanctions upon Vendors, Providers and Participants in the Women, Infants and Children Special Supplemental Food Program

(S.P. 536) (L.D. 1626)  
(C. "A" S-404)

An Act To Protect Gasoline Marketers from Liability for Selling Federally Approved Gasoline

(S.P. 557) (L.D. 1658)  
(C. "A" S-413)

An Act To Amend the Election Laws

(S.P. 563) (L.D. 1664)  
(C. "A" S-402)

An Act To Clarify Authorization for a Court Facilities Bond

(S.P. 566) (L.D. 1667)  
(C. "A" S-417)

An Act To Amend the Circuitbreaker Program To Include Claimants Occupying Property Pursuant to a Trust and To Require Proof of Payment of Rent

(S.P. 579) (L.D. 1680)  
(C. "A" S-407)

An Act To Conform Maine Law to Federal Law Regarding Payment of Overtime to Truck Drivers and Driver's Helpers

(H.P. 1237) (L.D. 1685)  
(H. "A" H-744 to C. "A" H-732)

An Act To Increase the Membership of the Homeland Security Advisory Council

(S.P. 585) (L.D. 1720)

An Act Regarding the Interception of Oral or Wire Communications of Residents of State Correctional Facilities and Jails

(H.P. 1282) (L.D. 1737)



An Act To Streamline the Paperwork Requirements of the State's Forest Practices Laws

(S.P. 598) (L.D. 1741)  
(C. "A" S-409)

An Act To Amend Certain Provisions of Law Governing the Department of Corrections

(S.P. 602) (L.D. 1754)

An Act To Authorize the Commissioner of Education To Allow Access to Criminal History Record Information to Entities Providing Document Management and To Remove Applicants' Fingerprints from the Fingerprint File

(H.P. 1301) (L.D. 1767)  
(C. "A" H-730)

An Act To Correct an Inconsistency in the Employment Security Law

(S.P. 614) (L.D. 1777)  
(S. "A" S-399)

An Act To Update the Career and Technical Education Laws

(S.P. 616) (L.D. 1779)  
(C. "A" S-416)

An Act To Enhance Career Pathways for Adult Learners

(S.P. 617) (L.D. 1780)  
(C. "A" S-410)

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

#### Resolves

Resolve, To Establish a Stakeholder Group for the Development of a Plan for the Inventory and Proper Care of Veterans' Graves

(S.P. 540) (L.D. 1630)  
(C. "A" S-403)

Resolve, To Streamline Forester Licensing Requirements

(S.P. 613) (L.D. 1776)  
(C. "A" S-406)

Resolve, Directing the Maine Turnpike Authority To Place Signs on Interstate 95 Directing Motorists to the Southern Maine Veterans Memorial Cemetery in Springvale

(S.P. 625) (L.D. 1807)

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

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 Thursday, March 8, 2012, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

HOUSE DIVIDED REPORT - Majority (7) **Ought Not to Pass** - Minority (5) **Ought to Pass as Amended by Committee Amendment "C" (H-738)** - Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Require That Law Enforcement Officials Collect DNA Samples from Persons Arrested for Certain Crimes"

(H.P. 849) (L.D. 1143)

TABLED - March 7, 2012 (Till Later Today) by Representative PLUMMER of Windham.

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

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

HOUSE DIVIDED REPORT - Majority (8) **Ought to Pass as Amended by Committee Amendment "A" (H-739)** - Minority (5) **Ought to Pass as Amended by Committee Amendment "B" (H-740)** - Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Amend the Law Relating to Concealed Firearms Locked in Vehicles" (EMERGENCY)

(H.P. 1212) (L.D. 1603)

TABLED - March 7, 2012 (Till Later Today) by Representative PLUMMER of Windham.

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

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

Representative **PLUMMER**: Thank you, Mr. Speaker. LD 1603 simply extends the rights under the United States Constitution and the Maine Constitution to carry a concealed firearm to those people who have a concealed firearm permit. In order to get a permit you have to fill out a multipage application, you are thoroughly vetted, you have to be judged of good moral character, and you must demonstrate knowledge of the handgun. This is generally done by courses that are offered, but there are some people who have had military experience and training who are exempted from those courses. There was concern that people might leave this facility, people who are unhappy with a vote, either in committee or in chamber, go to their vehicle, take out a firearm and come back into the building and use the firearm. I remind you this extends only to people who have concealed firearm permits, who work in this building or who work in other state facilities, and it only applies to state-owned parking lots. It seemed to many of us that this was just affirming rights that people do have. The majority of the committee certainly agreed. This is only in publicly-owned, state-owned parking lots and it only applies to those people who have been vetted through the concealed firearms permit. Thank you, Mr. Speaker.

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

Representative **HASKELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would urge you to reject this proposal. It does not take into consideration quite a series of places where perhaps it might not be appropriate to be bringing a firearm, even if you had a concealed weapons permit. Some of those locations include maybe the Dorothea Dix facility, the Riverview facility, in particular our prisons. Several of our prisons have facilities which have open campus style. It would occur to me that it might be appropriate to allow the Commissioner of the Department of Corrections to determine in which parking lots it might be appropriate for an employee to bring a concealed weapon and have it available in their vehicle.

In addition, the other location that's included here are our courts. I have with me a memo which came from the government council to the court system indicating their concern with the expanded definition of a state employee in the amendment, which now includes judicial branch employees. She goes on to say that we do not want to encourage anyone, even our employees, to bring guns in or near our court where many highly contested disputes are addressed. The courts are not excluded from this piece of legislation.

What is excluded from this piece of legislation, interestingly enough, is that this legislation is silent on county-owned facilities and county employees, municipally-owned land and municipal employees, and it questioned, and I honestly don't know the

answer to this, is whether instrumentalities of the state would also be included and that would be places like our community colleges and their campuses, dormitories and whether those would be included or excluded. So I would encourage you not to expand without some careful thought about the types of facilities that we're talking about, the folks who are likely to have concerns that I believe have not been appropriately addressed by this amendment. So I would encourage you to vote no on the pending motion. Thank you.

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

Representative **SANDERSON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I'd like to direct your attention to the title to this bill. It's "An Act To Amend the Law Relating to Concealed Firearms Locked in Vehicles." This bill in no way allows a firearm to be carried by a concealed firearm permit holder into a court, into an employment establishment, be it state or private, without the consent of the employer. This merely allows state employees to share and it amends the current law to include our state employees. The employees have the right to share in the same freedoms as employees in the private sector; however, right now, state employees who have valid concealed permits are not allowed to carry their firearms concealed in their vehicles from their home to work. What this does effectively is this effectively extends the state's rights and, as I argued last year, a personal property owner's rights to infringe on the personal property of the vehicle owner and it extends their boundaries all the way to their front door. This is the right thing to do to support this bill. This does not create any more problems than the last bill that we passed last year for private people. We have no problem with that. Nothing wrong has happened, nothing wrong will. These are concealed firearm permit holders. They have been determined to be of good moral character. They have had extensive background checks. These are people who merely want to stay within the law. Thank you.

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

Representative **MacDONALD**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I, too, would like to call your attention to the title of this bill, "An Act To Amend the Law Relating to Concealed Firearms Locked in Vehicles." I've done a little research on the issue of locked vehicles and many of you may not know that an experienced car thief can break into a car in about 20 seconds. That's according to law enforcement statistics. So I would suggest to you that we're taking a reckless step in essentially allowing firearms in vehicles, which it gives us a comfort to think about they are locked, but in fact if a thief wants to get into your car, they can get into your car very easily. So I think having firearms in a vehicle despite the fact that the owner may be properly licensed and very careful, in other regards, is a reckless step forward in potentially allowing firearms out into hands where they should not be. That is into the hands of people who would steal them from vehicles that are theoretically locked. It's so easy to break into a car, Men and Women of the House. I suggest to you we should not take this step and I hope you'll join me in voting against this bill on that basis. Thank you, Mr. Speaker.

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

Representative **VALENTINO**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise today. I am not a member of the committee, but as the good Representative from Chelsea mentioned, she referred to the law that was passed last year, which I was adamantly opposed to at that time. This

law is tweaking the law that we passed last year, a law that was extremely controversial, a law, or rather a bill, at the time that had four roll calls in this House. It had three roll calls in the other body. I want to remind everybody in the House that the last roll call we had on this bill last year was passed by 73 to 71, which meant that if only one person in this chamber had changed their vote, just one person had changed their vote, that this bill would not be a law today. Now we are trying to expand on this controversial bill that we passed last year. We've now put in metal detectors downstairs to stop people from coming into the State House with guns, but yet we go to another extreme to say, okay, you can't go into the State House but you can bring them into the parking lot? We've had an incident with a member of our own body with a gun that we all remember. I work late many nights here at the State House. You'll see me at 10 o'clock at night sitting here at this desk. I leave when the cleaning crew changes at 10 o'clock, when Judith leaves. I walk out to the parking lot many times. I don't want somebody with a gun out there. I've had death threats I've had the Attorney General investigate, I've had my local police investigate. I don't need guns at the State House. I don't need them in my schools. I don't need them when I go to a city council meeting or a York County meeting, and I don't think that we should be allowing this expansion of a law, a very controversial law that we passed last year, and I fully support the Minority Report which will repeal what we did last year and I hope you will all follow our light. Thank you.

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

Representative **CEBRA**: Point of Order, Mr. Speaker. Are we talking about the Majority "A" Report or the Minority Report?

On **POINT OF ORDER**, Representative CEBRA of Naples asked the Chair if the remarks of Representative VALENTINO of Saco were germane to the pending question.

The SPEAKER: The Chair would remind members that we are talking about the Majority Report and not any other report.

The Chair reminded all Representatives to stay as close as possible to the pending question.

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

Representative **BURNS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just want to speak very briefly on this bill. I see this bill as very necessary. All it does is reaffirm your rights under the Constitution, your Second Amendment rights to bear arms. In fact, this bill actually restricts it a little bit. It says that you have to possess a concealed carry permit and you have to leave the weapon in a locked, secured vehicle. That frankly goes beyond what the Constitution allows. I don't give up and neither does any other state employee give up those constitutional rights just because I become a state employee. I shouldn't be asked to. But the way the law reads right now and the way the restrictions that state employees are under right now, they'd have to give up that right that we have afforded to every other private citizen.

I heard testimony just a few minutes ago from the good Representative from Portland, Representative Haskell, that perhaps there are other areas that we might want to consider. Well, I don't want to settle on the word "perhaps." If there are other areas that we should consider that maybe should have special restrictions on them or extenuating circumstances, those could have been brought forward and those maybe will be brought forward in the future. But right now, those are not in front of us. What is in front of us right now is simply allowing me and allowing every other state employee the rights that private citizens enjoy, the right to bear arms in certain safe ways. These

people have been checked out. They have received a concealed weapons permit. They ostensibly have good backgrounds. They are law-abiding citizens. They deserve to have the same rights. We deserve to have the same rights that the private citizens do. I think we have to keep in mind that we are not in this chamber the only state employees that have to go to work, day in and day out, and they should have the same opportunities as others enjoy. Please vote with me and support this bill. Thank you.

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

Representative **BLODGETT**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise against the pending motion. This bill isn't just a gun bill or, to me, mainly a gun bill. It is about choice, giving employers a choice of whether they want their employees to be able to do this. We're taking that choice away from them. We're creating more government instead of less government. Thank you.

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

Representative **HARVELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I often wonder if Warren Zevon served in the Legislature because it does seem that we talk a lot about lawyers, guns and money. But I'm having trouble following the logic, and it's probably because I'm fairly slow-witted, of the Representative from Boothbay, Representative MacDonald, in that the logic seems to be because our weapon could be stolen, we should acquiesce to the thief rather than the citizen. If a car thief can break into your car in 20 seconds, I suggest with a rock I can get into your house a lot faster, but no one is suggesting that our Second Amendment rights be violated because our houses can be broken into. But now we're suggesting it's because our cars can be broken into? This is merely saying, in my opinion, and once again I'm slow-witted so correct me if I'm wrong, that we're acquiescing to the thief rather than the citizen.

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

Representative **HARLOW**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. There is a camp in the state that promotes peace worldwide actually, but we have one here in Maine called Seeds of Peace and I was remiss last year not to point out that it seems ironic that employees at that very camp would be allowed to bring weapons to the campus where it's a peace promoting camp. I realize this is an amendment to that bill and I'm against that as well, but I felt like I really needed to point that out. Thank you.

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

Representative **PRESCOTT**: Thank you, Mr. Speaker. Mr. Speaker, I have a question to anyone who cares to answer.

The SPEAKER: The Representative may pose her question.

Representative **PRESCOTT**: What is my guarantee as a law-abiding citizen that those who don't and won't abide by the law will not bring their gun anywhere that it may be prohibited?

The SPEAKER: The Representative from Topsham, Representative Prescott, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Deer Isle, Representative Kumiega.

Representative **KUMIEGA**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. While we may have metal detectors downstairs, I remind membership that we have not provided funding for metal detectors for the court system. So I would suggest that we refrain from allowing guns in their parking lots until we provide them with metal detectors. Thank you.

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

Representative **O'CONNOR**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I think I'm a little confused here. I'm looking at the 16th part of our Constitution of Maine. I know I took a sworn oath to uphold that Constitution and it says the right to bear arms shall never be questioned.

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

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

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

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

The SPEAKER: The Representative may pose his question.

Representative **BELIVEAU**: I'd appreciate if anyone could tell me how and if this proposal relates to school grounds.

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

Representative **PLUMMER**: The answer is it does not.

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

Representative **HASKELL**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I agree with Representative Plummer. Municipalities have not been considered and that's what I mentioned earlier. However, we don't know about schools that might be instrumentalities of the state. That's where I have concern, where schools are concerned, and private schools, dormitories are going to be covered under the – I don't know whether dormitories will be covered under this new law. Private schools would have been included last year in the bill that was passed, if that answers your question.

To another question, Mr. Speaker, I would just like to remind folks that while this is a Second Amendment issue, our Second Amendment rights are limited. They've been limited by the courts and they are limited by some of the comments that have already been made. We have limited people from carrying their guns into the courthouse. We've done that for a reason. We've limited people from being able – even well-intentioned, well-organized, concealed weapons permit holders like myself. I also have a concealed weapons permit, but I am prohibited from bringing it into this building. We have for the sake of safety put limits on that constitutional right. So to say that it is absolute, I think, would be incorrect. Thank you, Mr. Speaker.

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

Representative **PRESCOTT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I guess I didn't hear my question answered, so I'm going to try and answer it myself. I believe that if someone isn't going to abide by the law, then that's exactly what they're going to do. They're not going to abide by the law. We call them criminals. With that said, I believe that that would take my guarantee away of my safety anywhere, and therefore, I would certainly want my right to protect myself there in order. Thank you.

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

Representative **MacDONALD**: Thank you, Mr. Speaker. I rise again to speak in opposition to this bill and in part to respond to the good Representative Harvell's comments. First of all, I

would mention to you, as you may know, about three cars a day are stolen in the State of Maine, around 1,200 a year, and I would suggest to you that this is not a debate about whether this gun right exists or not. We're not talking about whether or not a citizen can bear arms in a concealed fashion. We're talking about whether or not a citizen can leave a gun in a locked car. Leaving a gun in a locked car is not the same as bearing a weapon. I assume that most people with concealed weapons permits carry them on their person or, if they're in their house, they have them with them in their house. That's a very different situation from leaving a weapon in an unsafe place. So I'm positing to you that a locked car is not a safe place. The evidence shows that it's not a safe place. I beg you to have some common sense. Bear arms is fine. Leaving a weapon in a car that's vulnerable to being stolen is not a safe place and I urge you to vote against this bill. Thank you, Mr. Speaker.

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

Representative **BEAVERS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. My concern on this particular bill is the fact that we as legislators and the employees of the state do not go through the metal detector, so there is nothing stopping an irate person that does not have to go through the metal detector from bringing that weapon into the State House. 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. When you get a job anywhere, whether it's the state or anywhere else, you're accepting their rules that they have put in place. Those rules can violate your freedom of speech; they can violate your free access to carry a concealed weapon, to bear arms. When you accept employment for anyone, you are required to follow the rules that they have in place. Thank you, Mr. Speaker.

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

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

The SPEAKER: The Representative may pose his question.

Representative **WEBSTER**: Thank you, Mr. Speaker. Is Governor Baxter School for the Deaf a state-owned property?

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

Representative **SANDERSON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. In answer to the good Representative Prescott's answer, there is no guarantee that someone who does not carry a concealed firearms permit will come into an employer. What this law does, what we have now in place, only keeps law-abiding citizens from doing what they would care to do in exercising their freedoms. As for the schools, schools already have separate statutes prohibiting the possession of firearms on their grounds. This does not erode into that statute. Thank you.

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

**ROLL CALL NO. 244**

YEA - Ayotte, Beck, Beliveau, Bennett, Black, Bryant, Burns DC, Cain, Cebra, Chase, Clark H, Clark T, Cotta, Crafts, Cray, Crockett, Curtis, Cushing, Damon, Davis, Dion, Duchesne, Dunphy, Edgecomb, Espling, Fitts, Fitzpatrick, Flood, Fossel,

Foster, Fredette, Gifford, Gillway, Guerin, Hamper, Hanley, Harmon, Harvell, Herbig, Johnson D, Johnson P, Keschl, Knapp, Knight, Libby, Long, Maker, Malaby, Martin, McCabe, McClellan, McFadden, McKane, Morissette, Nass, Newendyke, O'Brien, O'Connor, Olsen, Parker, Parry, Picchiotti, Plummer, Prescott, Richardson D, Richardson W, Rioux, Rosen, Sanderson, Sarty, Shaw, Sirocki, Theriault, Tilton, Timberlake, Turner, Tuttle, Wallace, Waterhouse, Weaver, Willette A, Winsor, Wood, Mr. Speaker.

NAY - Beaudoin, Beaulieu, Beavers, Berry, Bickford, Blodgett, Boland, Bolduc, Briggs, Carey, Casavant, Chapman, Chipman, Clarke, Cornell du Houx, Dill J, Dow, Eves, Flemings, Gilbert, Graham, Harlow, Haskell, Hayes, Hogan, Sarty, Innes Walsh, Kaenrath, Kent, Kruger, Kumiega, Lajoie, Longstaff, Luchini, MacDonald, Maloney, Mazurek, Monaghan-Derrig, Morrison, Moulton, Nelson, Peoples, Priest, Rankin, Rochelo, Rotundo, Russell, Sanborn, Stevens, Strang Burgess, Treat, Valentino, Volk, Wagner R, Webster.

ABSENT - Celli, Driscoll, Eberle, Goode, Hinck, Lovejoy, Peterson, Pilon, Stuckey, Welsh, Willette M.

Yes, 84; No, 55; Absent, 11; Vacant, 1; Excused, 0.

84 having voted in the affirmative and 55 voted in the negative, 1 vacancy with 11 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-739)** 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-739)** and sent for concurrence.

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

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HOUSE DIVIDED REPORT - Majority (9) **Ought Not to Pass** - Minority (4) **Ought to Pass** - Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Strengthen the Integrity of Nonresident Concealed Handgun Permits"

(H.P. 1278) (L.D. 1728)

TABLED - March 7, 2012 (Till Later Today) by Representative **PLUMMER** of Windham.

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

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

Representative **PLUMMER**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I'm proud to say that I was the sponsor of this bill. I'm equally proud to say that I voted against this bill. It sounded good initially. What this bill would do is allow the State Police – let me correct that – it would require the State Police to deny a concealed firearms permit to any person who had been denied a firearms permit in another state, that they judge to be equal to or lesser strict than the State of Maine. It would automatically be denied. We're referring only to out-of-state concealed carry permits, those people in another state who decide to carry in the State of Maine. The State Police – and the State Police, by the way, are the only body that can grant concealed firearms permits to out-of-state residents. The State Police found that there were a number of people from out of state who were applying for concealed carry permits in the State of Maine, not that they wanted to come to the State of Maine, but

that permit would be valid in the state that they lived in. They further found, in doing a records check, that these people had been denied permits in their home state.

Initially it seemed like maybe we needed this law, but the State Police do such a good job that I think they proved to me that this law was not necessary. I did have several conversations with State Police Lieutenant Bowler in terms of is there a way we can pass this. At this point, in this session, I felt there was not, that it could come back in another session reworked in a way that might be acceptable. But at this point, the bill didn't seem to be necessary because the State Police already do the records check and would continue to do the records check even after they learned that the person had been denied in another state, and they have denied permits of this nature. It doesn't seem there is any reason to add this law to the books at this time. Thank you, Mr. Speaker.

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

Representative **HASKELL**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I agree with the good House Chair of the Criminal Justice and Public Safety Committee on this one, and the main reason I agree with him on this one is the fact that even if we granted this permission to add this other element to the list of denials, the State Police were still going to do the exact same amount of investigation and background work before they denied the permit. They did that for the intent that if there was an appeal of that denial, that they would have all of the information in front of them, and so there was no savings in time and no savings in money and the process was exactly the same, so it didn't seem that this was a necessary bill. Thank you.

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

## REPORTS OF COMMITTEE

### Divided Reports

Majority Report of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** reporting **Ought to Pass** on Resolve, Regarding Legislative Review of Portions of Chapter 305: Permit by Rule, a Major Substantive Rule of the Department of Environmental Protection (EMERGENCY)

(H.P. 1323) (L.D. 1797)

Signed:

Senators:

SAVIELLO of Franklin  
GOODALL of Sagadahoc  
SHERMAN of Aroostook

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-751)** on same Resolve.

Signed:

Representative:

LONG of Sherman

**READ.**

Representative HAMPER of Oxford moved that the House **ACCEPT** the Majority **Ought to Pass** Report.

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

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

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

### ROLL CALL NO. 245

YEA - Beaudoin, Beavers, Beck, Beliveau, Berry, Black, Blodgett, Boland, Bolduc, Briggs, Bryant, Cain, Carey, Casavant, Chapman, Chipman, Clark H, Clarke, Cornell du Houx, Cotta, Curtis, Cushing, Dill J, Dion, Dow, Duchesne, Edgecomb, Espling, Eves, Fitts, Flemings, Flood, Fossel, Gilbert, Graham, Hamper, Hanley, Harlow, Haskell, Hayes, Herbig, Hogan, Hunt, Innes Walsh, Kaenrath, Kent, Keschl, Knapp, Knight, Kruger, Kumiega, Lajoie, Longstaff, Luchini, MacDonald, Maloney, Martin, Mazurek, McCabe, McKane, Monaghan-Derrig, Morrison, Moulton, Nelson, O'Brien, Olsen, Peoples, Plummer, Prescott, Priest, Rankin, Richardson D, Richardson W, Rochelo, Rotundo, Russell, Sanborn, Shaw, Stevens, Strang Burgess, Theriault, Treat, Tuttle, Valentino, Volk, Wagner R, Weaver, Webster, Mr. Speaker.

NAY - Ayotte, Beaulieu, Bennett, Bickford, Burns DC, Cebra, Chase, Clark T, Crafts, Cray, Crockett, Damon, Davis, Dunphy, Fitzpatrick, Foster, Fredette, Gifford, Gillway, Guerin, Harmon, Harvell, Johnson D, Johnson P, Libby, Long, Maker, Malaby, McClellan, McFadden, Morissette, Nass, Newendyke, O'Connor, Parker, Parry, Picchiotti, Rioux, Rosen, Sanderson, Sarty, Sirocki, Tilton, Timberlake, Turner, Wallace, Waterhouse, Willette A, Winsor, Wood.

ABSENT - Celli, Driscoll, Eberle, Goode, Hinck, Lovejoy, Peterson, Pilon, Stuckey, Welsh, Willette M.

Yes, 89; No, 50; Absent, 11; Vacant, 1; Excused, 0.

89 having voted in the affirmative and 50 voted in the negative, 1 vacancy with 11 being absent, and accordingly the Majority **Ought to Pass** Report was **ACCEPTED**.

The Resolve was **READ ONCE** and was assigned for **SECOND READING** Tuesday, March 13, 2012.

Ten Members of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (H-752)** on Bill "An Act To Make Minor Adjustments to Laws Administered by the Department of Environmental Protection"

(H.P. 1283) (L.D. 1738)

Signed:

Senators:

SAVIELLO of Franklin  
GOODALL of Sagadahoc

Representatives:

HAMPER of Oxford  
AYOTTE of Caswell  
DUCHESNE of Hudson  
INNES of Yarmouth  
KNAPP of Gorham  
NASS of Acton

PARKER of Veazie  
WELSH of Rockport

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

Signed:  
Senator:  
SHERMAN of Aroostook

Representative:  
LONG of Sherman

One Member of the same Committee reports in Report "C"  
**Ought to Pass as Amended by Committee Amendment "B"**  
(H-753) on same Bill.

Signed:  
Representative:  
HARLOW of Portland

**READ.**

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-752)** 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-752)** and sent for concurrence.

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**SENATE PAPERS**

Bill "An Act To Establish the Dairy Improvement Fund"  
(EMERGENCY)

(S.P. 653) (L.D. 1869)

Came from the Senate, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed.

**REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** in concurrence.

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Bill "An Act To Enhance Career and Technical Education"

(S.P. 650) (L.D. 1865)

Came from the Senate, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed.

**REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** in concurrence.

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Bill "An Act To Lower the Price of Electricity for Maine Consumers"

(S.P. 648) (L.D. 1863)

Bill "An Act To Improve Efficiency Maine Trust Programs To Reduce Heating Costs and Provide Energy Efficient Heating Options for Maine's Consumers"

(S.P. 649) (L.D. 1864)

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

**REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** in concurrence.

**First Day**

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

(S.P. 537) (L.D. 1627) Bill "An Act Regarding the Filing of Birth, Death and Marriage Data" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-419)**

(S.P. 559) (L.D. 1660) Bill "An Act To Provide Tort Claims Immunity for Out-of-state Regional Transit Organizations That Provide Regular Service in Maine" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-423)**

(S.P. 627) (L.D. 1815) Bill "An Act To Establish 'The Dirigo March' as the Official March of the State" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-418)**

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.

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

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

Representative **TUTTLE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. As many of us know, the University of Maine Hockey Team won their first playoff series at Alford Arena last night, 2-1 against Merrimack College. They will play Boston University Friday evening in the Hockey East Semifinals. I would ask that we wish them our best as they represent the great State of Maine. Go Maine!

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On motion of Representative PLUMMER of Windham, the House adjourned at 12:16 p.m., until 10:00 a.m., Tuesday, March 13, 2012.