

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

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ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE
SECOND REGULAR SESSION
28th Legislative Day
Wednesday, March 14, 2012

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

Prayer by the Honorable Herbert E. Clark, Millinocket.

Pledge of Allegiance.

Doctor of the day, Jonathan Gasper, M.D., Mt. Vernon.

The Journal of yesterday was read and approved.

SENATE PAPERS

The following Joint Resolution: (S.P. 652)

JOINT RESOLUTION RECOGNIZING THE JUSTICE ACTION GROUP'S ACCESS TO JUSTICE DAY

WHEREAS, the Justice Action Group is a coalition established in 1995 to provide leadership and coordination in planning for the provision of civil legal aid to low-income and elderly Mainers; and

WHEREAS, equal access to justice is a bedrock principle of a free, constitutional society and no system of laws and constitutional protections can be credible or effective if only those who can afford a private lawyer may avail themselves of it; and

WHEREAS, providing equal access to justice has tangible, widespread benefits for Maine's families, children, schools, communities, businesses, charities and government, and the availability of legal aid has been shown to be effective in reducing the incidence of domestic violence by ensuring that victims receive court protection orders; and

WHEREAS, Maine's employers benefit when employees who receive legal assistance miss less work and are less distracted by unresolved legal issues; and

WHEREAS, legal issues profoundly affect basic human needs such as shelter, sustenance, safety from violence, health and child protection; and

WHEREAS, in the current economic downturn, the need for legal aid and pro bono representation in Maine remains acute; 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, pause to acknowledge and express our appreciation and strong support for Maine's legal aid provider organizations and Maine's private practice attorneys who provide pro bono service for those otherwise unable to afford legal representation on the Justice Action Group's 2012 Access to Justice Day; and be it further

RESOLVED: That a suitable copy of this resolution, duly authenticated by the Secretary of State, be transmitted to the Justice Action Group.

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

READ and **ADOPTED** in concurrence.

Bill "An Act To Limit Eligibility under the Municipal General Assistance Program" (EMERGENCY)

(S.P. 647) (L.D. 1862)

Committee on **HEALTH AND HUMAN SERVICES** suggested and ordered printed.

Came from the Senate, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed.

The Bill was **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** in **NON-CONCURRENCE** and sent for concurrence.

COMMUNICATIONS

The Following Communication: (H.C. 330)

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

March 14, 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 Committees have voted unanimously to report the following bills out "Ought Not to Pass:"

Criminal Justice and Public Safety

L.D. 1633

An Act To Increase to a Class C Crime the Failure To Report a Missing Child within 24 Hours

Judiciary

L.D. 1824

An Act To Provide Immunity for Prescribing and Dispensing Intranasal Naloxone Kits

The sponsors 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**.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Resolve, Establishing Surface Use Restrictions on Great Meadow Stream and the Northern Portion of North Bay on Great Pond (EMERGENCY)

(H.P. 1388) (L.D. 1876)

Sponsored by Representative KESCHL of Belgrade.

Cosponsored by Senator SAVIELLO of Franklin and Representative: DUCHESNE of Hudson.

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

Committee on **INLAND FISHERIES AND WILDLIFE** suggested and ordered printed.

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

Bill "An Act To Allow Reimbursement and Abatement of Property Taxes Paid or Owed on a Primary Residence Destroyed by Fire"

(H.P. 1389) (L.D. 1878)

Sponsored by Representative GRAHAM of North Yarmouth.

Cosponsored by Senator DIAMOND of Cumberland and Representatives: BERRY of Bowdoinham, CASAVANT of Biddeford, KENT of Woolwich, SHAW of Standish, STRANG BURGESS of Cumberland, TURNER of Burlington, Senator: THOMAS of Somerset.

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

Committee on **TAXATION** suggested and ordered printed.

REFERRED to the Committee on **TAXATION** and ordered printed.

Sent for concurrence.

Bill "An Act To Treat Party Formation Committees the Same as Ballot Question Committees for Purposes of the Campaign Finance Laws"

(H.P. 1391) (L.D. 1879)

Sponsored by Representative FOSSEL of Alna.

Cosponsored by Senator KATZ of Kennebec and Representatives: BURNS of Whiting, FITZPATRICK of Houlton, HAYES of Buckfield, McKANE of Newcastle, Speaker NUTTING of Oakland, O'CONNOR of Berwick, OLSEN of Phippsburg, SIROCKI of Scarborough.

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

Committee on **VETERANS AND LEGAL AFFAIRS** suggested and ordered printed.

REFERRED to the Committee on **VETERANS AND LEGAL AFFAIRS** and ordered printed.

Sent for concurrence.

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

ORDERS

On motion of Representative HAYES of Buckfield, the following Joint Resolution: (H.P. 1390) (Cosponsored by Representative: KESCHL of Belgrade) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 214)

JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO SECURE CLEAN WATER ACT FUNDING FOR THE MAINE VOLUNTEER LAKE MONITORING PROGRAM

WE, your Memorialists, the Members of the One Hundred and Twenty-fifth Legislature of the State of Maine now assembled in the Second Regular Session, most respectfully present and petition the President of the United States and the United States Congress as follows:

WHEREAS, the State of Maine is known for its natural beauty and vast wilderness, its plentiful lakes, ponds and rivers and its abundance of fresh, clean water; and

WHEREAS, Maine's valuable lakes and ponds generate more than \$3.5 billion in revenue annually and support approximately 50,000 jobs in the State; and

WHEREAS, the Maine Volunteer Lake Monitoring Program is a nonprofit organization that trains, certifies and provides technical support to approximately 1,000 active volunteers, who annually gather critical data on the health of Maine lakes and ponds; and

WHEREAS, the Maine Volunteer Lake Monitoring Program, authorized by the Maine Legislature in 1971, partners with many local, state and regional entities involved in lake and pond protection and provides essential information for assessing and protecting these bodies of water to the Maine Department of Environmental Protection and the United States Environmental Protection Agency; and

WHEREAS, historically, the Maine Department of Environmental Protection and the United States Environmental Protection Agency, which are the primary beneficiaries of the

Maine Volunteer Lake Monitoring Program, have provided funding to the program for operational costs; and

WHEREAS, federal funding to the Maine Volunteer Lake Monitoring Program has been in the form of a competitive grant through the Maine Environmental Protection Agency, which administers federal Clean Water Act funding in Maine; and

WHEREAS, the annual funding of the Maine Volunteer Lake Monitoring Program has made possible the assessment of the large number of lakes and ponds throughout the State by the program's volunteers; and

WHEREAS, Congress has recently cut funding under the federal Clean Water Act and dramatically narrowed the permitted uses of the funds; and

WHEREAS, the limitation on the use of funds for assessing water resources results in a significant loss in the ability of the State and of the Nation to determine the health of their important water resources; and

WHEREAS, federal Clean Water Act funding is imperative for the State of Maine to protect its valuable water resources through the Maine Volunteer Lake Monitoring Program, an immensely cost-effective program that provides multiple benefits at both the state and national levels; now, therefore, be it

RESOLVED: That We, your Memorialists, request that the President of the United States and the United States Congress restore proper funding under the federal Clean Water Act so that the Maine Volunteer Lake Monitoring Program can continue to do its valuable work, which benefits the State, the region and the Nation; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable Barack H. Obama, President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives and to each Member of the Maine Congressional Delegation.

READ and ADOPTED.

Sent for concurrence.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Lauchlin Titus, of North Vassalboro, who was named the 2011 Certified Crop Advisor of the Year by the Northeast Region Certified Crop Advisors Board of Directors for his dedication to his clients and his agronomic leadership in the northeast region which includes all of New England and New York. Mr. Titus has over 35 years of experience in Maine's agricultural field. He is a Certified Professional Agronomist and Crop Advisor and a Certified Nutrient Management Planner, who owns and operates AgMatters LLC. He served as chair of the Maine Nutrient Management Review Board for over 10 years, served as President of the Maine Vegetable and Small Fruit Growers Association for 10 years, served as a member of the Maine Agriculture in the Classroom Council, served on 2 dairy task forces of the Governor and is a member of the Maine Farm Bureau of Kennebec County. Mr. Titus also serves as a Vassalboro Selectman. We congratulate him on his receiving this well-deserved award;

(HLS 1055)

Presented by Representative FOSTER of Augusta.

Cosponsored by Senator KATZ of Kennebec, Senator THIBODEAU of Waldo, Senator SHERMAN of Aroostook, Senator SCHNEIDER of Penobscot, Representative EDGEComb of Caribou, Representative CRAY of Palmyra,

Representative GIFFORD of Lincoln, Representative BLACK of Wilton, Representative TIMBERLAKE of Turner, Representative McCABE of Skowhegan, Representative O'BRIEN of Lincolnville, Representative KENT of Woolwich, Representative DILL of Old Town.

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

READ.

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

Representative **FOSTER**: Thank you, Mr. Speaker. I very proudly rise today to recognize one of my constituents from Vassalboro, Maine, who owns and operates a small farm and is a certified professional agronomist running a company that's called AgMatters LLC. He meets and consults with farmers one to one to help them with sustainability of their products in agriculture. There is a program called Ag in the Classroom which he participates in, going to schools and raising awareness of where our food products come from. It is through his efforts that we can be assured of the continuation and sustainability of agriculture and the farming industry in the State of Maine, and I would like you to join with me in congratulating Lauchlin Titus. We are very proud to have him in our state. Thank you very much.

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

**REPORTS OF COMMITTEE
Divided Report**

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-422)** on Bill "An Act To Amend and Clarify the Public Charter School Law" (EMERGENCY) (S.P. 607) (L.D. 1762)

Signed:

Senators:

LANGLEY of Hancock
MASON of Androscoggin

Representatives:

RICHARDSON of Carmel
EDGECOMB of Caribou
JOHNSON of Greenville
LOVEJOY of Portland
MAKER of Calais
McCLELLAN of Raymond
McFADDEN of Dennysville
NELSON of Falmouth

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

Signed:

Senator:

ALFOND of Cumberland

Representative:

RANKIN of Hiram

Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (S-422)** Report.

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-422).

READ.

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

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

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

The **SPEAKER**: The Chair recognizes the Representative from Hiram, Representative Rankin.

Representative **RANKIN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise today in defense of public schools. I am speaking to you from my heart. Basically, I'm not against charter schools, I am just against us doing it in such a rush. It's unbelievable to me that we have enough money to propose new schools when our own public schools are in trouble. I think if there is money to be spared, it should go to them to help them.

I'd like to share some facts with you about what will happen with charter schools, because I don't think everyone is aware. For instance, when charter schools were first proposed, there were to be 10 charter schools within 10 years. Now, we have charter schools within a school. I'm truly not exactly sure what that means, but as far as I know, there is no limit on those. Children in a public school can go to a charter school. The charter school can come in and take 10 percent of any class, from kindergarten to 12th grade. There is a limit to how many they can take in one school and if their limit runs out and they get all the children that they need, then there is a lottery. Even that word goes against the grain for me, to think that children have to go into a lottery. For instance, if you have three children in a family and one of them get selected, how will the other two feel? Who are they; they're not good enough to go to this charter school apparently. That's the way they will feel as a child's mind would work. Not only is there competition from charter schools but now religious schools, home schooling, private schools, so there's all kinds of competition. What is going to be left of our public school system? When I think of all of the complications that are involved, I just cannot believe that this would work.

First of all, if a student lives more than 20 miles radius from a charter school, then the public school has to pay for their transportation, and when the student goes from a public school to a charter school, the money goes with them. Now if you live in a small, rural community, it's not going to be long before you can't afford to keep a school. They're letting teachers go already before you can't afford them, and children, you know, when they're young, they really haven't decided what they want to be when they grow up. They may say "I want to be a fireman. I want to be a policeman. I want to be a teacher." So today I don't know about wanting to be a teacher. Teachers have been disrespected and expected to do more and more duties every day, and yet we have money to start still other schools. There are authorizers that will run these schools and they're talking about being ready by August. How in the world can they start a brand new school by August?

The **SPEAKER**: Will the Representative defer? The Chair recognizes the Representative from Freeport, Representative Webster, and asks for what purpose does the Representative rise?

Representative **WEBSTER**: I apologize for interrupting, Mr. Speaker. However, I believe that some members, including

myself, are having a difficult time hearing the Representative who is speaking.

Representative **RANKIN**: Oh my goodness. I hope they've heard a little of what I've said here.

The **SPEAKER**: I think we've heard most of it, but the Chair will remind the members the House is in order. The Representative may continue.

Representative **RANKIN**: I think it bears repeating that if a student goes from a public school to a charter school, the funding for that student goes with them. We have authorizers that will be in charge of these schools. I really don't know what their – I'm sure there must be some qualifications for them. But as far as the teachers go, they don't have to be certified. Will teachers leave public schools to go to the charter school? The transportation problem is unbelievable because in our rural schools, any of these charter schools, I doubt if they'd come into a small community, but they still can take from those small communities. Why would you want to put a child on a bus and send them 50 miles to school? I'm sorry; I got a little shook up here knowing you haven't been hearing me.

Now we just recently in the Education Committee, we have been encouraging national teacher certification and yet we are willing to accept teachers who are not certified, period. There are very few restrictions on charter schools, certainly not what there are on public schools. It's not as if you can go to your local school board and say "I'm not happy with what's going on there." They will have a separate school board, even if they are a charter school within a school. If they accept special ed children – I'm sorry, I know there's a new term for them, I apologize for that, but I don't recall it right now – but they are supposedly not supposed to be able to turn down any child who would like to go to their schools. The recordkeeping for public schools is enormous right now, but there will be a lot more if they have to keep records for the children that go to the charter schools. The charter schools can accept gifts and donations. I hope that there will be some regulations on that. I know schools would have to be very careful. In other words, you cannot make deals with a company in order to get a special rate and use their logo, advertise for them in other words.

I just know, having worked in public school systems for almost 50 years, what has been accomplished over the years, how hard people work, what we strive for, how we respect our students, and our teachers, we respected our teachers. So I hope you will keep in mind before you vote what the ramifications from this can be. We don't know. We need more time to throw these schools together. Well, certainly not by July or August. I think you should give it very, very careful consideration. It would be expensive; it will be money down the drain until we know what we're doing. I know they've put a lot of work into it, but they need to do a lot more, I mean a stake in the public schools a good many more years than a few months that we have put into the proposal of charter schools. I confess to you that, and I don't need to do that because I'm not a good speaker and I was reluctant to get up and speak, but I feel so strongly that we should think very, very carefully before we put ourselves in this. It's not to criticize anybody or all the hard work that has been done, but having seen the many changes in the public schools over the years, it takes time. Each change takes time to be adapted. So thank you very much, Mr. Speaker.

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

ROLL CALL NO. 248

YEA - Ayotte, Beliveau, Bennett, Black, Boland, Burns DC, Casavant, Cebra, Chapman, Chase, Clark T, Cotta, Crafts, Cray, Crockett, Curtis, Damon, Davis, Dion, Dow, Dunphy, Edgecomb, Espling, Fitts, Fitzpatrick, Flood, Fossel, Foster, Fredette, Gifford, Gillway, Guerin, Hamper, Hanley, Harmon, Harvell, Johnson D, Johnson P, Keschl, Knight, Libby, Long, Maker, Malaby, Maloney, McClellan, McFadden, McKane, Morissette, Moulton, Nelson, Newendyke, O'Connor, Olsen, Parker, Parry, Peterson, Picchiotti, Pilon, Plummer, Prescott, Richardson D, Richardson W, Rioux, Rosen, Sanderson, Sarty, Shaw, Sirocki, Strang Burgess, Tilton, Timberlake, Turner, Valentino, Volk, Wagner R, Wallace, Waterhouse, Welsh, Willette M, Winsor, Wood, Mr. Speaker.

NAY - Beaudoin, Beaulieu, Beavers, Berry, Blodgett, Briggs, Bryant, Cain, Carey, Chipman, Clark H, Clarke, Dill J, Driscoll, Duchesne, Eves, Gilbert, Goode, Graham, Harlow, Haskell, Hayes, Herbig, Hinck, Hogan, Hunt, Innes Walsh, Kaenrath, Kent, Knapp, Kruger, Kumiega, Lajoie, Longstaff, Lovejoy, Luchini, MacDonald, Martin, Mazurek, McCabe, Monaghan-Derrig, Morrison, Nass, O'Brien, Peoples, Priest, Rankin, Rochelo, Rotundo, Russell, Sanborn, Stevens, Stuckey, Theriault, Treat, Webster.

ABSENT - Beck, Bickford, Bolduc, Celli, Cornell du Houx, Cushing, Eberle, Flemings, Tuttle, Weaver, Willette A.

Yes, 83; No, 56; Absent, 11; Vacant, 1; Excused, 0.

83 having voted in the affirmative and 56 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" (S-422)** 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-422)** in concurrence.

Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass** on Bill "An Act to Allow the Change of Location of a Licensed Large Game Shooting Area" (EMERGENCY)

(S.P. 630) (L.D. 1822)

Signed:

Senators:

MARTIN of Kennebec
PATRICK of Oxford
SAVIELLO of Franklin

Representatives:

DAVIS of Sangerville
BRIGGS of Mexico
CLARK of Millinocket
CRAFTS of Lisbon
ESPLING of New Gloucester
GUERIN of Glenburn
SARTY of Denmark
SHAW of Standish
WOOD of Sabattus

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

Signed:

Representative:
EBERLE of South Portland

Representative SLIGGER of the Houlton Band of Maliseet Indians - of the House - supports the Minority **Ought Not to Pass** Report.

Came from the Senate with the Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

READ.

Representative DAVIS of Sangerville moved that the House **ACCEPT** the Majority **Ought to Pass** Report.

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

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-757)** on Bill "An Act To Amend Education Laws"

(H.P. 1284) (L.D. 1742)

Signed:

Senators:

LANGLEY of Hancock
MASON of Androscoggin

Representatives:

EDGECOMB of Caribou
JOHNSON of Greenville
MAKER of Calais
McCLELLAN of Raymond
McFADDEN of Dennyville

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-758)** on same Bill.

Signed:

Senator:

ALFOND of Cumberland

Representatives:

RICHARDSON of Carmel
LOVEJOY of Portland
NELSON of Falmouth
RANKIN of Hiram

Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (H-757)** Report.

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-757)** 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-757)** and sent for concurrence.

CONSENT CALENDAR

First Day

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

(H.P. 298) (L.D. 372) Bill "An Act To Reduce Deer Predation" Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "C" (H-769)**

(H.P. 1203) (L.D. 1597) Bill "An Act To Ensure Confidentiality of Juvenile Case Records" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-779)**

(H.P. 1302) (L.D. 1768) Bill "An Act To Improve the Department of Environmental Protection's Annual Waste Discharge License Fee System" Committee on **ENVIRONMENT AND NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-771)**

(H.P. 1340) (L.D. 1817) Resolve, Regarding Access to Eastern Road in Scarborough Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-770)**

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.

BILLS IN THE SECOND READING

House

Bill "An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government To Address Revenue Shortfalls Projected for the Fiscal Year Ending June 30, 2012"

(H.P. 1384) (L.D. 1870)

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

On motion of Representative FLOOD of Winthrop, was **SET ASIDE**.

The same Representative **PRESENTED House Amendment "A" (H-778)**, which was **READ** by the Clerk.

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

Representative **FLOOD**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This amendment adds an emergency preamble to the bill that, frankly, I forgot to add on it when I initially proposed the bill. The underlying bill deals with fiscal year '12 revenue shortfall and it does require an emergency preamble for its passage, so I would appreciate your support. Thank you, Mr. Speaker.

Subsequently, **House Amendment "A" (H-778)** was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED as Amended by House Amendment "A" (H-778)** and sent for concurrence. **ORDERED SENT FORTHWITH**.

ENACTORS

Emergency Measure

An Act To Conform the Maine Tax Laws for 2011 to the United States Internal Revenue Code

(H.P. 1289) (L.D. 1748)

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.

Acts

An Act To Clarify the Requirements of Income Withholding Orders

(H.P. 1199) (L.D. 1594)
(C. "A" H-746)

An Act To Amend the Uniform Commercial Code Regarding Motor Vehicle Warranties

(H.P. 1236) (L.D. 1684)

An Act To Clarify the Status of Patients Held under Involuntary Commitment Applications

(H.P. 1240) (L.D. 1688)
(C. "A" H-747)

An Act To Reduce High-technology Tax Evasion and Theft

(H.P. 1297) (L.D. 1764)
(C. "A" H-743)

An Act To Implement Recommendations of the Right To Know Advisory Committee Concerning Public Records Exceptions

(H.P. 1330) (L.D. 1804)

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, Authorizing the State Tax Assessor To Convey the Interest of the State in Certain Real Estate in the Unorganized Territory

(H.P. 1292) (L.D. 1751)
(C. "A" H-748)

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

SENATE DIVIDED REPORT - Majority (7) **Ought to Pass pursuant to Resolve 2011, chapter 103, section 2** - Minority (6) **Ought to Pass as Amended by Committee Amendment "A" (S-371) pursuant to Resolve 2011, chapter 103, section 2** - Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act Regarding the Matching Funds Provisions of the Maine Clean Election Act" (EMERGENCY)

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

- In Senate, Majority **OUGHT TO PASS pursuant to Resolve 2011, chapter 103, section 2** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

TABLED - March 12, 2012 (Till Later Today) by Representative BEAULIEU of Auburn.

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

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

Representative **CHIPMAN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. We were elected and sent here to take action and do things. The original Clean Elections law sought to reduce the influence of PACs, lobbyists and special interest groups by providing a level playing field. This system has worked well for over 10 years. In fact, 80 percent of us ran with this system of funding in the last election cycle, so we all liked it and we supported it then. A court case, unfortunately, last summer, resulted in the loss of matching funds, a portion of the law which is what provides the level playing field. In front of our committee which I serve on, Veterans and Legal Affairs, the nonpartisan Ethics Commission recognized this problem and proposed a requalifying option that would preserve the level playing field, would past muster in the courts and keep our Clean Elections system strong, something Maine voters strongly support. In fact, two-thirds of Independents say campaign finance reform is a very important factor in their vote. An overwhelming majority of Democratic voters, 69 percent, and a strong majority of Republicans, 56 percent, do as well. Over 60 percent of voters in districts picked up by Republicans here in the state, in 2010, say that campaign finance reform is very important in terms of how they will vote in 2012.

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

Representative **CHIPMAN**: In conclusion, Mr. Speaker, Ladies and Gentleman of the House, I urge you to join me in doing what we were sent here to do which is to take action and do things. Let's vote no on the pending motion so we can move on and adopt the Minority Report and keep our Clean Elections system strong. Mr. Speaker, I request that when the vote is taken, the yeas and nays be recorded. Thank you.

The same Representative **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass Pursuant to Resolve** 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 Pursuant to Resolve Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 249

YEA - Ayotte, Beaulieu, Bennett, Black, Burns DC, Casavant, Cebra, Chase, Clark T, Crafts, Cray, Crockett, Curtis, Damon, Davis, Dow, Dunphy, Edgcomb, Espling, Fitts, Fitzpatrick, Flood, Fossil, Foster, Fredette, Gifford, Gillway, Guerin, Hamper, Hanley, Harmon, Harvell, Johnson D, Johnson P, Keschl, Knapp, Knight, Libby, Long, Maker, Malaby, McClellan, McFadden, McKane, Morissette, 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, Valentino, Volk, Wallace, Waterhouse, Willette M, Winsor, Wood, Mr. Speaker.

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

ABSENT - Beck, Bickford, Celli, Cornell du Houx, Cotta, Cushing, Eberle, Flemings, Nelson, Tuttle, Weaver, Willette A.

Yes, 74; No, 64; Absent, 12; Vacant, 1; Excused, 0.

74 having voted in the affirmative and 64 voted in the negative, 1 vacancy with 12 being absent, and accordingly the Majority Ought to Pass Pursuant to Resolve Report was **ACCEPTED**.

The Bill was **READ ONCE**.

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

Representative CAREY of Lewiston **PRESENTED House Amendment "D" (H-781)**, which was **READ** by the Clerk.

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

Representative CAREY: Thank you, Mr. Speaker. Mr. Speaker, Members of the House. As you all know, in 1995, the Clean Election Act was put forth by the voters of Maine and was passed by the voters of Maine with a resounding majority. As part of that original Act that the voters approved, there was a provision in there, which you are all familiar with by this point, called matching funds. The intent of the Act was that any campaign, any district in the State of Maine, that somebody could run by going to their neighbors and asking for their support. You all know this. Four out of five of us in this body have used this system to get to where we are. The matching funds wanted to be sure that if public money was going to be spent, no more public money would be spent than was necessary to secure a sufficient campaign in that seat, and so, as you know, it was triggered by spending of the other candidate or of outside groups. That trigger, the trigger of having spending by other people, triggering matching funds, the Supreme Court declared was not constitutional. They were very clear that public taxpayer funding of campaigns was constitutional and they gave no opinion on additional disbursements.

So this bill before you today is after a long process that the Representative from Portland, Representative Chipman, laid out, is an attempt to keep the sufficient funding within the system. So I want to go through some of the elements of this bill and then highlight a few things about it before asking for your support for the bill. The initial distribution, as many members of the committee of both parties expressed concerns about, 4,000 – that is in the Majority Report that we have just voted on – 4,000 was the initial there. This amendment would raise it to 5,000. This amendment allows a requalifying option if the candidate feels that they need more money to have sufficient funding. Instead of being triggered by outside spending, it's triggered by the candidate's own work. So the candidate will go out and raise additional \$5 checks. We all know how difficult that is, as it should be, if there needs to be more funding that's appropriate that the candidates are responsible for doing that work. Obviously there are commensurate increases on the Senate side to make sure that things are even between the two bodies, in terms of how much work is required relative to the size of the district. That is what the bill does.

I want to highlight a few things. This saves money over existing resources. This does not require any new money from the General Fund. This would keep Clean Elections a viable, stable, strong system that any of us or, more importantly, anybody who would like to run against us and doesn't have the benefits of incumbency is able to go and talk to our neighbors and get their support for their election to this chamber or to the other body. With that, Mr. Speaker, I ask for your support and the support of the members of the body, and I call for a roll call. Thank you, Mr. Speaker.

The same Representative **REQUESTED** a roll call on the motion to **ADOPT House Amendment "D" (H-781)**.

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 Saco, Representative Valentino.

Representative VALENTINO: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise today to speak in support of the amendment before you. I look forward to floor debates because there is always a heightened awareness that one or two or many people will be swayed by the arguments and vote contrary to their corners, as I have done many times. I actually wrote that paragraph before the last vote, which was pretty exciting, I think, because it was unexpected, and I hope all of you notice that I did take the occasion to vote against, maybe, my corner. This is my corner right here. I'm the upper corner caucus as most of you have probably known.

I want to speak on the amendment because I really think it's important to the 80 percent of us who run as Clean Election candidates, not only who run now but our future Clean Election candidates who are going to be running. First of all, just a little history. This was LD 848 that actually was passed last year by this Legislature. At that time, we passed a Resolve to address the Supreme Court decision. What we did is we authorized the Veterans and Legal Affairs Committee to have two meetings on this subject that we felt, this entire body felt, that the subject was important enough that we should devote our entire time in the fall to have two meetings on it. We also appropriated \$3,250 for the Veterans and Legal Affairs Committee to meet twice on this, because we all felt it was an important issue and everybody here voted for this. What happened is the Ethics Commission did a report and I read from Jonathan Wayne, he is the executive director of the Commission on Governmental Ethics, from a memo on September 21st, and he basically said in his memo that this was to highlight what was coming in the report. His first recommendation was the status quo was unacceptable. He states that the combination of 5 percent less funding in 2012 and the removal of matching funds will make the program unviable for a significant portion of more than half the 2012 candidates, more than half of us, more than half of our people who are going to take our place. That was his recommendation number 1. The status quo is unacceptable.

Recommendation number 2, the need for prompt action, well, we've missed that boat because his prompt action wanted this back in October and back in January. So this comes to his recommendation number 3, which was basically to do some type of requalifying option. The amendment that we have before us is not a complicated one; it is not the same amendment that was proposed in the other body. It is not even the same recommendation that was proposed by the Ethics Committee. This is a very simple amendment. We've learned from our mistakes on other amendments. All this amendment is doing is saying that if you are in a tight race and you want to do more work, you don't have to do this. If you're running for the House, you can go collect another 30 more \$5 checks and you'll get \$1,500. That's it. If you're running for the Senate and you want to collect another 100 \$5 checks, then you can requalify for up to \$7,500. If you don't spend the money, you just give the money back.

I also want to point out for our \$3,250 that we spent in our two meetings, we did get a wonderful 73 page report from the Ethics Commission, 73 pages, on all kinds of options, very complicated options, and we went through all of this. We had a lot of testimony on it. One, I would like to read from the Honorable Edward Youngblood of Brewer, who served in the 120th and the 121st Legislatures in the other body, and he was also a commissioner on Government Ethics Commission. He states

"I would not have run for public office without Maine Clean Elections or without the insurance that I would be able to run a competitive campaign. There are those that have or will say let's leave the system alone for 2012 and see what happens. Doing nothing or being a casual observer of the scene is not leadership. I, and many others, are proud of the leadership steps that the 125th Legislature has taken during this past session. So I know this is not a do nothing Legislature." End quote from the Honorable Mr. Youngblood. He also had an editorial in the *Bangor Daily News* which is on your desk and he says the recommendation I support is the "requalifying option." And again, we have simplified this so much.

I have another quote that I would like to read and it is from a member of this body. It was printed in the *Sun Journal* back in November and I won't mention his name. He is from the other side of the aisle and he is a wonderful person. The member says that he remembers the first time a campaign donor appeared before one of his legislative committees. The panel was reviewing a bill that could affect the donor's business. He said he didn't think the owner would have tried to cash in on his campaign investment; however, he wondered if the situation would be different if another business had given him \$1,000, not the \$5 he had received from this particular donor. This gentleman is a three-time Clean Election candidate. His quote in the paper was "It certainly made me feel free of any connection, certainly any monetary connection, to that business as a member of that committee. I felt good about running clean." That is what the Clean Elections are about. That is why we need to preserve it.

The Majority Report that we just passed and I voted for was a housekeeping bill. It cleaned up basically our statutes as far as what the Supreme Court decision was. It was needed. It was a slice of bread. The 73 page report from the Ethics Commission was the whole loaf of bread. That did not fly. What we have before you is an amendment that just adds a couple more slices of bread to the loaf to give all of us who firmly believe in the Maine Clean system an opportunity to go out to do more work, to get a little bit of money so that we can be competitive in our races. So for that reason, I appeal to the 80 percent of us in this chamber to follow my light and to vote for a couple of slices of bread to help the Maine Clean Election stay afloat. Thank you very much.

Representative CURTIS of Madison moved that **House Amendment "D" (H-781)** be **INDEFINITELY POSTPONED**.

The same Representative **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "D" (H-781)**.

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 Biddeford, Representative Beaudoin.

Representative **BEAUDOIN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise today to speak about Clean Elections. Clean Elections is good for me. I'm here because of it. If I depended, I would not want to depend on corporations. When I go and see my constituents I tell them I run Clean Elections and they're asking "What is that?" I tell them that they are allowed to tell me how they feel about things and how I should vote, how they would like for me to vote, and that's what their \$5 gives them. No corporation, I tell them, is going to tell me how I should vote. You know, we've done something right in this chamber by having Clean Elections and I say that we should keep it, we should keep something that we've done that's good for our constituents. So please follow my lead, follow my light. Thank you.

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

Representative **RUSSELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just want to take you back to 1995 for a moment because, when the people of Maine brought this forward, it wasn't just a small group of people that decided it was time to get money out of politics and clean up the system. One, they knew they could not put something like this through the Legislature because those of us incumbents have access to capital, fundraising opportunities that people who otherwise wanted to run for office to challenge us would not necessarily have access to. So the idea that we would take away that fundraising system was pretty novel and it essentially made it impossible to put it through the Legislature, so they brought it through citizen's initiative. It was a conscious choice.

But it wasn't some small fringe group of people that brought this forward. In fact, 59 percent of Maine people decided at the polls that fall that they were going to support this initiative, that they wanted to make Clean Elections happen, that they didn't just want politicians who were returning campaign favors. They wanted politicians that were beholden to the people they represented, and that has worked. That has worked for quite a long time. I would argue when a lot of people look to Maine and say Maine has a good government system, a good reason for that is the Clean Elections system because we are not beholden to our corporate donors, to our special interest donors. We are beholden to the individuals that gave us \$5, and, if anyone thinks you can get bought for \$5, well, maybe you can buy two cups of coffee and call it good, but that's about all you're going to buy. Many of us in this chamber ran on Clean Elections money, so what are we going to do? Take the money and run, because that's what's happening. The system is getting raided. This is not just about ending or modifying Clean Elections. This is a formal budgetary raid of the system.

Let me bring you to the Ethics Commission for a moment. The Ethics Commission brought this proposal forward, the requalifying option. They actually had a couple of options for us and the staff, the people tasked with answering our questions, the people tasked with understanding the nuances of the law and the implications of it, who have been doing this for many years. They said we support the requalifying option because we believe it is in the best interest of Maine people. They were very clear. They were very clear: Doing nothing is not an option. Now the Ethics Commission, I mean this is the Ethics Commission, the Commission that oversees the ethical practices of elections and we're going to question their judgment? This is not some partisan perspective. The Ethics Commission has Republicans, an equal amount of Democrats and it has an Independent. It is not designed to be partisan and yet that's precisely what this seems to be turning into, and let me take you to last fall.

It was interesting because in 1996, 59 percent of Maine people, 59 percent, said yes; let's institute the Clean Elections system. They did not want electioneering, they wanted good government. Last fall, 60 percent of Maine people said we do not want electioneering; we do not want our elections rigged. We want, again, our people, our politicians, to be beholden to the people that got them into office in the first place. I support the requalifying option and I support the pending motion, and I hope that when you go back and knock on doors, that you remember that that 59 percent figure is not from many, many years ago. It's not some esoteric number that you can forget about. That 60 percent, it actually went up by a percentage point last fall when Maine voters said they did not want this body rigging the election system. Only last fall, it wasn't our names on the ballot. This fall it is, and if you think for a second the people are not going to

understand that we gutted this system, there is no amount of spin, no amount of news releases that say we're saving Clean Elections that's going to save our names on the ballot this fall.

We are not beholden to campaign donors. We are not beholden to people from away. We are beholden to the people that got us into office. We are beholden. We have not run for reelection yet. We are still beholden to the people that gave us the \$5 checks last time we ran. Those \$5 checks meant something. It meant I support this system and I want you to be beholden to me, not special interests. So don't forget that when your name goes up on the board, because it will, and I'm optimistic that again this fall 60 percent of Maine people are going to demonstrate one way or another that they support a government that is for the people, by the people and of the people. Thank you, Mr. Speaker.

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. The good Representative from Saco, Representative Valentino, said that she wanted to leave a slice of bread upon the table, but I ask which table does that come from? The reality is what we're really talking about here with matching funds is protection money. The bill does not say if you are in a tight race, you may get 30 extra \$5 checks to get extra money. It says you can do it anyway and how would you know if you were in a tight race or not? Some people may have suspicions, some people may not. The good Representative from Saco has been absolutely consistent, at least, in this position. This body, last fall, last year, rejected what they wanted to do with protection money and they decided that they would keep PACs. That's the direction that we've decided to go. All this bill does is says we're going to conform to the United States Supreme Court decisions which, by law, we have to. If a Republican was allowed to raise an extra 30 checks in Piscataquis County, what would that mean? These are relatively safe seats and understood to be so.

The good Representative from Munjoy Hill, the last time there was a Republican elected from Munjoy Hill that could be in a competitive race was when? So the idea that someone that wasn't in a competitive race would have the same access to someone that was in a competitive race doesn't even pass the straight face test, and no one knows, and right as we speak there are members of this body that are collecting their protection money and it's called PACs. That's the direction this body decided to go. Had it not made that decision, I may actually feel different about this bill.

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

Representative **CAREY**: Thank you, Mr. Speaker. I ask all members of this body to oppose the pending motion and vote red to Indefinitely Postpone this bill and allow us to reach the merits. Thank you, Mr. Speaker.

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

Representative **MacDONALD**: Thank you, Mr. Speaker. I rise in opposition to this motion and in support of Representative Carey's plea that you let the substance of this vote go forward. We all know that Indefinite Postponement essentially means ducking the question of what's involved in the substance of this motion, and I submit that, in this case, Indefinite Postponement means subjecting the Maine Clean Election to an indefinite future. Despite what the good Representative Harvell has to say, many of us in many districts around the state will have cause to fear that we may need to gather more money in order to make our elections viable, and this is not a whole lot of money, but it is

a lot of effort proposed in the amendment to go forward and gather additional checks, bring yourself out to your constituents and ask for a small amount more money to make your election perhaps more viable. So I ask you, do not support the indefinite and I hope that you will vote against the Indefinite Postponement because that will really mean an indefinite future for the Maine Clean Election law, which has been so supported by all of the constituents that we represent. Please vote red when the chance comes to vote on this Indefinite Postponement. Thank you, Mr. Speaker.

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

Representative **BEAULIEU**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. Thanks for the opportunity to speak and I apologize in advance if I repeat some of the points made by my colleagues, all of whom I have a great deal of respect. In the mid 1990s, I remember voting for the referendum question which created the Maine Clean Election system. Actually I taught a little bit about it before I went to the polls, so I probably knew more than many of the people who are voting on that issue. It never occurred to me then that I would ever personally use the system or be making reference to it on the floor of this House. I voted to support the question in '96 and used it 10 years later in 2006 while seeking my first term in the Maine House of Representatives. I used it again in two successful election cycles and, like many of you in this chamber, will be a participating member this year.

I checked the numbers. The numbers are still relatively high and with another month, I guess, to go before registrations probably will be closed. So, in my mind, the Maine Clean Election law has been extremely important and very valuable. It has been particularly valuable really for first time candidates, persons like myself who really want to run but don't have the money and Maine Clean Elections makes that dream possible until it became apparent, I think, to me, right off the bat that I could worry about other things rather than money. Although prior to the beginning of the vote in November, I always had this doubt that I had spent enough money, maybe I should have had more money, could I have acquired additional money, and really that was a major concern.

In June of last year, the federal courts ruled that the matching funds provision penalized the free speech rights of traditional candidates and diminished their ability to freely exercise their First Amendment rights. The courts did not condemn the use of public funds, as Representative Carey so duly noted, but simply the triggering mechanism which allowed matching funds to be automatically transferred to publicly financed candidates. Consequently, the federal courts declared matching funds unconstitutional. The Majority Report maintains every element of the law enacted as the result of the referendum in the '90s. The Maine citizens who put it into effect still have it. We still have it. What we don't have is the matching fund component. The wishes of Maine people is expressed in their support for this referendum, remains intact, and public financing of elections will continue in this year and in the years to come. What has been removed from the law is that which the Supreme Court determined that Maine and every other state couldn't have and that is the matching funds portion of it. Some consider this to be a major setback, yet if this Majority Report is adopted, a publicly financed House candidate could be eligible to receive a onetime distribution of somewhere in the vicinity of \$5,000. I don't know about you, but \$5,000 is a pretty decent sum of money. And in the Senate, you've heard a candidate, you would be a recipient of approximately \$21,500. At a time when we are asking Maine people to bravely face major cuts and accept less rather than

more, it is incumbent upon each and every person in this body to make do with less and adapt to the reality being faced by Maine people everywhere across this state, although many think it's a paltry sum. I close. The fact of the matter is, to many Mainers, \$21,500 and \$5,000 being given out is an extraordinary amount of money. Thank you, Mr. Speaker, and thanks to the body.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "D" (H-781). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 250

YEA - Ayotte, Beaulieu, Bennett, Black, Burns DC, Cebra, Chase, Clark T, Crafts, Cray, Crockett, Curtis, Damon, Davis, Dow, Dunphy, Edgecomb, Espling, Fitts, Fitzpatrick, Flood, Fossel, Foster, Fredette, Gifford, Gillway, Guerin, Hamper, Hanley, 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, Wallace, Waterhouse, Willette M, Winsor, Wood, Mr. Speaker.

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

ABSENT - Beck, Bickford, Celli, Cornell du Houx, Cushing, Eberle, Nelson, O'Brien, Tuttle, Weaver, Willette A.

Yes, 72; No, 67; Absent, 11; Vacant, 1; Excused, 0.

72 having voted in the affirmative and 67 voted in the negative, 1 vacancy with 11 being absent, and accordingly **House Amendment "D" (H-781) was INDEFINITELY POSTPONED.**

Representative CAREY of Lewiston **PRESENTED House Amendment "E" (H-784)**, which was **READ** by the Clerk.

The same Representative **REQUESTED** a roll call on the motion to **ADOPT House Amendment "E" (H-784)**.

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

Representative **CAREY**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I briefly present to you House Amendment "E" and I want to explain why I'm offering it today. Last election season, eight days out from Election Day, an out-of-state Super PAC, which we've all since come to understand by watching the presidential primaries this year, an out-of-state Super PAC introduced half a million dollars into the state and spent it against five Clean Elections candidates from the other body. At that time, Maine law required a 24-hour reporting period for those expenditures. It was reported the next day. There were a series of ways in which they violated reporting requirements and so this out-of-state PAC paid the highest fine in state history. The Majority Report of the LD 1774, section 2, repeals those reporting requirements. The outcome of that would be if that same organization engages in the same activity this election cycle, they will no longer be illegal and they will no longer face what, at that time, was the largest fine in the state's history.

Most of you are familiar with the *Citizens United* case. The *Citizens United* case removed many strictures at the federal level on campaign finance spending. The pivot that case was around

in the majority opinion was around disclosure, that spending was fine as long as there was disclosure. This amendment before you simply replaces the disclosure and is more specific. Specifically what it does is any expenditure or any contribution over \$1,000, by a party committee or a PAC, must be reported within 24 hours. Now not only does that mirror past law, that mirrors current law for candidates. If any of us are running privately and have an expenditure of \$1,000, we need to report it – any expenditure, excuse me, whether Clean Elections or private. We need to report that. This would simply make that the same for PACs and party campaigns. I ask your support on the roll call, Mr. Speaker. Please vote green. Thank you, Mr. Speaker. Thank you, Men and Women of the House.

Representative CURTIS of Madison moved that **House Amendment "E" (H-784) be INDEFINITELY POSTPONED.**

The same Representative **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "E" (H-784)**.

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 "E" (H-784). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 251

YEA - Ayotte, Beaulieu, Bennett, Black, Burns DC, Cebra, Chase, Clark T, Crafts, Cray, Crockett, Curtis, Damon, Davis, Dow, Dunphy, Edgecomb, Espling, Fitts, Fitzpatrick, Flood, Fossel, Foster, Fredette, Gifford, Gillway, Guerin, Hamper, Hanley, 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, Wallace, Waterhouse, Willette M, Winsor, Wood, Mr. Speaker.

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

ABSENT - Beck, Bickford, Celli, Cornell du Houx, Cushing, Eberle, Nelson, Tuttle, Weaver, Willette A.

Yes, 72; No, 68; Absent, 10; Vacant, 1; Excused, 0.

72 having voted in the affirmative and 68 voted in the negative, 1 vacancy with 10 being absent, and accordingly **House Amendment "E" (H-784) was INDEFINITELY POSTPONED.**

Representative BEAULIEU of Auburn **PRESENTED House Amendment "C" (H-780)**, which was **READ** by the Clerk and **ADOPTED.**

Representative CAIN of Orono **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED as Amended by House Amendment "C" (H-780)**.

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

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

Representative **CAREY**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I've risen twice before

to share part of the debate that you would have seen this summer and the fall as members of our committee and members of the Ethics Commission deliberated over the policy. There were three meetings of our committee. There were two meetings of the Ethics Commission, which is, as you all know, is composed of two Republican, two Democratic and one Independent member. The two Ethics Commission meetings and the first two committee meetings grappled with this incredibly difficult issue.

We all understand with great gravity the times in which we live. We all have constituent calls that come right before we turn off our phones for the night and end up taking us long past when we expect to be going to bed. The difficulty that the people of Maine are having in these times is extraordinary. Men and Women of the House, that is exactly why we need to have a system that allows people to serve in the Legislature above reproach. That is why we need a Clean Elections system that allows anybody in the state to run for office. This should not be about who we know or where we're from. It should be about our ideas and our ability to convince our neighbors to support us with their \$5 and their signature.

As I said, for the summertime and for most of the fall, that was the substance of the debate, and at that time we were going between two options of the Ethics Commission report, option 1 and option 2. Broadly seen, option 1 said we're not going to separate, we're not going to have a requalifying option. We're going to slightly increase distributions across the board in a revenue-neutral or better way. This would not cost additional money beyond the \$4 million that is budgeted over a two-year cycle to support Clean Elections. Option 2 was a requalifying option and there were lots of discussions, both on the mic and in private conversations, a member from each caucus was nominated – and I was a member from our caucus – nominated to see if we could reach consensus on this issue, and the discussions at that time were about option 1 and option 2. There was not a disagreement voiced within the room that we should raid the system until the last day, and the last day, what became the Majority Report was presented for the first time.

What was suggested was that we would do what is effectively an errors and omissions bill, sweeping law out of the statute books that has no practical effects. If this motion fails and this Legislature does not pass 1774, the Majority Report, nothing changes. 1774 requires that matching funds can no longer be dispersed. People who serve this state have an oath to the Constitution to uphold the Constitution. The Supreme Court has said that upholding the Constitution means matching funds the way that they were done cannot be dispersed, period. The argument that there is still law in Maine statute books saying the matching funds are there is dead letter law. 1774 does nothing except remove disclosure requirements. That was frustrating to me and to many of my colleagues on the committee. But frankly, until yesterday, we were left to dream as to why that might be the case and when the fiscal note came out, we saw that a million dollars would be saved from matching funds. It turns out, in another vehicle \$2.5 million will be raided from the system. I understand that some of you like that result. Let's have that debate straight up on the merits. The Majority Report and the bill as engrossed does not save Clean Elections, it raids the system. Thank you, Mr. Speaker.

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

Representative **BEAUDOIN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I can't say it enough times that Clean Elections is the best thing that's ever happened. The people like me, it enables people like me to be able to run for this office. I could not have afforded it and I could

not have gone after corporations that would tell me how to vote. I could not do that. I would, at that point, feel that I was not doing the best for my people. Going to see your constituents and telling them that they're important, how they feel about different things here that we vote on, and to tell me and others like me on Clean Elections, that they have the right to tell me how they feel. That \$5, that's what it did. They feel kind of good about themselves and feeling, hey, I have a voice. Yes, you do, for your \$5. That's all it costs them. I hope that people feel the same way I do. Please keep Clean Elections alive, please. It is a good thing for our people. Thank you.

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

Representative **VALENTINO**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise today disappointed, disappointed that we were not able to come to some type of an agreement on this. The requalifying option was one aspect that we could have gone to obtain additional money. That would have cost \$139,500 to give people a little bit more of a fighting chance, and that was rejected. To add back the 5 percent that was reduced from this fund would have cost \$245,835. If we had increased the seed money, it would have cost us nothing. The elimination of the matching funds is saving \$1.4 million. I think we could have done something on \$139,000 or \$245,000, when we are actually saving \$1.4 million, because it's a Supreme Court case. We spent \$3,250 to do a report. We spent a lot of time. We got a 73 page report and we threw that away and we're doing nothing. I just wish that we could come to some type of an agreement on some of these small amounts, whether it could have been seed money, adding back the 5 percent or doing the requalifying. I'm certainly open to work on this if anybody wanted to do one of these. I firmly believe in the Clean Elections.

I agree wholeheartedly with the statements from the good Representative from Farmington. I fought on my PAC bill, I fought very hard. You did not vote with the Representative from Farmington and myself. That's in there, but that should not go against this. This is a totally separate issue now. This is about giving people, the 80 percent of us and the 80 percent who will run, some type of an opportunity to restore those funds, and I really hope and I still hope that we might be able to do something on this. But I think that doing nothing was not in the best interest of the citizens of the State of Maine. Thank you.

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

Representative **RUSSELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise also disappointed. Article I, Section 2 of our Maine Constitution, the same Constitution we were sworn to uphold, says "All power is inherent in the people; all free governments are founded in their authority and instituted for their benefit; they have therefore an unalienable and indefeasible right to institute government, and to alter, reform, or totally change the same, when their safety and happiness require it." To that end, Section 15 says "The people have a right at all times in an orderly and peaceable manner to assemble to consult upon the common good, to give instructions to their representatives, and to request, of either department of the government by petition or remonstrance, redress of their wrongs and grievances." And that's what people did. They took their constitutional right to petition the government and they went out and they collected signatures all across this state.

And for those people who think that competitive races only happen in rural parts of the state, I would remind my good friend from Farmington that there are more than two parties in this state. There are actually three, and while the Republican Party

may not be a huge opposition in my district, the Green Party is and I want them to continue to be able to compete. I want them to have access to public funds so that they have an opportunity to challenge, so that when I don't do my job according to what my community wants, that someone is there to hold me accountable, to hold us all accountable.

So when you think lastly on this vote, just think about the constitutional rights that you are essentially dismissing today because, to all the contrary and all the messaging and all the spin, this is raiding the public financing system of Maine and this was the first public financing system in the country. There are systems that are built and modeled upon ours and this was not something that came from away. This is something that individual Maine people took initiative on. So I want to thank folks when they vote on this for confirming why people did this by initiative in the first place, that given too much power, those in power will do everything they can to keep it. But as the Constitution reminds us, all power is inherent in the people, and it was the people that brought this to us and it is the politicians who will do its bidding to end it. So I hope that the people of Maine rise up as they did last year and they send another message and that they do another referendum, and this time it is not just about public financing, it addresses every aspect of campaign finance reform, and when this comes back to this body I will be voting to support the will of the people, and I hope folks will think long and hard about who their constituents are and whose favors they're returning when they vote today.

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

Representative **BOLAND**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I have not been part of these negotiations and I'm not a member of the Veterans and Legal Affairs Committee, but I have been out talking with people because I needed to collect signatures and I do collect \$5 checks and some of the places, some of the people that I've traditionally asked for \$5 from have caused me pause because I didn't want to ask this year because they were in difficult straits. Many people are and they go ahead anyway and say "Well, don't you need a check?" and I say "Yes, but I didn't know that I wanted to ask you to do that this year." But they feel strong enough about it that even though \$5 is really pretty hard for them, they see the benefit of Clean Elections because we have seen so much, particularly in the last few months on television, that has caused people to be very upset about money in politics and they call it dirty politics a lot more now. You know, even if folks see it coming from whether it's industry or corporations or labor unions, they really don't like it because they see their voice being diminished. I really feel that we need to be mindful of what that means for the reputation of Maine at this time when people are absolutely screaming in frustration and distress about not being heard, whether it's folks from the Tea Party movement, the Occupy movement or anybody in between, there is so much upset that they aren't being heard. So to go ahead and further diminish their voice by taking this away from them, I really think would be a mistake for all of us. Thank you.

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

Representative **LONGSTAFF**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I will be brief. I rise in opposition to the pending motion. Unlike some of my colleagues, I do not believe that the intent of the Clean Election Act as we have known it for many years is preserved in this legislation. Furthermore, I have to take account of the fact that not all, but the great majority of my constituents support some form of requalification. Furthermore, not all, but almost all of

those who testified before the committee supported some form of requalification. The Ethics Commission supports some form of requalification. Indeed, until the last minute, it looked as though our committee could achieve consensus or, if not consensus, compromise, but I am sad and disappointed to say that did not happen. I do not believe that the bill before us now best serves the citizens of Maine. It certainly does not serve them as well as we can. To use an all too familiar expression, it does not put people before politics, and I cannot support it today.

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

Representative **MAKER**: Thank you, Mr. Speaker. I am one of the few that support the Clean Election, however, in these times, it is not good to put additional funds into this campaign. We need to look at this whole process. We need to look at PACs. We need to revamp this and I'm hoping, if elected and if Linda Valentino is still around, that we do something about this, but as a total, not piecemeal, because we're spending way too much money on politics. People are going without heat, they're going without food, they're going without and we're spending money on postcards and advertisements. There's something wrong with the system. But I do believe in the Clean Election, I think we need to keep it in some form and this is keeping it in that form, and I just want to express that we need to look at the whole picture and stop spending so much money, wasting it, so that we're kicking grandmother out of the house and we're spending money on politics. Thank you.

The SPEAKER: The Chair recognizes the Representative from Orono, Representative Cain.

Representative **CAIN**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise in support of Clean Elections and against the pending motion, and I'll speak briefly. I see this motion, I see this report as an abdication of an opportunity. I see it as us missing a chance to work together and show real leadership when we've been given an opportunity through the judicial system to look at our system. We've been working on this for months. We have had a chance to look at it from a comprehensive point of view and to take action, and today this report does not do that. It does not respond to the citizen initiative that initially laid this out for us. It does not respond to the experience of real candidates who have used the program over the years. Quite frankly, I think it just falls short of the opportunity that has been presented to us. That is why I cannot support it and I urge you to vote against the pending motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Arundel, Representative Parry.

Representative **PARRY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. It really bothers me when I hear people say that if you're a traditional candidate and take campaign contributions, you're somehow being bought, and that if you're a clean candidate, you're not. I'd like to read a few things here, some contributions. Spectrum Medical, \$1,000; Time Warner, \$1,000; a law firm, \$1,000; Coalition for Lower Maine Taxes, \$1,000. I won't bore you with all the \$250 and \$500 contributions. Miller Corp is \$1,000. A gentlemen here, \$5,000. Bangor Historical Track, \$1,000. Maine Move Forward PAC, \$2,500. A good Representative here that has spoken before, \$1,000. Verizon, oh, that was only \$500. Time Warner Cable, \$5,000. These were all given to a Clean Election candidate's PAC.

When you say that because I get a contribution from my mother or from a neighbor I'm being bought, it really bothers me and the good Representative from Saco had a great bill last year that we didn't support, and we should have, to stop these types of

contributions. But when you go to your constituents and say you're running clean to keep the money influence out of politics, all the while you have companies in PACs giving thousands of dollars and I mean I've got four pages of contributions here from these different groups, there is some disingenuous going on, and I, personally, I don't think we should be taking money away from elderly people that need assistance or they need help with their real estate taxes, because all of this money comes out of this same pocket of money. It's all coming out of the treasury. If we're spending money on that, now as somebody that is totally against Clean Elections, personally I understand there are areas where it would be really hard to raise money. So as far as keeping the Clean Elections amount where it currently is with no matching funds, as much as I disagree with it, I understand it and the people of Maine wanted that. I don't think the people of Maine wanted \$1,000 and \$5,000 and \$2,500 contributions going to people that were taking Clean Election money, telling their constituents that they were running clean to keep the big money out of politics. Thank you, 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. I rise in support of Maine Clean Elections and against the pending motion. I would like to address just a couple of points that have been raised. They are important points. One has to do with public financing; the other has to do with the current effect of private money on our elections. This question is one that faces the entire country and what we're discussing is the Maine version of that debate. As we all recognize Maine took a step ahead of much of the rest of the country when the voters here established Maine Clean Elections. Some of the comments today tend to call into question the system itself. It seems to me it's quite clear: It is a system that it provides for some public financing as an alternative to having big private money dominate our elections.

A few speakers today have downplayed the impact of big private money on our elections. I don't think that many voters feel that when large, wealthy entities, be they corporations or individuals, put money into an election they are buying influence. Whether or not you can say they bought the candidate or not is perhaps a nuance figure of speech. The companies, the individuals believe they are buying influence. I would say that if a company is putting money into an election and they are not buying influence, then they are violating a compact with their shareholders. They can't use their money for something that doesn't advance the interest of the corporation. They must be buying something when they give it.

Maine, before Maine Clean Elections, had a system like much of the rest of the country where large private donors influenced the outcome of elections. Maine Clean Elections was like putting up screening in an effort to keep the mosquitoes out of the porch. I'm analogizing the large private money to mosquitoes. When they come in, they have their influence. Anybody sitting out in the evening enjoying their dinner and being stung is feeling their influence. When Maine Clean Elections put up the screening, the mosquito population on the porch dropped off. Now some people here argue that because we continue to have PACs, that that, therefore, is a good argument for eliminating all the screening. I know in the porch that we have in the cabin we go to in the summer, some of the mosquitoes still get up through the floorboards, but because a few mosquitoes make it into the porch doesn't mean I should tear down all the screening and that's what we would be doing here today, tearing down the screening and allowing the mosquitoes back in.

I think that the public money that's used in Maine Clean Elections is a public trust. Every time we spend public money here, it should be a recognition that it's a public trust. But the voters decided in Maine that they wanted to do that and nothing has changed. The influence of private money on elections has not become less of a threat. Mosquitoes do not bite less today than when Maine Clean Elections was established. It is still the same threat it was when Maine Clean Elections was established. We have not seen a fundamental change. What the voters were looking for, we are facing here today, and the proposal before us would indefinitely postpone the opportunity to save Maine Clean Elections. If you vote to indefinitely postpone, you are giving up on Maine Clean Elections. Yes, we're saving a piece of it, but we're making it harder and harder for people to run as clean candidates and win, and easier and easier for the mosquitoes to dominate elections in Maine. We should vote no on the motion and preserve the opportunity to protect and save Maine Clean Elections. Thank you.

The SPEAKER: The Chair recognizes the Representative from Hiram, Representative Rankin.

Representative **RANKIN**: Thank you, Mr. Speaker. I rise to briefly share my experience with matching funds. When I ran last time, at the end of my campaign for election, I began receiving all these checks. Eventually, it amounted to approximately \$7,000 and I returned every cent of that to the state. But I can tell you this time, the way things were looking and if I'm fortunate enough to be running again, that I might need that money because the money situation is absolutely out of hand, it's disgraceful. I'm not talking just about here in Maine but around the United States of America, the money that is just used uselessly, being wasted when we could do such wonderful things for our constituents. So hopefully, we will not pay attention to this bill and do the right thing. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Waldoboro, Representative Dow.

Representative **DOW**: Thank you, ladies and gentlemen. I won't take very long. We all live in the same hypocritical system. We're all a part of it. We do need to make some changes to the election law for the betterment. I'd say the number one would be to remove the term "clean" because it's anything but clean, and while we have a system that we tried to screen out some of the mosquitoes, that's impossible when we leave the front door wide open for all the abuses that can come from it. And what about our Independent candidates, where's their party Super PAC that can pour in tons of money? So I say we do have some changes to make, but we're only taking out a part of the law that the Supreme Court said was unconstitutional. Maybe we ought to leave well enough alone for awhile and see how that works before we attempt to fix a broken system. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Passage to be Engrossed as Amended by House Amendment "C" (H-780). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 252

YEA - Ayotte, Beaulieu, Bennett, Black, Burns DC, Casavant, Cebra, Chase, Clark T, Cotta, Crafts, Cray, Crockett, Curtis, Damon, Davis, Dow, Dunphy, Edgecomb, Espling, Fitts, Fitzpatrick, Flood, Fossel, Foster, Fredette, Gifford, Gillway, Guerin, Hamper, Hanley, 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, Wallace, Waterhouse, Willette M, Winsor, Wood, Mr. Speaker.

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

ABSENT - Beck, Bickford, Celli, Cornell du Houx, Cushing, Eberle, Nelson, Tuttle, Weaver, Willette A.

Yes, 74; No, 66; Absent, 10; Vacant, 1; Excused, 0.

74 having voted in the affirmative and 66 voted in the negative, 1 vacancy with 10 being absent, and accordingly under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by House Amendment "C" (H-780) in NON-CONCURRENCE** 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 **ENVIRONMENT AND NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "B" (H-772)** on Bill "An Act Concerning Solid Waste Facility Citizen Advisory Committees"

(H.P. 522) (L.D. 693)

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
WELSH of Rockport

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "C" (H-773)** on same Bill.

Signed:

Representative:

LONG of Sherman

READ.

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

Majority Report of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** reporting **Ought to Pass as Amended**

by **Committee Amendment "A" (H-776)** on Bill "An Act To Stabilize Solid Waste Management Funding"

(H.P. 937) (L.D. 1278)

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 Not to Pass** on same Bill.

Signed:

Representative:

LONG of Sherman

READ.

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

The Bill was **READ ONCE. Committee Amendment "A" (H-776)** 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-776)** and sent for concurrence.

Majority Report of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** reporting **Ought Not to Pass** on Bill "An Act To Improve Maine's Capacity To Produce Low-cost Renewable Energy through Hydroelectric Power"

(H.P. 1271) (L.D. 1718)

Signed:

Senators:

SAVIELLO of Franklin
GOODALL of Sagadahoc

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-777)** on same Bill.

Signed:

Senator:
SHERMAN of Aroostook

On motion of Representative BEAULIEU of Auburn, the House adjourned at 12:35 p.m., until 10:00 a.m., Thursday, March 15, 2012.

Representative:
AYOTTE of Caswell

READ.

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

SENATE PAPERS

Bill "An Act To Clarify Authorized Associations of Veterinary Practice"

(S.P. 656) (L.D. 1877)

Came from the Senate, **REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed.

REFERRED to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** in concurrence.

REPORTS OF COMMITTEE

Ought to Pass Pursuant to Joint Order

Report of the **Joint Standing Committee on Education and Cultural Affairs** on Bill "An Act To Direct the Commissioner of Education To Adopt a Model Policy Regarding Management of Head Injuries in School Activities and Athletics" (EMERGENCY)

(S.P. 654) (L.D. 1873)

Reporting **Ought to Pass** pursuant to Joint Order, S.P. 644.

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

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.

CONSENT CALENDAR

First Day

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

(S.P. 584) (L.D. 1719) Bill "An Act To Update the Powers and Duties of the Bureau of Maine Veterans' Services" Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-430)**

(S.P. 632) (L.D. 1828) Bill "An Act To Protect Public Safety in the Operation of Casinos" (EMERGENCY) Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-431)**

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.

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