

# MAINE STATE LEGISLATURE

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

**Daily Edition**

**Second Regular Session**

January 4, 2012 – May 31, 2012

pages 1084 - 1604

ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE  
SECOND REGULAR SESSION  
34th Legislative Day  
Friday, March 23, 2012

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

Prayer by the Honorable Susan E. Morissette, Winslow.  
National Anthem by Suzuki Violin Students, Stepping Stones Montessori School, Chelsea.  
Pledge of Allegiance.  
Doctor of the day, Peter Leighton, M.D., Turner.  
The Journal of yesterday was read and approved.

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**SENATE PAPERS**

**Non-Concurrent Matter**

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

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

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-691)** in the House on February 23, 2012.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-691) AND SENATE AMENDMENT "A" (S-460)** in **NON-CONCURRENCE**.

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

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

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**COMMUNICATIONS**

The Following Communication: (H.C. 345)

**STATE OF MAINE**

**ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE  
COMMITTEE ON STATE AND LOCAL GOVERNMENT**

March 14, 2012

The Honorable Kevin L. Raye  
President of the Senate  
The Honorable Robert W. Nutting  
Speaker of the House  
125th Legislature  
State House  
Augusta, Maine 04333

Dear Mr. President and Mr. Speaker:

Pursuant to Title 3 Maine Revised Statutes, chapter 35, we are pleased to submit the findings of the Joint Standing Committee on State and Local Government from the review and evaluation of the Office of the Secretary of State under the State Government Evaluation Act. In its review, the Committee found that the Office of the Secretary of State is operating within its statutory authority.

Sincerely,

S/Senator Douglas A. Thomas

Senate Chair

S/Representative H. David Cotta

House Chair

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

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

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**ORDERS**

On motion of Representative HAMPER of Oxford, the following House Order: (H.O. 45)

ORDERED, that Representative Timothy E. Driscoll of Westbrook be excused March 12 and 19 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Jane E. Eberle of South Portland be excused March 12, 13, 14 and 15 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Anne M. Haskell of Portland be excused March 15 for legislative business.

AND BE IT FURTHER ORDERED, that Representative James W. Parker of Veazie be excused February 21 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Madonna M. Soctomah of the Passamaquoddy Tribe be excused March 19 for health reasons.

**READ** and **PASSED**.

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**SPECIAL SENTIMENT CALENDAR**

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

**In Memory of:**

Steven C. Tremblay, a native son of Waterville and longtime resident of Cape Elizabeth, founder of Alpha One and Alpha One Medical, Inc. In 1971, while he was a student at Worcester Polytechnic Institute, Mr. Tremblay sustained a spinal cord injury. In 1975 he was hired by the New England Spinal Cord Injury Foundation as its Maine Resource Coordinator. In 1978, he founded Adaptive Living for Physically Handicapped Americans, now known as Alpha One which, under his leadership, became one of the premier Centers for Independent Living in the United States. Mr. Tremblay also played a pivotal role in the creation of the Kim Wallace Adaptive Equipment Loan Program, now known as mPower, which is a State program that enables people with disabilities and businesses to purchase assistive technology and adaptive equipment and finance accessible environmental modifications. In 2000, the University of Maine at Farmington presented Mr. Tremblay with an Honorary Degree of Doctor of Humane Letters for his efforts to promote independence, respect and accessibility for people with disabilities in Maine. Mr. Tremblay will be greatly missed and long remembered by his loving family, his many friends and those whose lives he touched; (HLS 1083)

Presented by Representative PETERSON of Rumford.

Cosponsored by Senator DILL of Cumberland, Representative MONAGHAN-DERRIG of Cape Elizabeth, Representative EBERLE of South Portland, Representative LONGSTAFF of Waterville, Senator MARTIN of Kennebec, Representative BECK of Waterville.

On **OBJECTION** of Representative PETERSON of Rumford, was **REMOVED** from the Special Sentiment Calendar.

**READ**.

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

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The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Portland, Representative Haskell, who wishes to address the House on the record.

Representative **HASKELL**: Thank you very much, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House.

I have with me today a Sentiment which this House passed that I'd like to speak about briefly today. As a Representative from Portland, one of the great pleasures is beginning to learn about all the countries that make up the population of the City of Portland. I've had an opportunity to come to know this family and to come to understand some of what the history of their country was and the reasons that they're here and the values and the strengths that they bring to us.

In that regard, today I'd like to read a portion of this Sentiment which recognizes the 20th anniversary of what was a tragic historic event in Azerbaijan, and that is the Khojaly Massacre which happened 20 years ago when armed forces, with the support of armored vehicles, attacked and occupied that besieged town as part of an armed aggression and an ethnic cleansing that had been taking place in that region of Azerbaijan. When the residents attempted to flee this conflict they were ambushed and fired upon by the troops, resulting in the massacre of 613 civilians and permanent injuries to thousands of others. We join the United States Department of State in supporting the integrity of this Republic of Azerbaijan and we commemorate this important date to honor the lives and the memories of those who died and suffered.

I think it's important as we bring a Sentiment like this forward to recognize that the values that bring people here are such strong values and that the opportunity to recognize and understand what has happened in their history is an important part of what we can do here in the State of Maine. This Sentiment goes forthwith on behalf of the 125th Legislature and the people of the State of Maine. I know Mr. Speaker will be recognizing the individuals who have come here today in order to hear this Sentiment and receive the greeting of this body. Thank you, Mr. Speaker.

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**REPORTS OF COMMITTEE**

**Divided Reports**

Majority Report of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought Not to Pass** on Bill "An Act To Protect Maine's Biomass and Forest Products Industries by Allowing Biomass Generators To Enter into Short-term Contracts"

(H.P. 1258) (L.D. 1706)

Signed:

Senator:

BARTLETT of Cumberland

Representatives:

FITTS of Pittsfield

BEAVERS of South Berwick

CORNELL du HOUX of Brunswick

DION of Portland

HINCK of Portland

LUCHINI of Ellsworth

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-809)** on same Bill.

Signed:

Senator:

THIBODEAU of Waldo

Representatives:

CRAY of Palmyra

DUNPHY of Embden

HAMPER of Oxford

LIBBY of Waterboro

**READ.**

Representative FITTS of Pittsfield moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

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Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on Bill "An Act To Clarify the Liability of 3rd-party Building Inspectors" (EMERGENCY)

(H.P. 1239) (L.D. 1687)

Signed:

Senators:

HASTINGS of Oxford

DILL of Cumberland

WOODBURY of Cumberland

Representatives:

NASS of Acton

BEAULIEU of Auburn

FOSEL of Alna

MALONEY of Augusta

MONAGHAN-DERRIG of Cape Elizabeth

PRIEST of Brunswick

ROCHELO of Biddeford

SARTY of Denmark

WATERHOUSE of Bridgton

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-811)** on same Bill.

Signed:

Representative:

MOULTON of York

**READ.**

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

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**ENACTORS**

**Emergency Measure**

An Act To Amend the Laws Governing Confidentiality of Health Care Information

(H.P. 1337) (L.D. 1813)

(C. "A" H-797)

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

**Emergency Measure**

An Act To Protect Consumers by Strengthening the Laws Governing Prepaid Home Heating Oil Contracts

(H.P. 1399) (L.D. 1895)

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. 119 voted in favor of the same and 9 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem and sent to the Senate.

**Emergency Measure**

Resolve, To Create the Task Force on the Prevention of Sexual Abuse of Children

(H.P. 1257) (L.D. 1705)

(C. "A" H-796)

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

**Acts**

An Act To Adopt the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act

(H.P. 1016) (L.D. 1377)

(C. "A" H-800)

An Act To Make Fisheries and Wildlife and Marine Resources Projects Eligible for Tax Increment Financing

(S.P. 552) (L.D. 1653)

(C. "A" S-453)

An Act To Facilitate Recovery of Debts Owed to the State for Indigent Legal Services

(S.P. 558) (L.D. 1659)

(C. "A" S-455)

An Act To Apply the Sales Tax on Camper Trailers and Motor Homes Purchased for Rental in the Same Manner as on Automobiles Purchased for Rental

(H.P. 1333) (L.D. 1809)

(C. "A" H-795)

An Act To Allow the Change of Location of a Licensed Large Game Shooting Area

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

(S. "A" S-454)

An Act To Authorize the Establishment of Pilot Projects for Community Paramedicine

(H.P. 1359) (L.D. 1837)

(C. "A" H-801)

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

**Resolves**

Resolve, Regarding Legislative Review of Chapter 140: Public Charter Schools, a Major Substantive Rule of the Department of Education

(H.P. 1308) (L.D. 1783)

(C. "A" H-759; S. "A" S-459)

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

Resolve, To Require the Department of Transportation To Facilitate and Oversee a Study of the Feasibility of an East-west Highway

(S.P. 570) (L.D. 1671)

(H. "B" H-805 to C. "A" S-398)

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

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

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

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

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

**ROLL CALL NO. 263**

YEA - Ayotte, Beaudoin, Beaulieu, Beavers, Beliveau, Bennett, Bickford, Black, Biodgett, Bolduc, Briggs, Burns DC, Cain, Carey, Cebra, Chase, Clark H, Clark T, Crafts, Cray, Crockett, Curtis, Cushing, Damon, Davis, Dill J, Dow, Driscoll, Duchesne, Dunphy, Edgecomb, Esping, Eves, Fitts, Fitzpatrick, Flood, Fossel, Foster, Fredette, Gifford, Gillway, Goode, Graham, Guerin, Hamper, Hanley, Harmon, Harvell, Haskell, Hayes, Hinck, Johnson D, Johnson P, Kaenrath, Keschl, Knapp, Knight, Libby, Long, Luchini, MacDonald, Maker, Malaby, Maloney, Martin, McCabe, McClellan, McFadden, McKane, Morissette, Morrison, Nass, Nelson, Newendyke, O'Connor, Olsen, Parker, Parry, Peoples, Peterson, Picchiotti, Pilon, Plummer, Prescott, Rankin, Richardson D, Richardson W, Rioux, Sanborn, Sanderson, Sarty, Shaw, Sirocki, Stevens, Strang Burgess, Theriault, Tilton, Timberlake, Turner, Tuttle, Volk, Wallace, Waterhouse, Weaver, Welsh, Willette A, Willette M, Winsor, Wood, Mr. Speaker.

NAY - Berry, Boland, Bryant, Casavant, Chapman, Chipman, Clarke, Eberle, Flemings, Gilbert, Harlow, Herbig, Hunt, Innes Walsh, Kumiega, Lajoie, Longstaff, Mazurek, Monaghan-Derrig, O'Brien, Priest, Rochelo, Rotundo, Russell, Treat, Valentino, Wagner R, Webster.

ABSENT - Beck, Celli, Cornell du Houx, Cotta, Dion, Hogan, Kent, Kruger, Lovejoy, Moulton, Rosen, Stuckey.

Yes, 110; No, 28; Absent, 12; Vacant, 1; Excused, 0.

110 having voted in the affirmative and 28 voted in the negative, 1 vacancy with 12 being absent, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker Pro Tem and sent to the Senate.

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

The Speaker resumed the Chair.

The House was called to order by the Speaker.

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

**UNFINISHED BUSINESS**

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

SENATE DIVIDED REPORT - Majority (8) **Ought to Pass as Amended by Committee Amendment "C" (S-427)** - Minority (3) **Ought Not to Pass** - Committee on **TAXATION** on Bill "An Act To Provide Tax Relief for Maine's Citizens by Reducing Income Taxes"

(S.P. 252) (L.D. 849)

- In Senate, Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "C" (S-427) AS AMENDED BY SENATE AMENDMENT "C" (S-443)** thereto.

TABLED - March 20, 2012 (Till Later Today) by Representative KNIGHT of Livermore Falls.

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

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

The Bill was **READ ONCE**. **Committee Amendment "C" (S-427)** was **READ** by the Clerk.

Representative KUMIEGA of Deer Isle **PRESENTED House Amendment "A" (H-798) to Committee Amendment "C" (S-427)**, which was **READ** by the Clerk.

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

Representative **KUMIEGA**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. The amendment before you, if adopted, would use the Tax Relief Fund to benefit Maine taxpayers from the bottom up instead of the top down. It would expand the Earned Income Tax Credit and would give a tax break to the income group that pays the highest effective tax rate now. It is an astonishing but true fact that low-income working families pay a higher percentage in total taxes than people in high-income brackets. The bill as presented makes that disparity worse, my amendment makes taxes more equitable. Working families are the lifeblood of our communities. We hear time and time again about our young people moving away in search of greener pastures. Why don't we make the pastures here a little greener?

Low-income working families have not been treated well by this Legislature. The tax cuts passed last year will have little or no benefit for most of those that qualify for the Earned Income Tax Credit. The supplemental budget we passed last month will take away the health care coverage for many. An Earned Income Tax Credit won't buy health insurance, but it might pay for a few trips to the doctor. President Ronald Reagan described the Earned Income Tax Credit as "the best anti-poverty, the best pro-family, the best job creation measure to come out of Congress." Personally, I tend to agree with that. About 15 years ago, I took an Earned Income Tax Credit check, bought a sawzall and a circular saw. Those two tools were the basis of a business that I've been building for over a decade. It seemed like a pretty good investment to me. Please join me in supporting this amendment. Thank you, Mr. Speaker.

Representative CUSHING of Hampden moved that **House Amendment "A" (H-798) to Committee Amendment "C" (S-427)** be **INDEFINITELY POSTPONED**.

The same Representative **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "A" (H-798) to Committee Amendment "C" (S-427)**.

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 Livermore Falls, Representative Knight.

Representative **KNIGHT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. It is correct what Representative Kumiega states, that the greatest percentage of return goes to those at the highest end of the bracket. Let me very quickly go down over the 10 brackets for you right now and you will see that the top folks on the bracket are the ones that are paying the taxes, so of course, mathematically, where there is a break it's going to go to those at the top. The bottom 20 percent of folks in the state right now and this would be prior to the removal of over 10 percent of folks totally from the tax payment at all, but the bottom 20 percent are paying 3.6 percent of the Maine state tax burden right now; the next decile is paying 2.7; the fourth decile 3.7 percent; the next decile 5.4; the next one 6.8; the following one 9.4; the seventh bracket, rather, is 11.8; the ninth bracket is 16.3 percent and the top 10 percent are paying 40.4 percent of the total price. So these are always interesting debates because the numbers can be very, very confusing and it makes good sound bytes to state that those on top are getting the biggest break. The fact of the matter is those on the top are paying the greatest percentage, so when the tax breaks come those in the top 10 percent are of course, mathematically, getting a larger return. I respectfully suggest people contemplate this issue and work the math, that they support the Indefinite Postponement for this amendment. Thank you.

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

Representative **KUMIEGA**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. With all due respect to the fine Representative from Livermore Falls, he is speaking of only Maine income tax rates and working families pay a lot of other taxes. Self-employed working families pay over 15 percent in self-employment taxes alone, never mind sales taxes, excise taxes, property taxes. Their overall tax burden is much higher than those in the upper income tax brackets. Thank you, Mr. Speaker.

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

Representative **BERRY**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise in opposition to the pending motion and just to add a little bit more information. Last summer, Maine Revenue Services calculated the total effective tax burden for Maine residents. That includes sales and property and income taxes. Looking at the total, the highest tax burden by far is in fact borne by the bottom 20 percent of the income spectrum.

These are individuals, for example, such as a mother with two kids who is working full time making minimum wage or an elderly person without pension income but depending on Social Security to get by. These are the kinds of individuals who pay \$17 out of every \$100 in total state and local taxes. This is the effective tax burden, not the nominal, income only tax – \$17 out of \$100.

By comparison, someone making on average three quarters of a million dollars per year is paying just \$10. It seems to me that if we are going to provide tax relief through the mechanism identified in this bill, absolutely, let's provide that tax relief to the individuals who are most burdened, and that's what the EITC piece does.

But Representative Kumiega has also offered us the opportunity to vote for a tax reduction that would go to all families and hundreds of thousands more families would benefit from his amendment than from the bill before us without it. Hundreds of thousands of more families overall would benefit. The movement of the tax brackets applies in a reduction in income taxes to all and we also make sure that we restore fairness to the tax code, so I hope that those who are still open-minded on this measure will consider the tax fairness and the benefits to all families that we can deliver and will vote in opposition to the pending motion. Thank you, Mr. Speaker.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "A" (H-798) to Committee Amendment "C" (S-427). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 264**

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

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

ABSENT - Beck, Celli, Cornell du Houx, Cotta, Dion, Hogan, Kent, Kruger, Lovejoy, Rosen, Shaw, Stuckey.

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 **House Amendment "A" (H-798) to Committee Amendment "C" (S-427) was INDEFINITELY POSTPONED.**

Representative WEBSTER of Freeport **PRESENTED House Amendment "C" (H-812) to Committee Amendment "C" (S-427)**, which was **READ** by the Clerk.

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

Representative **WEBSTER**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. This amendment provides that reductions in income taxes from the rates that apply in tax years that begin in 2013, based on funds available in the Tax Relief Fund for Maine residents are determined each year and may be made only for years when sufficient funds are available in the fund.

Mr. Speaker, my parents and I did not always agree on our politics, but they would be proud of me today. Why, because they were fiscally responsible and they taught me to do the same, to be the same. They taught me to leave things better than they were, to take care of your neighbors, your community, your commons and to be sure to leave things sound and secure in the future. Without this amendment, Mr. Speaker, we are not doing that.

Mr. Speaker, they, in my mind, were conservatives. They were conservative in a time when that word had a different meaning for me, but they certainly were fiscally responsible and they taught us to be frugal and to be concerned about the future. There was a joke in our family about the fact that you always left, even when the milk was almost finished, you always left a little for the next person. You didn't quite clean out the peanut butter jar. You left a little for the person who came next. That's why we need to make certain that we leave something for the future rather than drain the bottom of the milk can or drain the bottom of the funds.

Mr. Speaker, without this amendment, this legislation is very much like someone who wins a scratch ticket that gives them enough money to pay the down payment on a fancy new car, an expensive fancy new car, even though they know they may not be able to make the payments that are coming up in the future. Mr. Speaker, without this responsible amendment, we are buying something in the future we're not certain we can afford. I have problems with this bill in general.

Mr. Speaker, Benjamin Franklin in his autobiography said that the merchant in terms of creating safety and protection in the village should reasonably spend more than the widow in the cottage on the corner of the street, the merchant with a large warehouse, and, obviously, when we're taking care of the commons, some of us have more capacity to do that than others and so it should be, and so it should continue. Without this amendment, this legislation is a bad check for the future; it's irresponsible. My accountant would probably be very pleased to see that my taxes would go down and they would. My accountant would also say, when I go to him and I bring all my receipts and all the things that I may deduct, obviously wanting to get the best deal I can, he has a saying that I always remember. He says "Pigs get fat and hogs get slaughtered," meaning don't overreach, be responsible, pay your bills, leave things better than you found them. Thank you, Mr. Speaker.

Representative CUSHING of Hampden moved that **House Amendment "C" (H-812) to Committee Amendment "C" (S-427) be INDEFINITELY POSTPONED.**

The same Representative **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "C" (H-812) to Committee Amendment "C" (S-427).**

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 Bowdoinham, Representative Berry.

Representative **BERRY**: Thank you, Mr. Speaker. I simply want to say that the pending motion would prevent this bill from paying for the tax reductions out of surplus and that is what supporters of the bill have said it does. The amendment would allow it to do that, to actually pay for the reductions out of surplus, otherwise we're going forward without a way to pay a bill that will ultimately add up to \$1.2 billion. 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. We didn't get here in the situation we're either in federally or at the state level because, with extra surpluses, we cut taxes. We did it because, with every dime we had, we expanded programs and what we noticed – you know, from World War II onward this country found itself in a situation at the end of World War II where one half of the world's GDP rested in our economy. I can tell you that the history of this generation written by the next one is not going to be that they were conservative and they took slow steps, but they took large steps to bankrupt the next one. This bill, what it does

is, it says, you know what? When we have surpluses from now on, let's look to giving it back, not to taking it.

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

Representative PEOPLES: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I believe we've gone through the debate over whether or not it is good tax policy to base it on something that's on autopilot. We certainly got rid of a way of raising the gas tax, but on autopilot during this particular session. This is exactly the same thing. I don't think it's any better tax policy for us to not take the responsibility if we're going to cut taxes, to do it each biennium and to have it just happen automatically. That isn't responsible. We bit the bullet and accepted that we weren't going to raise the gas tax on autopilot any more, and I don't believe we should be cutting taxes and not taking the responsibility for making that decision in view of what the economy is in each biennium and taking that decision on ourselves. Thank you very much.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "C" (H-812) to Committee Amendment "C" (S-427). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 265**

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

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

ABSENT - Beck, Celli, Cornell du Houx, Cotta, Dion, Hogan, Kent, Kruger, Lovejoy, Rosen, Shaw, Stuckey.

Yes, 73; No, 65; Absent, 12; Vacant, 1; Excused, 0.

73 having voted in the affirmative and 65 voted in the negative, 1 vacancy with 12 being absent, and accordingly **House Amendment "C" (H-812) to Committee Amendment "C" (S-427) was INDEFINITELY POSTPONED.**

Representative BERRY of Bowdoinham **PRESENTED House Amendment "B" (H-808) to Committee Amendment "C" (S-427)**, which was **READ** by the Clerk.

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

Representative BERRY: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. In front of you, you may still have a yellow sheet that summarizes all three of the amendments that we voted on today, this being the last, and I hope an amendment that might gain the favor of the majority of those present because it has already gained the favor of Maine people. It would allow the income tax reduction that is hoped for

to go forward, but it would put property tax relief first as Maine people have supported.

I think we're all aware that by widening margins over the last eight years, Maine voters have three times rejected this sort of budgeting by autopilot and the ratcheting down mechanisms that take credit now for decisions made later. They did so in voting against the Polesky Tax Cap, in voting against TABOR and voting in 2009 against TABOR II by ever widening margins, 60-40 in the most recent vote.

Nevertheless, in the spirit of compromise, this amendment would allow the autopilot and the ratcheting down to take effect. It would do so by putting property tax first, however; by putting the will of the people first as voiced in 2004 in an overwhelming vote to require this Legislature to keep a promise that it has made for decades and that no recent administration has managed to comply with, and that is to fund our K-12 schools at 55 percent. In addition, it would require that we fully fund other kinds of property tax relief, specifically Circuit Breaker and Revenue Sharing which, right now, is cut by 30 percent.

Mr. Speaker, our towns and our schools are hurting right now. Our property taxpayers are hurting right now because property taxes are the leg of the three-legged stool that we lean on the hardest in our tax code, and that's not right. We can with this amendment do what Maine people have asked us to do and only then do what they have asked us not to do three times. It's my hope that we can go forward with this compromise amendment and pass it.

And I will also draw to your attention that just today the Maine Municipal Association joined the chorus in speaking out against the bill without amendments, the chorus that includes the *Press Herald*, the *Bangor Daily News*, MECEP and now the MMA. And I think it will only get louder because the bill, as amended, has not had a hearing, and so we need to offer these amendments in order to make sure that people do have a chance to consider alternatives and to consider the will of Maine's people and how we can help property taxpayers and not just the very wealthy who will benefit, almost to the exclusion of all others, if the bill goes forward unamended. Thank you, Mr. Speaker.

Representative CUSHING of Hampden moved that **House Amendment "B" (H-808) to Committee Amendment "C" (S-427) be INDEFINITELY POSTPONED.**

The same Representative **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "B" (H-808) to Committee Amendment "C" (S-427).**

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 "B" (H-808) to Committee Amendment "C" (S-427). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 266**

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

NAY - Beaudoin, Beavers, Beliveau, Berry, Blodgett, Boland, Bolduc, Briggs, Bryant, Cain, Carey, Casavant, Chapman,



Chipman, Clark H, Clarke, Dill J, Driscoll, Duchesne, Eberle, Eves, Flemings, Gilbert, Goode, Graham, Hanley, Harlow, Haskell, Hayes, Herbig, Hinck, Hunt, Innes Walsh, Kaenrath, Kumiega, Lajoie, Longstaff, Luchini, MacDonald, Maloney, Martin, Mazurek, McCabe, Monaghan-Derrig, Morrison, Nelson, O'Brien, Peoples, Pilon, Priest, Rankin, Rochelo, Rotundo, Russell, Sanborn, Stevens, Theriault, Treat, Tuttle, Valentino, Volk, Wagner R, Webster, Welsh.

ABSENT - Beck, Celli, Cornell du Houx, Cotta, Dion, Hogan, Kent, Kruger, Lovejoy, Peterson, Rosen, Shaw, Stuckey.

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

73 having voted in the affirmative and 64 voted in the negative, 1 vacancy with 13 being absent, and accordingly **House Amendment "B" (H-808) to Committee Amendment "C" (S-427) was INDEFINITELY POSTPONED.**

**Senate Amendment "C" (S-443) to Committee Amendment "C" (S-427) was READ** by the Clerk.

Representative CUSHING of Hampden moved that **Senate Amendment "C" (S-443) to Committee Amendment "C" (S-427) be INDEFINITELY POSTPONED.**

The same Representative **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE Senate Amendment "C" (S-443) to Committee Amendment "C" (S-427).**

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 Eagle Lake, Representative Martin.

Representative **MARTIN:** I wonder if someone could kindly explain the amendment and the purpose of the motion to Indefinitely Postpone?

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

Representative **BERRY:** Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I cannot speak to the motivation for the motion, but I certainly can tell you that the Senate Amendment that would be removed if this Indefinite Postponement motion were to prevail, simply requires that the Legislature fully fund property tax reduction in the form of what is known as the Circuit Breaker program before the automatic ratcheting down of the income tax under this bill can take effect.

The **SPEAKER:** A roll call has been ordered. The pending question before the House is Indefinite Postponement of Senate Amendment "C" (S-443) to Committee Amendment "C" (S-427). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 267**

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

NAY - Beaudoin, Beavers, Beliveau, Berry, Blodgett, Boland, Bolduc, Briggs, Bryant, Cain, Carey, Casavant, Chapman, Chipman, Clark H, Clarke, Crockett, Dill J, Driscoll, Duchesne, Eberle, Eves, Flemings, Gilbert, Goode, Graham, Hanley, Harlow, Harvell, Haskell, Hayes, Herbig, Hinck, Hunt, Innes Walsh, Kaenrath, Keschl, Knapp, Kumiega, Lajoie, Longstaff, Luchini, MacDonald, Maker, Maloney, Martin, Mazurek, McCabe, Monaghan-Derrig, Morrison, Nelson, O'Brien, Parry, Peoples, Picchiotti, Pilon, Priest, Rankin, Rochelo, Rotundo, Russell, Sanborn, Sanderson, Shaw, Stevens,

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

ABSENT - Beck, Celli, Cornell du Houx, Cotta, Dion, Hogan, Kent, Kruger, Lovejoy, Peterson, Rosen, Stuckey.

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

64 having voted in the affirmative and 74 voted in the negative, 1 vacancy with 12 being absent, and accordingly the motion to **INDEFINITELY POSTPONE Senate Amendment "C" (S-443) to Committee Amendment "C" (S-427) FAILED.**

Subsequently, **Senate Amendment "C" (S-443) to Committee Amendment "C" (S-427) was ADOPTED.**

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

Representative **MacDONALD:** Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise in opposition to the present motion for three main reasons. First, by ultimately removing about \$604 million a year from state taxes, we shift the burden of funding schools and other local services to that extent or possibly by more, and this has two main problems. As we know the property tax is regressive between individuals, that is poorer working class, middle class families and the elderly whose incomes are fixed have a higher tax burden to pay when they pay the property tax, because property taxes rise while incomes do not rise. That has historically been the case and will be the case as property values rise. So we're going to increase the property tax burden on individuals as we do this. As that \$604 million is removed from the state revenue stream, correspondingly revenues from local sources like the property tax are going to have to rise. So in supporting this, you're supporting the rise, the inevitable rise of property taxes in the state to support local services that will be diminished as we are unable to provide the revenue stream of support from state taxes.

The other effect of putting more of a burden on property taxes is that we will put more of a burden on property-poor communities. I come from a fairly property-rich community but a lot of you come from property-poor communities, in the northern part of the state, in particular, who will be more greatly affected by the loss of state aid than communities in the southern part of the state like mine. I suggest to you that this is an unwise move to make to shift the property tax burden in this way to your local communities.

Secondly, this bill contains within it one of the most unfair property tax shifts, tax shifts rather, that I've ever seen from the working people of the state and the middle class people of the state to the wealthy. If you look at this bill, even though the average tax cut that you'll see in this bill is \$241 a year, in the ultimate workings of the bill, what's hidden is that the tax savings to the wealthiest 1 percent of our population will equal \$21,000 a year while the tax savings to the lowest 20 percent will equal \$1 a year. We're talking about a cup of coffee for working people and a Cadillac or a new boat for the wealthiest, and I think that's an unfair operation of our tax system and, if you take this vote to support this, that's what you'll be doing.

I think finally this is a shift in responsibility on our part to Legislatures of the future and we have no way of knowing what the fiscal situation will be, and so I think that is an unfair and unwise move for us to take on our part. I do think that those of us who support this bill and I know that people think this is a good thing or they wouldn't be voting for it, but I think they're still going to have to answer to their constituents why they voted for a bill that will shift the tax burden more to the property tax, it will have to cover, at a minimum, about 20 percent of loss of state aid to local communities and to local schools, and why they voted for tax giveaways to the rich and increasing the tax burden on the working and middle class and why they shifted the burden of

responsibility for funding these things to future Legislatures when we do not know what the fiscal needs of the state will be. For these reasons, Mr. Speaker, I rise in strong opposition to this bill and I hope that others will follow my light as we vote on this bill. Thank you, Mr. Speaker.

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

Representative **PILON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This is bad public policy. As was mentioned previously, it obligates future Legislatures in funding this. This is an obligation, a "pay it forward" piece of legislation. It's irresponsible. It's like a kid going into a candy store and saying, okay, just help yourself and don't worry about paying the bill, just go outside and enjoy yourself. How can we be responsible? As you look at this bill, you use the money from the cascade today, we've got a little cash, and you allow it to buy down the income tax rate and you lock it in. So maybe you lock it in at 6 percent in the next biennium and then maybe you have a little bit of money in the next biennium and then you buy it down a little bit more, but what happens if the economy dries up? You're locked in at 5 percent and you've got to fund it. How are you going to fund it? It's not responsible. It's bad public policy. It sounds good, but how are you going to pay for it? So for that reason I can't support this. Thank you, Mr. Speaker.

Representative **KNIGHT** of Livermore Falls **REQUESTED** a roll call on the motion to **ADOPT Committee Amendment "C" (S-427) as Amended by Senate Amendment "C" (S-443)** thereto.

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 Bowdoinham, Representative Berry.

Representative **BERRY**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I do support the pending motion, but I look forward to continuing the debate on a larger bill after this coming roll call.

The SPEAKER: A roll call has been ordered. The pending question before the House is Adoption of Committee Amendment "C" (S-427) as Amended by Senate Amendment "C" (S-443) thereto. All those in favor will vote yes, those opposed will vote no.

#### ROLL CALL NO. 268

YEA - Ayotte, Beaudoin, Beavers, Beliveau, Bennett, Berry, Bickford, Black, Blodgett, Boland, Bolduc, Briggs, Bryant, Burns DC, Cain, Carey, Casavant, Cebra, Chapman, Chase, Chipman, Clark H, Clark T, Clarke, Crafts, Cray, Crockett, Cushing, Damon, Davis, Dill J, Driscoll, Duchesne, Dunphy, Eberle, Edgecomb, Espling, Eves, Flemings, Fossel, Fredette, Gifford, Gilbert, Gillway, Goode, Graham, Guerin, Hamper, Hanley, Harlow, Harmon, Harvell, Haskell, Hayes, Herbig, Hinck, Hunt, Innes Walsh, Johnson D, Johnson P, Kaenrath, Keschl, Knight, Kumiega, Lajoie, Libby, Longstaff, Luchini, MacDonald, Maker, Maloney, Martin, Mazurek, McCabe, McFadden, McKane, Monaghan-Derrig, Morissette, Morrison, Moulton, Nass, Nelson, Newendyke, O'Brien, O'Connor, Oisen, Parry, Peoples, Picchiotti, Pilon, Plummer, Prescott, Priest, Rankin, Richardson W, Rochelo, Rotundo, Russell, Sanborn, Sanderson, Sarty, Shaw, Sirocki, Stevens, Strang Burgess, Theriault, Timberlake, Treat, Turner, Tuttle, Valentino, Volk, Wagner R, Wallace, Webster, Welsh, Willette A, Willette M, Winsor, Wood, Mr. Speaker.

NAY - Beaulieu, Curtis, Dow, Fitts, Fitzpatrick, Flood, Foster, Knapp, Long, Malaby, McClellan, Parker, Richardson D, Rioux, Tilton, Waterhouse, Weaver.

ABSENT - Beck, Celli, Cornell du Houx, Cotta, Dion, Hogan, Kent, Kruger, Lovejoy, Peterson, Rosen, Stuckey.

Yes, 121; No, 17; Absent, 12; Vacant, 1; Excused, 0.

121 having voted in the affirmative and 17 voted in the negative, 1 vacancy with 12 being absent, and accordingly **Committee Amendment "C" (S-427) as Amended by Senate Amendment "C" (S-443)** thereto was **ADOPTED**.

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

Representative **CAIN** of Orono **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED as Amended by Committee Amendment "C" (S-427) as Amended by Senate Amendment "C" (S-443)** thereto.

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 Bowdoinham, Representative Berry.

Representative **BERRY**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. The bill before us is vastly unfair, it is fiscally irresponsible and it thumbs its nose at the will of Maine people. No hearing has been held on the bill in its current state. In fact, only a hearing over a year ago on a very different measure has been held. No support from any organizations that I know of has been expressed and opposition, as people become aware of this new measure, has come forward in recent days from several major newspapers, from policy organizations, from municipal organizations.

And I believe, Mr. Speaker, that that opposition has only begun. I believe it will continue, I believe it will grow and I believe that when Maine people finally speak and have the final verdict on what we do here today, they will soundly reject TABOR III or IV or V, or how ever many TABORs they need to reject. They rejected budgeting by autopilot. They have rejected measures that take political credit now and let others make the tough choices on how to pay for them later. Maine people will rise up against those who vote in favor of the pending motion, I guarantee it and I will help to make sure it happens.

Today we had the opportunity to restore some fairness to this measure, to add some fiscal responsibility to this measure because it has none, it never did, and to do the people's will first and relieve the pressure on property taxes and fund our schools. We said no. When asked if we wanted to add to the overwhelming unfairness or fix it, we said we wanted to add to the unfairness, to give \$21,000 over that to those who make close to \$1 million a year and to give \$1 – \$1, Mr. Speaker – to those single parents with two children at home making minimum wage and working full-time, \$1.

When we were asked today if we should simply spend what we don't have and take credit for it or if instead we should budget responsibly and pay out of surplus for this reduction as the supporters claim it does, we said no. No, we'd rather take the credit and let others do the real work.

And when asked if we wanted to do the will of the people, as expressed overwhelmingly in what statisticians called a landslide election, a landslide referendum to fund education at 55 percent, do that first and then, yes then, provide what this bill seeks to do as a compromise. We said no. We would rather throw our towns and our schools and our property taxpayers under the bus and thumb our nose at the will of Maine's people. That's what we said. That's what this bill does, and I'm sorry that I have to stand here today and point out those flaws because no one was there in the committee room to do so, because this bill didn't have a hearing.

Mr. Speaker, I look forward to this vote politically, but I am deeply sorry that we need to take this vote from a policy perspective. I am deeply sorry that I do believe a majority may at this time thumb its nose at Maine's people, put our budget on autopilot, take credit now, pay for it later, let others pay for it later after we're long gone and term-limited. I am deeply sorry that that does seem to be where we're headed, Mr. Speaker. But I do take comfort in knowing that Maine people will some day rise against this, against the vote that defunds schools, against the vote that gives \$21,000 to the wealthiest 1 percent and \$1 to so many others, and to continue to shift the property taxes despite the will of Maine's people. Mr. Speaker, I trust that Maine people will some day rise up and vote against a measure that is vastly unfair, that is fiscally irresponsible and that thumbs its nose at what Maine people have asked us to do and does what they've asked us not to do. Thank you.

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

Representative **ROTUNDO**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise to speak against the pending motion. We as a Legislature haven't been fully forthcoming with the public on the bill before us today. There has been no public hearing on the bill in its present form, there has been no explanation about the fact that there's no source of funding for this bill, and there has been no good explanation about what it is we mean when we talk about a surplus in our budget. When we're in a recession, we have no surplus. There might be a little bit of money that's left over when we're done with our budgeting in Appropriations, but we don't truly have surplus when we're making the kinds of cuts that we've been making this past year.

There has been no explanation to the public about the long-term price tag for this proposal or what the price tag will be when added to the tax breaks passed last spring that were also unpaid for. We're really talking about hundreds of millions of dollars that we will need to take out of subsequent biennial budgets, dollars that will not be there to pay for programs and services that the people of Maine really care for. If we were to go home to our districts and ask the people we represent, the struggling working families, if they favor dropping the top tax rate to 4 percent and paying for it by increasing their children's tuition at the community colleges or removing services and prescription drugs for their aging parents or eliminating funds for programs that veterans depend upon or weakening the public's safety net, my guess is that most of our constituents would say they were not interested in having the bill passed. Yet these are the very areas that we have already been asked to cut this year through the Chief Executive's proposals and these are the very areas that we will need to cut in the future to pay for this tax cut.

I urge you to vote against LD 849. If in the future we have a source of funding to pay for this tax cut, then we can reconsider it again. But at this point, it's fiscally irresponsible and I urge you to vote against the pending motion. 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. Reducing income taxes sounds like a laudable goal, but the question is, who benefits? If we really cared about income taxes, we would actually take the time to restructure the tax code itself. We would make it so that a person making \$300,000 would not be paying the same percent as someone making \$30,000. This is another opportunity that we have, one that we failed during the budget process to do. We would have made the tax code more fair for all and then we wouldn't be looking at \$21,000 worth of benefits

for the upper echelon and \$1 for the lower echelon. We chose instead to rig the system in favor of the haves at the expense of the have-nots, at the expense of middle class Mainers, the very people who are the engine of our economy.

MMA wrote in a recent legislative bulletin article "Any way you calculate it, the public policy of LD 849 is clearly moving away from achieving a more balanced tax burden among the three major sources of governmental revenue in this state, and puts income tax reduction as the Legislature's unquestionable top priority even as property tax relief resources are being withheld." Ladies and Gentlemen of the House, I would simply say that in these economic times millionaires and billionaires should be giving to charity. They should not be getting it from the government. Thank you, Mr. Speaker.

On motion of Representative CURTIS of Madison, **TABLED** pending **PASSAGE TO BE ENGROSSED as Amended by Committee Amendment "C" (S-427) as Amended by Senate Amendment "C" (S-443)** thereto and later today assigned. (Roll Call Ordered)

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HOUSE DIVIDED REPORT - Majority (9) **Ought to Pass as Amended by Committee Amendment "A" (H-802)** - Minority (4) **Ought Not to Pass** - Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Ensure That the Public Is Duly Informed When Certain Juvenile Crimes Are Committed"

(H.P. 1277) (L.D. 1727)

**TABLED** - March 22, 2012 (Till Later Today) by Representative PLUMMER of Windham.

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

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

Representative **HASKELL**: Thank you very much, Mr. Speaker. Mr. Speaker, Men and Women of the House. I would urge you to vote against the current motion and I will tell you why I have such serious concerns about the incursion, in my mind, into our longstanding public policy of protecting juveniles who are arrested until they are actually charged with a crime.

I've provided for you on your desks quite a long piece of testimony that was provided to us, which I think outlines a lot of the significant reasons why this bill is not the correct way to go at this point in time. I want to suggest to people that might not have read the bill, not that we don't all read every single bill that comes in front of us, but what this bill purports to do would be to allow a member of law enforcement, an officer of the court or a juvenile community corrections officer to release the identity of any juvenile over 16 – so that means the 16 and 17-year-olds – who are arrested, who are arrested mind you, for a serious crime and they list the serious crimes here. These are serious crimes. We have juveniles doing serious crimes, there's no question about that. However, this allows the disclosure of that individual, that juvenile's name, before that juvenile has even been charged with anything and certainly it's before they've ever been found guilty of anything. This is only upon arrest and the decision about what the crime is at that point is made by the arresting officers and any of the arresting officers who might be in the room can attest to you that very often between the time that an arrest is made and the DA determines what the charge is, that there can be a number of different things that happen for that juvenile. In many cases, these charges are informally adjusted. In other words, they're never charged.

The second thing that can happen is that they are charged with a different crime than the crime that they were arrested for because the DA needs probable cause and information in order

to bring a charge. That's the difference. That's the balance that provides that security for the individual who is being charged in court to know that there is evidence and probable cause to bring an action against that juvenile. This bill would allow the information to be disseminated prior to that happening. That means the officer can go to the neighbors. The intent of this bill is good, it's around public safety. This would mean that the officer could go to a neighbor, knock on a door and say "Your neighbor Johnny just got arrested for this crime." You and I can both understand how very quickly members of that family are going to get that out on Facebook and make a permanent record, one that can never be drawn back. You can't unring a bell. Once that information is out there and that juvenile's name is attached to that crime, that bell can't be unring. So this is a very serious thing.

If you're thinking about voting for this bill, think about the situation where perhaps there are two or three kids in the car, the crime was serious, the officer arrested all three. You can't tell which one of them, they weren't sure which one was driving at that point in time. That happens. All three of them were arrested. No charges have been done and the investigation by the DA, in order to determination what charges, has not occurred. But then that law enforcement officer would go the neighbors, whatever the location they chose, and release the names of those juveniles. I think this is very bad public policy.

As you look over the testimony in opposition that came from the DAs, you'll find out that there are places in our law where a juvenile's identity can be released and it's a careful balance that's been crafted over the years to make sure that we are protecting juveniles while keeping public safety in mind, and there are a number of times when that information may be disclosed and sometimes when it must be disclosed, and we've provided for that for public safety. It's also very unlikely that a juvenile charged with such a serious crime, as they would present a public safety issue, is not detained upon that arrest. So I am urging you to think very carefully before we go down this road, again, because you can't ever pull that back for that juvenile. We even have a provision in our codes that juveniles' records – after a number of years, they become adults, they have juvenile records – all those records are sealed and have not been disclosed, they still are juvenile records. There is actually an option where an upstanding citizen can go in and ask the court to have those sealed. We provide for that because we understand the difference between crimes committed by juveniles when they are emotional and brain development has not reached maturity, but they can actually do what we do in the Department of Corrections and that's be corrected. It gives them the opportunity to pull that back. But in this case, once that name has been disclosed, that can't happen. So I urge you to vote against the pending motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Pittsfield, Representative Fitts.

Representative **FITTS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Just trying to understand why this bill is necessary causes me many questions and I raised two kids up through their teen years and certainly saw opportunities for them to be drawn into situations during those years, luckily they were not, and at the same time I consider all of the various situations that these things can wind up in, these types of situations where somebody is accused of something, arrested, taken to jail and then found out that maybe it didn't happen, not exactly the way it was originally thought. I would like to pose a question through the Chair if I may.

The SPEAKER: The Representative may pose his question.

Representative **FITTS**: To anyone who may be able to answer, is there a circumstance today where if somebody did commit and was a juvenile in this situation, a violent crime or a crime that would have fallen under this scenario, is there a mechanism by which that information is released today and what are the steps that are necessary for that information to be released? Thank you, Mr. Speaker.

The SPEAKER: The Representative from Pittsfield, Representative Fitts, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Portland, Representative Haskell.

Representative **HASKELL**: Thank you, Mr. Speaker. I'm not a lawyer nor am I an expert on this, but I can tell you that the expert on this and the attorney who provided the information which I've put on your desk clearly outlines those times when that crime must be relayed to the victims for their safety, to school officials for safety at school and there are regulations about how the school provides that information on down through. So I would refer you, quite frankly, Representative, with all due respect, to the information that's been provided by the DA from Cumberland County. Thank you.

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

Representative **PLUMMER**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The good Representative from Portland, Representative Haskell, and I agree a lot more than we disagree. This is one instance where we disagree. I agree with the statement about certain crimes. Let me give you a sample of those certain crimes. Murder, felony murder, aggravated assault, elevated aggravated assault, elevated aggravated assault on a pregnant person, gross sexual assault, kidnapping, criminal restraint. We're talking about 16 and 17-year-olds. Yes, they're juveniles. Yes, under the law, they're still considered children. But the crimes that are in question are not crimes of children, they're crimes of adults. Yes, there are ways that people can be notified, but the one group of people who have the most knowledge of this subject are prohibited from making that notification, law enforcement officers.

The commissioner of public safety came to us with a request for this bill. The police officers on our committee certainly supported giving the police a right, under certain limited circumstances, to notify people when they believe people may be at risk. There were compelling arguments made that there are times when the public needs to know. This is not designed to be used to embarrass, to somehow humiliate people. It is designed as a tool for the police to be able to protect people who may be at risk. Thank you, Mr. Speaker.

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

Representative **BURNS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I won't recount everything that's been said in support of this bill other than to say that I do strongly support this bill. I think it's a very good piece of public policy and I'll try to just give you a few reasons as to why. We've already heard some of the crimes that we're talking about and as much as we don't want to admit it, those things go on all around us. They don't happen with great frequency, but when they do happen they are extremely serious. This is an effort to increase public safety in these rare situations. We have asked and we have charged police officers and police departments to protect our families, protect our homes, protect public safety, and I know there are some that may not have much confidence in those people that we have charged to do that. But I'd ask you to consider when you have police officers in this state put into the

positions of authority they're put into, they're scrutinized. They're scrutinized to a much greater extent than anybody in this chamber in this capacity. They're scrutinized to a much greater extent than many people in positions of authority, in positions of leadership. That just is a fact. That's the way you have to get into the police departments in this state and, hopefully, based on your merits, you rise to a level of leadership in those departments, and those same people have come to us and asked us for the ability to better carry out their job and better inform the public on these serious situations that may come up from time to time. If you're not going to trust these people with that responsibility, then maybe we ought to rethink the process. If you don't trust them with your grandchildren's lives, your children's lives, your husbands, your wives, your homes, your property, then maybe we ought to rethink the process.

This is good policy. This is a very limited scope that we're talking about. We're talking about situations where a juvenile, 16 or 17 years of age, is arrested based on probable cause for an extremely serious incident. We try very hard, the courts try very hard in our state to return those back into the custody of their home rather than keep them incarcerated. More often than not, that's what takes place. But also more often than not, it's a matter of days and sometimes many weeks before they are able to be brought into court under a juvenile petition and formally charged. A lot can take place in that time period. I personally have investigated cases where juveniles have taken people's lives, so bad things do happen. I'm sorry, but they do happen. We are being asked by the public safety community in these limited circumstances to be able to properly inform people in the neighborhood where there may be a serious and potential danger. I think it's a reasonable step. Most of these crimes we're talking about ultimately end up in being tried as adult offenses anyway.

A statement was made that most of these end up in, or many of these end up in, informal adjustments. That's not been my experience. These crimes do not get informally adjusted. These crimes end up almost always in front of a judge and they are adjudicated. These are not crimes that are informally adjusted. These are serious offenses to people and property. Arson, murder, kidnapping, stalking, stalking of young girls. All of these pose a potential danger to the community in which they are living. This is an opportunity to make people aware that that potential is there and let them take appropriate precautions. This is not an effort to blacken anybody's name, but these people have stepped over the line, they have put other people's safety in danger and this is a counteraction to it. I would ask you to support this. This is good policy. Thank you, ladies and gentleman, Mr. Speaker.

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

Representative **WEBSTER**: Thank you, Mr. Speaker. Mr. Speaker, my understanding is that this piece of legislation would give an officer a process by which he can notify neighbors about someone who has been arrested but has not been charged. I would like to pose a question through the Chair.

The SPEAKER: The Representative may pose his question.

Representative **WEBSTER**: Thank you, Mr. Speaker. Mr. Speaker, if in fact an officer chooses for the public benefit to notify neighbors about someone who has been arrested but not yet charged, and in fact then discovers that in fact they arrested the wrong 16-year-old or 17-year-old, and in fact they were not a guilty party, what then happens?

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

Representative **HASKELL**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. There is no provision in the bill for what happens in a circumstance of that sort, and while I have risen now for the third time, I would like to add some brief comments, if I could, about those who opposed the bill during the hearing. Just for the information of the folks who are considering this, this was opposed by the Maine Criminal Law Advisory Commission. It was opposed by the Maine Juvenile Justice Advisory Group. This was opposed by the Maine Prosecutors Association. It was opposed by the Maine Association of Criminal Defense Attorneys. And the Sheriffs' Association and the Chiefs of Police Association took no position on this bill. Thank you.

The SPEAKER: The Chair recognizes the Representative from Pittsfield, Representative Fitts.

Representative **FITTS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. First and foremost, I want to say that I completely respect the authority of law enforcement and the professionalism that law enforcement exhibits in the day-to-day comings and goings of their job. They have one of the hardest, most dangerous jobs that we as a society regularly send people into. My brother was a law enforcement officer for quite some time and I learned a lot watching him do that job and I heard a lot of stories during that time, because the one thing that you will find if you spend some time with a law enforcement officer is they have stories. But I learned another thing, that he wasn't always right when he made his first decision and he accepted that, I think most people do. The job of being a law enforcement officer requires you to move on impulse, to do things to dispel a situation and then you may have to analyze that situation later individually, but also we have a court system, we have a prosecution system that has other roles to play beyond the initial arrest.

I want to thank the Representative from Portland, Representative Haskell, for directing me to the information that is on the online system. Because I don't get paper, I hadn't seen this. It would appear to me that there is a process by which if somebody's 16, 17-year-old is arrested and there is a concern that they are a threat, that what would have to happen is that the prosecutor, the district attorney's office would need to approve any release of information. I'm trying to understand why that process needs to be bypassed. What is the flaw within that that requires that not to happen? I mean when somebody has probable cause to enter, an officer certainly has the authority to do that, but under most circumstances we require an officer to get a search warrant. We're protected against illegal searches and seizures because people make mistakes and there are steps to be taken, as cumbersome as they may be, they protect the individual against something being done to them that is inherently wrong. So I struggle with this having not served on the committee, but this is the first time today that I really have to gain understanding of this bill and I am not yet convinced that it's necessary. It would take a lot more to convince me at this point. Thank you, Mr. Speaker.

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

Representative **KUMIEGA**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise against the pending motion. I feel like this bill should never be necessary. If a juvenile offender, a juvenile, is arrested for these crimes and law enforcement feels like they are enough of a danger to their community that they need to go around and warn people about them, they should not be released. If that's the case, if we are arresting juveniles with these kind of crimes and law enforcement feels that they are a danger to their community and they are

being released, then we need legislation, but we need legislation to fix that part of the system and not to notify neighbors. Thank you, Mr. Speaker.

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

Representative **MALONEY**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I've worked as a deputy district attorney in Portland, Oregon, and I have a lot of respect for those in law enforcement. I have many good friends who are in law enforcement. But there were many times when I did not charge the person arrested with the same crime that they were arrested for. That's part of the prosecutor's job is to evaluate the evidence and to decide what to charge the person with, and there were even times when the officers would ask me to charge the person with something different. I don't see the need for this rush. This is a child we're talking about. The child has been arrested, they haven't been charged. Let's wait until they've been charged, and there is a process in place where the public can be told after the person has been charged. The Maine Prosecutors Association is against this bill. I think that tells us a lot about what's going on here.

I also just want to emphasize that we're talking about children. These are supposed to be kept quiet. If they are a danger to the public, they will be detained. But yesterday I went to a conference on juvenile alternatives to detention initiatives and it was such an important conference that the Chief Justice was there for the entire day and we focused on what's going on in Maine with juveniles and what we heard is that we're tremendously successful at rehabilitating juveniles in this state. That's great news. I don't want to change that. I think by putting out there when somebody's been charged with something and having it out in the community, it's that much more difficult for the juvenile to come back into the community. These are not people that we're looking to lock up and throw away the key. These are people we want to rehabilitate and I want to make sure that we have every chance to do that. Thank you, Mr. Speaker.

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

Representative **FREDETTE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I agree with Representative Maloney. I, too, have served as a prosecutor on Indian Island and I served as a complaint justice reviewing warrants for people to be arrested. Sometimes when police officers would bring information to me to determine whether or not a search warrant should be issued or an arrest warrant should be issued, sometimes I denied those requests.

Generally speaking, in our society we protect kids until they are 18 years old. They can't enter into a valid contract until they are 18 years old, they generally can't go into the United States military until they are 18 years old, and God knows kids don't leave home today until they are 30. So times have changed. I have a teenage daughter and it's not easy today to be a teenager, quite frankly. With life on the Internet and with Twitter and with Facebook, we know way more information than we should know about many things. As an attorney I've represented people who basically are fundamentally innocent and you can't put the genie back in the bottle once it's out. If I'm going to err on the side of protecting someone, someone who is under the age of 18, then I'm going to do that and I'm going to be voting against the measure.

The SPEAKER: The Chair recognizes the Representative from Bath, Representative Clarke.

Representative **CLARKE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Just to echo a few pieces, we do have statute right now that does protect our

juveniles and it does protect their identity. But in addition, we also protect the law enforcement officers that are making these arrests. The juvenile code, if there is a problem where the law enforcement officer believes that there is still a threat and the juvenile officer decides not to detain that individual, the officer can contact the prosecutor and override that decision. We have a saying on our committee, "why fix something that's not broken?" and what is in statute right now is not broken. Let the prosecutors prosecute. Let the attorneys from the prosecutor's office do their work, allow law enforcement to continue their work. I trust those people. I believe the majority of the people in this chamber trust those people; allowed them to do their work. It's in writing. It's not broken. There is nothing to be fixed right now. Thank you, Mr. Speaker.

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

Representative **BRYANT**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. A lot has been said today, but it basically comes down to I rise in opposition to the motion, that we live in the land of the free and we seem to be jeopardizing innocent until proven guilty. Thank you.

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

Representative **BURNS**: Thank you, Mr. Speaker. My apologies for rising again and I'm not going to belabor this after the sentiments, but I do want to make a couple more brief statements. Police officers are charged to serve and protect. They have a specific responsibility that, in this society, it's a little bit different than prosecutors and lawyers that we've been hearing about today. That's right, police officers do make mistakes just like anybody else, but when they make an arrest, any arrest, whether it's juvenile or adult, and we're not talking about all that much difference – we're talking about 16, 17-year-olds, 18-year-olds, 19-year-olds, there's not much difference in them in some of these crimes – they do it based on probable cause. That probable cause is tested. It's tested in a court of law. That's the only place and the only group that has that tested. Prosecutors aren't tested in the court of law when they bring a case. Defense attorneys aren't tested in the court of law when they bring a case. They either have an acquittal or a conviction. But the judgment of the police officers are tested on a regular basis. Yes, they make mistakes, but I can tell you it's rare when you make an arrest on a probable cause basis that you've made a mistake, there was in fact probable cause there. It may be the determination is made at a later point that there was not enough evidence to prove beyond unreasonable doubt.

We're talking about a 16 or 17-year-old or an 18 or 19-year-old. That person is acquitted, that person is found innocent of the charges and they go on with their life. What I'm talking about, what this bill intends to address is the issue and we're talking about erring on the side of caution, the issue where that individual may pose such a threat, such a danger to his community, his neighborhood, and there is a time lapse. No matter what anybody tries to tell you, there is a time lapse between the time that they are released into their home before you can get them into a court, no matter who decides to get involved in this, at which time they are in the community, and if you're going to err on the side of caution, and I'm sorry it is broke, there are occasions when these young people do commit more crimes and people's property and lives are in danger, and if you're going to err on the side of caution, this is a reasonable place to do it. I appreciate your time. Thank you.

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

Representative **PLUMMER**: Thank you, Mr. Speaker. I rise to give a delayed response to the question asked by the good Representative from Freeport, Representative Webster. My response is the same thing that happens with a 16 or 17-year-old, it's exactly the same thing that happens with an 18 or 19-year-old who has been arrested and then later released or charges dropped. It's the same thing that happens with a 30-year-old or a 40-year-old. It puts the 16 and 17-year-old who has committed a very serious crime on the same plane as it does an 18-year-old. Thank you, Mr. Speaker.

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

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

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

Representative **RUSSELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Mr. Speaker, if I may pose a question to the body? The recent comments confused me.

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

Representative **RUSSELL**: Thank you, Mr. Speaker. I think the good Representative from Windham just said that this is about people who have committed crimes and I'm confused because it's my understanding that this is about people who have 16 and 17-year-olds who have alleged to committed crimes. Could someone clarify whether this bill is about people who have actually committed crimes for certain or if it's about people who have been alleged to have committed crimes?

The **SPEAKER**: The Representative from Portland, Representative Russell, has posed a question through the Chair to anyone who may care to respond.

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. 269**

**YEA** - Burns DC, Clark T, Crafts, Curtis, Damon, Espling, Gifford, Hanley, Long, Morissette, Parry, Plummer, Rioux, Sanderson.

**NAY** - Ayotte, Beaudoin, Beaulieu, Beavers, Beliveau, Bennett, Berry, Black, Blodgett, Boland, Bolduc, Briggs, Bryant, Cain, Carey, Casavant, Cebra, Chapman, Chase, Chipman, Clark H, Clarke, Cray, Crockett, Cushing, Davis, Dill J, Dow, Duchesne, Dunphy, Eberle, Edgecomb, Eves, Fitts, Fitzpatrick, Flemings, Flood, Fossil, Foster, Fredette, Gilbert, Gillway, Goode, Graham, Guerin, Hamper, Harlow, Harmon, Harvell, Haskell, Hayes, Herbig, Hinck, Hunt, Innes Walsh, Johnson D, Johnson P, Kaenrath, Keschl, Knapp, Knight, Kumiega, Lajoie, Libby, Longstaff, Luchini, MacDonald, Maker, Malaby, Maloney, Martin, Mazurek, McCabe, McClellan, McFadden, McKane, Monaghan-Derrig, Morrison, Moulton, Nass, Nelson, Newendyke, O'Brien, O'Connor, Olsen, Parker, Peoples, Picchiotti, Pilon, Prescott, Priest, Rankin, Richardson D, Richardson W, Rochelo, Rotundo, Russell, Sanborn, Sarty, Shaw, Sirocki, Stevens, Strang Burgess, Theriault, Tilton, Timberlake, Treat, Turner, Tuttle, Valentino, Volk, Wagner R, Wallace, Waterhouse, Weaver, Webster, Welsh, Willette A, Willette M, Winsor, Wood, Mr. Speaker.

**ABSENT** - Beck, Bickford, Celli, Cornell du Houx, Cotta, Dion, Driscoll, Hogan, Kent, Kruger, Lovejoy, Peterson, Rosen, Stuckey.

Yes, 14; No, 122; Absent, 14; Vacant, 1; Excused, 0.

14 having voted in the affirmative and 122 voted in the negative, 1 vacancy with 14 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **NOT ACCEPTED**.

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

**CONSENT CALENDAR**

**First Day**

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

(S.P. 587) (L.D. 1722) Bill "An Act To Make Technical Changes to Maine's Marine Resources Laws" Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-466)**

(S.P. 615) (L.D. 1778) Bill "An Act Relating to the Governance of the Maine State Housing Authority" Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-467)**

(S.P. 622) (L.D. 1802) Bill "An Act To Implement Recommendations of the Commission To Study Priorities and Timing of Judicial Proceedings in State Courts" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-463)**

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.

**COMMUNICATIONS**

The Following Communication: (H.C. 346)

**STATE OF MAINE**

**CLERK'S OFFICE**

**2 STATE HOUSE STATION**

**AUGUSTA, MAINE 04333-0002**

March 23, 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. 1857 An Act To Enhance the Protection of Social Service Home Visitors

Energy, Utilities and Technology

L.D. 1790 Resolve, Regarding Legislative Review of Portions of Chapter 895: Underground Facility Damage Prevention Requirements, a Major Substantive Rule of the Public Utilities Commission (EMERGENCY)

L.D. 1872 An Act To Change the Name of the Governor's Office of Energy Independence and Security

Judiciary

L.D. 1796 An Act Relating to False Claims under the Medicaid Program

Veterans and Legal Affairs

L.D. 1879 An Act To Treat Party Formation Committees the Same as Ballot Question Committees for Purposes of the Campaign Finance Laws

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

Sincerely,

S/Heather J.R. Priest

Clerk of House

**READ and ORDERED PLACED ON FILE.**

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### CONSENT CALENDAR

#### First Day

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

(H.P. 1267) (L.D. 1715) Bill "An Act To Allow for Timely Access to and Enhanced Administration of All Vaccines" Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-815)**

(H.P. 1298) (L.D. 1765) Bill "An Act To Sustain the Elver Fishery" Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-816)**

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

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

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

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### PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Bill "An Act To Support Members of the Law Enforcement Community as a Result of Medical Need or Unusual Hardship" (EMERGENCY)

(H.P. 1402) (L.D. 1900)

Sponsored by Representative CUSHING of Hampden.

Cosponsored by Senator FARNHAM of Penobscot and Representatives: BURNS of Whiting, CLARKE of Bath, CURTIS of Madison, HASKELL of Portland, Speaker NUTTING of Oakland, Senators: HOBBS of York, MASON of Androscoggin, PLOWMAN of Penobscot.

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

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

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

Sent for concurrence.

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### 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.

An Act To Strengthen the Relationship between Land Users and Landowners

(H.P. 1222) (L.D. 1613)

(C. "A" H-793)

TABLED - March 22, 2012 (Till Later Today) by Representative DAVIS of Sangerville.

PENDING - **PASSAGE TO BE ENACTED.**

Subsequently, on motion of Representative DAVIS of Sangerville, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION.**

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

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

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-793)** was **ADOPTED.**

The same Representative **PRESENTED House Amendment "A" (H-819)** to **Committee Amendment "A" (H-793)**, which was **READ** by the Clerk.

The **SPEAKER:** The Chair recognizes the Representative from Sangerville, Representative Davis.

Representative **DAVIS:** Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This amendment merely changes the effective date of the bill. Instead of 90 days after adjournment, it would go into effect January 1, 2013. Thank you, Mr. Speaker

Subsequently, **House Amendment "A" (H-819)** to **Committee Amendment "A" (H-793)** was **ADOPTED.**

**Committee Amendment "A" (H-793)** as Amended by **House Amendment "A" (H-819)** thereto was **ADOPTED.**

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-793)** as Amended by **House Amendment "A" (H-819)** thereto in **NON-CONCURRENCE** and sent for concurrence.

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

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On motion of Representative MORISSETTE of Winslow, the House adjourned at 1:11 p.m., until 10:00 a.m., Monday, March 26, 2012.